

**TOWN OF NEEPAWA
BY-LAW NO. 2316**

**BEING A BY-LAW OF THE TOWN OF NEEPAWA FOR THE PURPOSE OF CONTROLLING
OF DERELICT OR ABANDONED VEHICLES.**

WHEREAS Section 294 (3) of the Municipal Act, being Chapter M225 of the Revised Statutes of Manitoba, provides for the passing of By-Laws respecting derelict vehicles.

AND WHEREAS it is deemed desirable and expedient for the purposes of the Town of Neepawa to pass a By-Law to control the abandonment of derelict vehicles within the boundaries of the Town of Neepawa.

NOW THEREFORE the Council of the Town of Neepawa in session duly assembled enacts as follows:

SHORT TITLE

This By-Law may be cited as the Derelict Vehicle By-Law.

DEFINITION

1. ABANDONED VEHICLE
 - a. Is one which may be in operating condition, inoperable condition or partly dismantled.
 - b. 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. Has been left deserted without lawful authority for a period of fourteen (14) days on public land or on private land without the consent or knowledge of the landowner.
 - d. Is kept in the open and the owner thereof either has abandoned it or is keeping it primarily for the purpose of salvaging or selling parts there from or for the eventual sale thereof as scrap metal;
2. DERELICT VEHICLE - means any motor vehicle which meets all of the following conditions:
 - a. The body or chassis of a used motor vehicle all or some of the parts of which have been removed.
 - b. Is not in operating condition (does not meet road worthiness criteria, as set down in Section 296 of The Highway Traffic Act)
 - c. Is not a registered motor vehicle in the Province of Manitoba for the current registration year.
 - d. Is kept primarily for the salvaging of parts or for scrap metal value or because cost of removal is too expensive.
 - e. Is located on private land with the consent of the Landowner or is owned totally by the landowner.
3. METALLIC WASTES - means any waste material which is predominantly of metallic content and which may include farm machinery and household appliances.
4. MOTOR VEHICLE – means a vehicle not run upon rails that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires, but does not include a farm tractor, a self-propelled implement of husbandry or a special mobile machine.
5. OFFICER – means any person appointed by the Town of Neepawa to administer these regulations, or a member of the Royal Canadian Mounted Police or the Police force in the same area where an abandoned, derelict or scrapped motor vehicle is found.
6. SCRAP DEALER – means a person engaged in the recovery or processing of metals from manufactured items or the purchase of such metals for the purpose of resale.

7. SPECIAL MOBILE MACHINE – means a vehicle
 - a. That is not designed or primarily used for the transportation of persons, chattels or materials, or
 - b. That is designed for moving earth or structural materials at low speeds off highways.
 - c. Is only incidentally operated or moved on the highway and that is used primarily for the purpose of construction of buildings or other structures or the construction or maintenance of highways, but does not include a dump truck, truck mounted transit mixers and other truck mounted machines.
8. SCRAPPED VEHICLE – means a derelict or abandoned vehicle which has been purchased by or removed to an auto body yard, scrap metal dealer or vehicle salvage yard for the purpose of selling, processing or reusing parts or sections of the vehicle.
9. VEHICLE – means a device in, upon, or by which a person or things is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or trucks and includes an implement of husbandry that is not a motor vehicle, and a special mobile machine.
10. VEHICLE SALVAGER – means a person engaged in the dismantling of motor vehicles or maintaining a facility for the dismantling of motor vehicles for parts.

FOR THE PURPOSE OF THIS BY-LAW

Unless the owner of the vehicle established the contrary to the satisfaction of the duly appointed officer of the Town of Neepawa, the vehicle shall be deemed to have been abandoned within the meaning of sub-section (1) of Section 294 of The Municipal Act, Chapter M225, of the Revised Statutes of Manitoba.

1. NO PERSON SHALL park or leave derelict vehicles or metallic waste on private property with or without the consent of the owner of the property.
2. Any owner, occupant or person in charge or control of private property who wishes to keep derelict vehicles thereon must first obtain a license or permit for the purpose from the Secretary –Treasurer of the Town of Neepawa.
3. The Council of the Town of Neepawa shall fix the amount to be charged for such license or permit, which license or permit shall be renewable annually.
4. The Council of the Town of Neepawa shall order the removal of any abandoned vehicle or metallic waste found within the boundaries of the Town of Neepawa, to the Derelict Vehicle Compound located on Parcel colored pink on a plan of part of the North West Quarter of Section 29 in Township 14 and Range 15 West of the Principal Meridian in Manitoba made by Clarence Edgar Brock of the City of Brandon, in Manitoba, Manitoba Land Surveyor, with seven (7) days of having received notification of the abandoned vehicle's location. Costs incurred in the removal and disposal of such vehicle may be recovered from the last person to legally own the vehicle.
5. The Council of the Town of Neepawa shall order the removal of any abandoned vehicle or metallic waste from public or private property within its boundaries to the Derelict Vehicle Compound and any costs incurred in the removal and disposal of such vehicles and metallic waste may be charged to the last owner or possessor of these vehicles and metallic waste.
6. Any vehicle or metallic waste of any kind which has been removed to the Derelict Vehicle Compound shall become the property of the Town of Neepawa.
7. The owner of a motor vehicle which is to be retired from service as a means of transportation shall cause the vehicle to be transported to the Derelict Vehicle Compound, or a vehicle salvager or scrap dealer.
8. No person shall retain a derelict vehicle or anything which formed part of a motor vehicle or metallic waste on his property in the open air, and/or in public view for a period exceeding that period designated by the Town of Neepawa without possessing a valid license or permit to operate as a vehicle salvager or scrap dealer.
9. No person shall abandon a motor vehicle or anything which formed part of a motor vehicle or any metallic waste on public property or on private property, but must remove

the vehicle or metallic waste if required by the Town of Neepawa, to a Compound, vehicle salvager or scrap dealer.

10. Any person found to be guilty of violating this By-Law shall be subject to a fine of not more than \$20.00. Each day on which the violation of the provisions of this By-Law continues is a separate offence.
11. The costs and charges incurred in towing, impounding, storing, destroying, or disposing of a derelict vehicle or metallic waste removed by the officer or duly appointed authority of the Council of the Town of Neepawa under the provisions of this By-Law is a debt owed by the owner of the derelict vehicle or metallic waste and the owner of the property from which it was removed, jointly and severally, to the Town of Neepawa, and may be recovered by the Town of Neepawa in any Court of competent jurisdiction.
12. The Town of Neepawa shall not be 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 action was taken was, in fact, a derelict vehicle or metallic waste.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT ON THE 19TH DAY OF APRIL, A.D., 1977.

DONE AND PASSED in Council assembled at the Council Chamber of the Town of Neepawa, in the Province of Manitoba this 19th day of April, A.D., 1977.

TOWN OF NEEPAWA

Mayor

Chief Administrative Officer