



REPORT TO COUNCIL

TO: Richmond City Council
FROM: Councillor Bill McNulty, Chair
Community Safety Committee
DATE: May 23rd, 2001
FILE: 8060-20-7219
RE: VEHICLE FOR HIRE REGULATIONS – TOWING FROM PRIVATE LOTS

The Community Safety Committee, at its meeting held on May 17th, 2001, considered the attached report, and recommends as follows:

COMMITTEE RECOMMENDATION

That Bylaw No. 7219, which amends the towing provisions in the Vehicle for Hire Regulations Bylaw No. 6900, be introduced and given first, second and third readings, with an amendment to Clause 2 of Bylaw No. 7219 to delete in subsection 6.3.6, the word “modified” and substituting the word “reduced”.

Councillor Bill McNulty, Chair
Community Safety Committee

Attach.

VARIANCE

Please note that staff recommended the following:

That Bylaw No. 7219, which amends the towing provisions in the Vehicle for Hire Regulations Bylaw No. 6900, be given first, second and third readings



CITY OF RICHMOND

REPORT TO COMMITTEE

To Community Safety - May 17, 2001
DATE: May 7, 2001
8060-20-7219

TO: Community Safety Committee

FROM: Sandra Tokarczyk
Manager, Community Bylaws

RE: VEHICLE FOR HIRE REGULATIONS – TOWING FROM PRIVATE LOTS

STAFF RECOMMENDATION

That *Bylaw No. 7219*, which amends the towing provisions in the *Vehicle for Hire Regulations Bylaw No. 6900*, be given first, second and third readings.

Sandra Tokarczyk
Manager, Community Bylaws

ATT: 1

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
R.C.M.P.	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Zoning	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Business Development.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ORIGIN

In November 1998, the Vehicle for Hire Bylaw was amended due to concerns raised by the public over the towing practices taking place from private lots in the City of Richmond. A primary complaint from the public was the frustration of being towed from a private lot and not understanding why. The Vehicle for Hire Bylaw introduced the requirement for information signs through a towing permit process.

As of March 27, 2001, 201 Towing Permits have been approved with another 57 in various stages of the process. Since the towing permit process has been implemented a significant drop in the number of inquires regarding towing has been seen; with only 10 inquires having been made about:

- (50%) an additional ticket being placed on vehicles for the Agent of the property;
- (10%) the fees charged;
- (40%) being towed from fire lanes / or roadways without a permit on the lot.

Previous to November, 1998, the complaints received were approximately 5 times higher (50). The dramatic decrease in inquires is attributed to the introduction of the Towing Permit process in the Vehicle for Hire Bylaw.

After two years experience, a number of the amendments to the Vehicle for Hire Bylaw No. 6900, are proposed. The changes would address concerns raised by the public, bylaw staff, property owners, and the towing companies with regards to:

- 1) no parking areas;
- 2) information signs;
- 3) application process;
- 4) extra fee collection;
- 5) impound yard; and
- 6) business name.

This report presents the various proposed amendments with accompanying reasons for the suggested changes. The changes have been discussed with the two local tow company operators and takes into consideration their feedback as well as those expressed by previous towing permit applicants.

ANALYSIS

1. No Parking Areas

Towing on private lots has occurred in no parking areas, without benefit of a towing permit. This practice has raised some questions around the intent of the towing permit regulations. Specifically:

- a) What is meant by "no parking" areas?; and
- b) Was the towing permit requirement meant to cover or exempt the "no parking" areas?

In reviewing the wording and definitions contained in the current Vehicle for Hire Bylaw the answer remains unclear, hence clarity is sought.

What is a "no parking" area?

The following list identifies the common parking problem areas found on private property. These areas should be kept clear for safety reasons:

- a) emergency vehicle access which include roadways, driveways, or fire lanes;
- b) emergency exit doors for pedestrians;
- c) fire hydrants;
- d) garbage disposal vehicle access.

Should towing be allowed from no parking areas without benefit of a towing permit?

In some situations it is difficult for a vehicle operator (and staff) to determine where these no parking areas are located on the private property. The difficulty lays in determining what is a fire lane or a driveway and where those boundaries stop and start.

Currently, when a private property owner applies for a towing permit, staff are having the applicant include the "no parking" areas as part of the information signage. Depending on the circumstances, additional signage may be requested in order to clarify the location of some of the defined no parking areas in which towing can occur.

If a private property owner only wishes to tow from their lot because of a safety issue, identified as a) to d) above, then staff are of the opinion that a towing permit should not be required. However, because of the lack of clarity around delineating some of these areas, staff are suggesting that if the no parking areas are clearly marked with yellow paint on the curb and / or the roadway or by other clearly visible means, then a towing permit is not required. The requirement by the tow operator to obtain the property owner or agent's permission is still in effect.

