



The Corporation of the District of North Cowichan

Towing and Vehicle Impound Bylaw

BYLAW NO. 3923

A bylaw to authorize the removal, impoundment, and release of trailers and vehicles parked in violation of the Traffic Bylaw and/or Highway Use Bylaw

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The Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

Citation

- 1 This Bylaw may be cited as *"Towing and Vehicle Impound Bylaw No. 3923, 2023"*.

Definitions

- 2 In this Bylaw:

"Fire Chief" has the same meaning as defined under Fire Protection Bylaw No. 3841, 2021, as revised or replaced from time to time;

"On-Street Parking" refers to available parking spaces for vehicles on a *Street* within a designated area that are marked with painted lines and have signs indicating parking regulations;

"Public Place" includes *Streets*, *On-Street Parking* and parks as defined under Parks and Public Places Regulation Bylaw No. 3626, 2017, as revised or replaced from time to time;

"Recreational Vehicle" has the same meaning as defined under Parks and Public Places Regulation Bylaw No. 3626, 2017, as revised or replaced from time to time;

"Street" has the same meaning as a highway, as defined under the *Motor Vehicle Act*, as revised or replaced from time to time;

"Towing Company" means the company engaged by the District of North Cowichan to provide towing and impoundment services;

"Trailer" has the same meaning as defined under the *Motor Vehicle Act*, as revised or replaced from time to time;

"Vehicle" has the same meaning as defined under the *Motor Vehicle Act*, as revised or replaced from time to time.

Authorization to Tow and Impound

- 3 A Bylaw Compliance Officer, or a person authorized by the Manager of Bylaw and Business Licensing Services, or the *Fire Chief* may cause a vehicle that is parked contrary to the Traffic Bylaw No. 2276, 1988, as revised or replaced from time to time, or Highway Use Bylaw No. 2261, 1989, as revised or replaced from time to time, to be towed and impounded at the owner or operator's expense.

Towing Company Rules and Responsibilities

- 4 A person operating a *Towing Company* provider must hold a valid business licence issued under the provisions of Business Licence Bylaw No. 3153, 2002 or an inter-community business licence issued under the provisions of Inter-Community Business Licence Bylaw No. 3525, 2013, as revised or replaced from time to time.
- 5 A person operating a *Towing Company* must not display on its vehicles, Storage Impound Lot, advertising, or any other place, a statement that states or implies that its business is in any way endorsed by the District of North Cowichan.
- 6 A person operating a *Towing Company*, or an employee of the *Towing Company*, must have the business name and telephone number painted or otherwise affixed on each side of the vehicle used to tow *Recreational Vehicles*, *Trailers* or *Vehicles* on behalf of the District of North Cowichan that are clearly legible and visible at all times.
- 7 Every *Towing Company* must maintain one or more comprehensive public liability insurance policies in respect to that business in an amount of not less than two million (\$2,000,000) dollars per occurrence.
- 8 A *Towing Company* must prominently display a schedule of the fees which may be charged pursuant to section 17 at:
 - (a) Each place of business, and,
 - (b) Each impound storage lot where *Trailers* and *Vehicles* towed for being improperly or unlawfully parked are stored.
- 9 A *Towing Company* must issue a written receipt, including the following information, to a person who pays towing and storage fees:

- (a) The name, or the identification number issued by the company, of the person who towed the *Recreational Vehicle, Trailer or Vehicle*;
 - (b) The time when the *Recreational Vehicle, Trailer or Vehicle* was towed;
 - (c) The location where the *Recreational Vehicle, Trailer or Vehicle* was towed; and,
 - (d) The fees for towing and storage of the *Recreational Vehicle, Trailer or Vehicle*.
- 10 If the person to which a *Recreational Vehicle, Trailer or Vehicle* is released to observes any damage to the *Recreational Vehicle, Trailer or Vehicle*, the person must report the damage at the time the fees are paid.
- 11 Within 48 hours of damage made to a *Recreational Vehicle, Trailer or Vehicle*, or reported by a person under section 10, a *Towing Company* must deliver in writing, to the Manager of Bylaw and Business Licensing Services, a report of damages made to any *Recreational Vehicles, Trailers or Vehicles* during the transportation of a *Recreational Vehicle, Trailer or Vehicle* to the Storage Impound Lot or while in the custody of the *Towing Company* that includes the following information:
- (a) *Recreational Vehicle, Trailer or Vehicle* licence plate number;
 - (b) Make, model and colour of the *Recreational Vehicle, Trailer or Vehicle*;
 - (c) Description of the damage to *Recreational Vehicle, Trailer or Vehicle*; and,
 - (d) Date and time that the damage occurred.
- 12 A *Towing Company* must deliver in writing, on a daily basis, a list of all *Recreational Vehicles, Trailers or Vehicles* in custody of the *Towing Company* to the Manager of Bylaw and Business Licensing Services, that includes the following information:
- (a) *Recreational Vehicle, Trailer or Vehicle* licence plate number;
 - (b) Make, model and colour of the *Recreational Vehicle, Trailer or Vehicle*;
 - (c) Location of where the *Recreational Vehicle, Trailer or Vehicle* was towed;
 - (d) Fees owing and/or paid by the person for releasing the *Recreational Vehicle, Trailer or Vehicle*;
 - (e) Name of the person the *Recreational Vehicle, Trailer or Vehicle* was released to; and,
 - (f) Date and time the *Recreational Vehicle, Trailer or Vehicle* was released.
- 13 A *Towing Company* must comply with all notice requirements under the *Warehouse Liens Act, as revised or replaced from time to time*, prior to disposing of any *Recreational Vehicle, Trailer or Vehicle*.
- 14 A *Towing Company* must pay the surplus from the proceeds of the disposition of a *Recreational Vehicle, Trailer or Vehicle* to the *Recreational Vehicle, Trailer or Vehicle* owner in accordance with the *Warehouse Liens Act, as revised or replaced from time to time*.

