

**TOWN OF VIRDEN
DERELICT VEHICLE BY-LAW NO. 2678**

BEING A BY-LAW OF THE TOWN OF VIRDEN TO REGULATE DERELICT VEHICLES

1. DEFINITIONS

- (a) In this By-law
- 1) "Council" means the Council of the Town of Virden.
 - 2) "Derelict Vehicle" means any vehicle that is not in operating condition, or cannot meet safety standards as Legislated by the Province of Manitoba from time to time and does not have attached thereto, and exposed thereon, one or more license plates for the current registration year and is kept in the open.
 - 3) "Person" means any person, firm, partnership, association, corporation, company or organization, or any kind.
 - 4) "Premises" includes a Building or Accessory Building and any lands on which the Building is situated.
 - 5) "Property" means any land as defined in the *Municipal Act* within the Town whether or not there is situated thereon a dwelling or any other building.
 - 6) "Town" means the Town of Virden.
 - 7) "Vehicle" means motor vehicle, all terrain vehicle, watercrafts excluding those on a registered trailer, aircraft, trailer, wagon, flatbed or other means of transportation.

2. DERELICT VEHICLES

- (a) In no event shall the number of derelict vehicles per individual property exceed two (2).
- (b) The derelict vehicle(s) shall be parked in an unobtrusive place in the back yard of the property and the vegetation around the vehicle shall be cut to ensure as much as possible the amenity of the neighbourhood.
- (c) In no event shall any derelict vehicle be parked on any one premises for a period of more than two (2) years.
- (d) Derelict vehicles are to be completely covered with a tarpaulin in good repair.
- (e) Any derelict vehicle, which is parked or left standing on private property in contravention of this by-law may, after the notice procedure having been followed pursuant to Part 3, and no appeal having been made, or if an appeal made, such appeal having been denied, may be removed from the property by the Town and may be impounded and stored in such facilities as the Town, by Resolution of Council may determine.
- (f) Unless a derelict vehicle(s) is soon taken out of the pound, the Town may, upon the expiration of 14 days after the removal and impoundment, destroy or sell the derelict vehicle(s). The proceeds of a sale shall form part of the general revenue of the Town.
- (g) Town of Virden shall be entitled to charge for costs and charges incurred for towing, impounding, storing, destroying or otherwise disposing of such derelict vehicle(s) in such amount as may from time to time be authorized and approved by Council. Said costs and charges may be recovered in like manner as taxes or a debt, or both at the option of the Town.

(h) The owner, or the person entitled to possession of a derelict vehicle(s) removed and impounded under Subsection (e) may take the derelict vehicle out of the pound by first paying the Town, within 14 days of the date of impoundment, the charges outlined in Subsection (g) should the owner be permitted to keep the vehicle within the Town.

3. NOTICE PROCEDURE

(a) The Chief Administrative Officer or designate, shall deliver or send by Certified Mail, a notice to the owner of a derelict vehicle (provided the Owner can be identified), and the said notice shall include a general description of the derelict vehicle; location of derelict vehicle; date of notice; and notice to the owner, that he/she shall remove the derelict vehicle within 30 days of the date of the notice or the Town will remove the said vehicle at the owner's expense pursuant to section 2. (g) and 4. (a) of this By-law.

4. PENALTIES

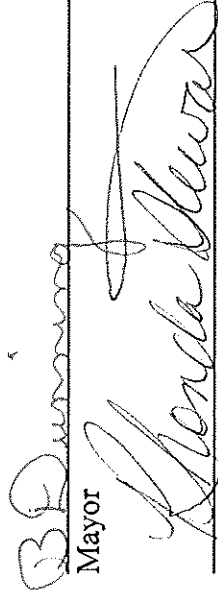
(a) Notwithstanding any other remedies available to the Town under this by-law, any person who contravenes or disobeys, or refuses or neglects to obey any provision of this by-law is guilty of an offence and is liable to a fine not exceeding One Thousand Dollars (\$1,000.00) and costs.

Minimum fines hereunder shall be:

- 1st Offence - \$100.00
- 2nd Offence - \$300.00
- 3rd Offence - \$500.00

(b) Where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offence for each day that it continues.

DONE AND PASSED by the Council of the Town of Virden, duly assembled this 16th day June of A.D. 2009 .


Mayor
Chief Administrative Officer

Read a first time this 2nd day of June, A.D., 2009
Read a second time this 16th day of June, A.D., 2009
Read a third time this 16th day of June, A.D., 2009