The bylaw would be amended to include a definition of "no parking" areas and a provision to exempt private property owners from the towing permit process, if the area is clearly marked.

2. Information Signs

Number and Location of Information Signs

Concerns have been raised from the property owners or agents of private lots. They feel that they are having to provide too many signs, the look is not appealing, and the parking lot area is over signed.

The purpose of the signage is to make sure that a vehicle operator, who is parking on the private lot, understands the rules of the lot. If this can be accomplished by placing fewer signs, then the intent of the permit has been met and allows for a benefit to the applicant. In certain locations, such as parkades, the opportunity exists to vary the sign requirements and still

achieve the bylaw intent. The following changes are proposed:

Current Wording	Additional Wording
information signs must ... be located no further than 30m from any area of the private parking lot being controlled.	an additional clause would be added that would: allow an inspector the discretion to vary the sign requirements based on the unique circumstances of an individual lot.

Information Sign Size

Property owners have claimed an unwarranted cost associated with the largeness of the information sign. A size reduction will not affect the quality of the information presented, allowing for a benefit to the applicant(s). The following change is proposed:

From	To
61 cm (24 inches) by 91.4 cm (36 inches)	61 cm (24 inches) by 76.2 cm (30 inches)

3. Application Process

Fee

The original towing permit application fee was set at \$25.00 as it was felt that the low rate would reduce public opposition to the new towing permit. The majority of those wishing to tow from their private lots have already applied for their towing permit under the \$25.00 rate. Staff believe this would be an appropriate time in which to change the permit fee and recover the cost of conducting the two site inspections. Each site inspection costs \$25.00.

Outstanding Applications

A number of applicants fail to complete their permit for any number of reasons, leaving a backlog of outstanding applications on the books. It is suggested that a timeframe of 6 months, from date of application, be set. The applicant would be notified by letter and the permit file closed.

Application Fee Refunds

Requests have been made to refund application fees where an applicant has decided not to proceed. Staff time, either administrative or inspection are spent on the processing of applications. These costs can vary depending on the stage at which the application is cancelled. Compensation, in the form of a non-refundable application fee is suggested.

Additional Site Inspection Fee

Occasionally applicants will request a site inspection in anticipation of permit issuance, without having completed the required works as identified by the inspector. The need to attend for additional inspections (beyond the two allowed for in the application fee) adds to the cost of

processing the permit. It is suggested that the applicant pay for each additional inspection required (beyond the original two).

The following bylaw changes are proposed:

Issue	From	To
Fee	none specified, \$25.00 used	\$50.00
Outstanding Applications	none specified	6 months from date of application
Refunds	none specified	non-refundable
Additional Inspections	none specified	\$25.00 per inspection

4. Extra Fee Collection

A relatively new practice of adding an “extra fee”, in the form of a ticket, to a vehicle when it is towed has occurred in the private sector. Approximately 50% our enquiries regarding towing problems relate to this “extra fee” practice.

The public sector’s City’s Parking Enforcement Officers, add a ticket prior to towing a vehicle, although our ticket remains completely separate from the towing fees. The ticket is issued as proof of illegal parking under the City’s Traffic Bylaw. The City’s Parking Enforcement unit does not include the cost of the ticket as part of the collection of the vehicle from the impound yard. The City uses a collection agency for these types of outstanding tickets.

However, the “extra fee” is being collected by the private sector as part of the towing fee and must be paid before the vehicle is released by the towing company.

Our Legal Department is of the opinion that a vehicle can not be held for this type of added fee or fine, but under our present bylaw, it is not defined as prohibited.

City staff have heard from several members of the public who have indicated that they feel the practice of holding the vehicle for the additional ticket is unfair and costly.

The proposed bylaw amendment would clearly prohibit the collection of the “extra fee” as part of the towing process.

5. Impound Yard

An opportunity exists in the current bylaw, due to lack of clarity, to stockpile vehicles at a location other than the licensed impound yard. Clarification to the current bylaw wording is suggested to ensure that the bylaw is clear about the location to which an impounded vehicle must be towed. Suggested bylaw changes are as follows:

From	To
tow a vehicle from a private parking lot unless it is taken directly to a vehicle impound lot.	add the words ... directly to <i>the licensed</i> vehicle impound lot.

6. Business Name

A local tow truck operator has requested that some flexibility be given with respect to the placement of the business name on the tow trucks for aesthetic purposes.

The original intent of including this clause in the bylaw was to make the tow company's name clearly visible, thereby assisting in the location and retrieval of a towed vehicle. The placement of additional towing signs on private lots, as part of the towing permit process, also meets the same intent. The prominent display of the tow company's name is also used for advertising purposes and presents a benefit to the operator.

