

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4-12

Being a By-Law respecting the parking and storing of Derelict Vehicles

WHEREAS Sections 232 and 233 of *The Municipal Act* grant authority unto the Council to pass By-laws respecting 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 of such vehicles and activities or things that in the opinion of council are or could become a nuisance.

WHEREAS Section 236 and Part 7, Division 3 of *The Municipal Act* provides for enforcement of By-Laws.

AND WHEREAS the Rural Municipality of Rosser is desirous of passing a By-law regulating the storage of vehicles upon property.

NOW THEREFORE the Council of the Rural Municipality of Rosser duly assembled enacts as follows:

Definitions

1. In this By-Law:

- a) **“Derelict Vehicle”** means any Vehicle which does not fall into one of the following categories:
 - i) is in Running Condition,
 - ii) is enclosed wholly within an enclosed building,
- b) **“Designated Officer”** means such person who is appointed by the Municipality from time to time to enforce the terms of this By-Law;
- c) **“Municipality”** means the Rural Municipality of Rosser;
- d) **“Occupant”** means the person shown in the latest assessment roll of the Municipality as the registered owner of the land, or a person leasing the land from the registered owner;
- e) **“Person”** means an individual, a partnership, or a corporation;
- f) **“Running Condition”** means a vehicle which is in such an operating condition that it is capable of being driven a distance of one (1) kilometer.
- g) **“Store”** means to place or keep an object upon property or to permit or allow any object to be placed or kept upon property;
- h) **“Vehicle”** means any means of transportation which in order to be lawfully operated must be registered under *The Highway Traffic Act*, and/or *The Off-Road Vehicle Act*, and/or *The Canada Shipping Act* and includes cars, trucks, trailers, snowmobiles, motorcycles, all terrain vehicles, and/or motor homes, boats, and includes the following parts thereof, transmissions, assembly systems, chassis, body, or any other parts for any form of Vehicle, which part is larger than three (3) feet in any dimension.

Application:

- 2. This Derelict Vehicle By-law applies to all rural settlement centers as described below:
 - a) The Settlement Center of Grosse Isle shall be as delineated as per the Land Use Classification map in the South Interlake Planning District Development Plan as adopted by By-law 3/10, or any amendments thereto, with the exception of active farm sites.

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4-12

- b) The Settlement Center of Marquette shall be as delineated as per the Land Use Classification map in the South Interlake Planning District Development Plan as adopted by By-law 3/10, or any amendments thereto, with the exception of active farm sites.
- c) the Settlement Center of Meadows shall be as delineated as per the Land Use Classification map in the South Interlake Planning District Development Plan as adopted by By-law 3/10, or any amendments thereto, with the exception of active farm sites.
- d) The Settlement Center of Rosser shall be as delineated as per the Land Use Classification map in the South Interlake Planning District Development Plan as adopted by By-law 3/10, or any amendments thereto, with the exception of active farm sites.

Storage of Derelict Vehicles:

- 3. a) No Person is allowed to Store a Derelict Vehicle upon his or her property or property which a Person is leasing.
- b) For the purpose of this By-law, any number of Vehicles over the six (6) Vehicles, shall be deemed to be Derelict Vehicles and subject to all of the provisions of this By-law.

Entry to Determine Compliance:

- 4. If the Municipality suspects that an Occupant is in contravention of any of the terms of this By-Law the Designated Officer of the Municipality may, after giving reasonable written notice in the form attached hereto as Schedule “A” to the Occupant, enter upon the land at any reasonable time and carry out an inspection to determine compliance with this By-Law.

Removal and Disposal of Derelict Vehicle:

- 5. a) If a Person breaches the terms of this By-Law in any respect the Designated Officer may forward to the Occupant of the land upon which the Derelict Vehicle is Stored, an Order in the form attached hereto and marked as Schedule “B”. Such Order shall be forwarded in either of the following methods:
 - i) Personal service,
 - ii) Prepaid registered mail addressed to the last known address as shown on the most recent assessment roll of the Municipality.
- b) From the date of receipt of the Order the Occupant has fourteen (14) days to appeal in writing such Order to the Council of the Municipality.
- c) Upon the Designated Officer forwarding an Order as set forth in paragraph (a) above and fourteen (14) days having expired from the date of service of the Order, and the Applicant not appealing such Order, or the Applicant appeals such Order and the Municipality upholds the Order, and the occupant of the property has not remedied the breach of this By-law, the Designated Officer, or a person designated by him/her, may enter upon the property on which the Derelict Vehicle is being Stored contrary to this By-Law and remove the Derelict Vehicle. The Derelict Vehicle shall be removed to a location determined by the Designated Officer, and the Designated Officer shall leave a notice upon the property indicating the Derelict Vehicle has been removed and such notice shall be in the form attached hereto and marked as Schedule “C”.
- d) The Occupant of the Property shall be deemed to have committed an offence immediately upon the Derelict Vehicle being removed.

