

# THE CORPORATION OF THE DISTRICT OF SAANICH

## BYLAW NO. 7745

### TO REGULATE THE TOWING AND STORAGE OF ILLEGALLY OR IMPROPERLY PARKED MOTOR VEHICLES

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The Municipal Council of The Corporation of the District of Saanich in an open meeting assembled enacts as follows:

1. In this Bylaw:
  - (a) **PARKING LOT** means a place which is used or set aside for use for the parking of one or more motor vehicles for valuable consideration and includes parking areas and driveways accessory to a building in any attached housing, residential comprehensive, residential mixed, apartment, multi-family commercial, commercial, industrial, public or residential personal care zone, as defined in the Saanich Zoning Bylaw.
  - (b) **TOWING COMPANY** means any person, firm or corporation who carries on the business of, *inter alia*, towing away illegally or improperly parked vehicles pursuant to the provisions of Sections 188 and 192 of the *Motor Vehicle Act* or otherwise.
2. (a) No owner, occupier, licensee, lessee, manager or operator of a parking lot, or any agent of such party, shall cause or authorize a vehicle to be towed away from the parking lot pursuant to Section 192 of the *Motor Vehicle Act*, for the reason that the vehicle is improperly or unlawfully parked unless there is a sign in a conspicuous place, clearly visible and legible from each entrance to the parking lot, containing a warning to the effect that improperly or unlawfully parked vehicles will be towed away at the owner's expense, giving the name and telephone number of the person, firm or corporation that will tow the vehicle away, the address at which the vehicle will be stored and specifying the towing charges.
  - (b) A notice, substantially in the following form, shall be sufficient compliance with subsection (a):

#### NOTICE

Unlawfully parked vehicles will be towed away at owner's expense by ABC Towing Company to 1234 Douglas Street, Victoria, B.C. Telephone Number 123-4567

Towing Charges: \$85.00 plus care and storage fees (or \$45.00 if vehicle released before leaving these premises)

3. No towing company shall tow away a vehicle from a parking lot on the grounds that the vehicle is illegally or improperly parked unless a sign containing the information referred to in Section 2 is posted at the locations referred to in Section 2 at the time of the tow-away.
4. No owner, occupier, licensee, lessee, manager or operator of a parking lot, or any agent of such party, shall cause or authorize a vehicle which is illegally or improperly parked on a parking lot to be towed away to a destination which is more than 5 km (3.1 miles) beyond the boundary of the Municipality of Saanich without the owner's prior consent.
5. No towing company shall tow away a vehicle which is illegally or improperly parked in a parking lot to a place which is more than 5 km (3.1 miles) beyond the boundary of the Municipality of Saanich without the owner's prior consent.
6. No owner, occupier, licensee, lessee, manager or operator of a parking lot, or any agent of such party, shall cause or authorize a vehicle to be towed away for failure to obtain a parking ticket from a ticket dispenser on the parking lot, nor shall a towing company tow away a vehicle for such reason unless such ticket dispenser is at that time in sound working order and supplied with parking tickets.
7. (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:
  - (i) \$85.00 towing charge where no sling or dolly is required;
  - (ii) \$119.00 towing charge where a sling or dolly is required; and
  - (iii) In addition to the towing charge specified under clause (i) or (ii) above, care and storage fees calculated at the rate of \$2.25 per hour or portion of an hour from the arrival of the vehicle on the lot to a maximum of \$20.50 for the first calendar day and a rate of \$2.25 per hour or portion of an hour to a maximum fee of \$20.50 for each subsequent calendar day.
- (b) 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.
- (c) 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 \$45.00 for all services rendered.

- (d) 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, and without limiting the generality of the foregoing shall not charge any additional fees for the use of specialized equipment, fuel surcharges or mileage charges.
  - (e) The charges prescribed in this section do not apply to vehicles towed into the District of Saanich from outside its boundaries.
8. 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.
9. (a) Each towing company shall issue a written receipt forthwith upon receipt of payment for towing charges.
- (b) Each towing company shall deliver to the Saanich Police Department between 12:00 Noon and 4:00 P.M. of each day, a list in writing containing a description and vehicle licence number of each vehicle in the custody of such towing company at 9:00 A.M. the same day.
10. Nothing contained in this Bylaw shall prevent members of the Saanich Police and Fire Departments, or a towing company acting on the instructions of either the Saanich Police or Fire Departments, from towing away any vehicle from any parking lot.
11. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$200.00.
- (b) The penalties imposed hereunder shall be in addition to and not in substitution for any other penalty or remedy.
12. Bylaw No. 7520 the "Tow Away Bylaw, 1995" is hereby repealed, except insofar as it may repeal any other bylaw.
13. This Bylaw may be cited for all purposes as the "**TOW-AWAY BYLAW, 1997, NO. 7745**".

**Includes Bylaw Amendments No. 9009, 9052 and 9484**