



# DERELICT VEHICLE BY-LAW

## RURAL MUNICIPALITY OF VICTORIA

### BY-LAW NO: 1330/2010

**BEING** A BY-LAW OF THE RURAL MUNICIPALITY OF VICTORIA TO REGULATE THE PARKING AND STORING OF DERELICT VEHICLES UPON PROPERTY WITHIN THE BOUNDARIES OF THE LOCAL URBAN DISTRICTS OF HOLLAND AND CYPRESS RIVER.

**WHEREAS** Subsection 232(1)(c) of The Municipal Act provides as follows:

"A council may pass By-Laws for municipal purposes respecting the following matters: subject to section 233, activities or things in or on private property";

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

"A By-Law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
- (b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;
- (c) the removal of top soil; and
- (d) activities or things that in the opinion of the Council are or could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations";

**AND WHEREAS** subsection 232(1)(o) of The Municipal Act provides as follows:

"A council may pass By-Laws for municipal purposes respecting the following matters: the enforcement of By-Laws;

**AND WHEREAS** Section 236 and Part 7, Division 3 of the Municipal Act provides for enforcement of By-Laws;

**AND WHEREAS** Council of the Rural Municipality of Victoria deem it necessary and desirable to pass a By-Law to regulate the storage of vehicles upon property; and,

**NOW THEREFORE** the Council for the Rural Municipality of Victoria enacts as follows:

#### 1. Definitions

In this By-Law:

- a) "Derelict Vehicle" is any vehicle which does not fall into one of the following categories:
  - i) is duly registered under The Highway Traffic Act;
  - ii) is capable of being duly registered under The Highway Traffic Act and the Person who is the owner thereof possesses an "Inspection Certificate" as prescribed under The Highway Traffic Act;
  - iii) the Vehicle registration has lapsed and/or cancelled in the last six (6) months and the Vehicle is still owned by the same Person shown on the registration and thus the Vehicle is capable of being registered without an "Inspection Certificate";
  - iv) the Vehicle has storage insurance placed thereon with the Manitoba Public Insurance Corporation insuring the value of the vehicle;
  - v) is enclosed wholly within an enclosed building;
  - vi) is located solely within the communities of Holland or Cypress River in which the primary use of the property is for a commercial activity as determined by Council;
  - vii) is totally covered with the exception of the tires thereof by a tarp or other suitable cover;
  - viii) a Semi-trailer which, whether registered under the Highway Traffic Act or not, is moved a minimum distance of one (1) mile every thirty (30) days except where a Permit has been issued for said semi-trailer.
- b) "Designated Officer" is such person who is appointed by the Council of the Rural Municipality of Victoria from time to time to enforce the terms of this By-Law.
- c) "Occupant" is the person shown in the latest assessment roll of the Rural Municipality of Victoria as the registered owner of the land, or a person leasing the land from the registered owner.
- d) "Property" means all lands held under one Certificate of Title, notwithstanding that one or more parcels of land may be held under one Certificate of Title and shall include the approach.
- e) "Person" means an individual, firm or corporation, and where demanded by context shall include the plural or singular.
- f) "Municipality" means the Rural Municipality of Victoria.

- g) "Committee" means the Local Urban Districts of Holland and Cypress River.
- h) "Council" means the Council of the Rural Municipality of Victoria.
- i) "Vehicle" means any vehicle which in order to be lawfully operated must be registered under The Highway Traffic Act, and/or The Off-Road Vehicle Act, and includes cars, trucks, trailers, snowmobiles, motorcycles, all terrain vehicles, motors, transmissions, assembly systems, chassis, body, or other parts for any form of vehicle, which part is larger than eighteen (18) inches in any dimension.
- j) "Park" means to stand a vehicle whether occupied or not.
- k) "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.
- l) "Store" means to keep or allow to be kept.