Towing Restrictions

- 15 A *Towing Company* must not:
- (a) Tow a *Recreational Vehicle, Trailer* or a *Vehicle* for being improperly or unlawfully parked on a *Street* or *Public Place* unless a clearly visible and legible sign containing the following information is posted in a noticeable place:
 - (i) A warning to the effect that improperly or unlawfully parked *Trailers* or *Vehicles* will be towed at the owner's expense;
 - (ii) The name and telephone number of the *Towing Company* and the address of the Storage Impound Lot which the *Recreational Vehicle, Trailer* or *Vehicle* will be stored;
 - (b) Without lawful authority given under section 3, tow a *Recreational Vehicle, Trailer* or *Vehicle* from a *Street* or *Public Place*.

Impoundment Fee and Fines

- 16 Where a vehicle has been towed, detained or impounded under section 3, the owner or operator of the vehicle will be entitled to its release on payment of the applicable towing and storage fees to the *Towing Company*.
- 17 The maximum amounts that may be charged for the towing and impound of a *Recreational Vehicle, Trailer* or a *Vehicle* from a *Street* or *Public Place*, for the release of a *Recreational Vehicle, Trailer* or a *Vehicle* at the request of the owner or operator shall not exceed those amounts set out in the ICBC Towing & Storage Rate Payment Schedule, as revised from time to time.
- 18 The payment of impoundment fee, towing charge or storage charge under section 17 does not absolve the owner or operator from paying any penalties or fines to the District of North Cowichan which may result from any parking offences issued under the Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021, as amended or replaced from time to time, or Municipal Ticket Information System Bylaw No. 3464, 2013, as revised or replaced from time to time.

Storage Impound Lot

- 19 The *Towing Company's* storage impound lot shall be:
- (a) Protected by a fence not less than 1.8 metres in height;
 - (b) Adequately lighted for security purposes.
- 20 If a *Vehicle* is towed for being improperly or unlawfully parked, a *Towing Company* must not tow the *Vehicle* to a storage lot that is outside a 5 km radius from the District of North Cowichan's municipal boundary without authorization by the Manager of Bylaw and Business Licensing Services.
- 21 If a *Recreational Vehicle* or a *Trailer* is towed for being improperly or unlawfully parked, a *Towing Company* must not tow the *Recreational Vehicle* or *Trailer* to a storage lot that is outside a 50 km radius from the District of North Cowichan's municipal boundary without authorization by the Manager of Bylaw and Business Licensing Services.

Releasing RVs, Trailers or Vehicles

- 22 A *Towing Company* that tows improperly or unlawfully parked *Recreational Vehicles, Trailers or Vehicles* must:
- (a) Ensure an employee or agent of the company is available 24 hours per day to answer telephone calls and release *Recreational Vehicles, Trailers or Vehicles*;
 - (b) Ensures an employee or agent of the company is present at the Storage Impound Lot to accept payment and release a vehicle within 30 minutes of receiving a telephone call from the owner or operator of the *Recreational Vehicles, Trailers or Vehicles* requesting its release; and,
 - (c) Immediately release a *Recreational Vehicle, Trailer or Vehicle* upon payment of the applicable towing and storage fees under section 17.

Disposal of Impounded RV, Trailer or Vehicle

- 23 Where a *Recreational Vehicle, Trailer or a Vehicle* has been impounded under section 3 and the owner or operator does not pay the necessary fees and charges under section 17 to obtain release of the *Recreational Vehicle, Trailer or Vehicle* within 20 days of impoundment, the *Recreational Vehicle, Trailer or Vehicle* may be sold at public auction by the *Towing Company* in accordance with the *Warehouse Liens Act*.

Offence and Penalty

- 24 A person who attempts to prevent the impounding of any *Recreational Vehicle, Trailer or Vehicle* or who in any manner interferes with the impounding of such *Recreational Vehicle, Trailer or Vehicle* shall be deemed guilty of an offence of this Bylaw.
- 25 A person who contravenes any provisions of this Bylaw commits, or who permits an act to be done in contravention or in violation of any provision of this Bylaw, or who does any act which violates any of the provisions of this Bylaw, shall be deemed guilty of an infraction of this Bylaw and shall be liable to the penalties imposed under the:
- (a) Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021, as revised or replaced from time to time;
 - (b) Municipal Ticket Information System Bylaw No. 3464, 2013, as revised or replaced from time to time; or,
 - (c) *Offence Act* upon summary conviction and is liable to a fine not exceeding \$10,000.
- 26 The District of North Cowichan may recover fees, costs, and expenses payable under this Bylaw from the owner of a vehicle by action in a court of competent jurisdiction, whether or not the *Recreational Vehicle, Trailer or Vehicle* has been sold at auction.
- 27 Each day that a contravention of a provision of this Bylaw occurs or continues constitutes a separate offence.

Severability

- 28 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

READ a first time on August 16, 2023
READ a second time on August 16, 2023
READ a third time on August 16, 2023
ADOPTED on September 6, 2023

CORPORATE OFFICER

PRESIDING MEMBER