

**CITY OF THOMPSON
BY-LAW NUMBER 1732-2007**

[As amended by Resolution No. 11-2008 and AM B/Ls 1793-2009 and
1803-2009]

**BEING A BY-LAW OF THE CITY OF THOMPSON FOR THE
PURPOSE OF IDENTIFYING AND DEALING WITH DERELICT
VEHICLES.**

WHEREAS The Municipal Act, R.S.M. 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 Thompson deems 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 Thompson, duly assembled, enacts as follows:

Definitions

- 1 (a) "Derelict Vehicle" means 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 thereto, and exposed thereon, one or more permit plates for the current registration year and is kept in the open.
- (b) "Immediately Dangerous Hazard" means any vehicle that does not comply with the standards of this By-law which in the of the Enforcement Officer is unsafe or dangerous or injurious to health or safety.
- (b) "Private Property" means any land within the boundaries of the City of Thompson, including those of the City of Thompson but excluding highways or a part of a highway;
- (c) "Highway" has the meaning given it by Section 68 (1) of The Highway Traffic Act, C.C.S.M. c. H60 1985;

- (e) “Enforcement Officer” means any peace officer, police officer, or constable of the R.C.M.P. or other officer, inspector, or employee of the municipality authorized to take action for carrying out or enforcing any provision of this By-law by the Council of the City of Thompson.
 - (f) “Abandoned” means if, for a period of at least thirty (30) days, the object has, in the opinion of the Enforcement Officer,
 - (i) been left in the open; and,
 - (ii) been deserted.

[AM B/L 1803-2009]
- 2 (a) No owner, occupant or person in charge or control of private property within the City of Thompson shall keep a derelict vehicle on said private property which is situated within those zoning areas designated as:
- R1 – Single Family Dwelling
 - R2 – Two Family Dwelling
 - R3 – Multiple Family Dwelling
 - R4 – Multiple Family Dwelling
 - RMHS – Mobile Home Subdivision
 - C1 – Neighbourhood Commercial
 - C2 – Central Commercial
 - C3 – General Commercial
 - PI – Public and Institutional
- (b) No owner, occupant or person in charge of or control of private property within the City of Thompson who does not have a current derelict vehicle permit issued by the City of Thompson, shall keep a derelict vehicle on said property which is situated within those zoning areas designated as:
- M1 – Light Industrial
 - M2 – Heavy Industrial
- (c) An owner, occupant or person in charge of or control of private property within the City of Thompson may make application to the License Inspector for a permit to keep a derelict vehicle by applying in writing on the form set out as Schedule “A” to this By-law and paying the annual fee as proscribed in the City of Thompson Fee and Fine Schedule as it exists, or as it may be amended;
- [AM B/L 1793-2009]
- (d) The derelict vehicle permit issued shall be displayed in a conspicuous place on the property;

- (e) If, in the opinion of an enforcement officer of the City of Thompson, a vehicle for which a derelict vehicle permit has been applied for under this By-law, is in such a condition or location as to be a hazard to persons or property, or environment, or any of them, the City of Thompson shall give notice in writing to the owner or persons in control thereof, that a derelict vehicle permit will not be issued on the applications;
 - (f) If, in the opinion of an enforcement officer of the City of Thompson, a vehicle for which a current derelict vehicle permit has been issued under this By-Law, has deteriorated to the degree, or is in such a location, that it is a hazard to persons or property or environment, or any of them, the City of Thompson shall give notice in writing to the owner or person in control thereof, that 15 days from the date of the service of the notice, except in the case of an immediately dangerous hazard, the current permit will be revoked and from that date forward, the owner or person in control thereof, will be considered to be in contravention of this By-Law;
- 3 (a) Notwithstanding, the provisions hereinbefore stated, an owner, occupant, or person in charge of or control of private property and who is principally engaged in one of or a combination of the following businesses as:
- i) motor vehicle sales and service establishments;
 - ii) motor vehicle repair establishments;
 - iii) motor vehicle wrecking establishments;
 - iv) motor vehicle service stations and public garages;

will not be subject to regulations or penalty under this By-Law so long as:

- A) the vehicles are kept wholly within the boundaries of the said private property, and
- B) the vehicles are not, in the opinion of the Enforcement Officer, in such a condition or location as to be a hazard to person or property, or environment, or any of them.
- C) the businesses are operating in accordance with the provisions of the Zoning By-law.

