

THE VILLAGE OF NIVERVILLE

By-Law No. 285-87

A by-law of The Village of Niverville respecting derelict vehicles.

WHEREAS Section 294 of The Municipal Act, R.S.M. 1970, C.100-M225, as amended by Chapter 22 of the Statutes of Manitoba, 1972, provides, in part, as follows:

- 294(3) The Council of any municipality, including the City of Winnipeg, may pass by-laws
- (a) prohibiting a person from parking or leaving derelict vehicles on private property with or without the consent of the owner of the property; or
 - (b) requiring any owner, occupant, or person in charge or control of private property who wishes to keep derelict vehicles thereon to obtain a license for the purpose from the municipality and fixing the amount to be charged for the license; or
 - (c) providing for the removal from private property of any derelict vehicle parked or left thereon in contravention of a by-law passed under this section and for the impoundment, storage, destruction or disposition thereof; or
 - (d) fixing the charges for the removal, impoundment, storage, destruction or disposition of any derelict vehicle removed from private property under the authority of a by-law passed under this section; or
 - (e) imposing a fine of not more than twenty dollars on any person found guilty of violating the provisions of any such by-law, and providing that each day on which the violation of the by-law continues is a separate offence;

or in respect of two or more of the matters mentioned in this subsection.

- 294(4) The costs and charges incurred in towing, impounding, storing, destroying or disposing of a derelict vehicle removed by a municipality under a by-law passed under this section is a debt owed by the owner of the derelict vehicle and the owner of the property from which it was removed jointly and severally to the municipality, and may be recovered by the municipality in any court of competent jurisdiction;"

AND WHEREAS it is deemed expedient and in the public interest that the Council of The Village of Niverville enact a by-law pursuant to the said Section 294;


NOW THEREFORE, the Council of The Village of Niverville, in Council assembled, enacts as follows:

1. DEFINITIONS: In this by-law, unless the context otherwise requires, the following words and terms shall have meanings hereafter assigned to them, and words which are their derivatives shall have corresponding meanings; that is to say:
- (a) "Clerk" means the Secretary-Treasurer of The Village of Niverville;
 - (b) "Council" means the Council of The Village of Niverville;
 - (c) "derelict vehicle": an object shall be conclusively deemed to be a derelict vehicle if it is not a new and unused vehicle and if
 - (i) it is not in operating condition;
 - (ii) it 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;
 - (iii) it is kept in the open;
 - (iv) the Owner thereof either
 - (A) has abandoned it, or
 - (B) is keeping it primarily for the purpose of salvaging or selling parts therefrom or for the eventual sale thereof as a scrap metal;and "derelict vehicle" also included the body or chassis of a used motor vehicle all or some of the parts of which have been removed and to which subclauses (ii), (iii) and (iv) apply;

- (d) "abandonment": unless the owner thereof establishes the contrary to the satisfaction of the Clerk of the Municipality, or to the Court if the matter is before the Court for adjudication, an object to which clause (c) hereof otherwise applies shall be deemed to have been abandoned within the meaning of subclause (iv) of clause (c) hereof, if, for a period of at least one month
 - (i) it has been left in the open; and
 - (ii) in the opinion of the Clerk, or of the Court, as the case may be, it has been deserted;
 - (e) "license" means a license issued by The Village of Niverville for the purpose of parking, keeping, or leaving derelict vehicles on private property;
 - (f) "person" includes the plural as well as the singular, a corporation, partnership, association, syndicate, or any organized body;
 - (g) "Municipality" means The Village of Niverville.
2. (1) Subject to the provision contained herein, no person shall within the Municipality park or leave a derelict vehicle on private property with or without the consent of the owner of the property, unless the owner, occupant, or person in charge or control of the private property who wishes to keep a derelict vehicle thereon obtains a license for that purpose from the Municipality.
- (2) The Clerk of the Municipality may issue a license under subsection (1) to any person upon application therefor and upon payment by the applicant of a license fee of \$5.00 per vehicle per month.
- (3) The license shall be in the form set out in Schedule "A" hereto.
3. (1) Any derelict vehicle parked, kept, or left standing on any private property in contravention of Section 2 hereof may be removed therefrom, towed, impounded and stored by the Municipality.
- (2) Any derelict vehicle may be released to the owner thereof, or to the owner, occupant, or person in charge or control of the private property from which the vehicle was removed, upon the payment by that person, within seven days of the said removal, of the license fee required under Section 2 hereof, and the cost of removal, towing, impoundment and storage of the said derelict vehicle.
4. (1) The Municipality shall impose a charge of
 - (a) \$25.00 for the removal and towing,
 - (b) \$ 2.50 per day for the impoundment and storage,
 - (c) \$100.00 for the destruction and dispositionof each derelict vehicle removed, towed from private property and impounded, stored, destroyed or disposed of by the Municipality.
- (2) The costs and charges incurred in removing, towing, impounding, storing, destroying or disposing of a derelict vehicle removed by the Municipality under the provisions of this by-law is a debt owed to the Municipality jointly and severally by the owner of the derelict vehicle and the owner of the private property from which it was removed, and may be recovered by the Municipality in any Court of competent jurisdiction.
6. Any person guilty of a breach of any of the provisions of this by-law is liable upon conviction thereof to a fine not exceeding twenty dollars (\$20.00) and each day on which the violation of the provisions of this by-law continues shall be and is a separate offence.
7. That By-Law No. 68 be and is hereby repealed.

DONE AND PASSED by the Council of The Village of Niverville in regular session assembled, this 16th day of June A.D. 1987.


Mayor


Secretary-treasurer

Given 1st reading this 16th day June A.D. 1987.
Given 2nd reading this 16th day of June A.D. 1987.
Given 3rd reading this 16th day of June A.D. 1987.