

RURAL MUNICIPALITY OF RITCHOT

BY-LAW NO. 1-2009

**To regulate the parking and storage of unregistered vehicles
on property within the Municipality**

WHEREAS:

- A. Sections 232-234 of the Municipal Act (“Act”) authorize a council to pass by-laws respecting activities and things in or on private property and property adjacent to highways including the parking and storing of vehicles, and activities or things that are or could become a nuisance, and respecting the enforcement of by-laws;
- B. Concerns have been raised with the Municipality about the manner in which vehicles are being parked and stored on property, including the number of unregistered vehicles being parked or stored on property; and
- C. The Council of the Rural Municipality of Ritchot, 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, Council of the Rural Municipality of Ritchot enacts as a by-law the following:

Purpose

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.

Prohibition

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

Qualification on prohibition

3. The prohibition in section 2 does not apply:
 - a. to a parcel of land located outside the communities of Sainte-Agathe, St. Adolphe, Ile des Chenes or Grande Pointe. The boundaries of each community are shown in Schedules B, C, D and E attached to this By-law;
 - b. to the parking or storage of unregistered vehicles inside an enclosed building.

Enforcement

4. An Officer appointed under the Municipality’s Enforcement By-law No. 7-2004 (“enforcement by-law”) is authorized to enforce this By-law.
5. The Officer has all powers, duties, discretion and functions of a designated officer set out in the Act and of an Officer under the enforcement by-law in administering and enforcing this By-law.
6. In administering and enforcing this By-law, the Officer may seize and impound an unregistered vehicle. The Officer shall impound a seized unregistered vehicle at the place designated by the Municipality.
7. If the owner or occupier of the parcel of land was not present at the time when an unregistered vehicle was seized, the 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.

8. The 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 Officer that arrangements have been made to ensure the unregistered vehicle will not be returned to the parcel of land.
9. 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 Officer shall provide notice to the owner or occupier that the 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.
10. 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 Officer may dispose of the unregistered vehicle. If the unregistered vehicle is sold, the 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.

Registration card presumption

11. In the enforcement of this By-law, a vehicle found on a parcel of land not to be displaying a licence plate with a registration card number confirming the registration card is in effect shall be presumed to be an unregistered vehicle, unless the owner or occupier of the parcel of land can establish that a registration card is in effect.

Offence

12. 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.

Collection of Costs and Fees

13. The costs of any measures taken in connection with the enforcement of this By-law and any outstanding fees not recovered through the disposition of an unregistered vehicle as provided for in section 10 are amounts owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Act.

Interpretation

14. In this By-law,

“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.

“occupier” means an occupier at common law and includes a person who is in physical possession of the parcel of land.

"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.

"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.

"parcel of land" means the aggregate of all land described in any manner in a certificate of title.

"unregistered vehicle" means a vehicle that is required to be registered under the Drivers and Vehicles Act to be driven, transported or drawn on a highway and for which a registration card is not in effect .

"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, and includes a motor vehicle.

DONE AND PASSED in St. Adolphe, Manitoba this 7th day of April, 2009

Mayor R. Stefaniuk

Chief Administrative Officer F. May

READ A FIRST TIME this 18th day of March, 2009
READ A SECOND TIME this 7th day of April, 2009
READ A THIRD TIME this 7th day of April, 2009

