

**CITY OF STEINBACH
BY-LAW NO. 1566**

A By-law of The City of Steinbach respecting unauthorized parking on private property.

WHEREAS Section 232(1) of *The Municipal Act* reads as follows:

- (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”.

NOW, THEREFORE, THE CITY OF STEINBACH, in Council assembled, enacts as follows:

1. Whenever used in this By-law, except where the context otherwise requires:

“Person” includes firm, partnership, association, corporation, company or organization.

“Vehicle Poundkeeper” means a person engaged in the business, or offering the services, of a vehicle towing service, whereby motor vehicles are towed or otherwise removed from private property, by use of motor vehicles designed or adapted for use as a means of towing other motor vehicles, to a place of impoundment.

2. (1) No person, without the permission of the owner, occupant, or the person in charge or control of the private property shall park or leave any vehicle on private property, including a private road or driveway, that has been clearly posted as such, with signs of a form and size and erected in a manner prescribed in this by-law.
- (2) The owner of any vehicle parked in contravention of this By-law shall be liable for the penalty provided unless at the time of the violation the vehicle was in possession of a person other than the owner or his chauffeur without the consent of the owner.
3. (1) Any owner, occupant, or person in charge or control of private property who wishes to take advantage of the provisions of this by-law for the purpose of keeping unauthorized persons from leaving vehicles on private property shall erect and maintain thereon signs indicating the identity and telephone number of the person or firm in charge or control of the private property who can be contacted in the event of impoundment, as provided herein; and,
- (i) “NO PARKING” or
- (ii) “UNAUTHORIZED PARKING PROHIBITED”, during specified time periods; or
- (iii) “UNAUTHORIZED PARKING PROHIBITED”, or

- (iv) NO PARKING by vehicles with a tare weight greater than 10,000 kilograms or more than 3 axles.
 - (2) The signs referred to in subsection (1) of this section shall be clear and legible by night as by day with black letters and border on white background and in substantial conformance with the form and size of sign, and with letter and number sizes not less than those shown in the examples illustrated in Schedule "A" attached hereto.
 - (3) The property owner, occupant or person in charge or control of private property shall establish a suitable system of the allocation of authorized parking spaces on the property and shall be responsible for determining whether or not a particular vehicle is authorized to park.
- 4.
- (1) An owner, occupant, or person in charge or control of private property, if personally satisfied that any person is contravening the provisions of subsection 2(1), may lay an information and complaint against the owner or driver of the vehicle or may report to a member of the Royal Canadian Mounted Police (Steinbach Detachment) (the "R.C.M.P.") the licence number and location of the illegally parked vehicle. Any person making such report shall give his or her own name and address. On such a report being received, the R.C.M.P. may investigate and may lay an information and complaint against the vehicle owner or driver.
 - (2) Where it is alleged by a police officer or by any person appointed to enforce this by-law, that any person has contravened the provisions of subsection 2(1) of this By-law, that person, on being notified of the allegations may voluntarily consent to pay the penalty for the contravention fixed by and in accordance with the procedure, and to such person, as is stated in the by-law of the City to permit the voluntary payment of penalties out of court for contravention of by-laws of the City respecting parking and traffic.
 - (3) When payment has been made as provided in subsection 2 of this section, there shall be no prosecution for the contravention in respect of which payment has been made.
- 5.
- (1) Subject to subsection 3, an owner or person in charge or control of private property, if personally satisfied that any person is violating the prohibition set forth in section 2, may personally authorize a vehicle poundkeeper having the nearest place of impoundment open for business to remove from the private property and impound any such vehicle parked or left there.
 - (2) No vehicle poundkeeper shall remove and impound, nor shall any person permit or cause to be removed and impounded, any vehicle unless the provisions of section 3 have been complied with.
 - (3) For the avoidance of doubt, no vehicle poundkeeper shall remove any vehicle from private property pursuant to this By-law, unless and until he receives or obtains from the owner or person in charge or control of the private property, personal, individual and specific authorization for each specific vehicle to be removed such by telephone, and not to be under the authority of a general warrant or contract nor on the basis of a blanket authorization such as a card or a form signed in blank by the said owner or person in charge or control or private property.
 - (4) No owner, occupant, or person in charge or control of private property shall authorize a vehicle poundkeeper to remove from

private property or to impound any vehicle by means of a general or blanket authorization, verbal or written.

