



PLEASE NOTE

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CHAPTER A-25

AUTOMOBILE JUNK YARDS ACT

- 1.** In this Act
- Definitions
- (a) “automobile junk yard” means premises where three or more unserviceable, discarded or junked motor vehicles, bodies, engines or other component parts thereof are gathered, located or placed; automobile junk yard
- (b) “department” means the department of the Minister charged with the administration of this Act; department
- (c) “highway” means the entire width between the boundary lines of every street, road, land, alley, park or place where any part thereof is used by the general public for the passage of vehicles, and includes bridges; highway
- (d) “Minister” means a Minister of the Crown charged by the Lieutenant Governor in Council with the administration of this Act; Minister
- (e) “residential premises” includes any house, dwelling, apartment, tenement or other place that is occupied or may be occupied by a natural person. R.S.P.E.I. 1974, Cap. A-24, s.1; 1988, c.2, s.1. residential premises
- 2.** (1) No person shall establish, operate or maintain an automobile junk yard until application has been made to the Minister for a permit, and such permit has been issued. Permit to operate automobile junk yard
- (2) An application for a permit under subsection (1), or a renewal thereof, shall be in a form prescribed by the Minister, signed by the applicant, and shall set out Form of application and contents
- (a) the location;
- (b) the approximate dimensions; and
- (c) the approximate date of establishment of the proposed or existing automobile junk yard. R.S.P.E.I. 1974, Cap. A-24, s.2.
- 3.** (1) No person is eligible for a permit where the automobile junk yard is Ineligibility for permit
- (a) within a radius of five hundred feet of any public park, public playground, public bathing beach, school, church, hospital, cemetery or public hall;
- (b) within one hundred feet of any highway; or
- (c) within one thousand feet of any residential premises other than those of the applicant for a permit.

Conditions on permit	<p>(1.1) The Minister may waive the requirements of clause (1)(c) where</p> <p>(a) (i) the owners of all residential premises within 500 to 1000 feet from the nearest boundary line of the proposed automobile junk yard state in writing, in such form as the Minister may require, that they have no objection to the proposed automobile junk yard, and</p> <p>(ii) no residential premises are located within 500 feet of the proposed automobile junk yard; or</p> <p>(b) the proposed automobile junk yard is located within a municipal land use zone where the operation of an automobile junk yard is permitted.</p>
Screening of automobile junk yard	<p>(2) Every automobile junk yard and the contents thereof shall be entirely screened from view from a highway, public park, public playground, public bathing beach, school, church, hospital, cemetery, residential premises or public hall,</p> <p>(a) by natural objects; or</p> <p>(b) by a fence at least seven feet high, constructed and maintained to a height and standard acceptable to the Minister.</p>
Conditions on permit	<p>(3) The Minister may impose on each permit such conditions as he may deem advisable to ensure that the automobile junk yard is completely screened from view from a highway, public park, public playground, public bathing beach, school, church, hospital, cemetery, residential premises or public hall; the permittee shall comply with the conditions imposed by the Minister. R.S.P.E.I. 1974, Cap. A-24, s.3; 1975, c.66, c.1; 1976, c.4, s.1; 1988, c.2, s.2; 1992, c.8, s.1.</p>
Issue of permit	<p>4. (1) The Minister shall issue a permit when</p> <p>(a) an application under section 2 has been received; and</p> <p>(b) he is satisfied that the requirements of section 3 will be complied with;</p> <p>(c) he is satisfied that any requirements imposed under the <i>Planning Act</i> R.S.P.E.I. 1988, Cap. P-8 have been complied with.</p>
Term of permit	<p>(2) A permit is valid until December 31 of the year in which the permit is issued.</p>
Renewal	<p>(3) A renewal of the permit may be made from year to year.</p>
Fee	<p>(4) The Minister shall set the fee to be paid for a permit or any renewal thereof. R.S.P.E.I. 1974, Cap. A-24, s.4; 1990, c.5, s.1.</p>
Effect of violation of section 3	<p>5. (1) If, after a permit has been issued under section 4, the person named in the permit causes an automobile junk yard to be established, operated or maintained so as to violate any requirements of section 3, the Minister may</p>

- (a) give notice that the violation must cease within a period stated in the notice, not exceeding thirty days; and
- (b) where the violation does not cease within the period prescribed in the notice, revoke the permit or cause an information to be laid for violation of this Act.

(2) A notice under clause (1)(a) shall

Notice, contents

- (a) be in writing;
- (b) be signed by the Minister;
- (c) state the nature of the violation;
- (d) state the date before which the violation must cease; and
- (e) be served either by personal delivery thereof to the person to be so notified, or by the deposit in the mails of such notice, registered in an envelope with postage prepaid, addressed to that person at his address as shown by the records of the department.

(3) The giving of notice by mail as provided for in subsection (2) is deemed to be complete upon the expiration of four days after the deposit of such notice in the mails.

Giving notice, when deemed complete

(4) Proof of the giving of notice in either manner provided for in subsection (2) may be made by certificate or an affidavit purporting to be signed by an officer or employee of the department naming the person to whom notice was given and specifying the time, place and manner of the giving thereof.

Proof of giving notice

(5) A document that purports to be a certificate of an officer or employee of the department that the notice was given in the manner provided in subsection (2)

Certificate that notice given, effect

- (a) shall be admissible in evidence without proof of the signature; and
- (b) shall be proof that the person named in the certificate received notice of the matters referred to in the certificate.

(6) In any prosecution for an offence under this Act when proof of the giving of notice is made as provided under subsection (4), the burden of proving that he is not the person named or referred to in the certificate or affidavit shall be upon the person charged. R.S.P.E.I. 1974, Cap. A-24, s.5.

Burden of proof

6. (1) Revocation of a permit under clause 5(1)(b) shall be

Revocation of a permit how effected

- (a) by a notice in writing;
- (b) signed by the Minister; and
- (c) served either by personal delivery thereof to the person to be so notified, or by the deposit in the mails of the notice, registered in an

envelope with postage prepaid, addressed to the person at his address as shown by the records of the department.

Provisions applicable

(2) Subsections 5(3),(4),(5) and (6) apply with the necessary changes to a notice given under subsection (1). R.S.P.E.I. 1974, Cap. A-24, s.6.

Notice given under Act, effect of

7. A notice given under the provisions of this Act and purporting to be signed by the Minister shall be

(a) received in evidence by any court in the province without proof of the signature thereof;

(b) *prima facie* evidence of the facts stated therein; and

(c) on the hearing of an information for violation of this Act, *prima facie* evidence that the person named therein is the person who established, operates or maintains the automobile junk yard in respect of which notice was given under subsection 6(1). R.S.P.E.I. 1974, Cap. A-24, s.7.

Offences

8. Any person who established, causes to be established, operates or maintains an automobile junk yard without having a valid permit therefor, or who fails to comply with the terms of a notice pursuant to clause 6(1)(a), is in violation of this Act, and is liable on summary conviction to a fine of not less than \$200 in the case of an individual or not less than \$1,000 in the case of a corporation. R.S.P.E.I. 1974, Cap. A-24, s.8; 1975, c.1, s.1; 1992, c.8, s.2.