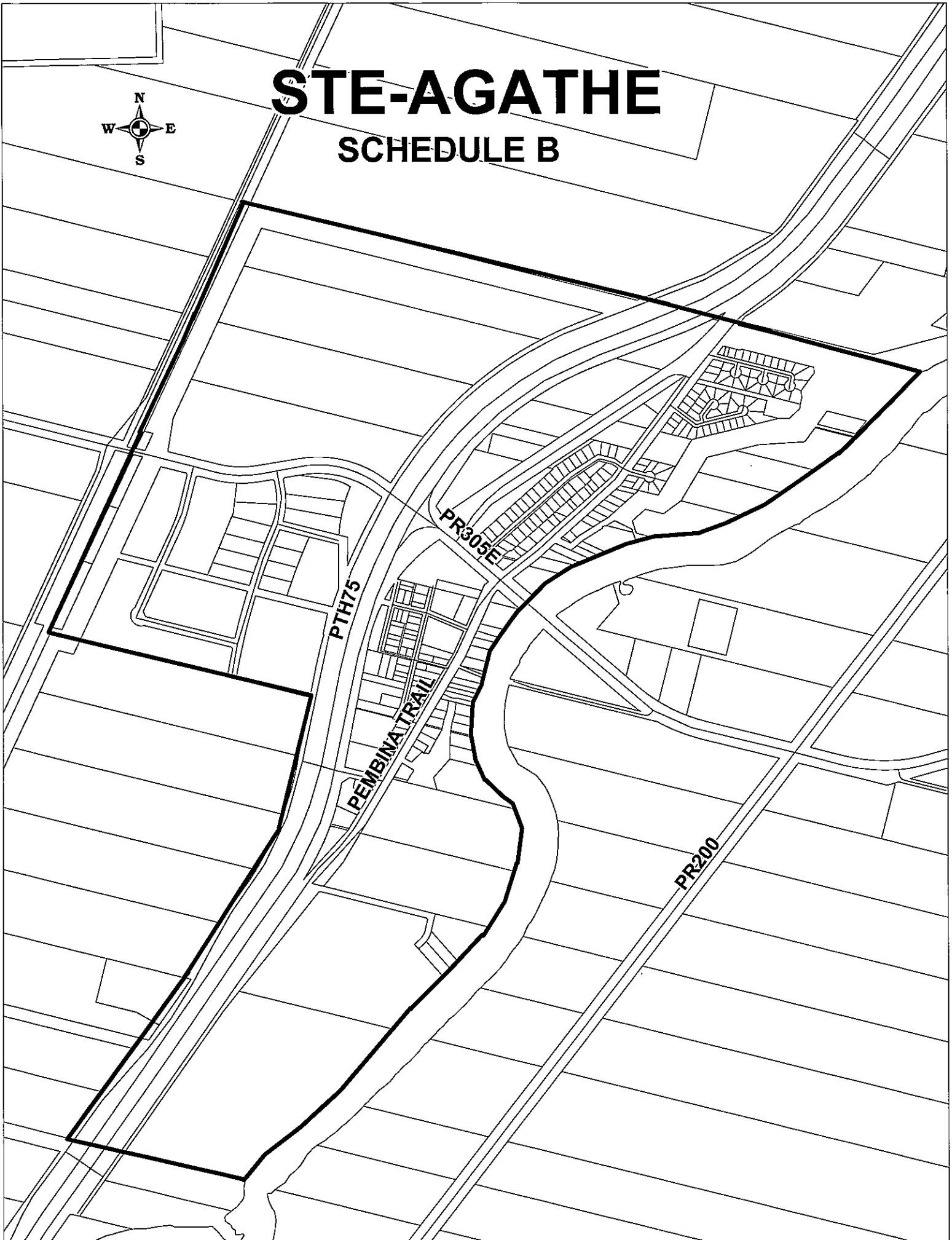
Schedule "A" to By-law No. 1-2009

Seizure and Impoundment Fees

1. Seizure \$200.00 per vehicle
2. Impoundment\$15.00 per day per vehicle
3. Destruction if required\$300.00 per vehicle

STE-AGATHE

SCHEDULE B