- (5) No vehicle poundkeeper shall operate or utilize a compound pursuant to this By-law unless the said compound is open for business and staffed twenty-four hours per day.
6. (1) No vehicle shall be removed from private property pursuant to the By-law if there are any occupants in the vehicle.
- (2) Where a vehicle is claimed by the owner or operator thereof prior to the vehicle actually being towed off the private property, the vehicle poundkeeper driver shall immediately release the vehicle to the owner or operator thereof without fee or charge, after the applicable fee is paid.
- (3) Where a vehicle is claimed by the owner operator while in or during the process of being towed, the vehicle poundkeeper driver shall immediately release the vehicle to the owner or operator thereof upon payment only of the removal charges provided herein, and the applicable fine.
7. If a vehicle removed from private property was rightfully there, then the owner, occupant or person in charge or control of the private property who caused such vehicle to be removed shall be guilty of an offence under this By-law.
8. The R.C.M.P. shall be notified immediately by a vehicle poundkeeper of any vehicle removed from private property and as to which place of impoundment at which the vehicle has been impounded under the provisions of this By-law.
9. (1) Every vehicle poundkeeper shall keep in his possession, and is responsible for, any vehicle and effects detained by him for the full period of the detention, unless they are sooner released.
- (2) The owner of an impounded vehicle shall be permitted by the vehicle poundkeeper to examine his vehicle and its contents prior to signing an invoice or other statement of account.
- (3) No person acting pursuant to the provision of this By-law shall enter any vehicle to be removed from private property or which has been impounded.
- (4) No person attempting to secure the release of an impounded vehicle shall be intimidated or threatened or coerced and shall not be required to sign a release indicating the vehicle was in a damaged state prior to impoundment where the owner of the said vehicle has reasons
- (5) Where a vehicle is claimed at a compound, the vehicle poundkeeper shall upon request deliver the vehicle to the person claiming the vehicle at the front entrance to the compound.

10. Within fifteen days following the end of each calendar month, each vehicle poundkeeper shall submit a report in writing to the R.C.M.P. indicating the following:
 - (a) make and licence number of each vehicle removed from private property;
 - (b) the name, address and telephone number of the person authorizing the removal of each vehicle;
 - (c) the identification of the private property from which each vehicle was removed;
 - (d) the time and date each vehicle was removed from the private property;
 - (e) the identification of the attending vehicle poundkeeper driver;
 - (f) the time and date each vehicle was picked up at the vehicle poundkeeper's compound by or on behalf of the owner of the vehicle;
 - (g) the identification of the compound from which each vehicle was picked up;
 - (h) the total charges paid by an owner of the vehicle poundkeeper upon release of each vehicle.
 11. (1) Any vehicle impounded pursuant to the provision of this By-law shall be released from a vehicle pound upon presentation of appropriate identification which corresponds with the vehicle's registration, and upon payment to the vehicle poundkeeper only of removal and storage charges not to exceed the following:
 - (a) Removal:
\$45.00 maximum in the case of vehicles with a gross vehicle weight not exceeding 4500 kilograms and \$65.00 maximum in the cause of vehicles with a gross vehicle weight exceeding 4500 kilograms.
 - (b) Storage:
\$2.00 maximum for each 24 hour period or portion thereof, such period to be calculated from the time of commencement of storage.
 - (2) Whenever a dolly is required and is to be used to remove a vehicle pursuant to this By-law, the owner or person in charge or control of the private property shall sign an authorization form approving the use of the dolly at the time the vehicle is to be removed from the private property.
 - (3) The charges incurred in removing and storing a vehicle removed under this By-law are a debt owed by the owner of the vehicle, and create a lien in favour of the person removing or storing the vehicle to the same extent, and in the same manner, as if the debt were incurred under *The Garage Keepers Act*.
12. It shall be unlawful for any person to carry on, engage in, own or operate the business, or offer the services of a vehicle poundkeeper, pursuant to the provisions of this By-law, within the City of Steinbach, without first having obtained from the City, and maintaining in good standing, a permit, as provided in Schedule "B" attached hereto.

