

THE LOCAL GOVERNMENT DISTRICT OF CHURCHILL
BY-LAW NO. 481/91

A BY-LAW OF THE LOCAL GOVERNMENT DISTRICT OF CHURCHILL AUTHORIZING THE PROHIBITION, LICENSING, REMOVAL, IMPOUNDMENT, STORAGE, DESTRUCTION OR DISPOSITION, OF ANY DERELICT VEHICLE LOCATED ON PRIVATE PROPERTY WITHIN THE LOCAL GOVERNMENT DISTRICT OF CHURCHILL.

WHEREAS Section 5(1) of The Local Government Districts Act, C.C.S.M., cL190 provides that a local government district has the rights, powers, duties and liabilities of a municipality under The Municipal Act;

AND WHEREAS under Section 300(3) of The Municipal Act, being Chapter M225 of the Revised Statutes of Manitoba, 1988, The Local Government District of Churchill may pass by-laws respecting derelict vehicles;

AND WHEREAS it is the intention of The Local Government District of Churchill to assist citizens in undertaking the overall improvement and maintenance of a healthful and beneficial community environment;

AND WHEREAS derelict vehicles tend to interfere with the enjoyment of property, reduce the value of private property, invite plundering, create fire hazards, and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of The Local Government District of Churchill;

THEREFORE The Local Government District of Churchill passes and enacts a by-law as follows:

1. (1) In this by-law

- (a) "derelict vehicle" means an object which is not a new and unused vehicle, and
 - (i) it is not in operating condition;
 - (ii) 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;
 - (iii) it is kept in the open; and
 - (iv) the owner thereof either has abandoned it or 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 or some of the parts of which have been removed to which clauses (ii), (iii) and (iv) apply;

- (b) "private property" means any privately owned parcel of land within the boundaries of The Local Government District of Churchill, except
 - (i) properties duly licensed as scrap metal yards;
 - (ii) properties where derelict vehicles are held in connection with a business enterprise lawfully licensed by The Local Government District of Churchill and properly operated in the appropriate business zone, pursuant to the zoning laws of The Local Government District of Churchill.

- (2) For the purposes of this By-law and without limiting the generality of subsection (1) a derelict vehicle to which subsection (1) otherwise applies shall be deemed to have been abandoned within the meaning of clause (iv) of subsection (1) if, for a period of at least one month it has been left in the open and if it has in the opinion of The Local Government District of Churchill, been deserted.

2. (1) No owner, occupant or person in charge of or control of private property within The Local Government District of Churchill shall park, store, leave or permit the parking, storing, or leaving of any derelict vehicle upon the private property, unless a current derelict vehicle license for that vehicle has been issued by The Local Government District of Churchill.
- (2) A derelict vehicle license may be obtained from The Local Government District of Churchill by applying in writing on the form set out as Schedule "A" to this by-law and paying an annual sum of Fifty Dollars (\$50.00) per vehicle per year.
3. No person shall park or leave a derelict vehicle on private property within The Local Government District of Churchill with or without the consent of the owner, occupant or person in charge of the property.
4. The presence of a derelict vehicle on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this By-law.
5. Whenever it comes to the attention of The Local Government District of Churchill that any nuisance as mentioned in subsection 4 exists in The Local Government District of Churchill a notice in writing shall be served by registered mail upon the owner, occupant or person in charge or control of the private property where the nuisance exists, notifying them of the existence of the nuisance and requesting its removal within the time specified in this By-law.
6. Upon proper notice and opportunity to be heard, the owner of the derelict vehicle and the owner, occupant or person in charge or control of the private property on which the derelict vehicle is located, either or all of them, shall be responsible for its removal.
7. The Local Government District of Churchill shall give notice of removal to the owner, occupant or person in charge or control of the private property where the derelict vehicle is located, at least one month prior to the time of compliance. It shall constitute sufficient notice, when a copy of the notice is posted in a conspicuous location upon the private property on which the derelict vehicle is located and duplicate copies are sent by registered mail to the owner, occupant or person in charge or control of the private property at his or her last known address.
8. The notice shall contain the request for removal within the time specified in this By-law, and the notice shall advise that upon failure to comply with the notice to remove, The Local Government District of Churchill or its representative, agent or designee shall undertake such removal.
9. If the violation described in the notice has not been remedied within the one month period of compliance, The Local Government District of Churchill or its representative, agent or designee is hereby authorized to enter upon the private property and shall have the right to take possession of the derelict vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon the private property for the purpose of removing a derelict vehicle under the provisions of this By-law.
10. Within seventy-two (72) hours of the removal of a derelict vehicle, The Local Government District of Churchill shall give notice to the owner of the derelict vehicle, if known, that the vehicle or vehicles, has been impounded and stored for violation of this By-law. The notice shall specify the location of storage.
11. The Local Government District of Churchill may destroy or dispose of the derelict vehicle if the impounded derelict vehicle is not claimed by the owner within thirty (30) days.
12. The owner of any derelict vehicle seized under the provisions of this By-law may claim the vehicle at any time after its removal but prior to the disposition or destruction of the vehicle upon proof of ownership and payment to The Local Government District of Churchill of a sum that may be determined and fixed for the actual and reasonable expense of removal and any preliminary disposition expenses, not to exceed Two Hundred Dollars (\$200.00) plus a sum not to exceed Ten Dollars (\$10.00) per day for storage of each vehicle claimed.

