

TOWING AND IMMOBILIZING COMPANIES BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to consolidate, update and clarify the regulations that apply to towing companies and immobilizing companies.

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Under its statutory powers, including section 8(6) of the *Community Charter* and section 124(1)(g) of the *Motor Vehicle Act*, the Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "TOWING AND IMMOBILIZING COMPANIES BYLAW".

Definitions

- 2 In this Bylaw:

"connected to a towing vehicle"

means fastened to a L-bar on a wheel lift truck, a J-hook on a sling truck or tilt bed truck or to any other similar apparatus on a towing vehicle normally used for fastening to another vehicle for the purpose of towing it;

"immobilize"

means to prevent movement of a vehicle by use of a wheel lock or other device designed to be attached or affixed to a parked vehicle;

"immobilizing company"

means any person who carries on the business of immobilizing vehicles;

"parking lot"

means a place other than a street that is used for the parking of one or more vehicles but does not include a place where parking is accessory to a single family or two family dwelling;

"towing company"

means any person who carries on the business of towing vehicles.

Business licence required

- 3
- (1) A person must not carry on the business of towing vehicles unless that person holds a valid licence issued under the provisions of the Business Licence Bylaw.
 - (2) A person must not carry on the business of immobilizing vehicles unless that person holds a valid licence issued under the provisions of the Business Licence Bylaw.
 - (3) The Business Licence Bylaw applies to the issuing, renewing, suspension, cancellation and revocation of a business licence for the operation of a towing company or immobilizing company.

Restrictions on advertising

- 4
- A person carrying on the business of towing or immobilizing vehicles must not display on its vehicles, storage lots, advertising, or any other place a statement that states or implies that its business is in any way endorsed by the City of Victoria or the Victoria Police Department.

Restrictions on towing

- 5
- A towing company must not
- (a) tow a vehicle for being improperly or unlawfully parked on a parking lot unless a clearly visible and legible sign containing the following information is posted in a conspicuous place on the parking lot:
 - (i) a warning to the effect that improperly or unlawfully parked vehicles will be towed at the owner's expense;
 - (ii) the name and telephone number of the towing company and the address at which the vehicle will be stored;

- (iii) the towing and storage fees that will apply,
- (b) without lawful authority, tow a validly parked vehicle from a parking lot,
- (c) tow a vehicle from a parking lot for failure to obtain a parking ticket from a ticket dispenser unless the ticket dispenser is
 - (i) in sound working order, and
 - (ii) supplied with parking tickets,
- (d) tow a vehicle from a parking lot for failure to purchase sufficient parking time from a parking meter unless the meter is in sound working order,
- (e) tow a vehicle from a parking lot because the purchased parking time has expired unless at least 15 minutes have elapsed since the time of expiry, or
- (f) tow a vehicle because of the failure of the owner or operator to pay the total charges for towing or storing the vehicle at a previous time.

Restrictions on immobilizing

6 An immobilizing company must not

- (a) immobilize a vehicle for being improperly or unlawfully parked on a parking lot unless a clearly visible and legible sign containing the following information is posted in a conspicuous place on the parking lot:
 - (i) a warning to the effect that improperly or unlawfully parked vehicles will be immobilized at the owner's expense;
 - (ii) the name and telephone number of the immobilizing company;
 - (iii) the immobilizing fees that will apply,
- (b) without lawful authority, immobilize a validly parked vehicle on a parking lot,
- (c) immobilize a vehicle on a parking lot for failure to obtain a parking ticket from a ticket dispenser unless the ticket dispenser is
 - (i) in sound working order, and
 - (ii) supplied with parking tickets,
- (d) immobilize a vehicle on a parking lot for failure to purchase sufficient parking time from a parking meter unless the meter is in sound working order,
- (e) immobilize a vehicle on a parking lot because the purchased parking time has expired unless at least 15 minutes have elapsed since the time of expiry, or
- (f) immobilize a vehicle because of the failure of the owner or operator to pay the total charges for immobilizing the vehicle at a previous time.

Exemption from Sign Bylaw

- 7 The requirements of the Sign Bylaw do not apply to a sign posted on a parking lot if the sign only displays the information listed in section 5(a) or 6(a).

Fees

- 8 (1) If a vehicle is towed for being improperly or unlawfully parked, a towing company must not charge the owner or operator of the vehicle any fees for the release of the vehicle other than or greater than those prescribed in Schedule A for towing and storage plus any applicable taxes.
- (2) If a vehicle is immobilized, an immobilizing company must not charge the owner or operator of the vehicle any fees for the release of the vehicle other than or greater than those prescribed in Schedule A for immobilizing plus any applicable taxes.
- (3) Subsection (1) does not apply if
- (a) a vehicle is towed into the city from outside the city, or
 - (b) a vehicle is towed at the request of the Chief Constable or a person authorized by the Chief Constable.
- (4) A towing company must reduce the fees prescribed in Schedule A by at least 50% if the owner or operator of a vehicle produces to the towing company a parking ticket that was valid at the time, but was not visibly displayed in the vehicle and there was a requirement to do so, when the towing company started to tow the vehicle.
- (5) An immobilizing company must reduce the fees prescribed in Schedule A by at least 50% if the owner or operator of a vehicle produces to the immobilizing company a parking ticket that was valid at the time, but was not visibly displayed in the vehicle and there was a requirement to do so, when the immobilizing company started to immobilize the vehicle.
- (6) A towing company that tows improperly or unlawfully parked vehicles must prominently display a schedule of the fees which may be charged pursuant to this Bylaw at
- (a) each place of business, and
 - (b) each lot where vehicles towed for being improperly or unlawfully parked are stored.

