

THE MUNICIPALITY OF RHINELAND

BY-LAW NO. 2019-13

BEING a by-law of the Municipality of Rhineland to regulate the outdoor storage of derelict vehicles.

WHEREAS:

- A. Section 232(1) of the Municipal Act ("Act") provides that 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;
- B. Section 236(1) of the Act provides that, without limiting the generality of 232(1) (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;
 - (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 and is 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,
- C. 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 Municipality of Rhineland enacts as a by-law the following:

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

Definitions

2. In this By-law:

"derelict vehicle" means any vehicle which is not new or unused, and is not in operable condition; cannot meet safety standards as legislated by the Province of Manitoba; does not have attached thereto, and exposed thereon, one or more number plates issued under the *Highway Traffic Act*; is not otherwise insured; is kept in the open; and the owner thereof either has abandoned it or discontinued use of it; or is keeping it primarily for the purpose of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal; also includes the body or chassis of a used motor vehicle or some parts of which have been removed, and to which 3, 4, and 5 apply.

"enclosed building" includes a garage, shed and carport.

"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.

“vehicle” shall have the meaning ascribed to that term in *The Highway Traffic Act* and its amendments thereto and shall include an off-road vehicle and any parts of any vehicle exceeding 18” in length.

Prohibition

3. No person shall leave, store or permit a derelict vehicle to be left or stored outside of an enclosed building, unless the storage is permitted under this By-law. The persons responsible under this Section and By-law are the owner of the derelict vehicle, an owner of property, and an occupier or a person who is renting or leasing property upon which the derelict vehicle is kept or found.
4. Despite Section 3, a person may leave, store or permit a derelict vehicle to be left or stored outside of an enclosed building as follows:
 - a. on property within areas zoned Residential Village, Agricultural Village and Residential in the Municipality’s Zoning By-law, a maximum of 2 derelict vehicles;
 - b. on property within the local urban district of Rosenfeld, as defined in Regulation No. 174/99 under the Act, and the local urban districts of Gretna and Plum Coulee, as defined in Regulation No. 135/2014 under the Municipal Amalgamations Act, a maximum of 2 derelict vehicles; and
 - c. on property located in the remainder of the Municipality outside of the areas set out in subsections a. and b., a maximum of 6 derelict motor vehicles.
5. Section 3 does not apply to a person for a derelict 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.

Derelict vehicle requirements

6. A person permitted under this By-law to leave, store or permit a derelict vehicle to be left or stored outside of an enclosed building shall ensure the derelict vehicle is stored
 - a. if there is a dwelling, at 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 5 feet from the property’s lot lines.

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. The By-law enforcement officer under the Municipal By-law Enforcement 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 License 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-Enforcement Act for the purpose of enforcing a contravention of this By-law through offence.

Seizure, impoundment and redemption

11. Following the issuance of an order to comply under the Act, the Officer may seize and impound a derelict vehicle in enforcing this By-law. If the Officer has seized and impounded a derelict vehicle, the Officer shall take the derelict vehicle to a storage location. The Officer shall give notice to the person to whom the order is issued that the derelict vehicle has been seized and impounded, that the derelict 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 derelict vehicle is not redeemed within 10 days of being impounded, that the derelict vehicle may be sold or disposed of. The Officer shall, if the person is unknown to the Officer or if 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 a derelict vehicle may apply to the Officer to redeem the derelict vehicle from impoundment. Upon payment of the fees set out in Schedule A of the Municipal By-Enforcement By-Law and the Municipality's costs of enforcement, the Officer shall release the derelict vehicle. In releasing the derelict vehicle, the Officer may provide the owner of a derelict 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 derelict vehicle is released.
13. If the derelict vehicle is not redeemed within 10 days of being impounded, the Officer may sell or dispose of the derelict vehicle, and may execute a bill of sale to the purchaser of the derelict vehicle. The proceeds from the sale or disposition of a derelict 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 a derelict vehicle otherwise prohibited under this By-law, the Officer may, on application by an owner or occupier of land, issue a permit to allow a derelict 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 \$1000.00. 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.

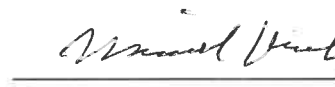
Transitional

18. By-law No. 714-09 of the former Town of Plum Coulee, the Municipality of Rhineland, By-law No. 2004-10 and By-law No. 742-2004 of the former Town of Gretna are repealed.
19. A person who is leaving, storing or permitting a derelict vehicle to be left or stored out 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, in the Municipality of Rhineland, Manitoba this 25th day of September, 2019.



Reeve



Chief Administrative Officer

READ A FIRST TIME this 11th day of September, 2019 A.D.

READ A SECOND TIME this 25th day of September, 2019 A.D.

READ A THIRD TIME this 25th day of September, 2019 A.D.

SCHEDULE A

Cost of impoundment will be based on actual costs incurred.

Ticket Fines applicable to clauses:

Derelict vehicle on private property	\$300.00 per vehicle
Derelict vehicle not stored properly	\$150.00 per vehicle
Permit expired	\$150.00 per vehicle