

THE RURAL MUNICIPALITY OF WEST ST. PAUL

“THE VEHICLE REGULATORY BY-LAW”

BY-LAW NO. 4/2001

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WEST ST. PAUL TO REGULATE THE NUMBER AND TYPE OF VEHICLES ON PRIVATE PROPERTY WITHIN THE RURAL MUNICIPALITY OF WEST ST. PAUL AND TO REPEAL BY-LAW 10/97.

WHEREAS Section 232(1)(c) of The Municipal Act being Chapter 58 of the Statutes of Manitoba, 1996 provides as follows:

231(1) A council may pass by-law for municipal purposes respecting the following matters:

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

AND WHEREAS Section 233 of The Municipal Act being Chapter 58 of the Statutes of Manitoba, 1996 provides as follows:

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

- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
- (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;
- (c) the removal of top soil; and
- (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS section 232(1)(o) of The Municipal Act being Chapter 58 of the Statutes of Manitoba, 1996 provides as follows:

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

(o) the enforcement of by-laws.

AND WHEREAS section 236(1) of The Municipal Act being Chapter 58 of the Statutes of Manitoba, 1996 provides as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspection, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws, including
 - (i) creating offences
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to

the offence, or related to enforcing the by-law,

(iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,

(iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention.

(v) charging and collecting costs incurred in respect of acting under subclause

(vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

AND WHEREAS the Council of The Municipality of West St. Paul deem it expedient and in the public interest to regulate the number, type and manner of parking and storage of vehicles on private property.

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

1.0 **SHORT TITLE**

1.1 **THAT** this By-law may be referred to as “The Vehicle Regulatory By-law”.

2.0 **DEFINITIONS**

2.1 **THAT** unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in The Highway Traffic Act of the Province of Manitoba.

2.2 **THAT** in this By-law:

“*By-law Enforcement Officer*” means the By-law Enforcement Officer appointed, designated or authorized by the Council of the Rural Municipality of West St. Paul to enforce By-laws of the Rural Municipality of West St. Paul;

“*Derelict Vehicle*” means a vehicle that is *Not in Operating Condition* and is *Stored*, or *Parked in the Open*, but does not include an *Antique Vehicle* or a *Collector’s Vehicle*.

“*Antique Vehicle*” means any vehicle fifty (50) years of age or older:

“*Backyard*” means to the rear of the dwelling unit;

“*Collector’s Vehicle*” means any vehicle thirty (30) years of age or older;

“*Dealer Licence Plates*” means a licence plate issued by the Driver & Vehicle Licencing Registrar to a dealer.

“*Farm Vehicles*” means motorized vehicles used in the operation of a farm and includes but is not limited to tractors, combines, swathers, and trucks, but do not include *Derelict Vehicles*.

“*Front Yard*” means the minimum yard requirement contained within the zoning by-law of the *Municipality*;

"In The Open" means not within an enclosed building;

"Municipality" means The Rural Municipality of West St. Paul;

"Not In Operating Condition" means unable to operate as designed by the manufacturer due to mechanical failure, breakdown, dilapidation, or alteration;

"Operating Condition" means able to operate as designed by the manufacturer complete with all operational parts (i.e.: wheels, tires, etc.);

"Parked" means in a stationary position;

"Private Property" means all property other than crown or government owned property and includes property owned by any firm, corporation or individual;

"Recreational Vehicles" means vehicles used for recreational purposes and includes travel trailers, campers, motor homes, boats, snowmobiles, watercraft, motorcycles, and private roadrace vehicles;

"Semi-Trailer Truck Trailers" means a trailer unit designed to be drawn by a Semi Trailer Truck and includes low bed, flat bed, end dump, belly dump, and enclosed trailer units;

"Stored" means *Parked* on private property until required at some future date or some future use;

"Sideyard" means within ten feet (10') of the side property lines and the side site lines shall be as defined in the zoning by-law of the municipality.

"Suitable Automobile Cover" means a cover designed to cover an automobile and which includes tie down straps or fasteners;

"Unregistered Vehicle" means a vehicle not holding a current registration under the Highway Traffic Act and includes but is not limited to cars, trucks, vans, buses, semi-trailer trucks, and *Semi-Trailer Truck Trailers*;

"Zoning" is the land use designation established in the zoning by-law of the Municipality;

3.0 **RESTRICTED & EXCEMPTED UNREGISTERED VEHICLES:**

3.1 **THAT** *Derelict Vehicles* are prohibited to be *Stored or Parked In The Open* within the Municipality.

3.2 **THAT** *Unregistered Semi-Trailer Truck Trailers* are prohibited to be *Stored or Parked In The Open* within the Municipality.

3.3 **THAT** *Recreational Vehicles* are not restricted by the provisions of this By-law.

3.4 **THAT** *Farm Vehicles* located on property zoned "A4" or "A80" are not restricted by the provisions of this By-law.

3.5 **THAT** *Unregistered Vehicles* that are new and unused, or used and being offered for sale on *Private Property* legally established for that use shall not be restricted by the provisions of this By-law.

