

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2012-02

Being a by-law of the Rural Municipality of East St. Paul to establish regulations for the parking and storage of unregistered vehicles on property within the municipality.

WHEREAS Sections 232-233 of the Municipal Act ("Act") provides in part as follows:

232(1) "A council may pass by-laws for municipal purposes respecting the following matters:

(c) subject to section 233, activities or things in or on private property;

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

(a) regulate or prohibit;

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of

(b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing; "

AND WHEREAS the Council of the Rural Municipality of East St. Paul, duly assembled in Council Chambers, deems it advisable and in the public interest to establish regulations for the parking and storage of vehicles on property within the Municipality.

NOW THEREFORE the Council of the Rural Municipality of East St. Paul, in meeting duly assembled, enacts as follows:

1. Definitions

- 1.1 "motor vehicle" means a vehicle that is designed to be self-propelled or propelled by electric power, and includes a snow vehicle that is capable of being registered under the Drivers and Vehicles Act, but does not include a farm tractor, an implement of husbandry, a special mobile machine, an off-road vehicle or a power-assisted bicycle.
- 1.2 "number plate" means a plate to be displayed on a vehicle showing the numbers and letters that make up the vehicle's registration number under the Drivers and Vehicles Act or under the laws of a jurisdiction outside Manitoba if the vehicle is registered outside Manitoba.
- 1.3 "occupier" means an occupier at common law and includes a person who is in physical possession of the parcel of land.
- 1.4 "off-road vehicle" means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain and includes, but is not limited to, a snowmobile, an all-terrain vehicle, a mini-bike, dirt-bike and trail-bike, a miniature vehicle such as a dune or sport buggy, an off-road maintenance machine, an amphibious vehicle, whether or not it is registered under the Drivers and Vehicles Act, but does not include an implement of husbandry, farm tractor, special mobile machine, garden tractor, lawn tractor or golf cart.
- 1.5 "owner", in relation to property, means a person who is the owner of a freehold estate in the property, and includes
- (a) a person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
 - (b) a person who is registered under the Condominium Act as the owner, as defined in that Act, of a unit under that Act; and
 - (c) a real owner, as defined in subsection 1(1) of the Municipal Assessment Act.
- 1.6 "parcel of land" means the aggregate of all land described in any manner in a certificate of title.
- 1.7 "unregistered vehicle" means a motor vehicle not displaying a number plate with a validation sticker confirming valid registration of the motor vehicle under the Drivers and Vehicles Act.

1.8 "validation sticker" means a sticker for use on a number plate to show that the registration of the vehicle that displays the number plate is valid or to show the expire date of the registration under the Drivers and Vehicles Act.

1.9 "vehicle" means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a highway but does not include a device designed to be moved solely by human muscular power or used exclusively upon stationary rails or tracks, or a motorized mobility aid.

2. Purpose

2.1 The purpose of this by-law is to regulate the parking and storage of unregistered vehicles on property within the Municipality, and to provide for the administration and enforcement of this By-law.

3. Prohibition

3.1 No owner or occupier of a parcel of land shall permit the parking or storage on the parcel of land of more than one (1) unregistered vehicle.

4. Qualification on prohibition

4.1 The prohibition in section 3 does not apply to the parking or storage of unregistered vehicles inside an enclosed building.

4.2 Despite the number of unregistered vehicles permitted under section 3, for a parcel of land zoned as *Single Housing Dwelling Residential Zone (R1-10)*, *Two Housing Dwelling Residential Zone (RT)* and *Multiple Housing Dwelling Residential Zone (RM)* in the Municipality's Zoning By-law passed under the Planning Act, the parking and storage of unregistered vehicles will not be permitted.

5. Enforcement

5.1 A By-law Enforcement Officer appointed under the Municipality's Enforcement By-law is authorized to enforce this By-law.

5.2 The By-law Enforcement Officer has all powers, duties, discretion and functions of a designated officer set out in the Act and of a By-law Enforcement Officer under the Municipality's Enforcement By-law in administering and enforcing this By-law.

- 5.3 In administering and enforcing this By-law, the By-law Enforcement Officer may seize and impound an unregistered vehicle. The By-law Enforcement Officer shall impound a seized unregistered vehicle at the place designated by the Municipality.
- 5.4 If the owner or occupier of the parcel of land was not present at the time when an unregistered vehicle was seized, the By-law Enforcement Officer shall take reasonable steps to notify the owner or occupier that the unregistered vehicle has been impounded, the reasons for the impoundment, and what the owner or occupier can do about the return of the unregistered vehicle.
- 5.5 The By-law Enforcement Officer shall release an unregistered vehicle upon payment of the seizure and impoundment fees set out under Schedule A, and the owner or occupier satisfying the By-law Enforcement Officer that arrangements have been made to ensure the unregistered vehicle will not be returned to the parcel of land.
- 5.6 If the owner or occupier of the parcel of land has not applied for the return of the unregistered vehicle within 30 days from the date of the seizure, the By-law Enforcement Officer shall provide notice to the owner or occupier that the By-law Enforcement Officer may dispose of the unregistered vehicle by a fixed date if the owner or occupier does not apply for the return of the unregistered vehicle and pay the fees set out in Schedule A.
- 5.7 If the owner or occupier of the parcel of land has not applied for the return and paid the fees by the set date, the By-law Enforcement Officer may dispose of the unregistered vehicle. If the unregistered vehicle is sold, the By-law Enforcement Officer shall apply the proceeds of sale against the outstanding fees set out in Schedule A and return any balance to the owner or occupier. Outstanding fees not recovered through the disposition of an unregistered vehicle are an amount owing to the Municipality by the owner or occupier, and may be collected in any manner in which a tax may be collected or enforced under the Act.

6. Registration card presumption

- 6.1 A motor vehicle on a parcel of land not displaying a number plate with a validation sticker confirming valid registration of the motor vehicle under the Drivers and Vehicles Act shall be presumed to be an unregistered vehicle, unless the owner or occupier of the parcel of land can establish the registration of the vehicle is valid.

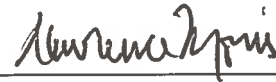
7. Offence

7.1 A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00, and to the imposition of a penalty in the amount of the Municipality's enforcement costs associated with the conduct that gave rise to the offence.

8. Repeal

8.1 By-law No. 2009-07 is repealed.

DONE AND PASSED as a by-law of the Rural Municipality of East St. Paul, at East St. Paul, in Manitoba, this 4th day of April, 2012.



Mayor



Chief Administrative Officer

Read a first time this 14th day of March, 2012.

Read a second time this 4th day of April, 2012.

Read a third time this 4th day of April, 2012.

Schedule "A" to By-law 2012-02

1. PENALTIES AND CHARGES

1.1 In addition to any fines imposed pursuant to section 7 hereof, the Municipality shall impose the following penalties and charges in respect of each vehicle removed in accordance with this By-law:

- (a) actual costs for the removal and towing of the vehicle; and
- (b) actual costs per day for impoundment and storage; and
- (c) if applicable, actual costs for the destruction and disposal of the vehicle.

2. ADDING OF PENALTIES AND CHARGES TO TAXES

2.1 The Penalties and Charges imposed pursuant to this By-law are a debt owing to the Municipality jointly and severally by the owner of the vehicle and the owner of the property and may be collected in any manner in which a tax may be collected or enforced under *The Municipal Act*.