

TOWN OF THE PAS

BY-LAW NO. 4574

BEING A BY-LAW OF THE TOWN OF THE PAS WITH RESPECT TO THE STORAGE OF UNREGISTERED / DERELICT VEHICLES AND TO REPEAL BY-LAW NO. 4496.

WHEREAS Section 232 and 233(b) of The Municipal Act provides that a council may 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;

AND WHEREAS it has been determined that the presence of unregistered / derelict vehicle, when left in public view, creates an unsightly nuisance;

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

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. Definitions

In this by-law:

- a) **“derelict vehicle”** is any vehicle that is not in operating condition; cannot meet safety standards as legislated by the Province of Manitoba from time to time; does not have attached and exposed one or more permit plates for the current registration year and is kept in the open
- b) **“designated officer ~~enforcement officer / by-law officer~~”** is the person or persons designated by the Town from time to time as responsible for the enforcement of its by-laws
- c) **“person”** includes a corporation
- d) **“property”** means real property
- e) **“store”** means to keep or allow to be kept
- f) **“unregistered vehicle”** means a motor vehicle or trailer which, in order to be lawfully driven or towed on a highway, must be registered under *The Highway Traffic Act* or any vehicle which is capable of being registered pursuant to *The Off Roads Vehicles Act*, but which motor vehicle, trailer or vehicle has not been validly registered under the appropriate Act within the immediately preceding thirty (30) days, and shall include motors, transmissions, assembly systems, chassis and body or other parts of a said vehicle or trailer longer than .03 metres in any dimension;

2. This by-law applies to owners, tenants and occupants of real property within the Town of The Pas.

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3. An unregistered vehicle / derelict vehicle may only be stored within the Town of The Pas under the following conditions:
 - a) it is located at the rear of any dwelling or principal building on the property, and;
 - b) it is stored in a manner that is safe, and;
 - c) it is entirely screened from public view, in a tidy and well maintained manner, and;
 - d) it is free from tall grass and weeds, and;
 - e) it is stored in an environmentally safe manner, or;
 - f) in the alternative, it is stored in accordance with any permit, issued by the Town of The Pas, to store an unregistered vehicle / derelict vehicle.
4. Any owner, tenant, occupant, or person in charge or control of a private real property within the jurisdictional limits of the Town of The Pas, who wishes to keep an unregistered vehicle / derelict vehicle thereon, and the storage of said vehicle, would not meet the conditions of Sections 3. a) to 3 e), may apply to the Town of The Pas for a permit to do so. Conditions may be attached, at the discretion of the Town of The Pas, for the granting of such permit.
5. An application for a permit to an unregistered vehicle / derelict vehicle shall be in the form attached as Schedule "A" to this by-law and the applicant shall pay a fee of \$25.00 per annum for such permit.
6. An owner, tenant or occupant of real property, within the Town of The Pas, who stores an unregistered vehicle / derelict vehicle on his/her property, within the Town of The Pas, contrary to this by-law is guilty of an offence.
7. Each unregistered vehicle / derelict vehicle stored or permitted or allowed to be stored by a person contrary to this by-law is a separate offence.
8. Each day an unregistered vehicle / derelict vehicle is stored or permitted or allowed to be stored by a person contrary to this by-law is a separate offence, and is a continuing offence.
9. Any person violating any of the provisions of this by-law shall be liable to a fine not exceeding one thousand dollars (\$1,000.00), refer to the Town of The Pas Provincial Offences Act By-Law No. 4572.

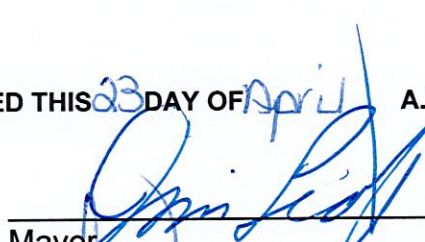
Furthermore every person violating any of the provisions of this by-law is liable to the Town for any expenses, loss or damage incurred by the Town by reason of such violation and such cost along with the fine may be charged against the property owner and treated and collected as taxes levied against the property.
10. A Town of The Pas Designated Officer may enter property upon an unregistered vehicle / derelict vehicle is being stored contrary to this by-law and remove and impound the vehicle at a place designated by Designated Officer.
11. Any vehicle removed and impounded as aforesaid may be redeemed by the owner thereof upon paying all removal, impoundment, storage and other costs and charges incurred by the municipality to that date.

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- 12. If the aforesaid vehicle is not claimed and redeemed by the owner thereof, a Designated Officer or his designated representative may destroy or make other disposition of any vehicle so removed and impounded as he/she may in his/her sole discretion decide to be appropriate in each case.
- 13. A Designated Officer shall give thirty (30) days' notice, in writing, of his/her intention to destroy or make such other disposition of the aforesaid vehicle, which notice may be given to the registered owner of the real property upon which the vehicle was removed. Notice shall be deemed to have been given upon depositing it with Canada Post, postage prepaid, and addressed to the address shown in the records of the Town of The Pas for the registered owner of the aforesaid real property.
- 14. The costs and charges incurred by the removal, impoundment, storage, destruction or disposition of any vehicle removed from private property under the authority of this by-law shall be debt owed by the owner of the vehicle and the real property from which it was removed, jointly and severally, to the Town of The Pas, and, may, at the absolute discretion of the Town of The Pas, be recovered by the Town of The Pas in any court, or by distress, or the Town of The Pas may levy the costs and charges aforesaid against the property from which the vehicle was removed and recover it in a like manner as taxes and arrears.
- 15. By-law No. 4496 is hereby repealed.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 23 DAY OF April A.D., 2018.



Mayor



Assistant Chief Administrative Officer

CERTIFIED THAT BY-LAW NO. 4574 WAS:

READ A FIRST TIME THIS 9th DAY OF April A.D. 2018

READ A SECOND TIME THIS 23rd DAY OF April A.D. 2018

READ A THIRD TIME THIS 23rd DAY OF April A.D. 2018



Assistant Chief Administrative Officer

TOWN OF THE PAS

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SCHEDULE "A"



APPLICATION FOR

UNREGISTERED / DERELICT VEHICLE PERMIT

BY-LAW NO. 4574

Unregistered Vehicle Year and Make _____

Name of Vehicle Owner _____

Mailing Address - Vehicle Owner _____

Real Property Description _____

Real Property Address _____

Real Property Owner _____

Mailing Address - Property Owner _____

Signature - Vehicle Owner

Date

Signature - Property Owner

Date

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SCHEDULE "A"



PERMIT FOR UNREGISTERED VEHICLE LICENCE

BY-LAW NO. 4574

_____ is hereby authorized to store
(Name of Owner)

(description of vehicle)

on the property located at _____
(civic Address)

for the period from _____ to _____,

subject to the following conditions:

PERMIT NUMBER: _____

DESIGNATED OFFICER

DATE