

THE RURAL MUNICIPALITY OF STANLEY

BY-LAW NO. 11-99 -

Being a By-law to regulate the parking and storage of derelict vehicles within the municipality.

WHEREAS Section 232 of *The Municipal Act*, S.M. 1996, c. 58 - Cap. M225, provides in part as follows:

(1) A council may pass by-laws for municipal purposes respecting the following matters:

(a) the safety, health, protection and well-being of people, and the safety and protection of property;

(b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

(c) subject to section 233, activities or things in or on private property;

(o) the enforcement of by-laws.

(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

(a) regulate or prohibit.

AND WHEREAS section 233 of *The Municipal Act* provides in part as follows:

A by-law under clause 232(1)(c) (activities or things in or upon private property) may contain provisions only in respect of

(b) the parking and storage of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing.

AND WHEREAS Council deems it necessary and expedient and in the best interests of the residents of the municipality to regulate the parking and storage of vehicles, as more particularly defined herein, within certain areas of the municipality;

NOW THEREFORE be it enacted as a by-law of the Rural Municipality of Stanley in council duly assembled, as follows:

1. In this by-law the following definitions shall apply:

(a) "municipality" means the Rural Municipality of Stanley;

(b) "designated officer" means any person designated as such by Council pursuant to section 130 of The Municipal Act;

(c) "highway" means a highway as defined in The Highway Traffic Act, S.M. 1985-86, c. 3 - Cap. H60, and amendments thereto;

(d) "vehicle" means a vehicle as defined in The Highway Traffic Act;

(e) "parked" in relation to a vehicle means any form of parking or storage other than in a completely enclosed building or other structure that complies in all respects with the applicable building and zoning regulations;

(f) "public property" means any land and premises owned by Canada or the Province of Manitoba, or any agency thereof, or the Rural Municipality of Stanley;

(g) "private property" means any land and premises that is not public property;

(h) "derelict vehicle" means a vehicle that, for any reason whatsoever

(i) if self-propelled, cannot be moved under its own power; or

(ii) cannot be lawfully moved or drawn upon a highway; and

(iii) if parked on private property, has remained within the legal limits of the property on which it is parked for a period of more than 90 days; or

(iv) if parked on public property, has remained thereon for a period of more than 24 hours.

(i) "zoning bylaw" means the Rural Municipality of Stanley Zoning By-law No. 12/96 and amendments thereto;

(j) "rear yard" means rear yard as defined in the zoning bylaw.

2. No person shall keep a derelict vehicle parked or allow a derelict vehicle to be parked on any public property.

3. No person shall:

(a) keep more than 2 derelict vehicles parked or allow more than 2 derelict vehicles to be parked on any private property with a lot size of less than 2 acres; or

(b) keep more than 6 derelict vehicles parked or allow more than 6 derelict vehicles to be parked on any private property with a lot size greater than 2 acres; and

(c) keep or allow a derelict vehicle to be parked except in the rear yard and at least three (3) meters from any boundary of the private property; and

(d) located within an area now or at any time hereafter zoned as follows:

- “GD” General Development Zone
- “RR” Rural Residential Zone
- “RG” Rural General Zone
- “CA” Commercial Agricultural Zone

as those zones are defined in the zoning bylaw;

except in accordance with the provisions of the zoning bylaw.

4. No person shall keep more than 10 derelict vehicles parked or allow more than 10 derelict vehicles to be parked on any private property located within an area now or at any time hereafter zoned as follows:

- “AG” Agricultural General Zone
- “AR” Agricultural Restricted Zone

as those zones are defined in the zoning bylaw, except in accordance with the provisions of the zoning bylaw.

5. The municipality shall cause a written notice to be given to the owner of any private property upon which is located a derelict vehicle, advising the owner that if the derelict vehicle is not removed from the property within 10 days of the date of delivery of the notice, the derelict vehicle may be seized, removed and impounded at the expense of the owner of the private property and such notice shall include paragraphs 7 to 12 of this by-law, both inclusive.

6. A notice under paragraph 4 above may be delivered in person or by being posted by prepaid registered mail addressed to the owner at the address shown on the municipal tax roll, and if so mailed shall be deemed to have been delivered on the second day following the day on which it is mailed.

7. A derelict vehicle parked in contravention of this by-law may be seized, removed, and impounded by a designated officer of the municipality

(a) from any private property on which it is located, following the expiry of the ten day notice period provided for in paragraph 4 above; and

(b) forthwith from any public property on which it is located.

8. The municipality shall store an impounded vehicle for a period of 14 days (excluding statutory holidays but not excluding weekends) after the date of seizure following which the vehicle may be disposed of at the discretion of the municipality.

9. Any money recovered by the municipality from the disposal of a derelict vehicle shall be forfeit to the municipality provided that such money shall be applied firstly towards the payment of the costs set out in paragraph 7 of this by-law.

10. The owner of a seized derelict vehicle may recover the vehicle at any time within the period of fourteen days set out in paragraph 4 of this by-law, upon payment to the Rural Municipality of Stanley of the costs provided for in paragraph 7 of this by-law.

11. The costs to be charged by the municipality for any seizure, removal and impoundment shall be as follows:

Removal	\$35.00 per derelict vehicle
Impoundment	\$1.00 per day per derelict vehicle
Disposal	\$10.00 per derelict vehicle

12. All costs levied under paragraph 11 of this by-law and not recovered upon the disposal of a derelict vehicle shall be a debt due and owing to the municipality by the owner of the derelict vehicle and the legal owner of any private property upon which the derelict vehicle was parked or stored and may be recovered by the municipality in any court of competent jurisdiction or collected in any manner in which a tax may be collected or enforced under *The Municipal Act*.


13. Every person who contravenes or fails to comply with any provision of paragraphs 2, 3 or 4 of this by-law is guilty of an offence and liable, on summary conviction, to a fine of not more than \$250.00, and each day on which a contravention or failure to comply with such provision continues shall be deemed to be a separate offence.

14. This by-law shall come into force and effect upon the date of final reading.

DONE AND PASSED by the Council of the Rural Municipality of Stanley, this **4th** day of **November**, 19**99**.

RURAL MUNICIPALITY OF STANLEY

per: 
Reeve

per: 
Chief Administrative Officer

Read a first time this **26th** day of **August**, 19**99**.
Read a second time this **9th** day of **September**, 19**99**.
Read a third time this **4th** day of **November**, 19**99**.