

BY LAW NO. 699/02

A BY-LAW OF THE VILLAGE OF MACGREGOR RESPECTING
DERELICT VEHICLES

WHEREAS *The Municipal Act*, S.M. 1996, c. 58 - Cap. M225 gives Council authority to pass by-laws for the safety, health, protection and well-being of people, and the safety and protection of property, including the parking and storing of vehicles and the control of nuisances and unsightly property;

AND WHEREAS the Council of the Village of MacGregor deems it necessary to pass a by-Law to control the keeping of derelict vehicles within the Village;

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF MACGREGOR IN OPEN SESSION DULY ASSEMBLED HEREBY ENACTS AS A BY-LAW THE FOLLOWING:

1. This by-Law may be cited as the **Derelict Vehicle By-Law**.

Meaning of "Derelict Vehicle"

2. In this by-Law, an object shall be conclusively deemed to be a **derelict vehicle** if it is not a new and unused vehicle, and if:
- (a) it is or was a vehicle, as defined in *The Highway Traffic Act*, S.M. 1985- 86. c. 3 - Cap. H60;
 - (b) it is not in operating condition;
 - (c) it does not have attached thereto, and exposed thereon, motor vehicle plates issued under *The Highway Traffic Act* for the current registration year;
 - (d) it is kept in the open; and
 - (e) 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 a derelict vehicle also includes the body or chassis of a used vehicle all or some of the parts of which have been removed, and to which clauses (c), (d) and (e) apply.

Determination of Abandonment

- 3. Unless the owner thereof establishes the contrary to the satisfaction of the Chief Administrative Officer of the Village, an object to which paragraph 2 otherwise applies shall be deemed to be abandoned within the meaning of subparagraph 2(e) if, for a period of at least one month, it has been left in the open.

Prohibition and Consequences

- 4. No person, firm or corporation may park or leave any derelict vehicle on private property with or without the consent of the owner of the property.
- 5. The Village may, in its sole discretion, cause the removal of any derelict vehicle by either of the following methods:

I. Removal, Impoundment and Destruction

- a) The Village may remove and impound any derelict vehicle parked or left on private property in contravention of this by-law.
- b) Upon impounding any derelict vehicle, the Village shall send a notice by registered or certified mail to the registered owner of the property from which the derelict vehicle was removed. The notice shall advise the recipient that unless the costs and charges incurred in towing, impounding and storing the derelict vehicle are paid within 30 days from the date of mailing of the notice, the derelict vehicle may be destroyed or otherwise disposed of in any manner deemed appropriate by the Village.

II. *Notice, Confiscation and Destruction*

- c) The Village may, without impounding the derelict vehicle, send a notice by registered or certified mail to the registered owner of the property on which the derelict vehicle is located. The notice shall advise the recipient that unless the derelict vehicle is removed from the property within 30 days from the date of mailing of the notice, the derelict vehicle may be confiscated, without impoundment, and immediately destroyed or otherwise disposed of in any manner deemed appropriate by the Village.
- d) if the derelict vehicle is not removed within the time stipulated, the Village may confiscate and dispose of or destroy the derelict vehicle without further notice.

- 7. If the Village, in its sole discretion, determines that an impounded or confiscated derelict vehicle may be sold, for scrap or otherwise, it may do so and the sale proceeds shall be disbursed in this order:
 - (a) to the costs of sale,
 - (b) to the costs of towing, impounding and storing,
 - (c) to any fines levied regarding the vehicle under this By-law,
 - (d) to the last registered owner of the vehicle, if known,
 - (e) if the last registered owner cannot be determined, to the owner of the property from which the derelict vehicle was removed.
- 8. Nothing contained in this By-law requires the Village to sell a derelict vehicle if, in the Village's opinion, the derelict vehicle is worthless and should be disposed of without compensation.
- 9. Any person, firm or corporation who parks or leaves any derelict vehicle on private property is guilty of an offence under this by-law and is liable, upon summary conviction, to pay a fine of not less than \$50 or more than \$1,000 for each offence or to imprisonment for not more than 6 months, or both such fine and imprisonment, and to pay such costs

regarding the towing, impounding and storing of the derelict vehicle and the prosecution of the by-law as directed by the Court.

10. Each day on which the violation of the provision of this By-Law continues is a separate offence and may be prosecuted as such in a single Information and Complaint or other Offence Notice.
11. All expenses incurred in towing, impounding, storing, destroying, or disposing of a derelict vehicle removed by the Village, and all fines and costs imposed on a prosecution under this by-law, are a debt owed by the owner of the derelict vehicle and the owner of the property from which it was removed, jointly and severally, to the Village and may be recovered by the Village in a court of competent jurisdiction or may be collected by the Village in the same manner as a tax may be collected or enforced under *The Municipal Act*.

DONE AND PASSED as a by-law of the Village of MacGregor by the Mayor and Council thereof in open session assembled this 6th day of February, 2002..

Mayor Darwin Crabbe

Daryl Hrehirchuk, CMMA
Chief Administrative Officer

Read a first time this 9th day of January, 2002.

Read a second time this 6th day of February, 2002.

Read a third time this 6th day of February, 2002.