

Town of Morris
By-Law No. 09/09

BEING A BY-LAW TO REGULATE THE PARKING AND STORING OF VEHICLES UPON PROPERTY WITHIN THE BOUNDARIES OF THE TOWN OF MORRIS.

WHEREAS subsection 323 (1) (c) of *The Municipal Act* provides as follows:

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

Subject to section 233, activities or things in or on private property;”

AND WHEREAS section 233 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 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 vehicle 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 subsection 232 (1) (o) of *The Municipal Act* provides as follows:

“A council may pass by-laws for municipal purposes respecting the following matter:

the enforcement of by-laws.

AND WHEREAS subsection 236 (1) of *The Municipal Act* provides as follows:

“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 inspections, 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 a 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 sub clause (ii) may be collected in any manner in which a tax may be collected 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 sub clause (iv);
 - (vi) Imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.”

AND WHEREAS it is deemed necessary and desirable to regulate the parking and storage of vehicles on private property in the Town of Morris;

NOW THEREFORE the Council of the Town of Morris enacts as follows:

1. DEFINITIONS

“Council” means the Council of the Town of Morris.

“Person” means an individual, firm or corporation and, where demanded by the context shall include the plural or singular.

“property” means all lands held under one Certificate of Title, notwithstanding that one or more parcels of land may be held under one Certificate of Title.

“park” means to stand a vehicle whether occupies or not.

“stand” as applies to a vehicle, whether occupies or not, means to cause the vehicle to remain motionless in one place and “standing” has a corresponding meaning.

“store” means to keep or allow to be kept.

“vehicle” shall have the meaning ascribed to that term in *The Highway Traffic Act* and amendments thereto and shall include an off-road vehicle and any parts of any vehicle exceeding eighteen inches of length.

2. APPLICATION

This By-law applies to owners, tenants and occupiers of property within the Town of Morris.

3. WHAT IS PERMITTED:

A person may only store an unregistered vehicle on his or her property, or allow another person to store an unregistered vehicle on the property, under the following conditions: The unregistered vehicle must be stored:

- a) At the rear of any dwelling on the property;
- b) In a manner that is safe;
- c) Entirely screened from public view in a tidy, well-maintained manner;
- d) Free from tall grass and weeds;
- e) In an environmentally safe manner.

4. VEHICLES PERMITTED:

No more than two (2) unregistered vehicles will be allowed on one property, excluding vehicles stored entirely within an enclosed building.

5. ENTRY TO DETERMINE COMPLIANCE:

A person designated by the Chief Administrative Officer of the Town may enter any property upon which a vehicle is located to determine if the vehicle is being stored on the property in compliance with this by-law. The entry onto the property may only be made between the hours of 8:00 am and 8:00 pm.

6. OFFENSE:

A person who stores an unregistered vehicle on their property contrary to this by-law or who has allowed or permitted an unregistered vehicle to be stored on their property is guilty of an offense, even if the person is not and never has been the owner of the vehicle. The offender will be given a period of seven days after notification of an infraction to comply to the by-law.

7. EVERY VEHICLE IS A SEPARATE OFFENSE:

Each unregistered vehicle stored or permitted or allowed to be stored by a person contrary to this by-law shall constitute a separate offence.

8. EVERY DAY IS A SEPARATE OFFENSE:

Each Day an unregistered vehicle is stored or permitted or allowed to be stored by a person contrary to this by-law is a separate offense, and is a continuing offense.

9. FINES:

A person who is found guilty of an offense under this by-law is subject to a fine of not less than \$50.00 and not more than \$200.00 for each offense. An initial fine of \$50.00 will be applied to each unregistered vehicle with an additional \$10.00 fine for each subsequent day up to a maximum of 14 days, at which time the vehicle will be removed in accordance with section 10 below.

10. REMOVAL AND DISPOSAL OF VEHICLE;

A person designated by the Chief Administrative Officer may enter property on which an unregistered vehicle is being stored contrary to this by-law and remove the vehicle to a place to be designated by the Chief Administrative Officer. If the owner does not claim the vehicle and pay the costs of removal and storage set out in Schedule A within 30 days of removal, the Chief Administrative Officer may direct that the vehicle be sold or otherwise disposed of.

11. COST TO BE PAID BY PERSON:

In addition to the costs of removal and storage, the costs of disposal are to be paid by the person. If unpaid, the costs are debts owed by the person to the Town which may be collect the amount by any means available to the Town.

12. APPLICATION OF PROCEEDS OF SALE OR DISPOSAL:

Any proceeds of sale or disposal shall be applied firstly to the costs of removal, storage and disposal. Any excess becomes the property of the Town. If the proceeds of sale or disposal are less than the costs, the amounts of the costs that remain outstanding continue to be a debt owed by the person to the Town and may be collected in any manner available to the Town.

13. NOTICE:

A notice of the removal of the vehicle, the requirement to claim the vehicle and pay the costs within the 30 days, and the liability for payment of the costs must be left at the property from which the vehicle is removed, at the time of removal.

DONE AND PASSED as a by-law of the Town of Morris in the Province of Manitoba this 27th day of August, 2009.

TOWN OF MORRIS

Dale Hoffman, Mayor

Brigitte Doerksen, CAO

Read a first time this 23rd day of July, 2009
Read a second time this 27th day of August, 2009
Read a third time this 27th day of August,2009

REMOVAL AND STORAGE RATES

1. Removal.....\$100.00 per vehicle
2. Storage \$ 20.00 per day
3. Destruction if required\$ 200.00 per vehicle.