

**TOWN OF STONEWALL
BY-LAW NO. 11/00**

Being a by-law of the Town of Stonewall respecting
the parking and storing of derelict vehicles.

WHEREAS Section 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 Town of Stonewall is desirous of passing a by-law regulating the storage of vehicles upon property.

NOW THEREFORE the Council of the Town of Stonewall duly assembled enacts as follows:

Definitions:

1. In this by-law;
 - a) “Derelict Vehicle” is any vehicle which does not fall into one of the following categories:
 - i) is duly registered under The Highway Traffic Act,
 - ii) is capable of being duly registered under The Highway Traffic Act and the Person who is the owner thereof possesses an ‘Inspection Certificate’ as prescribed under The Highway Traffic Act,
 - iii) the Vehicle registration has lapsed and/or cancelled in the last eighteen (18) months and the Vehicle is still owned by the same Person shown on the registration and thus the Vehicle is capable of being registered without an "Inspection Certificate",
 - iv) the Vehicle has storage insurance placed thereon with the Manitoba Public Insurance Corporation insuring the value of the vehicle,
 - v) is enclosed wholly within an enclosed building,
 - vi) is totally covered with the exception of the tires thereof by a tarp or other suitable cover,
 - vii) a Semi-trailer which, whether registered under the Highway Traffic Act or not, is moved a minimum distance of one (1) mile every thirty (30) days except where a Permit as prescribed in Section 2.b) of this By-law has been issued for said semi-trailer.
 - b) “Construction” means the erection, repair, renovation, alteration, demolition and relocation of a structure and includes the site works associated therewith.
 - c) “Designated Officer” is such person who is appointed by the Town from time to time to enforce the terms of this by-law;
 - d) “Occupant” is the person shown in the latest assessment roll of the Town as the registered owner of the land, or a person leasing the land from the registered owner;
 - e) “Person” includes an individual, a partnership, and a corporation;
 - f) “Semi-trailer” means a trailer so constructed that its weight and the weight of its load is carried partly upon an axle of the truck tractor towing it, and partly upon the axle of the trailer;
 - 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) “Town” means the Town of Stonewall;
- i) “Vehicle” means any vehicle which in order to be lawfully operated must be registered under The Highway Traffic Act, and/or The Off-Road Vehicle Act, and includes cars, trucks, trailers, snowmobiles, motorcycles, all terrain vehicles, motors, 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. a) This by-law applies to all property located within the Town, unless the storage of such Derelict Vehicle is permitted under the Town’s Zoning By-law No. 35/91, as amended from time to time.
- b) A person who requires the temporary use of a Semi-trailer for a duration of time greater than thirty (30) days and less than twelve (12) months for the storage of goods, materials or equipment associated and integral to the purpose of Construction may apply to the Town and be issued a Permit for the said Semi-trailer. The person must complete the Application for the Permit attached hereto as Schedule “E” to this By-law and must pay the Permit Fee upon application as prescribed in Schedule “F” attached to this By-law.

Storage of Derelict Vehicles:

- 3. No person is allowed to Store a Derelict Vehicle upon his or her property or property which a person is leasing.

Entry to Determine Compliance:

- 4. If the Town suspects that an Occupant is in contravention of any of the terms of this By-law the Designated Officer of the Town 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 Town.
- 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 Town.
- c) Upon the Designated Officer forwarding an Order as set forth in (a) above and the Occupant not appealing such Order or the Town upholding the appeal of such Order, and fourteen (14) days have expired from the date of service of 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 designated 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;

- 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 Town 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 Section 6.0 hereof and all costs incurred by the Town 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 shall constitute a separate offence.

Added to the Property Tax Roll:

- 7. Any penalties, costs of removal, costs of storage, and/or costs of disposal, are debts owed by the Occupant to the Town and same may be collected in any manner in which a tax or debt owed to the municipality may be collected or enforced under the Municipal Act.

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, and the costs of storage, the amount remaining outstanding continues to be a debt owed by the Occupant to the Town and may be collected in any manner as referred to in Section numbered 7 hereof.

Repeal of By-law No. 801:

- 9. By-law No. 801 is hereby repealed in its entirety.

DONE AND PASSED in Council duly assembled at the Town of Stonewall, this day of , A.D., 2000.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time the 14th day of June A.D., 2000.
 Read a second time the 12th day of July A.D., 2000. as amended
 Read a third time this day of A.D., 2000. as amended

**Schedule "A"
to By-law No. 11/00**

**NOTICE OF ENTRY TO
DETERMINE COMPLIANCE**

**Section 4. Entry to Determine Compliance, pursuant to
Town of Stonewall By-Law No. 11/00**

Pursuant to Section 4. of By-law No. 11/00, being the by-law of the Town of Stonewall to regulate the storing of Derelict Vehicles as defined in the said By-law, the Town hereby gives Notice that the Designated Officer of the Town shall enter upon _____

Civic Address

_____ between the hours of _____ and _____
 Legal Description

on _____.
 day, month, year

to carry out an inspection to determine compliance with By-law No. 11/00.

A Copy of By-law No. 11/00 is enclosed for your information.

If the above time and date IS NOT acceptable please contact the undersigned to arrange an alternative time.

 Designated Officer
 By-law No. 11/00

 Date

467-5561
 467-9129 Fax

 239 Main Street
 Box 250
 Stonewall, MB
 R0C 2Z0

Schedule "B"
to By-law No. 11/00

**DERELICT VEHICLE
ORDER**

**Section 5. a) Contravention Order for Storage of Derelict Vehicle, pursuant to
Town of Stonewall By-law No. 11/00**

THE TOWN OF STONEWALL HEREBY NOTIFIES AND ADVISES THAT THE FOLLOWING DESCRIBED VEHICLE IS BEING STORED ON THE FOLLOWING DESCRIBED PROPERTY IN CONTRAVENTION OF BY-LAW NO. 11/00.

