

By-Law No. 1-2005

**To regulate parking in the
Rural Municipality of Ritchot**

WHEREAS Section 232 (1) of The Municipal Act, in part states:

“A Council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property”;

AND WHEREAS section 90 (1) of The Highway Traffic Act, in part states:

“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 or regulations made thereunder 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 may impose penalties for a violation of any such rule or by-law.”;

AND WHEREAS section 93(1) of The Highway Traffic Act further states:

"The Council of a municipality by which a traffic control device has been erected under subsection 79(3) may, by by-law

- (a) provide that no person shall stop, stand, or park a vehicle on the highway or portion thereof to which the sign relates in contravention of the traffic control device
- (b) provide that any person who causes or permits a vehicle to remain stationary in any portion of a highway during a period when stopping on that portion thereof is prohibited as indicated by a traffic control device is guilty of an offence; and
- (c) impose penalties for any breach of the by-law."

AND WHEREAS the Municipal Council of the Rural Municipality of Ritchot deems it in the best interest and safety of the residents of the Municipality to regulate parking on urban streets and other municipal roads in the Municipality;

AND WHEREAS Sections 90(2) and 93(1) of The Highway Traffic Act, authorize the Municipality to impose a penalty;

NOW THEREFORE the Council of the Rural Municipality of Ritchot in open session assembled, hereby enacts as a by-law as follows:

1. This by-law shall be known as “The Parking Regulation By-Law” and includes Schedule “A” the Ministerial Approval authorizing application of this By-law to provincial highways, and Schedule "B" setting the removal and storage charges.
2. Definitions:
 - a) The words used in this By-law have the same meaning as defined in The Highway Traffic Act unless otherwise provided.
 - b) "Municipal road” means a municipal road as defined in The Municipal Act, and includes a road and road allowance maintained by the Municipality.

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3. The Municipality may erect traffic control devices on municipal roads and provincial highways prohibiting or limiting the parking, stopping, or standing of vehicles any time, or during the hours stated on the traffic control devices.
4. No person shall park, stop, or stand a vehicle on a municipal road or a provincial highway to which a traffic control device relates in contravention of the traffic control device.
5. The restrictions in clauses 3 and 4 do not apply to:
 - a) emergency vehicles;
 - b) a vehicle of Her Majesty's Mail, the Government of the Province of Manitoba, or of any public utility, if such vehicles have the owner's name painted thereon and are actually engaged in works of necessity on or near a municipal road or provincial highway requiring them to stop or be parked in contravention of any traffic control device; and
 - c) a vehicle owned and operated or a vehicle contracted and employed by the Rural Municipality of Ritchot while in use in connection with work being done on or near a municipal road or provincial highway.
6. If a vehicle is parked, stopped or standing in contravention of this By-law and in the opinion of the By-law Enforcement Officer is creating a danger, risk or hazard, or has been in violation for 3 consecutive days, the By-law Enforcement Officer may have the vehicle removed and stored.
7. The Chief Administrative Officer must be notified immediately by the By-law Enforcement Officer of any removal of a vehicle and as to who has removed and is storing the vehicle.
8. A vehicle removed under this By-law must be stored in a compound by the person who removed the vehicle. A vehicle shall be released upon presentation of appropriate identification which corresponds with the vehicle's registration, and upon payment to the person storing the vehicle of the removal and storage charges set out in Schedule "B". The charges incurred in removing and storing a vehicle under this By-law are a debt owed by the owner of the vehicle, and create a lien in favour of the person who removed and stored the vehicle to the same extent, and in the same manner, as if the debt were incurred under the Garage Keeper's Act.
9. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of \$30.00. An owner of a vehicle used in contravention of this By-law is guilty of an offence and is liable on summary conviction to a fine of \$30.00.
10. There shall be no prosecution for the contravention if a person who contravenes this By-law voluntarily pays \$15.00 to the Municipality within 15-days of the date of the offence.
11. If a fine is not paid voluntarily or following conviction, in addition to the enforcement remedies set out in The Summary Convictions Act, the fine may be collected in any manner in which a tax may be collected or enforced under The Municipal Act.
12. By-law 12-98 is repealed, except with respect to an offence committed before this By-law comes into effect. By-law 12-98 remains in effect to the extent required for the prosecution of any such offence. All resolutions passed under By-law 12-98 identifying the municipal roads and provincial highways to be regulated remain in effect until replaced.

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DONE AND PASSED by Council of the Rural Municipality of Ritchot, assembled in St-Adolphe, in Manitoba, this 5th day of April, 2005.

The Rural Municipality of Ritchot

Mayor

Chief Administrative Officer

Read a first time this 4th day of January, 2005.

Read a second time this 5th day of April, 2005

Read a third time and passed this 5th day of April, 2005

SCHEDULE "A" TO BY-LAW NO. 1-2005

[MINISTERIAL APPROVAL]

- St. Adolphe: PR #200 from the intersection of Kosman Blvd and PR #200 (Main Street) southerly to the southern boundary of the St. Adolphe Dyke.
- Ste. Agathe: Pembina Trail from the intersection of PR #305 and Pembina Trail southerly to the southern boundary of River Lot 565, Parish of Ste. Agathe and Pembina Trail.
- Ile-des-Chenes: Dumaine Road from the intersection of PTH #59 and Dumaine Road easterly to the intersection of Dumaine and Arnould Roads.

SCHEDULE "B" TO BY-LAW NO. 1-2005

Removal Fees:

The Removal Fees shall be the actual cost of towing up to a maximum \$100.00

Storage Fees:

The Storage Fees shall be the actual cost of storage up to a maximum amount of \$20.00 for each 24 hour period or such period or portion to be calculated from the time of commencement of storage.