3.6 **THAT** *Unregistered Vehicles, Derelict Vehicles and Vehicles displaying Dealer Plates, Stored or Parked In The Open on Private Property* are restricted within the *Municipality* as per Table 3.6A herein;

Table 3.6A

PROPERTY ZONED	Unregistered Vehicles Permitted In a Front Yard & Side Yard	Unregistered Vehicles Permitted on Private Property	Derelict Vehicles Permitted on Private Property	Number of Vehicles Displaying Dealer Plates on Private Property
A4	0 **	2 *	0	2
A80	0 **	2 *	0	2
RG	0 **	2 *	0	2
RR	0 **	2 *	0	2
RR Overlay	0 **	2 *	0	2

* *Unregistered Vehicles Stored In The Open* shall be covered with a *Suitable Automobile Cover*

** That where access to a *Backyard* or *Sideyard* is restricted, an application to council may be made in writing requesting conditional permission to allow one or two *Unregistered Vehicles* to be *Parked* or *Stored In The Open* in a *Front Yard*. Council by resolution may grant or deny any application made to them in writing, and may place any conditions on their approval as they deem necessary.

4.0 **FINE AND PENALTY:**

4.1 **THAT** every person found guilty of a breach of any provision of this By-law shall be liable to a fine of \$250.00 for the first offence, \$500.00 for a second offence and \$1,000.00 for third or subsequent offence, as will be set out in a Common Offence Notice to be issued by the By-law Enforcement Officer.

4.2 **THAT** every person who contravenes this By-law shall be liable for all costs associated with the enforcement of this By-law, in addition to any fines imposed pursuant to Section 4.1.

5.0 **ENFORCEMENT:**

5.1 **THAT** the *By-law Enforcement Officer* shall have the authority to enter onto *Private Property*, upon the giving of reasonable notice to the owner(s) and occupier(s) thereof, for the purpose of determining whether a vehicle is an *Unregistered Vehicle*, an *Unregistered Semi-Trailer Truck Trailer*, or a *Derelict Vehicle*. The *By-law Enforcement Officer* has the authority to enquire of the owner or occupier of the *Private Property* as to whether a vehicle is registered and may ask the owner or occupier of the *Private Property* to demonstrate whether the vehicle is in *Operating Condition*.

5.2 **THAT** if the *By-law Enforcement Officer* determines that the owner or occupier of the *Private Property* is in contravention of this By-law, the *By-law Enforcement Officer* shall by written order, require such owner or occupier to remove the vehicle or be subject to a penalty pursuant to Section 4.2 and may at the same time, issue a Common Offence Notice imposing a fine pursuant to Section 4.1.

5.3 **THAT** the owner or occupier of the *Private Property* shall have fourteen (14) days from the date the written order is received to either:

- (a) comply with the order, or

- (b) by written notice request Council to review the written order.
- 5.4 **THAT** should the *Private Property* owner or occupier request the Council to review the written order, the Council shall review the written order and either confirm, vary, substitute or cancel the written order.
- 5.5 **THAT** should the *Private Property* owner or occupier fail to comply with the written order after the fourteen (14) day review period has expired, or after the council has confirmed, waived or substituted the written order, the *By-law Enforcement Officer* shall have the right to enter onto the *Private Property* and remove the vehicle. The vehicle shall be stored at a garage facility to be designated by Council from time to time. Upon removal and storage of the vehicle, the *By-law Enforcement Officer* shall, by registered mail give notice to the *Private Property* owner or occupier that unless the fine pursuant to the written order is paid, including all penalties (costs associated with removal and storage of the vehicle), within sixty (60) days, the vehicle will be sold.
- 5.6 **THAT** should the *Private Property* owner or occupier pay the fine pursuant to the written order and penalties (all costs associated with removal and storage of the vehicle), the vehicle shall be released to that *Private Property* owner or occupier.
- 5.7 **THAT** if after the sixty (60) days after receipt of the written notice contained in Section 5.5 the *Private Property* owner or occupier fails to pay the fine pursuant to the written order and all penalties (costs associated with removal and storage of the vehicle), the *Municipality* may sell the vehicle.
- 5.8 **THAT** after the sale, the *Municipality* shall apply the proceeds of the sale in payment of the fine and penalties (the costs associated with removal and storage of the vehicle), the costs of advertising, the fee of the auctioneer if necessary and all reasonable costs of sale. Any outstanding penalty amounts owing to the *Municipality* shall be considered a tax against the *Private Property* owner.
- 5.9 **THAT** the *Municipality* shall pay over the surplus, if any, to the *Private Property* owner or occupier.
- 6.0 **REPEAL:**
- 6.1 **THAT** by-law number 10/97 of The Rural Municipality of West St. Paul is hereby repealed.

DONE AND PASSED, in Council assembled, this 10th day of May A.D., 2001.

THE RURAL MUNICIPALITY OF WEST ST. PAUL

David Oster
Reeve

M. E. Didyk
Chief Administrative Officer

Read a first time this 12th day of April, A.D., 2001
Read a second time this 10th day of May, A.D., 2001
Read a third time this 10th day of May, A.D., 2001