



THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1505

A By-Law of the Rural Municipality of Victoria Beach to prohibit the storage of derelict vehicles within the Municipality.

WHEREAS Subsection 232(1) of The Municipal Act provides, in part, as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (c) subject to section 233, activities or things in or on private property;
- (o) the enforcement of by-laws;

AND WHEREAS Section 233 of The Municipal Act provides, in part, as follows:

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

- (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;

AND WHEREAS Subsection 236(1) of The Municipal Act provides, in part, as follows:

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) 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,

AND WHEREAS the Council of the Rural Municipality of Victoria Beach deems it necessary to pass a by-law to prohibit the storing and parking of derelict vehicles within the Municipality;

NOW THEREFORE the Council of the Rural Municipality of Victoria Beach, in council duly assembled, enacts as follows:

(1) THAT for the purposes of this By-Law:

- (a) A vehicle shall be deemed to be derelict if it is not a new and unused vehicle and if:
 - (b) it is not in operating condition;
 - (c) 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;
 - (d) it is kept in the open; and the owner thereof either
 - (ii) has abandoned it; or
 - (iii) is keeping it primarily for the purpose of salvage or selling parts therefrom, or for the eventual sale thereof as scrap metal;

and a derelict vehicle also includes the body or chassis of a used motor vehicle all or some of the parts of which have been removed, and to which clauses (b), (c) and (d) apply.

- (2) THAT no person shall park or leave a derelict vehicle on private property within the Municipality, with or without the consent of the owner of the property;
- (3) THAT no owner, occupant or person in charge or control of private property shall permit any other person to park or leave a derelict vehicle on his property and no owner, occupant or person in charge or control shall keep any derelict vehicle on his property, unless such owner, occupant or person in charge or control has first obtained permission, in writing, from the Council for such purpose;
- (4) THAT any derelict vehicle parked or left on private property contrary to the provisions of this By-Law may be removed and impounded by the Municipality for a period of fourteen (14) days and in the event that no person shall claim such derelict vehicle during said period and pay the cost of such removal and impoundment, the Municipality shall destroy or shall otherwise dispose of such derelict vehicle;
- (5) THAT the Municipality shall be entitled to charge for costs incurred for towing, impounding, storing, destroying or otherwise disposing of such vehicle;
- (6) THAT the costs as set out in Clause (5) above shall be a debt due to the Municipality jointly and severally by the owner of the derelict vehicle and by the owner of the property from which the derelict vehicle was removed and may be recovered by the Municipality in any manner in which a tax may be collected or enforced under The Municipal Act;
- (7) That any person guilty of a breach of any of the provisions of this By-law shall, upon summary conviction, be liable to a fine not exceeding One Thousand Dollars (\$1,000.00) and the costs of prosecution or in default of payment to imprisonment for a period not exceeding thirty (30) days and the provisions of The Manitoba Summary Convictions Act shall apply to any prosecution hereunder. Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
- (8) That By-Law No. 844 be and the same is hereby repealed.

DONE AND PASSED in Council assembled, in the City of Winnipeg, in the Province of Manitoba, this
16th day of December, A.D. 2008.

Original Signed By

"W. McDonald"
Reeve

"R. Moreau"
CAO

Read a first time this 18th day of November A.D. 2008.

Read a second time this 16th day of December A. D. 2008.

Read a third time this 16th day of December A.D. 2008.