

RURAL MUNICIPALITY OF ALEXANDER

BY-LAW NO. 03/04

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ALEXANDER  
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 numbering lots and buildings 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 Council of a Municipality may pass by-laws for tow-away zones within the Municipality or any part of the Municipality.

AND WHEREAS The Rural Municipality of Alexander 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 Rural Municipality of Alexander in Council duly assembled, as follows:

1. DEFINITIONS:

“Council” means The Rural Municipality of Alexander.

“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 employees of the Municipality, Conservation Officers, Royal Canadian Mounted Police Officers, 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 expressions "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 a peace officer or a 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 signs 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. 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.
4. Every person who parks a Motor Vehicle in a no parking zone or Tow-Away Zone contrary to the provisions of this By-Law is guilty of an offence under this By-Law and is subject to having their vehicle towed by Authorized Personnel.
5. Every Motor Vehicle which is towed shall be towed by a Towing Company and be subject to the following provisions of this bylaw:
  - a. No Towing Company shall charge more than the following amounts for the towing, care and storage of a vehicle towed away from a parking lot because it was illegally or improperly parked:
  - b. \$65.00 towing charge; plus
    - i. Care and storage fees calculated at the rate of \$2.00 per hour or portion of an hour from the arrival of the vehicle on the lot to a maximum of \$15.00 for the first calendar day at a rate of \$2.00 per hour or portion of an hour to a maximum fee of \$15.00 per calendar day.
  - c. No Towing Company shall tow away an illegally or improperly parked vehicle from a parking lot if the owner or the operator of the vehicle reaches the vehicle before it has been towed away.
  - d. Where a Towing Company has connected an illegally or improperly parked vehicle to a towing vehicle and the owner or operator reaches the vehicle before it is being towed away, the Towing Company shall forthwith release the vehicle and shall not charge the owner or operator a sum greater than \$25.00 for all services rendered.

- e. No Towing Company shall charge any fees or charges to an owner or operator of an illegally or improperly parked vehicle other than the charges set out in this section plus any applicable taxes.
  - f. The charges prescribed in this section do not apply to vehicles towed into the R.M. of Alexander from outside its boundaries.
6. Each Towing Company shall have a person on duty twenty-four 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.
  7. Each Towing Company shall issue a written receipt forthwith upon receipt of payment for towing charges.
  8. Each Towing Company shall be obliged to inform the Royal Canadian Mounted Police within 2 hours of towing a vehicle a description and vehicle licence number of each vehicle in the custody of such Towing Company.
  9. Nothing contained in this Bylaw shall prevent members of the Royal Canadian Mounted Police and R.M. of Alexander Fire Departments, or a Towing Company acting on the instructions of either the Royal Canadian Mounted Police or R.M. of Alexander Fire Departments, from towing away any vehicle from any parking lot.
  10. Pursuant to Section 249 of *The Municipal Act*, a person who contravenes a by-law of a municipality is guilty of an offence and, if the by-law imposes no other penalty, is liable on summary conviction of a fine of not more than \$1,000.00 or to imprisonment for a term of not more than three months. Where the contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
  11. The penalties imposed hereunder shall be in addition to and not in substitution for any other penalty or remedy.
  12. This Bylaw may be cited for all purposes as the "TOW-AWAY BYLAW".

DONE, PASSED AND ENACTED at a meeting of the Rural Municipality of Alexander, held this 13<sup>th</sup> day of July, A.D. 2004 .

*Original signed by George Harbottle*

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Reeve

*Original signed by Margaret Bonekamp*

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Chief Administrative Officer

Read a first time this 9<sup>th</sup> day of March, A.D. 2004

Resolution No. 112/04

Read a second time this 13<sup>th</sup> day of July, A.D. 2004

Resolution No. 300/04

Read a third time this 13<sup>th</sup> day of July, A.D. 2004

Resolution No. 300/04