Providing some flexibility in the placement of the company's name on the side of the truck, other than just the door, would provide the tow truck operator some freedom in the design and placement of their company's business information. The following changes are suggested:

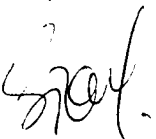
From	To
Every tow-truck licensee or operator must: paint or permanently affix either the business name or the name of the owner of the tow-truck, to the door on each side of each tow-truck, ...	remove the restrictive words to " <i>to the door</i> " and leave in " <i>on each side</i> ".

FINANCIAL IMPACT

None to the City.

CONCLUSION

The proposed amendments to the Vehicle for Hire Bylaw 6900 are suggested to bring the Bylaw up-to-date based on our experience and feedback received.


 for Carole Sejberg,
 Bylaw Liaison Officer

CITY OF RICHMOND

**VEHICLE FOR HIRE REGULATION BYLAW NO. 6900,
AMENDMENT BYLAW NO. 7219**

The Council of the City of Richmond enacts as follows:

1. Clause (a) of subsection 6.1.1 of Bylaw No. 6900 is amended by deleting the words "to the door".
2. Section 6.3 (Towing of Vehicles from Private Parking Lots) of Bylaw No. 6900 is deleted in its entirety, and replaced with the following:

6.3 Towing of Vehicles from Private Parking Lots

6.3.1 A vehicle must not be towed from any private **parking lot** at any time without the consent of the vehicle owner unless:

- (a) at the time such vehicle is towed:
 - (i) towing company information signs; and
 - (ii) tow-away warning signs

complying with the provisions of subsections 6.3.4 and 6.3.5 respectively, are clearly displayed on the said **parking lot**; and

- (b) a completed Part A of a Tow-away Notice, as shown in Schedule 2, which is attached and forms a part of this bylaw, on which the name of the person authorizing the vehicle tow must be clearly printed, has been placed on the vehicle by the private **parking lot** owner, business tenant, employee or agent, none of whom may be in the employ of a towing company.

6.3.2 A vehicle must not be towed from any **no parking area** at any time, without the consent of the vehicle owner, unless at the time such vehicle is towed:

- (a) the **no parking area** is clearly marked with yellow paint on the curb and/or roadway or by other clearly visible means;
- (b) a tow-away warning sign is clearly displayed adjacent to the **no parking area** which:
 - (i) has minimum dimensions of 30.5 centimetres (12 inches) by 45.7 centimetres (18 inches), with letters and numbers of not less than 2.5 centimetres (1 inch) in height;
 - (ii) is clearly visible from the **no parking area** being towed from;

- (iii) indicates that vehicles **parked** in the **no parking area** will be towed; and
 - (iv) contains the name and telephone number of the towing company which will remove unauthorized vehicles from the property, and the location to which towed vehicles will be taken; and
- (c) a completed Part A of a Tow-away Notice, as shown in Schedule 2, on which the name of the person authorizing the vehicle tow must be clearly printed, has been placed on the vehicle by the property owner, business tenant, employee or agent, none of whom may be in the employ of a towing company.

6.3.3 The provisions of:

- (a) subsections 6.3.1 and 6.3.2 do not apply for the towing of any vehicle which is improperly **parked** for a period of 24 hours, or longer; and
- (b) clause (b) of subsection 6.3.1 and clause (c) of subsection 6.3.2 do not apply to the towing of a vehicle between the hours of 2:00 a.m. and 5:00 a.m. from property which is primarily used for multi-family residential purposes.

6.3.4 The towing company information signs stipulated in clause (a)(i) of subsection 6.3.1 must:

- (a) be erected and maintained by the owner or occupier of the property on which the private **parking lot** is located; and
- (b) meet the following requirements:
 - (i) have minimum dimensions of 30.5 centimetres (12 inches) by 45.7 centimetres (18 inches), with letters and numbers of not less than 2.5 centimetres (1 inch) in height;
 - (ii) be clearly visible at all times;
 - (iii) be conspicuously posted at all entrances and exits to the property;
 - (iv) be located no further than 30 metres (98.4 feet) from any area of the private **parking lot** being controlled; and
 - (v) clearly display the name and telephone number of the towing company which will be removing unauthorized vehicles from the property, and the location to which towed vehicles will be taken.

