

BYLAW NO. 06-2009

A BYLAW TO PROVIDE FOR THE REMOVAL AND
DISPOSAL OF ABANDONED VEHICLES

The Council of the Rural Municipality of Pense No. 160, in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the Abandoned Vehicle Bylaw.
2. In this bylaw:
 - a) "Administrator" shall mean the Administrator of the municipality;
 - b) "Council" shall mean the Council of The Rural Municipality of Pense No. 160;
 - c) "Designated Officer" shall mean the Administrator, Royal Canadian Mounted Police, Sheriff or any other person appointed to enforce municipal bylaws;
 - d) "Highway" shall mean a road, parkway, driveway, square, or place designated and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area and does not include a provincial highway within the municipality as designated pursuant to the provisions of *The Highways and Transportation Act, 1997*;
 - e) "Municipality" shall mean the Rural Municipality of Pense No. 160;
 - f) "Parking" has the meaning ascribed thereto by *The Traffic Safety Act*;
 - g) "Vehicle" shall mean a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by *The Traffic Safety Act*.

Abandoned Vehicles Where The Owner Cannot Be Ascertained:

3. The Council of the municipality may declare a vehicle to be an abandoned vehicle if:
 - a) the vehicle has been left of placed on a street, road, road allowance, public place or land or building owned or controlled by the municipality for 5 days or more; and
 - b) after reasonable inquiry, the owner of the vehicle cannot be ascertained.
4. Upon declaration that a vehicle is an abandoned vehicle, the Council may order:
 - a) that the said abandoned vehicle removed to a place which shall be determined by the Council; and
 - b) that the said abandoned vehicle shall, subject to Sections 6, 7 and 8 of this bylaw, be:
 - i. sold;
 - ii. destroyed; or
 - iii. otherwise disposed of as the Council may decide.
5. If, pursuant to Section 4 of this bylaw, the Council decides to sell, destroy or otherwise dispose of an abandoned vehicle, it shall undertake reasonable efforts to determine if a security interest is registered against the vehicle.

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6. The Council shall provide to the holder of a security interest by registered mail of the fact that the vehicle is abandoned and:
- a) after the expiration of 30 days, the municipality intends to sell the abandoned vehicle; or
 - b) after the expiration of 15 days, the municipality intends to destroy or otherwise dispose of the abandoned vehicle.
7. The holder of the security interest in an abandoned vehicle may, within the time described above, redeem the vehicle by reimbursing the municipality for the costs incurred to:
- a) remove and impound the vehicle;
 - b) discover the security interest; and
 - c) notify the holder of the security interest.
8. The municipality shall publish a notice in a newspaper circulating in the municipality describing the abandoned vehicle and Council's decision with respect to the sale, destruction, or other disposal of the vehicle at least 15 days before the sale, destruction or other disposal of the vehicle if:
- a) the municipality determines that no security interest is registered against the abandoned vehicle; or
 - b) the holder of a security interest in the abandoned vehicle does not redeem the vehicle as provided within Section 7 of this bylaw.
9. When an abandoned vehicle is sold pursuant to this bylaw, the proceeds of the sale are to be applied against the costs incurred pursuant to this bylaw and any balance remaining forms part of the general funds of the municipality, subject to any lawful claim.

Abandoned Vehicles Where The Owner Can Be Ascertained:

10. Parking Infraction:
- a) No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.
 - b) No person shall park any vehicle in any private place or on any private property unless he is the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.
11. Parking Penalty:
- a) A person who contravenes any of the provisions of Subsections 10 (a) & (b) of this bylaw or fails to comply therewith or with any of this bylaw or fails to comply therewith or with any notice or order given there-under shall be guilty of an offence and liable on summary conviction:
to a fine of not more than \$10,000.
 - b) Notice of Violation:
 - i. A violator of Section 10 of this bylaw, as set out in Subsection 11(a) upon being served with a Notice of Violation, may during the regular office hours, voluntarily pay the penalty at the municipal office within 15 days and upon payment as so provided, that person shall not be liable to prosecution of the offence. The municipality will accept voluntary payment in the sum of one hundred dollars (\$100).
 - ii. The Notice of Violation shall be in Form "1", Appendix 1, attached to and forming part of this bylaw.

