

CITY OF MORDEN

By-law No. 15-2017

BEING a by-law of the City of Morden to regulate the parking and storing of derelict vehicles upon private property.

WHEREAS Section 232(1)(c) of the Municipal Act, C.C.S.M., c. M225 provides as follows:

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

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

AND WHEREAS the City of Morden has deemed it necessary and expedient to adopt a regulatory by-law for the purpose of identifying and dealing with derelict vehicles.

NOW THEREFORE the Council of the City of Morden, in Council assembled hereby enacts as follows:

DEFINITIONS AND INTERPRETATION

By-law Name

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

Definitions

2.1 “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.

2.2 “Council” means the Council of the City of Morden.

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

- (a) is not in operating condition;
- (b) cannot meet safety standards as legislated by the Province of Manitoba.
- (c) 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) is not otherwise insured
- (e) is kept in the open; and
- (f) the owner thereof either
 - (i) has abandoned it; or
 - (ii) is keeping it primarily for the purposes of salvaging or selling parts therefrom, or for the eventual sale thereof as scrap metal;

and 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.

2.4 “Designated Officer” means the person or persons designated by the City responsible for the enforcement of its by-laws.

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

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

2.7 “Private Property” means any land within the boundaries of the City of Morden.

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

2.9 “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.

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

2.11 “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 18” in length.

2.12 “City” means the City of Morden

3. APPLICATION

This By-law applies to owners, tenants and occupiers of property within the City of Morden.

4. PROHIBITIONS

Except as provided in section 5 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.

5. EXCEPTIONS

Notwithstanding section 4, 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 Council for a permit to keep a covered derelict vehicle in the driveway of the front yard of the property subject to the following;
 - i. the permit shall be valid not longer than 60 days
 - ii. two permits per property are allowed during a calendar year
 - iii. the permit fee shall be \$25.00 for the 60 day period.
- (e) the provisions of this by-law shall not apply to any person engaged in operating a garage, auto wrecking business, used car lot, scrap business, or other similar use business providing they are operating in accordance with the provisions of the City of Morden Zoning By-law.

6. ENFORCEMENT

The Designated Officer is authorized to enter any property within the City of Morden 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.

7. 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 21 days to comply with the notice.

8. 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.

9. OFFENCE

Any person contravening this By-law may be issued a penalty notice in accordance with the Enforcement By-Law; details of offences and penalties are contained in Schedule A.

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 7 hereof, any vehicle kept or stored in contravention of this By-law may be removed from the property, towed, impounded and stored by the City.

12. DESTRUCTION OR SALE OF VEHICLE

Any vehicle removed from property by the City 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 City 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.

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 the 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 City shall impose the following penalties and charges in respect of each derelict vehicle removed in accordance with this By-law.

- (a) \$100.00 for the removal and towing of the derelict vehicle; and
- (b) \$20.00 per day for the impoundment and storage; and
- (c) \$150.00 for the destruction and disposal of the 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 City 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. THAT this By-law shall repeal By-law 20-2014.

DONE AND PASSED in open Council assembled on this 26th day of June A.D. 2017.

CITY OF MORDEN

Ken Wiebe

Mayor

John Scarce

City Manager

Read a first time this	29 th	day of	May	A.D. 2017
Read a second time this	26 th	day of	June	A.D. 2017
Read a third time this	26 th	day of	June	A.D. 2017

City of Morden
Schedule A to By-law 15-2017

Fines applicable to clauses:

4	Derelict Vehicle per vehicle	\$300
4	Not stored properly	\$150
5	To many derelict vehicles being stored per vehicle	\$300
5	Permit expired	\$150