

## **TOWN OF LAC DU BONNET**

### **By-Law 04/18**

**BEING** a By-Law of the Town of Lac du Bonnet to regulate the parking and storing of derelict vehicles upon private property and to repeal By-Law 140/13.

**AND WHEREAS** Section 232(1)(c) of the Municipal Act provides as follows:

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

(c) Subject to section 233, regulate the parking and storing of vehicles on private property.

**NOW THEREFORE** the Council of the Town of Lac du Bonnet enacts as follows:

#### **1.0 DEFINITIONS**

1.1 “Abandoned” means if, for a period of at least 30 days, the object or vehicle has, in the opinion of the Designated Officer;

(a) been left in the open; and

(b) been deserted

1.2 “Council” means the Council of the Town of Lac du Bonnet

1.3 “Derelict Vehicle” means any vehicle which is not new or unused, and;

(a) is not in operating condition;

(b) 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*;

(c) is kept in the open; and

(d) the owner thereof either has abandoned it; or

(e) is keeping it primarily for the purposes of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal; and

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

1.4 “Designated Officer” means the Chief Administrative Officer for the Town of Lac du Bonnet or his/her designate.

1.5 “By-Law Officer” means the official of the Town of Lac du Bonnet designated by the Town of Lac du Bonnet to enforce the provisions of this By-Law.

1.6 “Off Road Vehicle” shall have the meaning ascribed to that term in *The Off Roads Vehicle Act* and amendments thereto.

1.7 “Person” means an individual, firm or corporation and, where demanded by the context shall include the plural or singular.

1.8 “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.

1.9 “Park” means to stand a vehicle whether occupied or not.

1.10 “Store” means to keep or allow to be kept.

1.11 “Vehicle” shall have the meaning ascribed to that term in *The Highway Traffic Act* and amendments thereto and shall also include but not limited to recreational vehicles, motorized vehicles, off-road vehicles, trailers, tractors, boats, or any parts of any vehicle exceeding 18” in length.

## **2.0 APPLICATION**

This By-Law applies to owners, tenants and occupiers of property within the Town of Lac du Bonnet.

## **3.0 PROHIBITIONS**

Except as provided in section 4 of this by-law;

- (a) no person shall park, abandon or leave, a derelict vehicle on private property with or without the consent of the owner of the property.
- (b) no owner, occupant, or person in charge or control of private property shall keep or allow to be kept, any derelict vehicle on the property.

## **4.0 EXCEPTIONS**

Notwithstanding section 3, a person may park or store a derelict vehicle on private property provided that;

- (a) the derelict vehicle is wholly contained within a lawfully existing structure on the property.
- (b) one derelict vehicle is allowed in the rear yard of a property if covered with an appropriate cover designed for that purpose or in a rear yard which is completely fenced in with a solid fence with minimum height of 6’.
- (c) the vehicle is offered or exposed for sale on the property for not more than 60 days in one year, and no more than one vehicle is offered or exposed for sale at any time.
- (d) an owner of a property may make application to the Designated Officer for a permit (attached as Schedule ‘A’) to keep a covered derelict vehicle in the front, back or side driveways of the property subject to the following.
  - (i) the permit shall be valid not longer than 90 days
  - (ii) one permit per property is allowed during the calendar year
  - (iii) the permit fee shall be as outlined in attached Appendix ‘A’ for the 90-day period.

## **5.0 ENFORCEMENT**

The By-Law Officer is authorized to enter any property within the Town of Lac du Bonnet for the purposes of determining compliance with this By-Law and may;

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

## **6.0 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.

The Offence Notice shall state that the owner of the property has 31 days to comply with the notice.

## **7.0 APPEAL TO COUNCIL**

A person served with an Offence Notice pursuant to this By-Law may appeal such Offence Notice to the Council within 14 days of the issuance of such Offence Notice.

## **8.0 OFFENCE**

Any person contravening this By-Law commits an offence and is liable on conviction to fines as outlined in Appendix 'A'.

## **9.0 CONTINUING OFFENCE**

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

## **10.0 REMOVAL OF VEHICLE**

In addition to the issue of an Offence Notice pursuant to section 6 hereof, any vehicle kept or stored in contravention of this By-Law may be removed from the property, towed, impounded and stored by the Town. Any damage to Town owned property caused by the removal of a derelict vehicle, the owner will be liable for costs incurred to fix the damage.

## **11.0 DESTRUCTION OR SALE OF VEHICLE**

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

## **12.0 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 the payment in full of the Penalties and Charges prescribed in this By-Law within thirty (30) days of the removal of the vehicle.

## **13.0 PENALTIES AND CHARGES**

In addition to any fines imposed pursuant to section 8 hereof, the Town shall impose the penalties and charges (as outlined in attached Appendix 'A') in respect of each derelict vehicle removed in accordance with this By-Law.

## **14.0 ADDING OF PENALTIES AND CHARGES TO TAXES**

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

**DONE AND PASSED AND ENACTED** as a By-Law of the Town of Lac du Bonnet in the Province of Manitoba this 11<sup>th</sup> day of October A.D., 2018

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Mayor Gordon Peters

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CAO, Darcey Wittig

Read a first time this 13<sup>th</sup> day of September, 2018.

Read a second time this 27<sup>th</sup> day of September, 2018.

Read a third time this 11<sup>th</sup> day of October, 2018.

**Appendix ‘A’**

permit fee for a 90 day period	\$50.00
for the removal and towing of the derelict vehicle	\$200.00
per day for the impoundment and storage	\$50.00
for the destruction and disposal of the vehicle.	\$300.00
Any person contravening this By-Law commits an offence and is liable on conviction to a fine not less than	\$100.00
Any person contravening this By-Law commits an offence and is liable on conviction to a fine not exceeding	\$1,000.00