13. Any person who contravenes or disobeys or refuses or neglects to obey any provision of this By-law is guilty of an offence and liable, upon summary conviction, to a fine of not less than \$100.00 and not exceeding \$1,000.00 in the case of an individual or not less than \$250.00 but not exceeding \$5,000.00 in the case of a corporation or, in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such imprisonment.
14. By-law No. 969 and all amendments thereto are hereby repealed.

DONE and PASSED by Council duly assembled this 1st day of December, 1998.

Mayor

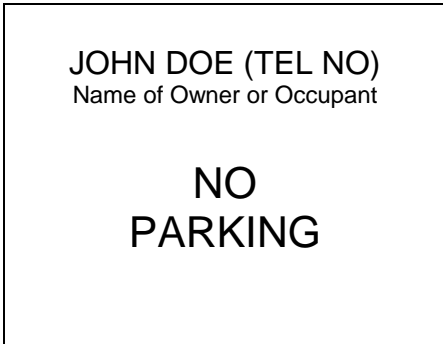
Manager

READ a first time this 4th day of August, 1998.
READ a second time this 1st day of December, 1998.
READ a third time this 1st day of December, 1998.

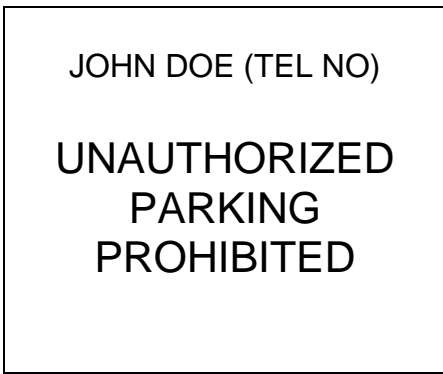
Certified true copy of By-Law 1566, duly enacted
on the 1st day of December, 1998.

Jack Kehler, City Manager

SCHEDULE "A"
To Parking By-Law 1566



White sign with black lettering
600 mm x 750 mm
Name 50 mm
"No Parking" 100 mm



White sign with black lettering
600 mm x 750 mm
Name 50 mm
"Unauthorized Parking Prohibited" 75 mm



White sign with black lettering
600 mm x 750 mm
Name 50 mm
"Unauthorized Parking Prohibited" 75 mm

SCHEDULE "B"
to Parking By-Law 1566

1. Application for a permit shall be made to the City, and shall state:
 - (a) the name, home address and business address of the applicant;
 - (b) the location and description of the tow trucks owned or operated by the applicant;
 - (c) the location of the vehicle compound to be used for the storage of motor vehicles removed from private property pursuant to this by-law;
 - (d) the names and addresses of the applicant's officers, directors and shareholders;
 - (e) that the vehicle compounds to be used conform to relevant zoning regulations.

2. No permit shall be issued to an applicant hereunder until he shall have deposited with the City and keeps in full force and effect, in form satisfactory to the City, insurance as follows:
 - (a) General Comprehensive Liability policy to protect the applicant against claims of any kind to person for bodily injury or death, personal injury and for property damage arising out of the operations of the towing and storage service of the applicant. The operations of the towing and storage service of the applicant. The operations of the towing and storage service of the applicant. The operations of the towing and storage service of the applicant. The minimum limits of coverage shall be \$2,000,000 all inclusive.

 - (b) Standard Garage Automobile Policy (Owner's Form) to include the following:
 1. Third Party Liability with a minimum limit of \$2,000,000;
 2. Legal Liability for damage to customers' automobiles while in the care, custody or control of the applicant.