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4-12

- i) if the Occupant of the Property upon which the Derelict Vehicle was Stored claims the Derelict Vehicle within ten (10) days of the date of the removal of the Derelict Vehicle the Occupant of the property shall, prior to claiming the Derelict Vehicle, pay to the Municipality all costs of removal and storage of the Derelict Vehicle and the penalty as set out in Section 6.0 hereof;
- ii) if the Occupant of the property upon which the Derelict Vehicle was Stored does not claim the Derelict Vehicle within ten (10) days of the removal of the Derelict Vehicle, the Occupant will be subject to the penalty set out in the Section 6.0 hereof and all costs incurred by the Municipality in connection with the removal, storage and disposal of the Derelict Vehicle.

Penalties:

- 6. a) A Person who commits an offence under this By-Law is subject to such penalty as set forth in Schedule "D" attached hereto.
- b) Each Derelict Vehicle Stored or permitted or allowed to be Stored by a Person contrary to this By-Law may at the Designated Officer's discretion constitute a separate offence.
- c) Any costs incurred to enforce this By-law.

Added to the Property Tax Roll:

- 7. Any penalties as set forth in paragraph 6 hereof, costs of removal, costs of storage, and/or costs of disposal, are debts owed by the Occupant to the Municipality and may be added to the tax roll for the land upon which the Derelict Vehicle is located and same may be collected in the same manner in which real property taxes owed to the Municipality may be collected.

Application of Proceeds of Sale or Disposal:

- 8. Any proceeds of the sale or disposal of a Derelict Vehicle shall be applied firstly to any penalties, the costs of removal, the costs of storage, and the costs of disposal, and any excess proceeds shall be paid to the Occupant. If the proceeds of sale or disposal are less than the amount necessary to pay the penalties, the costs of removal, the costs of storage, and the costs of disposal, the amount remaining outstanding continues to be a debt owed by the Occupant to the Municipality and may be collected in any manner as referred to in Section numbered 7 hereof.

Repeal of By-Law No. 5-03:

- 9. By-Law No. 5-03 is hereby repealed in its entirety.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 0 077E PR 221, Rosser in the Province of Manitoba this 10th day of July, A.D. 2012.

Reeve, Frances Smee

Chief Administrative Officer, Beverley Wells

Read a first time the 12th day of June A.D., 2012,

Read a second time the 26th day of June A.D., 2012,

Read a third time the 10th day of July A.D., 2012.

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4-12

Schedule “A”

To By-Law No. 4-12

**NOTICE OF ENTRY TO
DETERMINE COMPLIANCE**

**Section 4. Entry to Determine Compliance, pursuant to
The Rural Municipality of Rosser By-Law No. 4-12**

Pursuant to Section 4. of By-Law No. 4-12, being the By-Law of the Rural Municipality of Rosser to regulate the storing of Derelict Vehicles as defined in the said By-Law, the Municipality hereby gives Notice that the Designated Officer of the Municipality shall enter upon _____
(Civic Address and Legal Description)

between the hours of _____ and _____ on _____
(day, month, year)

to carry out an inspection to determine compliance with By-Law No. _____.

A Copy of By-Law No. 4-12 is enclosed for your information.

If the above time and date IS NOT acceptable please contact the undersigned as it may be possible to arrange an alternative date.

Designated Officer
By-Law No. _____

(Date)

Phone: 467- 5711
Fax: 467- 5958

Box 131
Rosser, Manitoba
R0H 1E0

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4-12

Schedule “B”
To By-law No. 4-12

DERELICT VEHICLE
ORDER

Section 5. a) Contravention Order for Storage of Derelict Vehicle, pursuant to
The Rural Municipality of Rosser By-Law No. 4-12

THE RURAL MUNICIPALITY OF ROSSER HEREBY NOTIFIES AND ADVISES THAT THE FOLLOWING DESCRIBED VEHICLE(S) IS BEING STORED ON THE FOLLOWING DESCRIBED PROPERTY IN CONTRAVENTION OF BY-LAW NO. 4-12:

Description of Vehicles(s): _____

Legal Description and Civic Address of Property upon which the Vehicle is being stored:

Legal Description : _____

Civic Address: _____

BY-LAW NO. 4-12 defines a “DERELICT VEHICLE” as any Vehicle which does not fall into one of the following categories:

- i) is in Running Condition,
- ii) is enclosed wholly within an enclosed building,

By-Law No. 4-12 defines a “Vehicle” ” as any means of transportation which in order to be lawfully operated must be registered under *The Highway Traffic Act*, and/or *The Off-Road Vehicle Act*, and/or *The Canada Shipping Act* and includes cars, trucks, trailers, snowmobiles, motorcycles, all-terrain vehicles, and/or motor homes, boats, and includes the following parts thereof, transmissions, assembly systems, chassis, body, or any other parts for any form of Vehicle, which part is larger than three (3) feet in any dimension.

