

THE RURAL MUNICIPALITY OF MACDONALD

BY-LAW NO. 02/06

BEING A BY-LAW OF THE RURAL MUNICIPALITY
OF MACDONALD to prohibit the parking or leaving
derelict vehicles on private property.

WHEREAS Part 8, Division 1 of the Municipal Act, S.M. 1996, c.58 - Cap. M225, provides as follows:

Spheres of jurisdiction

232(1) 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;
- (b) people, activities, and things in,
- (c) subject to section 233, activities or things in or on private property;
- (d)
- (o) the enforcement of by-laws.

Exercising by-law making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- (b)

Content of by-laws under clause 232(1)(c)

233 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)

Content of by-laws under clause 232(1)(o)

236(1) Without limiting the generality of clause 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; and
- (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,
 - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
 - (v) charging and collecting costs incurred in respect of acting under sub clause (iv),
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

AND WHEREAS it is deemed advisable to provide for the prohibiting of a person from parking or leaving vehicles on private property within the limits of the Rural Municipality of Macdonald;

NOW THEREFORE, BE IT ENACTED as a By-Law of The Rural Municipality of Macdonald duly assembled, as follows:

1. This By-Law may be referred to as The Rural Municipality of Macdonald Derelict Vehicle By-Law.

2. **Definitions**

- a) “*antique vehicle*” means any vehicle with an original manufacturing date over twenty five (25) years old;
- b) “*approach*” means the entryway to property extending from the limits of the travelled portion of the highway to the property line and, without restricting the generality of the foregoing, shall include any ditch or swale;
- c) “*council*” means the Council of the Rural Municipality of Macdonald;
- d) “*derelict vehicle*” means any vehicle which is not a new and unused vehicle and it:
 - (a) is not in operating condition; or
 - (b) it does not have attached thereto, and exposed thereon, one or more numbered plates issued under The Highway Traffic Act for the current registration year under that Act; or
 - (c) it is kept in the open; or
 - (d) the owner thereof either
 - (i) has abandoned it; or
 - (ii) is keeping it primarily for the purpose of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal;
- e) “*designated officer*” means the person or persons designated by the Municipality from time to time as responsible for the enforcement of its by-laws;
- f) “*municipality*” means the Rural Municipality of Macdonald;
- g) “*off-road vehicle*” shall have the meaning ascribed to that term in *The Off-Road Vehicles Act* and amendments thereto;
- h) “*park*” means to stand a vehicle whether occupied or not;
- i) “*person*” means an individual, firm or corporation and, where demanded by the context shall include the plural or singular;
- j) “*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;
- 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;
- m) “*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 eighteen inches in length and equipment or machinery, motorized or not which has as its prime purpose a function which could normally be described as being for farming purposes.

3. **APPLICATION**

This by-law applies to owners, tenants and occupiers of property within the Rural Municipality of Macdonald.

4. **PERMITS**

An owner, tenant or occupier of property shall obtain a permit as set out in

Schedule "A" at no charge from the Rural Municipality of Macdonald to park or store a vehicle.

No more than one (1) derelict and one (1) antique vehicle for a total of two (2) in combination shall be parked and stored.

Permits are valid for one (1) year subject to the following conditions:

- (a) any derelict or antique vehicle and appurtenant parts are to be covered when not being worked upon and out of view and in an orderly manner;
- (b) parts are to be contained in one area;**
- (c) owner, tenant or occupier must comply with all conditions or permit will be revoked.

5. PROHIBITIONS

1. Except as provided in Section 6 of this By-Law, no person shall park or store a vehicle on property unless:

- (a) the vehicle is registered for use pursuant to *The Highway Traffic Act* or *The Off-Road Vehicles Act*; or
- (b) the vehicle has, within the preceding thirty (30) days been registered for use pursuant to *The Highway Traffic Act* or *The Off-Road Vehicles Act*.

2. No person shall park or store a vehicle on any vacant lot.

6. EXCEPTIONS FOR VEHICLES OFFERED FOR SALE

Notwithstanding section 5.1, a person may park or store a vehicle on property for the purpose of selling that vehicle providing that

- (a) The vehicle is registered for use pursuant to *The Highway Traffic Act* or *The Off-Road Vehicles Act* in the name of an individual who is resident at the property or has been registered within the preceding thirty (30) days; and
- (b) The vehicle is offered or exposed for sale on the property for not more than sixty (60) days; and
- (c) No other vehicle has been offered or exposed for sale on the property within the preceding 6 months; and
- (d) The vehicle is parked or stored within the boundaries of the property; and
- (e) Not more than one vehicle is offered or exposed for sale.

7. ENFORCEMENT

The Designated Officer is authorized to enter upon any property within the Rural Municipality of Macdonald for the purposes of determining compliance with this By-Law and may

- (a) enter upon the land at any reasonable time, without the 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.

8. OFFENCE NOTICE

If the Designated Officer determines that an offence under this By-law has been or is being committed, the Designated Officer may issue an Offence Notice to the owner of the property pursuant to this By-Law.

9. OFFENCE

Any person contravening this By-law commits an offence and is liable to a minimum fine of Seventy-Five (\$75.00) Dollars.

10. CONTINUING OFFENCE

Each day on which any violation of this By-law continues shall be and is a separate offence.

11. REMOVAL OF VEHICLE

In addition to the issue of an Offence Notice pursuant to section 8 hereof, any vehicle kept or stored in contravention of this By-law may be removed from the property, towed, impounded and stored by the Municipality.

12. DESTRUCTION OR SALE OF VEHICLE

Any vehicle removed from property by the Municipality pursuant 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 Municipality shall be entitled to recover from the sale price all fines, fees and charges permitted hereunder. In the event that the sale proceeds exceed the aggregate of all fines, fees and charges, any remainder shall be paid to the owner of the vehicle.

13. REDEMPTION OF VEHICLE

A vehicle removed pursuant 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 payment in full of the Penalties and Charges prescribed in this By-law within thirty (30) days of the removal of the vehicle.

14. PENALTIES AND CHARGES

In addition to any fines imposed pursuant to section 9 hereof, the Municipality shall impose all charges incurred by the Rural Municipality of Macdonald for removal, storage and disposal of vehicle.

15. ADDING OF PENALTIES AND CHARGES TO TAXES

The Penalties and Charges imposed pursuant to this By-law are a debt owing to the Municipality 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*.

16. REPEAL

By-Law No. 13/94 is hereby repealed.

Done and passed in Council by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 28th day of March, A.D., 2006.

THE RURAL MUNICIPALITY OF MACDONALD

Reeve

Chief Administrative Officer

Read a First time this 14th day of March A.D., 2006

Read a Second time this 28th day of March A.D., 2006

Read a Third time this 28th day of March A.D., 2006

RURAL MUNICIPALITY OF MACDONALD

SCHEDULE "A" TO BY-LAW NO. 2/06

To: The Rural Municipality of Macdonald

I, _____ hereby applies for a license to park

_____ derelict vehicle(s)

_____ antique vehicle(s)

- 1) Make _____
- 2) Model No. _____
- 3) Serial No. _____
- 4) Colour _____

on the land described as follows: _____

The application is made for the following reasons:

(state reasons why the application should be granted)

Dated this _____ day of _____, 20____.

Applicant