Early release of vehicles

- 9 (1) If an owner or operator of a vehicle parked on a parking lot reaches the vehicle after it has been connected to a towing vehicle and before it has been removed from the parking lot, the towing company must

- (a) before removing the vehicle, allow the owner or operator a period of fifteen minutes in which to pay the early release fee prescribed in Schedule A, and
 - (b) if the early release fee is paid within the fifteen minute period, immediately release the vehicle.
- (2) If an owner or operator of a vehicle parked on a parking lot reaches the vehicle after it has been immobilized but before the immobilizing company leaves the parking lot, the immobilizing company must
- (a) before leaving the parking lot, allow the owner or operator a period of fifteen minutes in which to pay the early release fee prescribed in Schedule A, and
 - (b) if the early release fee is paid within the fifteen minute period, immediately release the vehicle.

Storage lots

- 10** (1) 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 Victoria City Hall without the vehicle owner's prior consent.
- (2) A towing company must maintain at each of its storage lots a clearly visible and legible sign stating that there is no charge for the first hour of storage of a vehicle that was towed for being improperly or unlawfully parked.
- (3) A towing company must maintain lighting in sufficient quantity to make all vehicles on a vehicle storage lot clearly visible from the entrance of the lot.

Restrictions on dogs

- 11** A towing company must not have a dog in a towing company office when a customer is present.

Releasing vehicles

- 12** (1) A towing company that tows improperly or unlawfully parked vehicles must
- (a) ensure an employee or agent of the company is available 24 hours per day to answer telephone calls and release vehicles,
 - (b) ensure an employee or agent of the company is present at the storage lot to accept payment and release a vehicle within 30 minutes of receiving a telephone call from the owner or operator of the vehicle requesting its release,
 - (c) in addition to cash, accept at least one major credit card and debit as forms of payment of towing and storage fees, and

- (d) immediately release a vehicle upon payment of the applicable towing and storage fees.
- (2) An immobilizing company must
- (a) ensure an employee or agent of the company is available 24 hours per day to answer telephone calls and release vehicles,
 - (b) ensure an employee or agent of the company attends to accept payment and release a vehicle within 30 minutes of receiving a telephone call from the owner or operator of the vehicle requesting its release,
 - (c) in addition to cash, accept at least one major credit card and debit as forms of payment of immobilizing fees, and
 - (d) immediately release a vehicle upon payment of the applicable immobilizing fees.

Receipt required

- 13** (1) A towing company must issue a written receipt, including the following information, to a person who pays towing or storage fees:
- (a) the name, or the identification number issued by the company, of the person who towed the vehicle;
 - (b) the time when the vehicle was connected to the towing vehicle;
 - (c) the location where the vehicle was connected to the towing vehicle;
 - (d) the fees for towing or storing the vehicle;
 - (e) damage to the vehicle reported, at the time the fees are paid, by the person paying the fees.
- (2) An immobilizing company must issue a written receipt, including the following information, to a person who pays immobilizing fees:
- (a) the name, or the identification number issued by the company, of the person who immobilized the vehicle;
 - (b) the time when the vehicle was immobilized;
 - (c) the location where the vehicle was immobilized;
 - (d) the fees for immobilizing the vehicle;
 - (e) damage to the vehicle reported, at the time the fees are paid, by the person paying the fees.

Providing a daily list to police

- 14** Between the hours of 12:00 noon and 4:00 pm each day, a towing company must deliver to the Victoria Police Department a list containing a description and the vehicle licence number of each vehicle in the custody of the towing company at 9:00 am of that day.

Restrictions on attending at motor vehicle accidents

- 15** A person must not attend at the scene of a motor vehicle accident for the purpose of soliciting vehicle towing business unless the person is asked to attend at the scene by a police officer or by the owner or operator of a disabled vehicle.

Business name and telephone number on vehicles

- 16** A vehicle used to carry on the business of towing or immobilizing improperly or unlawfully parked vehicles must have the business name and telephone number painted or otherwise permanently affixed on each side of the vehicle in characters that are
- (a) not less than ten centimeters in height, and
 - (b) clearly legible and visible at all times.

Offence and penalties

- 17** (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) The minimum fine for a contravention of any provision of this Bylaw is \$250.00.
- (3) Each day that a contravention of a provision of this Bylaw occurs or continues constitutes a separate offence.

Repeal

18 Bylaw No. 92-188, the Towing Companies Bylaw, is repealed.

READ A FIRST TIME the	9th	day of	June,	2011.
AMENDED the	25th	day of	August,	2011.
READ A SECOND TIME the	25th	day of	August,	2011.
AMENDED the	13th	day of	October,	2011.
READ A THIRD TIME the	13th	day of	October,	2011.
ADOPTED on the	27th	day of	October,	2011.

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR

Schedule A

Maximum towing, storage, immobilizing and early release fees

Description	Maximum Fee
1. Towing (s. 8(1))	
(a) No dolly or sling required	\$85
(b) Dolly or sling required	\$119.00
2. Storage (s. 8(1))	
(a) First calendar day	First hour free, then \$2.25 per hour to a maximum of \$20.50
(b) Subsequent calendar days	\$20.50 per day or portion of a day
3. Immobilizing (s. 8(2))	\$85
4. Early Release (s. 9)	\$45