**ix) Application**

This By-Law applies to owners, tenants, and occupiers of property within the Local Urban Districts of Holland and Cypress River.

**x) Storage of Derelict Vehicles**

No person is allowed to store a Derelict Vehicle upon property which said property is being leased.

**xi) Enforcement**

The Designated Officer is authorized to enter upon any property within the Local Urban Districts of Holland and Cypress River for the purposes of determining compliance with this By-Law and may:

- a) enter upon the land at any time and carry out an inspection to determine compliance with this By-Law;
- b) request that anything be produced to assist with such inspection; and,
- c) make copies of anything related to such inspection.

**xii) Removal and Disposal of Derelict Vehicle**

- a) If a person breaches the terms of this By-Law in any respect the Designated Officer may forward to the Occupant of the land upon which the Derelict Vehicle is stored, an Order in the form attached hereto and marked as Schedule "A". Such Order shall be forwarded in either of the following methods:
  - i) Personal service;
  - ii) Prepaid registered mail addressed to the last known address as shown on the most recent Assessment Roll of the Rural Municipality of Victoria.
- b) From the date of the receipt of the Order the Occupant has fourteen (14) days to appeal in writing such Order to the Council;
- c) Upon the Designated Officer forwarding an Order as set forth in (a) above and the Occupant not appealing such Order or the Council upholding the appeal of such Order, and fourteen (14) days have expired from the date of service of the Order and the Occupant of the property has not remedied the breach of the By-Law, the Designated Officer, or a person designated by him/her, may enter upon the property on which the Derelict Vehicle is being stored and remove the Derelict Vehicle. The Derelict Vehicle shall be removed to a location designated by the Designated Officer, and the Designated Officer shall leave a notice upon the property indicating the Derelict Vehicle has been removed and such notice shall be in the form attached hereto and marked as Schedule "B".
- d) The Occupant of the Property shall be deemed to have committed an offence immediately upon the Derelict Vehicle being removed.

**xiii) Penalties**

A person who commits an offence under this By-Law, such as neglecting, omitting, failing or refusing to comply with any provision of this By-Law is guilty of an offence and is subject to a penalty of fifty dollars (\$50.00) for each offence. In addition to any fines imposed, the Rural Municipality of Victoria shall impose the following penalties and charges in respect of each vehicle removed in accordance with this By-Law:

- a) \$100.00 for the removal and towing of the vehicle; and,
- b) \$20.00 per day for impoundment and storage; and,
- c) \$150.00 for the destruction and disposal of the vehicle.

**xiv) Added to the Property Tax Roll**

Any penalties, costs of removal, costs of storage, and/or costs of disposal, are debts owed by the Occupant to the Rural Municipality of Victoria and same may be collected in any manner in which a tax or debt owed to the municipality may be collected or enforced under The Municipal Act.

**xv) Application of Proceeds of Sale or Disposal**

Any proceeds of the sale or disposal of a Derelict Vehicle shall be applied firstly to any penalties, the costs of removal, the costs of storage, and the costs of disposal, and any excess proceeds shall be paid to the Occupant. If the proceeds of the sale or disposal are less than the amount necessary to pay the penalties, the costs of removal, and the costs of storage, the amount remaining outstanding continues to be a debt owed by the Occupant to the Rural Municipality of Victoria and may be collected in any manner as referred to in Section numbered 7 hereof.

**xvi) Repeal**

**THAT** By-Law No: 1006/86 be and is hereby repealed.

**xvii) Effective**

**THAT** this by-law shall come into force and take full effect on the day following its passage.

**DONE AND PASSED** by the Council of the Rural Municipality of Victoria, in Council duly assembled this 11<sup>th</sup> day of August A.D., 2010.

