

RURAL MUNICIPALITY OF LAC DU BONNET
NO PARKING & TOW AWAY BY-LAW
BY-LAW No. 16-21

BEING a by-law of the Rural Municipality of Lac du Bonnet to establish a no parking and tow-away by-law;

WHEREAS Section 231 of *The Municipal Act* provides as follows;

- 231 The power given to a council under this Division to pass by-laws is stated in general terms:
- a) To give broad authority to the council and to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it
 - b) To enhance the ability of the council to respond to present and future issues in the municipality.

AND WHEREAS Section 232(1) of *The Municipal Act* provides in part as follows:

- 232(1) A council may pass by-laws for the municipal purposes respecting the following matters:
- a) The safety, health, protection and well-being of people, and the safety and protection of property;
 - b) People, activities, and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation;
 - d) Municipal roads, including naming roads, posting the names on public or private property and number lots and building along the roads;
 - o) The enforcement of by-laws

AND WHEREAS Section 90 (1) of the Manitoba Highway Traffic Act provides in part as follows:

90(1) A traffic authority may classify vehicles according to dimensions, design, weight, kind of weight carried or otherwise, for any class or all classes of vehicles and *may make rules or by-laws supplementary to, or in addition to, but not contrary to, any provision of this Act, The Drivers and Vehicles Act or the regulations under either Act and applicable on highways over which the traffic authority has jurisdiction or within any area over which the traffic authority has jurisdiction, with respect to:*

- (a) parking, stopping and standing of vehicles and bicycles;

AND WHEREAS Section 243 of the Manitoba Highway Traffic Act provides in part as follows:

243(1) Where a peace officer or any person duly authorized for the purpose by the traffic authority has reasonable and probable cause for believing that a vehicle is standing, or is parked,

- (a) in violation of subsection 90(1), (3) or (9), section 93 or 230, or of any rule made under any of those provisions, or in violation of section 122, 123 or 222; or
- (b) in a position that causes it to interfere with removal of snow from a highway by a person authorized to do so by the traffic authority; or
- (c) in a position that causes it to interfere with firefighting;

he may move the vehicle or cause it to be moved or may require the driver or person in charge of the vehicle to move it to a position determined by the peace officer or other authorized person.

243(2) Where a peace officer has reasonable and probable cause to believe that an unattended vehicle is:

- (a) in violation of subsection 90(1), (3) or (9), section 93 or 230, or of any rule made under any of those provisions, or in violation of section 122, 123 or 222; or
- (b) apparently abandoned on or near a highway; or
- (c) a motor vehicle on a highway without the number plate or plates required to be displayed on it under *The Drivers and Vehicles Act* or the regulations under that Act;

he or she may take the vehicle into his custody and cause it to be taken to, and stored in, a suitable place.

243(3) Costs and charges incurred in moving or storing a vehicle or both, under subsections (1) and (2) are a lien on the vehicle that may be enforced under *The Garage Keepers Act* by the person who moved or stored the vehicle at the request of the peace officer or other authorized person.

AND WHEREAS the Rural Municipality of Lac du Bonnet is desirous of establishing a by-law regulating no parking and tow-away zones in certain designated areas of the municipality;

NOW THEREFORE the Council of the Rural Municipality of Lac du Bonnet in Council duly assembled, enacts as follows:

1. DEFINITIONS:

- a) "authorized personnel" means specific designated officers of the municipality, by-law enforcement officers, conservation officers, Royal Canadian Mounted Police officers, emergency personnel or other persons who receive authorization from the municipality.
- b) "designated officer" means the person or persons designated by the municipality as responsible for the enforcement of its by-laws.
- c) "municipality" means the Rural Municipality of Lac du Bonnet.
- d) "operator" means a person who operates equipment, a machine, or a vehicle.
- e) "parking" when prohibited, means to stand a vehicle whether occupied or not, except,
 - i) When it is caused to stand temporarily for the purpose of, and while actually engaged in, loading, or unloading, or;
 - ii) In obedience to an "Authorized Personnel" or traffic control device, and "parking" has a corresponding meaning.
- f) "stand", as applied to a vehicle, whether occupied or not, means
 - i) when required, to cause the vehicle to remain motionless in one place, and;
 - ii) when prohibited, to cause the vehicle to remain motionless in one place, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control device,
- g) "tow away zone" means a space that is on a road, street or in a parking facility that has been designated by the municipality and identified by street signs, traffic devices or pavement markings as being a "no parking zone". This includes any area in the municipality designated as an area where motor vehicles cannot be parked.
- h) "towing company" means any person, firm or corporation who carries on the business of towing away illegally or improperly parked vehicles.

