Agenda – Council – June 23, 2022

Report – Standing Policy Committee on Protection, Community Services and Parks – June 10, 2022

Item No. 1 Definition of a Derelict Vehicle

STANDING COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the following to Council:

1. That a by-law be enacted to amend the definition of "derelict vehicle" in the Neighbourhood Liveability By-law 1/2008, a draft of which is attached as Schedule A to this report.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Protection, Community Services and Parks – June 10, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2022, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE DECISION:

On March 9, 2022, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Assiniboia Community Committee and directed the Winnipeg Public Service to review the definition of a derelict vehicle in Section 18 of the Neighbourhood Livability By law 1/2008, and report back within 90 days with recommended amendments and three options for the projected outcomes to make it easier to declare a vehicle derelict.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2022, the Assiniboia Community Committee passed the following motion:

WHEREAS as Winnipeg continues to grow in density;

AND WHEREAS residents store vehicles on driveways that are not operable, rusty, and with flat tires for years at a time;

AND WHEREAS derelict vehicles have a negative impact on the neighbourhood, and can be areas for crime and infestations of rodents;

AND WHEREAS Section 18 of the Neighbourhood Livability By law 1/2008 defines a derelict vehicle as a used motor vehicle or the body or chassis of a used motor vehicle that:

Report – Standing Policy Committee on Protection, Community Services and Parks – June 10, 2022

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

(a) is not in an operating condition and is rusted, wrecked or partly wrecked, or is dismantled or partly dismantled; and

(b) is not insured and registered under The Highway Traffic Act and does not have a current, valid license plate attached to it; and

(c) has been entirely or partially located outside of a building for more than one month;

AND WHEREAS the multiple criteria that must be met to remove a vehicle is extremely restrictive and favours the violator,

AND WHEREAS non-operable vehicles that are an eyesore should be removed in a timelier manner as they negatively impact neighbourhood livability;

THEREFORE BE IT RESOLVED that the Standing Policy Committee on Protection, Community Services and Parks be requested to direct the Winnipeg Public Service to review the definition of a derelict vehicle in Section 18 of the Neighbourhood Livability By law 1/2008, and report back within 90 days with recommended amendments and three options for the projected outcomes to make it easier to declare a vehicle derelict.

ADMINISTRATIVE REPORT

Title: Definition of a Derelict Vehicle

Critical Path: Standing Policy Committee on Protection, Community Services and Parks – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
W. Yee	C. Fernandes	N/A	M. Jack

EXECUTIVE SUMMARY

The Neighbourhood Liveability By-law (NLB) regulates how derelict vehicles are defined and any restrictions for those vehicles being parked or stored on any property within the City of Winnipeg. Under the current definition a vehicle can only be declared derelict if it has been parked or stored outside for more than a month. This requires an enforcement officer to inspect a vehicle twice over a period of approximately 31 days and if violations are found, issue orders (deemed delivered after 3 days) and provide an additional 30 days for the owner to remediate the issue, resulting in a minimum 65 days before a derelict vehicle can be remediated.

The recommendations will create clarity and efficiencies for By-law Enforcement Officers when responding to community complaints about possible derelict vehicles by redefining what constitutes a derelict vehicle (DV). The redefinition will also reduce the minimum number of days to remediate a derelict vehicle from 65 days to 35 days.

RECOMMENDATIONS

1. That Council enact a by-law to amend the definition of “derelict vehicle” in the Neighbourhood Liveability By-law 1/2008, a draft of which is attached as Schedule A to this report.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On March 9, 2022, The Standing Policy Committee on Protection, Community Services and Parks directed the Winnipeg Public Service to review the definition of a derelict vehicle in Section 18 of the Neighbourhood Liveability By-law 1/2008, and report back with recommended amendments and three options for the projected outcomes to make it easier to declare a vehicle derelict.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no financial implications resulting from the recommendations of the report.

AMENDING THE DEFINITION OF “DERELICT VEHICLE”
The recommended amendment to this definition will create efficiencies in the process of determining if a vehicle is derelict by reducing the number of inspections down to a single inspection instead of the current requirement of two inspections over approximately 31 days.

By-law Enforcement Officers will also be provided with additional enforcement flexibility to complete a DV Investigation under both DV bylaws and/or garbage bylaws.

HISTORY/DISCUSSION

On February 22, 2022, the Assiniboia Community Committee approved a motion to review the definition of a derelict vehicle. Having received multiple complaints from residents that the current process to remove a derelict vehicle from a property is too long. The Assiniboia Community Committee moved to recommend to The Standing Policy Committee on Protection, Community Services and Parks (SPC-PCSP) that the Winnipeg Public Service be directed to review the definition of a derelict vehicle in Section 18 of the Neighbourhood Livability By-law 1/2008 (NLB).

On March 9, 2022, SPC-PCSP concurred that the process for the removal of a derelict vehicle needed to be “hastened” and directed the Public Service to report back within 90 days with recommended amendments and three options and the projected outcomes to make it easier to declare a vehicle derelict.

