

Rural Municipality of St. Andrews By-Law No. _____

BEING a by-law to make provisions in respect of the parking and storing of vehicles on private property.

WHEREAS Section 232 (1)(c) of the Municipal Act provides as follows:

“A Council may pass By-Laws for Municipal purposes respecting the following...”

“Subject to Section 233, activities or things in or on private property”

AND WHEREAS Section 233(b) of the Municipal Act provides as follows:

“A By-Law under Clause 232(1) (c) (activities or things in or on private property may contain provision 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;”

Definitions

“Vehicle” under this by-law means:

An object which is not a new and unused vehicle and

- a) Is not in operating condition.
- b) It does not have attached thereto, and expressed thereon, one or more number plates issued under the Highway Traffic Act for the current registration year under that Act.
- c) It is kept in the open.
- d) It is kept primarily for the purpose of salvage or selling parts therefrom or for the eventual sale thereof as scrap metal.
- e) It includes the body or chassis of a used motor vehicle, all or some of the parts of which have been removed and the which clauses (a), (b), (c) and (d) apply.

1. The council of any Municipality may pass by-laws

- a) Respecting activities or things in or on private property.
- b) Respecting 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.
- c) Respecting seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention.
- d) Respecting charging and collecting costs incurred in respect of acting under clause (c) above.

NOW THEREFORE the Rural Municipality of St. Andrews in Council assembled, enacts as follows:

2. No person except the holder of a valid license issued under the provisions of this by-law shall within the territorial limits of the RM of St. Andrews, park, leave or store a vehicle on private property with or without the consent of the owner of such property
3. Where an unlicensed vehicle is parked, left or stored on private property in contradiction of the is by-law, the license officer is authorized:
 - a) to forthwith cause the vehicle to be removed from the private property and for this purpose to enter upon the property from time to time by such agents, assistants and employees and with such equipment as he shall deem necessary.
 - b) To cause the impoundment and storage of such vehicle and if such vehicle is not claimed and redeemed by the owner thereof within seven (7) days of such removal and impoundment, he may destroy or make such other disposition of any vehicle so removed as he ay in his sole discretion decide to be appropriate in each case
 - c) To give thirty (30) days notice in writing to the owner of the vehicle and/or the owner of the property before acting under paragraphs (a) and (b) above.
4. Any vehicle removed and impounded as aforesaid may within a period of seven (7) days of impounding be redeemed by the owner thereof upon paying all removal, impoundment, storage and other costs and charges incurred by the municipality to that date.
5. The costs and charges incurred in the removal, impoundment, storage, destruction or disposition of any vehicle removed from private property under the authority of this by-law shall be debt owed by the owner of the vehicle and the owner of the property from which it was removed, jointly and severally, to the municipality and may, at the absolute discretion of the municipality, be recovered by the municipality in any court, or by distress, or the municipality may levy the costs and charges aforesaid against the property from which the vehicle was removed and recover it in like manner as taxes in arrears.
6.
 - a) The By-Law Officer/Municipal Constable of the RM of St. Andrews shall enforce this section as the License Officer.
 - b) Any owner, occupant or person in charge of control of private property within the territorial limits of the RM of St. Andrews, who wishes to keep more than two vehicles thereon, may apply to the license officer for a license to do so.
 - c) The application for a license shall be in the form attached as Schedule "A" to this by-law.
 - d) The applicant shall pay a fee of \$25.00 per annum for each vehicle or part thereof on ;the application to the License Officer for the issue of such license.
 - e) No licensee shall receive a license to keep more than eight vehicles on private property.

- f) No owner of private property shall keep or shall permit any person to keep more than eight vehicles license hereunder on his property.
- g) The License Officer may, if satisfied that the property in respect of which the license is applied is suitable for the purpose, and upon imposing such condition he deems fit, issue the license or he may in his discretion refuse a license.
- h) The license shall be in the form attached as Schedule "B" hereto.
- i) Every license shall cover the period from the date of issue until the 31st day of December in the year issued provided however that licenses may be issued in advance for the following calendar year during the two months next preceding the commencement thereof.
- j) Every license may be renewed and all the provisions of the By-Law shall apply to renewal applications.
- k) If any licensee fails to comply with any of the conditions imposed on his license by the License Officer, the License Officer may revoke the license and shall advise the licensee of such revocation by registered mail.
- l) Appeals – Any applicant who is refused a license or has his license revoked by the License Officer, may appeal the decision of the License Inspector to the Council of the RM of St. Andrews. The appeal must be made in writing within 30 (thirty) days of the refusal or revocation.

PENALTIES

- 7. Any person who violates any of the provisions of this By-Law shall be guilty of an offence and liable upon conviction to a fine as follows:
For each unlicensed vehicle, a fine of \$25.00 per day and for each day on which any violation continues.
- 8. This by-law shall come into force and have effect immediately from and after the passing thereof.

DONE, PASSED AND ENACTED at a meeting of Council of the Rural Municipality of St. Andrews at Clandeboye, Manitoba held this ____ day of _____, AD.