BY-LAW NO. 4-12 STATES THAT NO PERSON SHALL STORE A DERELICT VEHICLE UPON THEIR PROPERTY OR THE PROPERTY OF OTHERS.

The Municipality hereby provides notice that if the above described Derelict Vehicle is not removed or otherwise brought into compliance with By-Law No. 4-12 within fourteen (14) days of the receipt of this Order the Municipality shall remove said Derelict Vehicle and you will be subject to such penalty as set forth in By-Law No. 4-12:

	No. of Vehicles	Penalty
First Offence – One Hundred Dollars (\$100.00)	_____	\$ _____
Second Offence – Two Hundred Dollars (\$250.00)	_____	\$ _____
Third Offence – Five Hundred Dollars (\$500.00)	_____	\$ _____
Subsequent Offences – Five Hundred Dollars (\$500.00)	_____	\$ _____

as well as all costs incurred by the Municipality in the removal, storage and disposal of said Derelict Vehicle.

If the subject Derelict Vehicle is removed by the Municipality the Derelict Vehicle shall be stored for a period of ten (10) days by the Municipality. If the said is not claimed said Derelict Vehicle within the ten (10) day period and pay all penalties and costs owed to the Municipality the Municipality shall be at liberty to dispose of said Derelict Vehicle and to apply any proceeds from the disposal of the Derelict Vehicle to the penalties and costs owed to the Municipality.

If you wish to appeal the Order you may do so in writing. **Such written appeal must be delivered to the Municipality within fourteen (14) days of the receipt of this Order.** Deliver or mail written appeal to:

The Council of the Rural Municipality of Rosser
Box 131, 0 077E PR 221
Rosser, Manitoba
R0H 1E0

Signed and issued on behalf of the Rural Municipality of Rosser this _____ day of _____ A.D.,
20____.

Designated Officer
By-Law No. _____

(Date)

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4-12

**Schedule "C"
To By-Law No. 4-12**

**REMOVAL OF
DERELICT VEHICLE
NOTICE**

**Section 5 c) Removal and Storage of Derelict Vehicle, pursuant to
The Rural Municipality of Rosser By-Law No. 4-12**

**PURSUANT TO SECTION 5 c) OF BY-LAW NO. 4-12 THE FOLLOWING DESCRIBED
DERELICT VEHICLE HAS BEEN SEIZED AND REMOVED BY THE RURAL
MUNICIPALITY OF ROSSER FOR CONTRAVENTION OF THAT BY-LAW.**

Description of Derelict Vehicle: _____

THE DERELICT VEHICLE IS STORED AT:

Company Name: _____

Civic Address: _____

Legal Description: _____

**THE DERELICT VEHICLE SHALL BE STORED FOR A PERIOD OF TEN (10) DAYS
BY THE RURAL MUNICIPALITY OF ROSSER.** If you wish to Claim the Vehicle you may
do so by paying to the Rural Municipality of Rosser the following penalties and costs **PRIOR
TO** being permitted to remove the Vehicle from storage.

Penalty: \$ _____

Removal Costs: \$ _____

Storage Costs: \$ _____ / day

**If said Derelict Vehicle is not claimed within this ten (10) day period and payment of all
penalties and costs is not received by the Municipality, the Municipality shall be at liberty
to dispose of said Derelict Vehicle and to apply any proceeds from the disposal of the
Derelict Vehicle to the penalties and costs owed to the Municipality. If there are any excess
proceeds from the disposal of the Derelict Vehicle after the payment of the penalties and
costs owed to the Municipality the excess proceeds shall be paid to the Occupant as defined
in By-Law No. 4-12.**

Signed and issued on behalf of the Rural Municipality of Rosser this _____ day of _____
_____, A.D. 20_____.

Designated Officer
By-Law No. _____

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 4-12

Schedule “D”

To By-Law No. 4-12

Section 6. Penalties

1. Any Person who contravenes, or neglects, omits, fails or refuses to comply with any provision of By-Law No. 4-12 is guilty of an offence and is subject to the following penalty:
 - i) ONE HUNDRED DOLLARS (\$100.00) for the first offence;
 - ii) TWO HUNDRED AND FIFTY DOLLARS (\$250.00) for the second offence;
 - iii) FIVE HUNDRED DOLLARS (\$500.00) for the third offence, and subsequent offences.