Community By-law Enforcement Services (CBES) currently enforces the NLB. Under its current three-stage enforcement process, most by-law enforcement service requests can be resolved in as little as one or two inspections where the respondent is voluntarily compliant with a by-law or in some cases three or more inspections if they are non-compliant with an order. It currently takes an enforcement officer approximately 31 days and a minimum of two inspections to be able to declare a vehicle derelict and issue a compliance order. By comparison, an enforcement officer can investigate and enforce a compliance order for garbage in approximately 14 days.

Section 18 of the NLB currently defines a derelict vehicle as a used motor vehicle or the body or chassis of a used motor vehicle that:

> (a) is not in an operating condition and is rusted, wrecked or partly wrecked, or is dismantled or partly dismantled;
>
> (b) is not insured and registered under The Highway Traffic Act and does not have a current, valid license plate attached to it; and
>
> (c) has been entirely or partially located outside of a building for more than one month.

It further defines “operating condition”, in relation to a vehicle, as capable of being driven on a highway (any public roadway) in compliance with The Highway Traffic Act.

Section 20 of the NLB prohibits any derelict vehicle to be parked or stored outside of a building on a residential or non-residential property.

Section 21 of the NLB compels enforcement staff to issue compliance orders to vehicle and property owners that include at least 30 days to comply with an order from the date the order was issued. In combination with section 18(c), this means a derelict vehicle would have to sit for more than 60 days total before the City could take enforcement action.

As part of the review of all potential options for amendments further considerations and consultations were conducted with Legal Services Department and the Winnipeg Police Service to ensure that any recommendations put forward would not negatively impact property rights, other vehicle enforcement jurisdictions or operations, and not contradict with the City of Winnipeg's own *Poverty Reduction Strategy*.

In preparing this report two main components of the existing DV definition and by-laws were reviewed for possible amendment options:

1. Adjustments to the definition of a derelict vehicle for greater clarity.
2. Reduction or elimination of any related time constraints related to DV Enforcement.

Option 1 (Recommended) - Eliminate 30 days and one additional inspection required to declare a vehicle derelict.

1. amend the definition of a "derelict vehicle" by deleting "or the body or the chassis of a motor vehicle", and "for more than one month" from the by-law.

Option 2 (Not Recommended) - Reduce the number of days required to provide for compliance from "no less than 30 days" down to 15 days (or other value as decided by Council) effectively reducing the overall enforcement process by at least 15 days.

1. Does not provide for any efficiencies in the number of days or number of inspections to declare a vehicle derelict.

Option 3 (Not Recommended) - Reduce both the time required to declare a vehicle derelict and the time to comply down to fifteen days each, effectively reducing the overall enforcement process by at least 30 days.

1. Still takes approximately 15 days and 2 inspections to declare a vehicle derelict.
2. 15 Days may be viewed as too short of a period to find alternative storage options.

Table 1: Positive outcomes created by each option compared to current process

		Stage 1 Investigation	Stage 2 Compliance	Minimum Totals	Results
		To determine if a violation exists	To determine compliance with an order [a]	To be able to remediate a compliance order.	Projected Outcomes
Example: Garbage Order	# Inspections	1	1	2	
	# Days	1	12	13	
Example: Current DV Order	# Inspections	2	1	3	
	# Days	31	34	65	
Option 1	# Inspections	1	1	2	-1
	# Days	1	34	35	-30 days
Option 2	# Inspections	2	1	3	0
	# Days	31	19	50	-15 days
Option 3	# Inspections	2	1	3	0
	# Days	16	19	35	-30 days

* Examples are under ideal conditions where there are no delays related to access to a property.

[a] includes 3 Days Service, X days to comply, 1 Day to conduct compliance inspection

For additional background

Stage Three – Enforcement of a DV Compliance Order is executed by the Winnipeg Police Service who is responsible for enforcing the compliance order, notifying the owners that their vehicle was removed and impounded, and providing instructions on how to retrieve their property. Any vehicles that are unclaimed after 10 days is subject to disposal by the impound facility under the provincial Garage Keepers Act.

FINANCIAL IMPACT

Financial Impact Statement Date: May 5, 2022

Project Name:

Definition of a Derelict Vehicle

COMMENTS:

There are no financial implications resulting from the recommendations of the report.

K. Lemoine May 5, 2022

Kelly Lemoine, CPA, CA
Manager of Finance and Administrative Services
Community Services Department

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)
- Winnipeg Police Service

OURWINNIPEG POLICY ALIGNMENT

01-4 HOUSING Direction 4: Provide leadership in encouraging and enforcing property related housing standards that create and promote safe living conditions for homeowners, tenants and for communities as a whole.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Community Services
Division: Community By-law Enforcement Services
Prepared by: John Lorbis, Coordinator Enforcement Processes and Business Support
Date: May 5, 2022
File No: CMS-2022-10

Attachments:

Schedule A - Draft amending By-law