ST-ADOLPHE

SCHEDULE C

MAIN ST

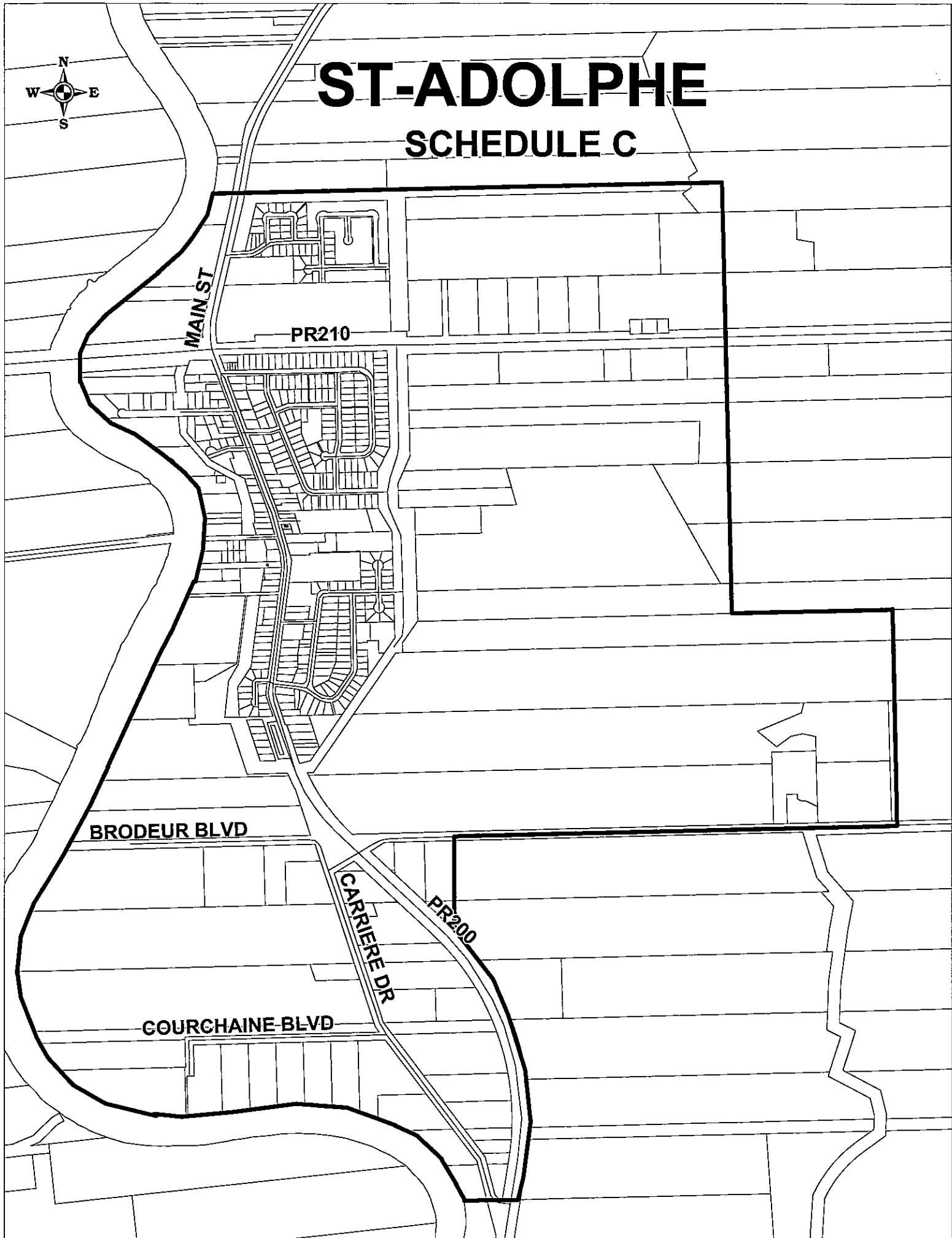
PR210

BRODEUR BLVD

CARRIERE DR

PR200

COURCHAIINE-BLVD



GRANDE POINTE

SCHEDULE D





ILE-DES-CHENES SCHEDULE E

PR405

HABITANT RD

LECLAIRE RD

PTH 59

OLD PTH 59

MAIN ST

DUFAULT DR

