



## THE RURAL MUNICIPALITY OF MACDONALD

### BY-LAW NO. 12/20

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to regulate the outdoor storage of derelict vehicles in the Municipality.

WHEREAS Sections 232(1) and 236(1) of *The Municipal Act* provides in parts as follows:

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;
- (c) subject to section 233, activities or things in or on private property.

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), 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 subclause (iv).

AND WHEREAS Council is of the opinion that it is in the public interest that the outdoor storage of derelict vehicles should be regulated and controlled to protect the safety of people and property;

NOW THEREFORE, the Council of the Rural Municipality of Macdonald, in Council assembled, enacts as follows:

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

#### Definition

2. In this by-law,

**“enclosed building”** includes a garage, shed and carport.

**“motor vehicle”** and **“registration card”** have the same meaning in this

By-Law as those terms have under The Highway Traffic Act.

**“owner”** means a person who

- (a) is the owner of an estate in fee simple in land that is subject to the Real Property Act, or
- (b) is the owner of an estate in fee simple in land that is not subject to the Real Property Act and who is the grantee named in a valid conveyance of land that is registered under the Registry Act.

**“unregistered motor vehicle”** means a motor vehicle that does not have a valid registration card issued under The Drivers and Vehicles Act.

### **Prohibition**

3. No person shall leave, store or permit an unregistered motor vehicle to be left or stored outside of an enclosed building within areas zoned Residential General, Residential General-1, Residential Suburban, Commercial Mixed Use, and Commercial Highway in Municipality’s Zoning By-Law, unless the storage is permitted under this By-Law. The persons responsible under this section and By-Law are the owner of the unregistered motor vehicle, an owner of property, and an occupier or a person who is renting or leasing property upon which the unregistered motor vehicle is kept or found.
4. Despite section 3, a person may leave, store, or permit an unregistered motor vehicle to be left or stored outside of an enclosed building as follows:
  - (a) on property within an area zoned General Development in the Municipality’s Zoning By-Law, a maximum of one (1) unregistered motor vehicle.
5. Section 3 does not apply to a person for an unregistered motor vehicle located on property where the person operates a garage, auto wrecking business, used car lot, scrap business, or other similar use, provided the use is operating in accordance with the Municipality’s Zoning By-Law and municipal by-laws.

### **Unregistered Motor Vehicle Requirements**

6. A person permitted under this By-Law to leave, store, or permit an unregistered motor vehicle to be left or stored outside of an enclosed building shall ensure the unregistered motor vehicle is stored:
  - (a) if there is a dwelling, behind the rear of the dwelling,
  - (b) in a safe, tidy, and well-maintained manner,
  - (c) in an area free from tall grass and weeds,
  - (d) in a manner that does not have the potential to cause an environmentally unsafe or hazardous condition, and
  - (e) at least 10 feet from the property’s lot lines. The property’s lot lines are the same as the site lines set out in the Municipality’s Zoning By-Law.

### **Enforcement**

7. The position of an Officer is established. The Officer shall be the person appointed by the Municipality as its By-Law Enforcement Officer.
8. The By-Law Enforcement Officer may conduct inspections and take steps

to administer and enforce this By-Law or to remedy a contravention of this By-Law, and for those purposes shall be a designated officer and have the powers of a designated officer under the Act, a by-law enforcement officer under The Municipal By-Law Enforcement Act, and of an enforcement officer under the Provincial Offences Act.

9. The Officer may enter property and buildings to carry out the administration and enforcement of this By-Law including for determining what actions or measures a person must take in connection with any matter under this By-Law, whether the actions or measures have been taken, to prevent the contravention of this By-Law, to remedy a contravention of this By-Law and to prevent a re-occurrence of a contravention. The Officer may request that a person produce information concerning the registration of a motor vehicle under The Drivers and Vehicles Act, and the person shall provide such information to the Officer upon request.
10. The Officer may commence a prosecution under the Act, the Municipal By-Law Enforcement Act, or the Provincial Offences Act for the purpose of enforcing a contravention of this By-Law through an offence.

### **Seizure, Impoundment and Redemption**

11. Following the issuance of an order to comply under the Act, the Officer may seize and impound an unregistered motor vehicle in enforcing this By-law. If the Officer has seized and impounded an unregistered motor vehicle, the Officer shall take the unregistered motor vehicle to a storage location. The Officer shall give notice to the person to whom the order is issued that the unregistered motor vehicle has been seized and impounded, that the unregistered motor vehicle may be redeemed from impoundment on the owner meeting certain terms including paying the impoundment fees set out in Schedule A and the Municipality's costs of enforcement, and, if the unregistered motor vehicle is not redeemed within 10 days of being impounded, that the unregistered motor vehicle may be sold or disposed of. The Officer shall, if the person is unknown to the Officer or if the notice cannot reasonably be given to the person, post a notice with this same information in the municipal office and on the municipal website.
12. An owner of an unregistered motor vehicle may apply to the Officer to redeem an unregistered motor vehicle from impoundment. Upon payment of the fees set out in Schedule A and the Municipality's costs of enforcement, the Officer shall release the unregistered motor vehicle. In releasing the unregistered motor vehicle, the Officer may provide the owner of an unregistered motor vehicle with conditions that must be met to ensure there will be no reoccurrence of a violation of this By-law ("conditions of redemption"). The owner shall acknowledge, in writing, the conditions of redemption at the time the unregistered motor vehicle is released.
13. If the unregistered motor vehicle is not redeemed within 10 days of being impounded, the Officer may sell or dispose of the unregistered motor vehicle and may execute a bill of sale to the purchaser of the unregistered motor vehicle. The proceeds from the sale or disposition of an unregistered motor vehicle are to be applied against the Municipality's costs of impoundment and enforcement. If there is an excess in proceeds after payment of the costs, the Municipality shall refund the excess to the person given notice under section 11.
14. All costs of enforcement including removal, impoundment and sale or disposition costs are an amount owing to the Municipality and may be collected in any manner, in which a tax may be collected or enforced under The Municipal Act.

## Permit

15. Where the Officer is of the opinion that unusual circumstances warrant permitting a person to have an unregistered motor vehicle otherwise prohibited under this By-law, the Officer may, on application by an owner or occupier of land, issue a permit to allow an unregistered motor vehicle on that land subject to such terms or conditions as the Officer considers advisable and sets out in the permit.
16. The Officer may amend, vary, suspend, or revoke a permit on notice to the holder of the permit.

## Offence

17. A person who contravenes this By-Law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00. Any costs associated with or resulting from enforcing this By-Law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.

## Transitional

18. This By-Law repeals No. 2/06, except in respect of a violation committed before this By-Law comes into force. By-Law No. 2/06 remains in effect to the extent required to enforce the violation under By-Law No. 2/06.
19. A person who is leaving, storing, or permitting an unregistered motor vehicle to be left or stored outside of an enclosed building when this By-Law is passed has 60 days from the date of passage of this By-Law to comply with section 3.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 8<sup>th</sup> day of September A.D., 2020.

## THE RURAL MUNICIPALITY OF MACDONALD

*Original Signed by*

*"B. Erb"*

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Brad Erb  
Reeve

*"D. Hrehirchuk"*

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Daryl Hrehirchuk, CMMA  
Chief Administrative Officer

*Read a First time this 14<sup>th</sup> day of July A.D., 2020*

*Read a Second time this 28<sup>th</sup> day of July A.D., 2020*

*Read a Third time this 8<sup>th</sup> day of September A.D., 2020*