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12. Impounding:

- a) In addition to and notwithstanding any provisions contained within Section 11 hereof, any person appointed as a designated officer pursuant to this bylaw:
 - i. may remove or cause to be removed any vehicle that:
 - 1) is unlawfully placed, left or kept on any street, road, road allowance, or other public place;
 - 2) is unlawfully parked pursuant to Subsection 10(b) when requested by the owner, occupant, licensee or permit holder of said land; or
 - 3) is found on a street, road, road allowance, public parking place, other public place or municipality-owned property when:
 - a. *the owner of the vehicle owes three or more outstanding fines to the municipality for parking offences;*
 - b. *the appeal period against the imposition and amount of said fines has expired;*
 - c. *at least two notices that the fines are outstanding were sent to the owner at least one week apart; and*
 - d. *a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned above in Subsections 12 a)i.3)a. to c., has issued an order authorizing the removal and impoundment*
 - ii. and seize, impound or store such vehicle.
- b) The municipality may retain a vehicle which has been impounded or stored after it has been removed under Subsection 12(a) until the amount of outstanding fines, if any, and the costs incurred in removing and impounding or storing the vehicle have been paid, and upon payment of said outstanding fines and costs the vehicle shall be released to the owner.
- c) If the fines and costs described in Subsection 12(b) have not been paid within a period of 30 days, the municipality shall have the right to recover same from the owner of the vehicle by:
 - i. legal action in a court of competent jurisdiction;
 - ii. sale through public auction; or
 - iii. by private sale of the vehicle.
- d) Prior to the sale of a vehicle which has been impounded or stored under this section, the municipality shall provide notice designating the time and place of the sale at least 14 days prior to the sale by:
 - i. publishing a notice in a newspaper circulating in the municipality;
 - ii. sending a copy of said notice by regular mail to the owner at the address last appearing on the vehicle registration; and
 - iii. by any other means which council may consider appropriate.
- e) The proceeds from such sale shall be applied firstly on the fines and costs described in Subsection 12(b) and the balance remaining, if any, shall be paid to the owner.
- f) If the proceeds from such sale are insufficient to satisfy

the fines and costs described in Subsection 12(b), the amount of the shortfall shall be a debt due and owing from the owner and enforceable by the municipality in any manner allowed by law.

13. Coming into Force:

- a) This bylaw shall come into force and effect on the day it is approved by the Highway Traffic Board.





Reeve



Administrator

Certified a true copy of
Bylaw No. 06-2009 adopted
by the Council of the
Rural Municipality of
Pense No. 160 on the 9th
day of September 2009.





Form 1, Appendix 1
of Bylaw No. 06-2009
NOTICE OF VIOLATION [Section 11(b)(ii)]
Rural Municipality of Pense No. 160

NAME: _____

ADDRESS: _____

POSTAL CODE: _____

On the ___ day of _____, _____, at/near _____, Saskatchewan
at _____ a.m./p.m.

Did unlawfully commit the following offence: Parking - Bylaw No. 06-2009
Description of offence:

Location of offence:

Notice: This vehicle must be removed immediately or it will be seized or impounded.

You are charged with violation of Bylaw No. 06-2009, Section 10 (a) & (b):

10. Parking Infraction:

- a) No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.
- b) No person shall park any vehicle in any private place or on any private property unless he is the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.

Penalty for the above violation: \$100. May be paid voluntarily.

Date

Designated Officer

NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE

Where the penalty for the above violation is \$100 or less, you may make voluntary payment of the above penalty at the municipal office of the R.M. of Pense No. 160 during regular office hours or by mail within 15 days from the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under Section 11 of the said bylaw.

R.M. of Pense No. 160
Box 190, Pense, Sk., S0G 3W0