**THE CITY OF WINNIPEG**

**BY-LAW NO. 41/2005**

**A By-law of the City of Winnipeg respecting derelict vehicles on private property.**

**THE CITY OF WINNIPEG,** in Council assembled, enacts as follows:

**Short title**

1 This By-law shall be referred to as the Derelict Vehicles By-law.

**Purpose of By-law**

2 This By-law is intended to prevent the unsightly condition, the depreciation of the value of other land and buildings in the vicinity and the threat to health and safety caused by derelict vehicles.

**Definitions**

3 In this By-law:

"building" includes a garage but does not include a carport, tarp or covering for a vehicle.

"derelict vehicle" means 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 parked outside of a building for more than one month**.**

**"**inspector" means

(a) a public health inspector appointed under The Department of Health Act or The Public Health Act; or

(b) the Director of Planning, Property and Development for the City of Winnipeg or the Director of Community Services for the City of Winnipeg or an employee of the City to whom either of them has delegated authority to enforce or administer all or part of this By-law.

"private property" means any privately-owned land within the City except

(a) a property that is licensed under the City of Winnipeg License By-law No. 6551/95 as a scrap yard or used material yard; or

(b) a property where derelict vehicles are otherwise kept in accordance with the applicable land use controls and licensed by the City of Winnipeg.

**Powers of designated employees**

4 Inspectors or the Chief of Police of the City of Winnipeg and their delegates may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with The City of Winnipeg Charter and, for those purposes, have the powers of a "designated employee" under The City of Winnipeg Charter.

**Prohibition on storing derelict vehicles on private property**

5(1) No person may park, store or leave a derelict vehicle on private property.

5(2) No owner or occupant of private property may permit a derelict vehicle to be parked, stored or left on his or her private property.

**Compliance orders**

6 Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter and provide a date for compliance at least thirty days after the date the order was served.

**Address for service**

7 Where an address for service for sending a notice, order, decision or other document is required, one of the following shall be used:

(a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property;

(b) if the person to be served is the occupant of real property, the street address for that property; or

(c) if the person named in the order is the owner of the vehicle, the last address registered for that vehicle at the Motor Vehicle Branch.

**Appeals**

8 An appeal from an order to remedy a contravention of this By-law may be made to the Community Committee for the area in which the derelict vehicle is situated in accordance with The City of Winnipeg Charter.

**Removal of derelict vehicle**

9 The Chief of Police of the City of Winnipeg may have a derelict vehicle removed in order to remedy a contravention of this By-law in accordance with The City of Winnipeg Charter.

**Notice of removal**

10 Within 72 hours after removing a derelict vehicle, the Chief of Police shall notify

(a) the owner of the derelict vehicle, if known, and

(b) the owner or occupant of the private property on which the derelict vehicle was situated

of the removal by personal service, or by sending it by registered mail or delivery to an address determined in accordance with section 6.

**Contents of notice**

11 The notice of the removal of a derelict vehicle shall:

(a) describe the derelict vehicle and the location from which it was removed;

(b) identify the location to which it has been removed;

(c) set out the costs that must be paid before the derelict vehicle may be returned to the owner; and

(d) advise that a failure to redeem the derelict vehicle by paying the costs could result in the derelict vehicle being disposed of by the City.

**Redemption of derelict vehicle**

12 The owner of a derelict vehicle may redeem it by providing proof of ownership and paying the costs of removing it, not to exceed $100.00, and the daily costs of storing it, not to exceed $20.00 per day.

**Sale of derelict vehicle by the City**

13 If a derelict vehicle has not been redeemed by the owner within 10 days after has been removed, the Chief of Police may dispose of the derelict vehicle and may execute a bill of sale to the purchaser of the derelict vehicle.

**Proceeds of sale**

14 The proceeds of the sale of a derelict vehicle may be used to offset the costs incurred by the City in enforcing this By-law, including removing and storing the derelict vehicle, and any balance remaining must be paid to the owner of the derelict vehicle or, if another person claims the balance, to the Court of Queen's Bench to be paid out as the court orders.

**Derelict Vehicle By-law repealed**

15 The Derelict Vehicle By-law No. 460/73 is hereby repealed.

**Amendment to Unsightly Premises By-law**

15 Clause 5(1)(b) of Schedule "A" of The Unsightly Premises By-law No. 8151/2002 is amended by striking out "vehicles".

**DONE AND PASSED,** in Council assembled, this ___ day of_____, 2005.

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Mayor

_____
City Clerk

Approved as to content:

_____
Director of Community Services

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services
File No.