6.3.5 The tow-away warning signs stipulated in clause (a)(ii) of subsection 6.3.1 must:

- (a) be erected and maintained by the owner or occupier of the property on which the private **parking lot** is located; and

- (b) meet the following requirements:
 - (i) have minimum dimensions of 61 centimetres (24 inches) by 76.2 centimetres (30 inches), with letters and numbers of not less than 2.5 centimetres (1 inch) in height;
 - (ii) be clearly visible at all times;
 - (iii) be conspicuously posted at all entrances and exits to the property;
 - (iv) be located no further than 30 metres (98.4 feet) from any area of the private **parking lot** being controlled;
 - (v) use wording which must be approved by the **Licence Inspector**, to indicate the circumstances under which vehicles will be towed; and
 - (vi) clearly state whether or not vehicles are subject to being towed after business hours.

6.3.6 The requirements of clause (iv) of subsection 6.3.5(b) may be reduced where deemed appropriate by the **Licence Inspector**.

6.3.7 Before any vehicles may be towed from a private **parking lot**, the property owner must submit a detailed site plan showing the proposed placement and the means of visibility in non-daylight hours, of:

- (a) the towing company information signs; and
- (b) the tow-away warning signs required under subsections 6.3.4 and 6.3.5,

to the **Licence Inspector** for approval, accompanied by a non-refundable towing permit fee of \$50.

6.3.8 Before a towing permit will be issued, the **Licence Inspector** must conduct a site inspection of the private **parking lot** and where more than two inspections are necessary, the non-refundable fee for each inspection after the second inspection is \$25.

6.3.9 An incomplete towing permit application automatically expires six months after the date the application was first submitted.

6.3.10 Every tow-truck driver must:

- (a) where a vehicle is to be removed from a private **parking lot** or **no parking area** pursuant to a Tow-away Notice:
 - (i) complete Part B of the Tow-away Notice; and must, at the time of removal of the vehicle, sign both copies, print his name, and leave both on the windshield of the towed vehicle; and
 - (ii) retain the triplicate copy for a period of 30 days for inspection upon request, by the **Licence Inspector**;

- (b) release a vehicle immediately if it becomes occupied after it has been **attached** to a tow-truck, but before it has been removed from a private **parking lot** or **no parking area**, in which case a vehicle release fee in the amount shown in section 2 of Schedule 1 may be charged.
- 6.3.11 The vehicle release fee referred to in clause (b) of subsection 6.3.10 may either be paid at the time the vehicle is released or, if unpaid, may be recovered by the towing company by civil means.
- 6.3.12 In addition to the restrictions in subsection 6.2.2, a tow-truck driver must not:
- (a) obstruct or **attach** the tow-truck to a vehicle on a private **parking lot** on which **parking** is time-regulated, until 30 minutes have elapsed from the expiration of the regulated time limit;
 - (b) tow a vehicle from a private **parking lot** or **no parking area**, unless it is taken directly to the licenced Vehicle Impound Lot;
 - (c) obstruct or **attach** a vehicle to a tow-truck until after 10 minutes have elapsed from the time indicated in Part A of the Tow-away Notice, where such vehicle is **parked** in an unauthorized space by reason only of its location in an area specifically reserved for a tenant other than the tenant on the same multi-tenant commercial property with whom the driver is conducting business; or
 - (d) obstruct or **attach** to a tow-truck, a vehicle which is occupied.
3. Subsection 6.4.1 of Bylaw No. 6900 is amended by re-naming clause (b) as clause (c) and inserting the following as clause (b):
- “(b) be located at the address shown on the business licence of the tow-truck **licencee** or **operator**; and”
4. Section 6.6 of Bylaw No. 6900 is amended by adding the following subsection:
- “6.6.3 A tow truck **licencee** or **operator** must not charge a vehicle owner any fee for the services of any agent of the owner of the property from which the vehicle was towed, or any other fees or charges other than those set out in Schedule 1.”
5. Part 10 is amended by adding in alphabetical order, the following:
- PARK/PARKED/PARKING** means the standing of a vehicle, whether occupied or not, other than up to 5 minutes for the purpose of, and while actually engaged in, loading or unloading of property, goods, or the discharging or taking on of passengers, or in compliance with the directions of:

(a) a police officer, a bylaw enforcement officer, or a person contracted by the **City** for traffic regulation purposes, or

(b) a traffic control device.

NO PARKING AREA

means an area of land which must be kept clear for the following purposes:

(a) emergency vehicle access;

(b) emergency exit route for pedestrians; or

(c) garbage disposal vehicle access;

and which has been designated by the owner, in accordance with this bylaw, as an area where **parking** of vehicles is not permitted.

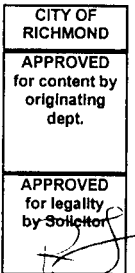
6. This bylaw is cited as "**Vehicle For Hire Regulation Bylaw No. 6900, Amendment Bylaw No. 7219**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CITY CLERK