If the conditions of part 3(a) of the By-Law are not complied with, the City of Thompson shall give notice, in writing, to the owner or person in control of the private property that the conditions must be complied with, except in the case of an immediately dangerous hazard, within 15 days from the date of service of the notice and if not complied with, within that period, then from that day forward the owner or person in control thereof, will be considered to be in contravention of this By-Law;

- (b) No person shall park or leave a derelict vehicle on any property within the City of Thompson with or without the consent of the owner of said property;

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 Enforcement Officer, be removed, impounded and stored by the City for a period of forty-five (45) days.

[AM B/L 1803-2009]

- (b) The owner of the derelict vehicle or the property owner may recover the derelict vehicle by:

- (i) if removed and impounded by a private towing company: paying the costs for removal and impoundment; or

- (ii) if removed by the City of Thompson and stored in the City's yard: paying the cost for removal and daily impoundment fee as established in the City of Thompson's Fee and Fine Schedule, as it exists or as amended.

[AM B/L 1803-2009]

- (c) In the event that the derelict vehicle is not claimed during the impoundment period the Enforcement Officer 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 cannot be located any excess monies will be retained by the City and deposited to its general revenue account.

[AM B/L 1803-2009]

(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.

[AM B/L 1803-2009]

5. Any person violating a provision of the By-law shall be liable to a fine as specified in the City of Thompson Fee and Fine Schedule as it exists, or as it may be amended, and each day on which the violation of a provision of the By-law continues shall be a separate offence;

[AM B/L 1803-2009]

6. Council may, by Resolution, make any changes it deems appropriate to the Schedules attached to this By-law.

BY-LAWS NUMBERED 518-71 AND 948-78 ARE HEREBY REPEALED.

READ a first time this 4th day of June, A.D. 2007.

READ a second time this 18th day of June, A.D. 2007.

READ a third time this 18th day of June, A.D. 2007.

DONE AND PASSED in Council duly assembled

This 18th day of June, A.D. 2007.

THE CITY OF THOMPSON

PER: _____

MAYOR

PER: _____

CITY MANAGER

SCHEDULE "A"
APPLICATION OF DERELICT VEHICLE PERMIT

1. Name of owner of derelict vehicle _____

Address _____

2. Describe derelict vehicle:

Make: _____

Model: _____

Serial No. _____

3. Name of owner, occupant, or person in charge of land where derelict vehicle to be parked: _____

Address: _____

Legal description of land: _____

Nature of ownership, etc.: _____

4. From whom was derelict vehicle acquired, when, and what terms:

a) Address: _____

b) Date of acquisition: _____

c) Terms: _____

DATED at the City of Thompson this ____ day of _____, _____

Signature of owner of derelict vehicle named in
paragraph 1 hereof.

Signature of person named in paragraph 3 hereof

SCHEDULE "B"

DERELICT VEHICLE INFORMATION SHEET

ADDRESS: _____

OWNER OR OCCUPANT OF PREMISE: _____

PHONE NUMBER: _____

1. Is the car/truck in running condition YES NO _____

2. Currently licensed _____

3. Owner of vehicle in residence _____

VEHICLE INFORMATION:

4. Type: _____

5. Make: _____

6. Model: _____

7. Color: _____

8. Serial No. _____

9. Motor: _____

10. Transmission: _____

11. Windows: _____

12. Tires: _____

13. Body: _____

14. Interior: _____

15. License No.: _____

18. Owner of vehicle: _____

19. Address: _____

