

BY-LAW 2189-17

CITY OF WINKLER

BEING a by-law under “The Municipal Act” to regulate the parking and storing of derelict vehicles upon private property in the City of Winkler. The Council of the City of Winkler in meeting duly assembled enact as follows:

DEFINITIONS AND INTERPRETATION

By-Law Name

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

Definitions

- 2.1 “Derelict Vehicle” means any vehicle which is not new or unused, and
 - (a) is not in operating condition;
 - (b) cannot meet safety standards as legislated by the Province of Manitoba;
 - (c) does not have attached thereto, and exposed thereon, one or more number plates issued under *The Highway Traffic Act* for the current registration year under that Act;
 - (d) is not otherwise insured
 - (e) is kept in the open; and
 - (f) the owner thereof either
 - (i) has abandoned it or discontinued use of it; or
 - (ii) is keeping it primarily for the purposes of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal;

and also includes the body or chassis of a used motor vehicle or some parts of which have been removed, and to which 3, 4 and 5 apply.

- 2.2 “Designated Officer” means the person or persons designated by the City responsible for the enforcement of its by-laws.

- 2.3 “Off-Road Vehicle” shall have the meaning ascribed to that term in *The Off Roads Vehicle Act* and amendments thereto.

- 2.4 “ Private Property” means any land within the boundaries of the City of Winkler.

- 2.5 “Park” means to stand a vehicle whether occupied or not.

- 2.6 “Stand” as applied to a vehicle, whether occupied or not, means to cause the vehicle to remain motionless in one place and “standing” has a corresponding meaning.

2.7 “Store” means to keep or allow to be kept.

2.8 “Vehicle” shall have the meaning ascribed to that term in *The Highway Traffic Act* and amendments thereto and shall include an off road vehicle and any parts of any vehicle exceeding 18” in length.

2.9 “City” means the City of Winkler.

3. APPLICATION

This By-law applies to owners, tenants and occupiers of property within the City of Winkler.

4. PROHIBITIONS

- (a) No person shall park, abandon or leave, a derelict vehicle on private property with or without the consent of the owner of the property.
- (b) No owner, occupant, or person in charge or control of private property shall keep or allow to be kept, any derelict vehicle on the property.

5. EXCEPTIONS

Section 4 does not apply if;

- (a) The derelict vehicle is wholly contained within a lawfully existing structure on the property.
- (b) An owner of a property may make application to Council for a permit to keep a covered derelict vehicle in the driveway of the front yard of the property subject to the following;
 - (i) The permit shall be valid not longer than 60 days
 - (ii) Two permits per property are allowed during a calendar year
 - (iii) The permit fee shall be \$25.00 for the 60 day period
- (c) The provisions of this by-law shall not apply to any person engaged in operating an automotive repair shop, auto wrecking business, used car lot, scrap business, or similar use business providing they are operating in accordance with the provisions of the City of Winkler Zoning By-law.
- (d) The provisions of this by-law shall not apply to derelict vehicles that have been re-purposed for other uses and authorized by the City of Winkler.

6. ENFORCEMENT

The Designated Officer is authorized to enter any property within the City of Winkler for the purposes of determining compliance with this By-law and may;

- (a) Enter upon the land at any reasonable time, without consent of the owner or resident;
- (b) Request that anything be produced to assist with such inspection; and
- (c) Make copies of anything related to such inspection.

7. MUNICIPAL ORDER

- (a) If the Designated Officer determines that an offence under this By-law has been or is being committed, the Designated Officer may issue A Municipal Order to the owner of the property. The Municipal Order shall state that the owner of the property has 21 days to comply with the notice.
- (b) Any vehicle kept or stored in contravention of this By-law may be removed from the property, towed, impounded and stored by the City.

8. APPEAL TO COUNCIL

A person served with a Municipal Order pursuant to this By-law may appeal such Municipal Order to the Council within 14 days of the issuance of such Municipal Order.

9. OFFENCE

- (a) Any person contravening this By-law may be issued a penalty notice in accordance with the Enforcement By-Law; details of offences and penalties are contained in Schedule A.
- (b) Each day on which any violation of this By-law continues shall be and is a separate offence.

10. DESTRUCTION OR SALE OF VEHICLE

Any vehicle removed from property by the City according to this By-law may be destroyed or sold at any time thirty (30) days after the date of removal of the vehicle from the property. In the event that such vehicle is sold, the City shall be entitled to recover from the sale price all fines, fees and charges permitted hereunder. In the event that the sale proceeds shall exceed the aggregate of all fines, fees and charges, any remainder shall be paid to the owner of the vehicle.

11. REDEMPTION OF VEHICLE

A vehicle removed according to this By-law may be released to the owner thereof, or to the owner, occupant or person in charge or control of the property from which the vehicle was removed, upon the payment in full of the Penalties and Charges prescribed in this By-law within thirty (30) days of the removal of the vehicle.

12. CHARGES

In addition to any fines imposed according to section 9 hereof, the City shall impose the following charges in respect of each derelict vehicle removed in accordance with this By-law.

- (a) \$110.00 for the removal and towing of the derelict vehicle; and

- (b) \$20.00 per day for the impoundment and storage; and
- (c) \$150.00 for the destruction and disposal of the vehicle

13. ADDING OF PENALTIES AND CHARGES TO TAXES

The Penalties and Charges imposed according to this By-law are a debt owing to the City jointly and severally by the owner of the vehicle and the owner of the property and may be collected in any manner in which a tax may be collected or enforced under *The Municipal Act*.

14. **THAT** this By-law shall repeal By-law 1740-02.

DONE AND PASSED in open Council assembled on this ____ day of _____, 2017.

Mayor

City Manager

Read a first time this	day of	A.D. 2017
Read a second time this	day of	A.D. 2017
Read a third time this	day of	A.D. 2017

**SCHEDULE A TO BY-LAW 2189-17
CITY OF WINKLER**

Fines applicable to clauses:

4	Derelict vehicle on private property	\$300.00 per vehicle
5	Derelict vehicle not stored properly	\$150.00 per vehicle
5	Permit expired	\$150.00