

**THE LOCAL GOVERNMENT DISTRICT OF PINAWA  
BY-LAW NO. 873-2020**

Being a By-law of The Local Government District of Pinawa to establish No Parking and Tow-Away Zones.

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 under this and other Acts; and
  - 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 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 centres, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation;
  - c) subject to Section 233, activities or things in or on private property;
  - d) municipal roads, including naming the roads, posting the names on public or private property, and number lots and building along the roads;
  - e) private works on, over, along or under municipal roads;
  - f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
  - g) the enforcement of by-laws

AND WHEREAS *The Municipal Act* provides that a Council of a Municipality may pass by-laws for tow-away zones within the Municipality or any part of the Municipality;

AND WHEREAS The Local Government District of Pinawa is desirous of establishing a by-law regulating tow-away zones in certain designated areas of the Municipality;

NOW THEREFORE BE AND IT IS HEREBY ENACTED as a By-Law of the Local Government District of Pinawa in Council duly assembled, as follows:

1.           **DEFINITIONS**

“Council” means the Local Government District of Pinawa.

“Designated Officer” means the person or persons designated by the Municipality from time to time as responsible for the enforcement of its by-laws.

“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.

“Driver” means a person who drives or is in actual physical control of a vehicle and the expression “drive” and “driving” have a corresponding meaning;

“Motor Vehicle” means a vehicle not run upon rails that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires, and includes a snow vehicle capable of registration under Subsection 4.11 (2) of *The Highway Traffic Act*, but does not include a farm tractor, an implement of husbandry, a special mobile machine, or an off-road vehicle.

“Parking” when prohibited, means to stand a vehicle whether occupied or not, except,

- a) when it is caused to stand temporarily for the purpose of, and while actually engaged in, loading or unloading, or
- b) in obedience to an “Authorized Personnel” or traffic control device, and “parking” has a corresponding meaning.

"Tow-Away Zone" means a space that is on a street or in a parking facility that has been designated and identified by street signs, traffic devices or pavement markings as being a "No Parking Zone". This includes any area designated in the Municipality as an area where Motor Vehicles cannot be parked.

"Towing Company" means any person, firm or corporation who carries on the business of, inter alia, towing away illegally or improperly parked vehicles.

2. Wherever the term "specific area" is referred to in this By-Law, the specific area shall refer to any tow-away area contained within those areas of the Municipality as described in Paragraph 3, herein.

3. **PROHIBITED ACTS**

No driver shall park a motor vehicle within the specific area or parts of those portions of the Municipality contained in a space that is on a street or in a parking facility that has been designated, and identified by signs or pavement markings as being a no parking zone or tow-away zone.

- a) No persons shall park a vehicle on, across or along any boulevard at any place in such a manner that it interferes with traffic or pedestrian flow.
- b) No persons shall stop or park a vehicle on any street other than parallel with the curb with the front of the vehicle heading in the direction of vehicular traffic movement.
- c) No persons shall deposit any item on a roadway that obstructs traffic.

4. **PENALTY AND FINES**

Every person who parks a motor vehicle in a no parking zone or tow-away zone is contrary to the provisions of this By-Law and is guilty of an offence under this By-Law and is subject to having their vehicle towed by Authorized Personnel OR Towing Company.

Every person who deposits an item(s) on a roadway in such a manner that will obstruct traffic flow is guilty of an offence under this By-Law and is subject to having their item(s) removed by the Local Government District of Pinawa and all costs will be allocated to the owner.

5. Every motor vehicle which is towed shall be towed by a Towing Company and be subject to the following provisions of this By-Law:

- a) A Towing Company will charge the appropriate market fee for the towing, care and storage of a vehicle towed away from a parking lot because it was illegally or improperly parked.
- b) No Towing Company shall tow away an illegally or improperly parked vehicle from a parking lot 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 shall forthwith release the vehicle and shall not charge the owner or driver of the vehicle a sum greater than \$100.00 for all services rendered.
- d) Each Towing Company shall have a person on duty twenty-four (24) hours a day to answer telephone calls and release vehicles, and shall release vehicles that have been towed away forthwith upon payment of the appropriate charges.
- e) Each Towing Company shall issue a written receipt forthwith upon receipt of payment for towing and or care and storage fees.
- f) Each Towing Company shall be obliged to inform the Royal Canadian Mounted Police within two (2) hours of towing a vehicle, a description and vehicle license number of each vehicle in the custody of such towing company.

6. Nothing contained in this By-Law shall prevent members of the Royal Canadian Mounted Police and the Local Government District of Pinawa Fire Department, or a towing company acting on the instructions of either the Royal Canadian Mounted Police or the Local Government District of Pinawa Fire Departments, from towing away any vehicle from any property in the Municipality.
  
7. Subject to Section 249 of *The Municipal Act "Fees, Discounts and Penalties Regulation" Section 3 "Maximum fine for by-law contravention"*, A person who contravenes a by-law of a municipality is guilty of an offence and may be subject to a pre-set fine and to a penalty equal to the costs associated with or resulting from enforcing this Bylaw. The pre-set fine as set out in **Schedule B** on this By-law. The maximum fine that a council may impose in respect of a contravention of a by-law is \$1,000.00.  
  
A person is subject to court costs equal to 45% of the preset fine and the prescribed justice services surcharge of \$50.  
  
Where an infraction of any of the provisions of this by-law continues for more than one (1) day, the person is guilty of a separate offence for each day such infraction continues. Unpaid fines for municipal by-law offences are a debt due to the municipality. The municipality is responsible for collecting the unpaid fine, court costs and justice services surcharge.
  
8. The penalties imposed hereunder shall be in addition to and not in substitution for any other penalty or remedy.
  
9. This By-Law may be cited for all purposes as the "Tow-Away By-law".

DONE, PASSED and ENACTED by Council duly assembled in the Council Chambers of the Local Government District of Pinawa in the Province of Manitoba this 13<sup>th</sup> day of October, 2020.



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Gisèle Smith  
Resident Administrator

Given first reading this 11<sup>th</sup> day of August, 2020.  
Given second reading this 8<sup>th</sup> day of September, 2020.  
Given third and final reading this 13<sup>th</sup> day of October, 2020.

**Schedule B**  
**Schedule of Fines and Penalties**

Prohibited Acts			Pre-set Fine Amount
<b>Section 3</b>			\$100.00