

**CONTINUING CONSOLIDATION OF
DERELICT VEHICLE BY-LAW NO. 6481**

AS AMENDED BY BY-LAW NO. 6778.

BEING A BY-LAW of The City of Brandon for the purpose of identifying and dealing with derelict vehicles.

WHEREAS The Municipal Act, RSM 1996, c.M225, provides authority for a municipality to deal with parking and storing of vehicles on private property as well as activities or things which are or could become a nuisance in the opinion of the council;

AND WHEREAS The City of Brandon has deemed it necessary and expedient to adopt a regulatory by-law for the purpose of identifying and dealing with derelict vehicles;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

1. (a) “Abandoned” means if, for a period of at least 30 days, the object has, in the opinion of the License Inspector,
 - (1) been left in the open; and,
 - (2) been deserted.[AM. B/L 6778]
 - (b) “Derelict vehicle” means any vehicle which is not new or unused, and
 - (1) is not roadworthy;
 - (2) does not have attached and exposed thereon, one or more number plates with a current registration year under sticker as issued and required under The Highway Traffic Act;
 - (3) is kept in the open; and
 - (4) 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 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 (2), (3), and (4) apply.
[AM. B/L 6778]
 - (c) “Inspector” means the License Inspector, any Brandon Police Services Officer, or By-law Enforcement Officer, associated with the Brandon Police Service or the Brandon Fire Department, or any other person authorized and entrusted to enforce this by-law.
 - (d) “Not Roadworthy vehicle” means a vehicle that requires major repairs to become roadworthy.
 - (e) “Roadworthy vehicle” means a vehicle that is in suitable condition for use on a roadway, requires and meets that standards of safety and repair maintained by the Registrar of Motor Vehicles in accordance with Manitoba Regulation 75/94, the Vehicle Safety Inspection Regulation.
 - (f) “Unfit vehicle” means a vehicle that requires minor repairs to become roadworthy, meeting most of the standards of safety and repair.
[EN. B/L 6778]
2. (a) It shall be an offence for any person to park, abandon, or leave, a derelict vehicle on private property with or without the consent of the owner of the property.
 - (b) It shall be an offence for any owner, occupant, or person in charge or control of private property to keep, or allow to be kept, any derelict vehicle on the property.

2. (c) It shall be an offence for any owner, occupant or person in charge or control of private property to keep, or allow to be kept, any vehicle that is roadworthy, unfit, or not roadworthy that is not registered in that it does not have attached thereon, and exposed thereon, one or more number plates issued under The Highway Traffic Act, for the current registration year under that Act whereby a sticker is required to be displayed on the number plate evidencing the fact that the vehicle's registration is valid and current, and is left in the open.
[EN. B/L 6778]
3. Notwithstanding subsections 2(b) and (c), an owner, occupant, or person in charge or control of private property may make application to the License Inspector for a permit to keep a derelict or unregistered vehicle. Such permit is valid for no longer than nine (9) months and the fee is \$50.00 for each three month period, or part thereof, payable in advance. A request for an extension to the permit period may be made in writing to the License Inspector, whereby same shall be reviewed by the City Treasurer or his designate, and the Chief of Police or his designate prior to such request being granted.
[AM. B/L 6778]
4. (a) Any derelict vehicle parked, abandoned, or left on private property contrary to the provisions of this by-law may, upon direction from the Inspector, be removed and impounded for a period of forty-five (45) days.
[AM. B/L 6778]
- (b) The owner of the derelict vehicle or the property owner may recover the derelict vehicle by paying the costs for removal and impoundment.
- (c) In the event that the derelict vehicle is not claimed during the impoundment period the Inspector may destroy or otherwise dispose of the derelict vehicle. Where disposal of the vehicle generates more revenue than the outstanding costs owing to the City any excess monies will be released to the owner, if known. If the owner can not be located any excess monies will be retained by the City and deposited to its general revenue account.
[AM. B/L 6778]
- (d) All costs for removal and impoundment are the responsibility of the property owner from which the derelict vehicle was removed and, if same are not paid in response to a registered bill, the City may add these costs to the property taxes.
5. The provisions of this by-law shall not apply to any person engaged in operating a garage, auto wrecking business, used car lot, scrap business, or other similar use business providing they are operating in accordance with the provisions of the Zoning By-law.
6. By-law No. 4247, and amending By-laws No. 4565 and No. 5023/41/81, are repealed.
7. This by-law shall come into full force and effect on the day following its passage.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 8th day of September, A.D. 1997.

“J. R. Reid”

DEPUTY MAYOR

“ W. I. Ford”

CITY CLERK

Read a first time this 25th day of August, A.D. 1997.
 Read a second time this 8th day of September, A.D. 1997.
 Read a third time this 8th day of September, A.D. 1997.

I, William Ian Ford, Clerk of the municipality of The City of Brandon DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 6481, as amended by By-law No. 6778.

 W. I. Ford, City Clerk