13.If the owner does not claim the derelict vehicle, The Local Government District of Churchill may charge the owner of the vehicle and the owner, occupier or person in charge of or control of the private property from which the derelict vehicle was removed for the costs and charges incurred in the removing, impounding, storing, destroying or disposing of the derelict vehicle removed by The Local Government District of Churchill. The charge shall be the sum of Twenty-five Dollars (\$25.00) per vehicle and this charge shall be a debt owed jointly and severally to the Local Government District of Churchill by the owner of the derelict vehicle and the owner of the property from which it was removed. The costs and charges may be recovered by The Local Government District of Churchill in any court of competent jurisdiction.

14.Any person found guilty of violating the provisions of this By-law shall be liable to a fine of not more than Twenty (\$20.00) Dollars and shall be guilty of a separate offence for each day on which the violation of the provisions of the By-law continues.

15.The Local Government District of Churchill is not liable for damages for anything done by it that it is authorized to do under this By-law, if it satisfies the Court that it had reasonable cause to believe that the object with respect to which the action was taken was, in fact, a derelict vehicle.

16.That By-Law #124 be hereby rescinded.

DONE AND PASSED as a by-law of The Local Government District of Churchill this 17th day of October, A.D., 1991.

**THE LOCAL GOVERNMENT
DISTRICT OF CHURCHILL**


Christine Playfoot
Resident Administrator

Read a first time this 17th day of October, A.D., 1991.

Read a second time this 17th day of October, A.D., 1991.

Read a third time this 17th day of October, A.D., 1991.



APPROVED
Municipal Services

SCHEDULE "A"
ATTACHED TO BY-LAW NO. 481/91
OF THE LOCAL GOVERNMENT DISTRICT OF CHURCHILL

DERELICT VEHICLE LICENSE APPLICATION

1. Name and address of owner of derelict vehicle: _____

2. Description of derelict vehicle: _____
Make: _____
Model: _____
Serial No.: _____

3. Name and address of owner, occupant or person in charge of land where derelict vehicle to be parked: _____

4. Origin of derelict vehicle: _____
Previous owner's name and address: _____

Date of acquisition: _____
Terms: _____

DATED at The Local Government District of Churchill, this day of , 1991.

Signature of owner of derelict vehicle
named in paragraph 1 hereof.

Signature of person named in
paragraph 3 hereof.

SCHEDULE "A"
ATTACHED TO BY-LAW NO. 481/91
OF THE LOCAL GOVERNMENT DISTRICT OF CHURCHILL

DERELICT VEHICLE LICENSE APPLICATION

1. Name and address of owner of derelict vehicle: _____

2. Description of derelict vehicle:
Make: _____
Model: _____
Serial No.: _____

3. Name and address of owner, occupant or person in charge of land where derelict vehicle to be parked: _____

4. Origin of derelict vehicle:
Previous owner's name and address: _____

Date of acquisition: _____
Terms: _____

DATED at The Local Government District of Churchill, this day of _____, 199__.

Signature of owner of derelict vehicle
named in paragraph 1 hereof.

Signature of person named in
paragraph 3 hereof.

Part of SCHEDULE "A"
ATTACHED TO BY-LAW NO. 481/91
OF THE LOCAL GOVERNMENT DISTRICT OF CHURCHILL

DERELICT VEHICLE LICENSE NO. _____

MAKE: _____

MODEL: _____

SERIAL NO.: _____

FOR: _____

LICENSE EXPIRY DATE _____

Signature of Issuer

TO BE AFFIXED IN A VISIBLE AREA ON THE FRONT OF THE DERELICT VEHICLE.

SCHEDULE "B"
ATTACHED TO BY-LAW NO. 481/91
OF THE LOCAL GOVERNMENT DISTRICT OF CHURCHILL

\$25.00 FEE

DERELICT VEHICLE REMOVAL APPLICATION

1. Name and address of derelict vehicle: _____

2. Description of derelict vehicle:
Make: _____
Model: _____
Serial No.: _____

3. Name and address of owner, occupant or person in charge of land from where derelict vehicle to be removed: _____
4. Origin of derelict vehicle:
Previous owner's name and address: _____

Date of acquisition: _____
Terms: _____

DATED at The Local Government District of Churchill, this day of _____, 199__.

AUTHORIZATION FOR REMOVAL

This is to certify that the Local Government District of Churchill has my full authority to remove the said derelict vehicle from _____ at a fee of \$25.00 (see receipt # _____).

Signature of Owner

Signature of L.G.D. Representative