

BY-LAW NO. 2770

A BY-LAW OF THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE RESPECTING **DERELICT VEHICLES**.

WHEREAS Section 300 of the Municipal Act, C.M. 225, RSM provides for the passing of a By-Law respecting derelict vehicles;

AND WHEREAS the Council of the Rural Municipality of Portage la Prairie deems it necessary to pass a By-Law to control derelict vehicles within the Municipality;

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE IN OPEN SESSION DULY ASSEMBLED ENACTS A BY-LAW AS FOLLOWS:

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 not in operating condition;
 - (b) it 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) it is kept in the open; and
 - (d) 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 motor vehicle all or some of the parts of which have been removed, and to which clauses (b), (c), and (d) apply.

Determination of Abandonment

3. Unless the owner thereof establishes the contrary to the satisfaction of the Secretary-Treasurer of the Municipality, or of a court, if the matter is before a court for adjudication, an object to which paragraph 2 otherwise applies shall be deemed to be abandoned within the meaning of subparagraph 2(d) if, for a period of at least one month,
 - (a) it has been left in the open; and
 - (b) it has in the opinion of the Secretary-Treasurer of the Municipality or the Court, been deserted.

Prohibition and Consequences

4. No person, firm or corporation may park or leave derelict vehicles on private property with or without the consent of the owner of the property.
5. The Municipality may remove and impound any derelict vehicle parked or left on private property in contravention of this By-Law.
6. Upon impounding any derelict vehicle, the Municipality 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 Municipality.
7. Any person found to be guilty of violating any provision of this By-Law shall be liable on conviction to a fine of not more than \$20. Each day on which the violation of the provision of this By-Law continues is a separate offence.
8. All costs and charges incurred in towing, impounding, storing, destroying, or disposing of a derelict vehicle removed by the Municipality 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 Municipality, and may be recovered by the Municipality in any court of competent jurisdiction.

DONE AND PASSED as a By-Law of the Rural Municipality of Portage la Prairie by the Reeve and Council thereof in open session assembled this 23rd day of May, A.D. 1995.

[Original signed by James A. Knight]
REEVE

[Original signed by Richard C. Locke]
SECRETARY-TREASURER