2. DELEGATION OF AUTHORITY:

- a) That the authority having jurisdiction, the CAO, by-law enforcement officers or designate be appointed as Designated Officers for the purpose of enforcing regulations in this by-law.
- b) Where the Designated Officer has reasonable and probable grounds for believing that a vehicle is standing or is parked in violation of this by-law, he or she is authorized to enforce the regulations of this by-law.

3. NO PARKING ZONES

- a) No parking zones within the municipality will be determined by council resolution.
- b) No parking & tow away zones will be identified by signs or pavement markings as being a no parking and tow away zones.
- c) No parking and tow away signs will specify **immediate towing**.
- d) No parking and tow away zones will be listed on the website and social media.
- e) **Temporary** no parking and tow away zones will be marked as such, and sufficient notice will be posted on the website and social media.
- f) No operator shall park a vehicle within the specified space designated by the municipality as a no parking zone and tow away zone.
- g) No persons shall park a vehicle on, across or along any street or road in such a manner that interferes with traffic, pedestrian flow or public works operations including, but not limited to snow removal and other public works operations.

- h) Every person who parks a vehicle in a no parking and tow away zone is guilty of an offence under this by-law and is subject to having their vehicle towed by an Authorized Personnel and/or an authorized towing company
- i) It is the duty of the Designated Officer to keep a record of each vehicle removed in accordance with this by-law. The record shall include a description of the vehicle, its license plate number, the date, time of its removal, where it was removed from, its location, the name and address of its owner and the last operator, if known, its final disposition and the parking violation involved.

4. UNLAWFULLY PARKED VEHICLES

- a) Every vehicle towed shall be towed by a towing company authorized by the municipality.
- b) The authorized towing company will charge the current market fee for the towing, care and impoundment of a vehicle towed from a designated no parking and tow away zone, No towing company shall tow away an illegally or improperly parked vehicle if the owner or driver of the vehicle reaches the vehicle before it has been towed away.
- c) Where a towing company has connected an illegally or improperly parked vehicle to a towing vehicle and the owner or driver of the vehicle reaches the vehicle before it is being towed away, the towing company will release the vehicle and may charge the owner of the vehicle mileage and a fee determined by the towing company.
- d) Where a towing company has been requested by the municipality to tow a vehicle and the vehicle is no longer at the location, the towing company may charge the municipality for mileage.
- e) The authorized towing company shall have a person on duty twenty-four (24) hours a day to answer telephone calls and release vehicles.
- f) Each towing company shall issue a written receipt upon payment for the towing, care and impound fees.
- g) Each towing company, or Designated Officer shall be obliged to inform the Royal Canadian Mounted Police within two (2) hours of towing a vehicle, a description of the vehicle and license plate number of each vehicle in custody of the towing company.

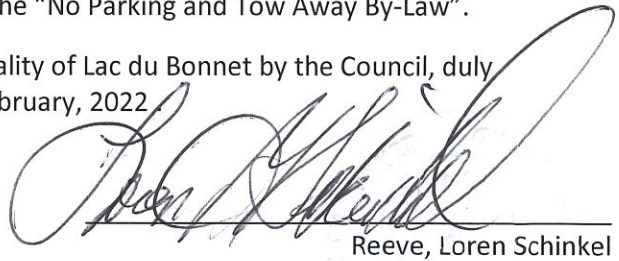
5. RECOVERY OF IMPOUNDED VEHICLES

- a) Upon full payment to the authorized towing company, the towing company will release the vehicle.
- b) The authorized towing company will notify the municipality when the vehicle has been released.

6. Nothing contained in the By-Law shall prevent members of the Royal Canadian Mounted Police or the Lac du Bonnet Fire Department, or a towing company acting on the instructions of either the Royal Canadian Mounted Police or the Lac du Bonnet Fire Departments, from towing away any vehicle from any property in the Municipality.

7. This by-law shall be cited for all purposes as the "No Parking and Tow Away By-Law".

DONE AND PASSED as a By-Law of the Rural Municipality of Lac du Bonnet by the Council, duly assembled in the Council Chambers this 8th day of February, 2022



Reeve, Loren Schinkel



Deputy Chief Administrative Officer, Sandra Broek

READ A FIRST TIME: JANUARY 11, 2022

RESOLUTION: 2022 0026

READ A SECOND TIME: JANUARY 11, 2022

RESOLUTION: 2022 0027

READ A THIRD TIME: FEBRUARY 8, 2022

RESOLUTION: 2022 0085