**Rural Municipality of Victoria**

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

Read a first time this	<u>9<sup>th</sup></u>	day of	<u>June</u>	A.D.	<u>2010.</u>
Read a second time this	<u>14<sup>th</sup></u>	day of	<u>July</u>	A.D.	<u>2010.</u>
Read a third time this	<u>11<sup>th</sup></u>	day of	<u>August</u>	A.D.	<u>2010.</u>

**SCHEDULE "A" TO BY-LAW NO: 1330/2010**

**DERELICT VEHICLE ORDER  
CONTRAVENTION ORDER FOR STORAGE OF DERELICT VEHICLES**

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THE COUNCIL OF THE RURAL MUNICIPALITY OF VICTORIA HEREBY NOTIFY AND ADVISE THAT THE FOLLOWING DESCRIBED VEHICLE IS BEING STORED ON THE FOLLOWING DESCRIBED PROPERTY IN CONTRAVENTION OF BY-LAW NO: 1330/2010.

Description of Vehicle: \_\_\_\_\_  
\_\_\_\_\_

Legal Description and Civic Address of Property upon which the Vehicle is being stored:

Legal Description: \_\_\_\_\_  
Civic Address: \_\_\_\_\_

**This By-Law defines a "Derelict Vehicle" as any vehicle which does not fall under the heading "Definitions" 1 a) on page 1 of this By-Law.**

**This By-Law defines a "Vehicle" under the heading "Definitions" 1 i) on page 2 of this By-Law.**

No person shall store a derelict vehicle upon their property or the property of others.

The Council of the Rural Municipality of Victoria hereby provides notice that if the above described Derelict Vehicle is not removed or otherwise brought into compliance with this By-Law within fourteen (14) days of the receipt of this Order, the Rural Municipality of Victoria shall remove said Derelict Vehicle and you will be subject to such penalty as set forth in this By-Law as well as all costs incurred to the Rural Municipality of Victoria in the removal and storage of said Derelict Vehicle.

If the subject Derelict Vehicle is removed by the Rural Municipality of Victoria, the Derelict Vehicle shall be stored for a period of ten (10) days. If you do not claim said Derelict Vehicle within this ten (10) day period and pay all penalties and costs owed to the Rural Municipality of Victoria, the Municipality shall be at liberty to dispose of said Derelict Vehicle and to apply any proceeds from the disposal of the Derelict Vehicle to the penalties and costs owed to the Municipality.

If you wish to appeal this Order, you may do so in writing. You must make such written appeal and deliver it to the Rural Municipality of Victoria in Holland within fourteen (14) days of the receipt of this order at the following address:

The Rural Municipality of Victoria  
130 Broadway Street  
P.O. Box 40  
Holland, MB R0G 0X0

Signed and issued on behalf of the Rural Municipality of Victoria this \_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

\_\_\_\_\_  
Designated Office

**SCHEDULE "B" TO BY-LAW NO: 1330/2010**

**REMOVAL OF DERELICT VEHICLE NOTICE**

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Pursuant to Section 5.c) of this By-Law the following described Derelict Vehicle has been seized and removed by the Rural Municipality of Victoria for contravention of this By-Law.

Description of Vehicle: \_\_\_\_\_

The Derelict Vehicle is stored at:

Company Name: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

The Derelict Vehicle shall be stored for a period of ten (10) days by the Rural Municipality of Victoria. If you wish to claim the vehicle you may do so by paying to the Rural Municipality of Victoria the following penalties and costs **PRIOR** to being permitted to remove the vehicle from storage:

Penalty: \$ \_\_\_\_\_

Removal Costs: \$ \_\_\_\_\_

Storage Costs: \$ \_\_\_\_\_

If you do not claim said Derelict Vehicle within this ten (10) day period and pay all penalties and costs owed to the Municipality, the Rural Municipality of Victoria shall be at liberty to dispose of said Derelict Vehicle and to apply any proceeds from the disposal of the Derelict Vehicle to the penalties and costs owed to the Municipality.

**Signed and issued on behalf of the Rural Municipality of Victoria this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.**

\_\_\_\_\_  
Designated Office