Description of Vehicle: _____

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

Legal Description: _____

Civic Address: _____

BY-LAW NO 11/00 DEFINES A "DERELICT VEHICLE" AS ANY VEHICLE WHICH DOES NOT FALL INTO ONE OF THE FOLLOWING CATEGORIES:

- i) is duly registered under The Highway Traffic Act,
- ii) is capable of being duly registered under The Highway Traffic Act and the person who is the owner thereof possesses an 'Inspection Certificate' as prescribed under The Highway Traffic Act,
- iii) the vehicle registration has lapsed and/or cancelled in the last eighteen (18) months and the Vehicle is still owned by the same Person shown on the registration and thus the Vehicle is capable of being registered without an "Inspection Certificate"
- iv) the Vehicle has storage insurance placed thereon with the Manitoba Public Insurance Corporation insuring the value of the vehicle,
- v) is enclosed wholly within an enclosed building,
- vi) is totally covered with the exception of the tires thereof by a tarp or other suitable cover;
- vii) a Semi-trailer which, whether registered under the Highway Traffic Act or not, is moved a minimum distance of one (1) mile every thirty (30) days except where a Permit prescribed in Section 2.b) of By-law No. 11/00 has been issued for said semi-trailer.

By-law No. 11/00 defines a "vehicle" as any vehicle which in order to be lawfully operated must be registered under The Highway Traffic Act, and/or The Off-Road Vehicle Act, and includes cars, trucks, trailers, snowmobiles, motorcycles, all terrain vehicles, motors, 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. 11/00 STATES THAT NO PERSON SHALL STORE A DERELICT VEHICLE UPON THEIR PROPERTY OR THE PROPERTY OF OTHERS.

The Town hereby provides notice that if the above described Derelict Vehicle is not removed or otherwise brought into compliance with By-Law No. 11/00 within fourteen (14) days of the receipt of this Order the Town shall remove said Derelict Vehicle and you will be subject to such penalty as set forth in By-Law No. 11/00 as well as all costs incurred by the Town in the removal and storage of said Derelict Vehicle.

If the subject Derelict Vehicle is removed by the Town the Derelict Vehicle shall be stored for a period of ten (10) days by the Town. If you do not claim said Derelict Vehicle within this ten (10) day period and pay all penalties and costs owed to the Town the Town 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 Town.

If you wish to appeal this Order you may do so in writing. **You must make such written appeal and deliver it to the Town within fourteen (14) days of the receipt of this Order.** Deliver your written appeal to:

The Council of the Town of Stonewall
293 Main Street
Stonewall, MB
R0C 2Z0

Signed and issued on behalf of the Town of Stonewall this _____ day of _____, A.D. _____.

Designated Officer
By-law No. 11/00

Date

Schedule "C"
to By-law No. 11/00

**REMOVAL OF
DERELICT VEHICLE
NOTICE**

**Section 5. c) Removal and Storage of Derelict Vehicle, pursuant to
Town of Stonewall By-Law No. 11/00**

PURSUANT TO SECTION 5. c) OF BY-LAW NO. 11/00 THE FOLLOWING DESCRIBED
DERELICT VEHICLE HAS BEEN SEIZED AND REMOVED BY THE TOWN OF
STONEWALL FOR CONTRAVENTION OF BY-LAW NO. 11/00.

Description of Derelict Vehicle: _____

THE DERELICT VEHICLE IS STORED AT:

Company Name : _____

Civic Address: _____

Legal Desc. : _____

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

Penalty: \$ _____

Removal Costs: \$ _____

Storage Costs: \$ _____ / day

**If you do not claim said Derelict Vehicle within this ten (10) day period and pay all penalties
and costs owed to the Town the Town 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 Town. If there are any excess proceeds from the disposal of the Derelict after the
payment of the penalties and costs owed to the Town the excess proceeds shall be paid to the
Occupant as defined in By-law No. 11/00.**

Signed and issued on behalf of the Town of Stonewall this _____ day of _____, A.D.

Designated Officer
By-law No. 11/00

**Schedule “D”
to By-law No. 11/00
Section 6. Penalties**

1. Any person who contravenes, or neglects, omits, fails or refuses to comply with any provision of By-law No. 11/00 is guilty of an offence and is subject to the following penalty;
 - i) Fifty Dollars xx/xx (\$ 50.00) for each offence

Schedule "E"
to By-law No. 11/00
Section 2.b) Permit for Storage Trailer

1. Application for a Permit for the placement of a Semi-trailer for a period greater than thirty (30) days and less than twelve (12) months for the purpose of the temporary storage of goods, materials or equipment associated and integral to the purpose of construction shall be made on the following Application Form:

PERMIT FOR TEMPORARY STORAGE TRAILER

NAME: _____

ADDRESS: _____

TELEPHONE: _____

PURPOSE FOR TEMPORARY STORAGE:

LOCATION (Legal and Civic) of property where trailer will be stored:

Legal: Lot _____ Block _____ Plan _____

Civic Address: _____

EXPECTED TIME REQUIRED FOR STORAGE: _____

Note: (May be no longer than 12 months)

SIGNATURE OF APPLICANT: _____

DATE: _____

Town Use Only:

APPROVED BY: _____

DATE: _____

Schedule ‘F’
to By-law No. 11/00
Section 2.b) Permit for Storage Trailer

1. The fee for a Permit for the placement of a Semi-trailer for a period greater than thirty (30) days and less than twelve (12) months for the purpose of the temporary storage of goods, materials or equipment associated and integral to the purpose of construction shall be as follows:
 - i) One Hundred Dollars xx/xx (\$ 100.00) for each Permit