

RURAL MUNICIPALITY OF STANLEY

BY-LAW NO. 9-19

A by-law of the Rural Municipality of Stanley
to regulate the outdoor storage of derelict vehicles.

WHEREAS:

- A. Section 232(1) of the Municipal Act ("Act") provides that 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;
 - (c) subject to section 233, activities or things in or on private property;
- B. Section 236(1) of the Act provides that, without limiting the generality of 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions
- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with;
 - (b) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,
- C. Council is of the opinion that it is in the public interest that the outdoor storage of derelict vehicles should be regulated and controlled to protect the safety of people and property.

NOW THEREFORE the Council of the Rural Municipality of Stanley enacts as a by-law the following:

1. This By-Law may be referred to as the Derelict Vehicle By-law.

Definitions

2. In this By-law,

"enclosed building" includes a garage, shed and carport which the inside of which is screened from public view.

"motor vehicle" and **"registration card"** have the same meaning in this By-law as those terms have under the Highway Traffic Act.

"owner" means a person who

- a. is the owner of an estate in fee simple in land that is subject to the Real Property Act, or
- b. is the owner of an estate in fee simple in land that is not subject to the Real Property Act and who is the grantee named in a valid conveyance of land that is registered under the Registry Act.

"site area" means the aggregate of all land described in a certificate of title.

"derelict vehicle" means a vehicle that is not new or unused and;

- a. Not in operating condition; partially scrapped, wrecked or dismantled and rusted out;
- b. Does not have attached to it one or more number plates issued under The Highway Traffic Act for the current registration year under that Act;
- c. Is kept in the open; and
- d. Its owner has either abandoned it or is keeping it primarily to salvage or sell parts from it or to sell it as scrap metal;

And includes the body or chassis of a used motor vehicle all or some of the parts of which have been removed and to which clauses (b), (c), and (d) apply.

Prohibition

3. No person shall leave, store or permit a derelict vehicle to be left or stored outside of an enclosed building, unless the storage is permitted under this By-law. The persons responsible under this section and By-law are the owner of the unregistered motor vehicle, a registered owner of property, and an occupier or a person who is renting or leasing property upon which the derelict vehicle is kept or found.
4. Despite section 3, a person may leave, store or permit a derelict vehicle to be left or stored outside of an enclosed building as follows:
 - a. on property with a site area of 2 acres or less, a maximum of 2 derelict vehicles,
 - b. on property with a site area over 2 acres up to 40 acres, a maximum of 1 derelict vehicle per acre, and
 - c. on property with a site area over 40 acres where such storage is in compliance with the Municipality's Zoning By-law and municipal by-laws.
5. Section 3 does not apply to a person for a derelict vehicle located on property where the person operates a garage, auto wrecking business, used car lot, scrap business, or other similar use, provided the use is operating in accordance with the Municipality's Zoning By-law and municipal by-laws.

Derelict vehicle requirements

6. A person permitted under this By-law to leave, store or permit a derelict vehicle to be left or stored outside of an enclosed building shall ensure the derelict vehicle is stored
 - a. if there is a dwelling, at the rear of the dwelling,
 - b. in a safe, tidy and well-maintained manner,
 - c. in an area free from tall grass and weeds and screened from public view by a natural or artificial barrier,
 - d. in a manner that does not have the potential to cause an environmentally unsafe or hazardous condition, and
 - e. a minimum of 10 feet from the property's lot lines as set out in the Municipality's Zoning By-law.

Enforcement

7. The position of an Officer is established. The Officer shall be the person appointed by the Municipality as its By-law Enforcement Officer.
8. The By-law Enforcement Officer may conduct inspections and take steps to administer and enforce this By-law or to remedy a contravention of this By-law, and for those purposes shall be a designated officer and have the powers of a designated officer under the Act, a by-law enforcement officer under the Municipal By-law Enforcement Act, and of an enforcement officer under the Provincial Offences Act.
9. The Officer may enter property and buildings to carry out the administration and enforcement of this By-law including for determining what actions or measures a person must take in connection with any matter under this By-law, whether the actions or measures have been taken, to prevent the contravention of this By-law, to remedy a contravention of this By-law and to prevent a re-occurrence of a contravention. The Officer may request that a person produce information

concerning the registration of a motor vehicle under the Drivers and Vehicles Act, and the person shall provide such information to the Officer upon request.

10. The Officer may commence a prosecution under the Act, the Municipal By-law Enforcement Act or the Provincial Offences Act for the purpose of enforcing a contravention of this By-law through an offence.

Seizure, impoundment and redemption

11. Following the issuance of an order to comply under the Act, the Officer may seize and impound a derelict vehicle in enforcing this By-law. If the Officer has seized and impounded a derelict vehicle, the Officer shall take the derelict vehicle to a storage location. The Officer shall give notice to the person to whom the order is issued that the derelict vehicle has been seized and impounded, that the derelict vehicle may be redeemed from impoundment on the owner meeting certain terms including paying the impoundment fees set out in Schedule A and the Municipality's costs of enforcement, and, if the derelict vehicle is not redeemed within 10 days of being impounded, that the derelict vehicle may be sold or disposed of. The Officer shall, if the person is unknown to the Officer or if the notice cannot reasonably be given to the person, post a notice with this same information in the municipal office and on the municipal website.
12. An owner of an unregistered motor vehicle may apply to the Officer to redeem an derelict vehicle from impoundment. Upon payment of the fees set out in Schedule A and the Municipality's costs of enforcement, the Officer shall release the derelict vehicle. In releasing the derelict vehicle, the Officer may provide the owner of a derelict vehicle with conditions that must be met to ensure there will be no reoccurrence of a violation of this By-law ("conditions of redemption"). The owner shall acknowledge, in writing, the conditions of redemption at the time the derelict vehicle is released.
13. If the derelict vehicle is not redeemed within 10 days of being impounded, the Officer may sell or dispose of the derelict vehicle and may execute a bill of sale to the purchaser of the derelict vehicle. The proceeds from the sale or disposition of a derelict vehicle are to be applied against the Municipality's costs of impoundment and enforcement. If there is an excess in proceeds after payment of the costs, the Municipality shall refund the excess to the person given notice under section 11.
14. All costs of enforcement including removal and impoundment costs are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

Permit

15. Where the Municipality is of the opinion that unusual circumstances warrant permitting a person to have a derelict vehicle otherwise prohibited under this By-law, the Municipal Council may, on application by an owner or occupier of land, issue a permit to allow a derelict vehicle on that land subject to such terms or conditions as the Municipal Council considers advisable and sets out in the permit.
16. The Officer may amend, vary, suspend or revoke a permit on notice to the holder of the permit.

Offence


- 17. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.

Transitional

- 18. This By-law repeals No. 11-99, except in respect of an offence committed before this By-law comes into force. By-law No. 11-99 remains in effect to the extent required for the prosecution of any such offence.
- 19. A person who is leaving, storing or permitting a derelict vehicle to be left or stored outside of an enclosed building when this By-law is passed has 60 days from the date of passage of this By-law to comply with section 3.

DONE AND PASSED, in the Rural Municipality of Stanley, Manitoba this 22nd day of May, 2019.

RURAL MUNICIPALITY OF STANLEY

per: 

Reeve

per: 

Chief Administrative Officer

READ A FIRST TIME this 9th day of May, 2019.

READ A SECOND TIME this 22nd day of May, 2019.

READ A THIRD TIME this 22nd day of May, 2019.

SCHEDULE A

Cost of impoundment will be based on actual costs incurred