



City of Richmond

Report to Committee

To: Community Safety Committee
From: Phyllis L. Carlyle
 General Manager
Re: Regulation of Private Parking Operations

Date: October 28, 2011

File:

Staff Recommendation

1. THAT Vehicle For Hire Regulation Bylaw No. 6900, Amendment Bylaw No. 8801 (Attachment 1) be introduced and given first, second and third reading; and
2. THAT Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8802 (Attachment 2) be introduced and given first, second and third reading.



Phyllis L. Carlyle
 General Manager, Law & Community Safety
 (604.276.4104)

Att. 3

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE.		CONCURRENCE OF GENERAL MANAGER	
Budgets		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Business Licences		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Law		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
REVIEWED BY TAG		YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
REVIEWED BY CAO		YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

Staff Report

Origin

The City's Vehicle For Hire Regulation Bylaw No 6900, in part, regulates the rates that tow truck operators and owners may charge for towing and storing impounded vehicles, the standard signage required to be posted, the circumstances and process under which a vehicle may be towed and the documentation required to support these actions. This bylaw was originally adopted by Council on November 1, 1998.

Analysis

Rates

Historically, for the applicable rates, the bylaw simply referred to section 43.05 of the *Motor Vehicle Act*. In September 2010, section 43.05 of the *Motor Vehicle Act* was repealed and replaced by a new schedule of rates outlined in the *Motor Vehicle Act Regulation 262/2010 – Lien on Impounded Motor Vehicle Regulation (Attachment 3)*. The attached bylaw amendments would update the Vehicle For Hire Regulation Bylaw No. 6900 in order to refer to the proper legislation.

Signage

In addition, a number of citizen complaints have been brought to the attention of City staff regarding the effectiveness of the signage at numerous private parking facilities within the City and these investigations consume staff time and City resources. The existing system provides for the issuance of permits for an unlimited period of time with no schedule for review and a fee is charged only with the initial permit. At the present time, the City has 305 permits issued under this program.

An amendment to the permit process is recommended to limit the period of time that a permit is valid to a maximum period of 2 years. The reapplication process would provide an opportunity to review and update signage on a regular basis with a view to mitigating the number of future complaints and provide a regular revenue source to offset the cost of City resources. The renewal of the existing permit files will be conducted over the next 2 years.

Staff has also taken this opportunity to include the Vehicle For Hire Regulation Bylaw No 6900 in the list of bylaws, prohibitions and fines covered under the City's very successful bylaw dispute adjudication system.

Financial Impact

Additional revenue from the limitation of the permit to 2 years, based on the present inventory of 305 permits and the existing permit fee of \$50.00, which as part of the Consolidated Fees Bylaw No 8636 will be increased by the CPI annually, would average approximately \$7,600 per annum. This would offset the time that the existing Bylaw Officers would spend in reviewing the effectiveness of the on-site signage and issuing new permits.

Conclusion

Staff recommends the updating of the Vehicle For Hire Regulation Bylaw No 6900 to include the revised rates for towing and impounds, a defined period of 2 years for valid permits and the inclusion of enforcement under this bylaw within the City's bylaw dispute adjudication system.



Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

WGM:wgm



**Vehicle For Hire Regulation Bylaw No. 6900
Amendment Bylaw No. 8801**

The Council of the City of Richmond enacts as follows:

1. The Vehicle For Hire Regulation Bylaw No. 6900, as amended, is further amended at PART SIX by adding the following at the end of Section 6.3.7:

A towing permit issued under this subsection will be valid for a maximum period of 2 years from the date of issuance.

2. The Vehicle For Hire Regulation Bylaw No. 6900, as amended, is further amended at PART SIX by deleting Section 6.3.10(b) in its entirety and substituting the following:

6.3.10 (b)(i) 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 storage and towing fees, costs and charges may be charged in the amounts set out in the *Motor Vehicle Act* Regulation 262/2010 – Lien on Impounded Motor Vehicle Regulation; and

(ii) provide the driver with a full written accounting on company stationery of all fees, charges and taxes paid.

3. The Vehicle For Hire Regulation Bylaw No. 6900, as amended, is further amended at PART SIX by deleting Section 6.5.1(d) and 6.5.1(e) in their entirety and substituting the following:

6.5.1 (d) release an impounded vehicle to the driver within 20 minutes of receiving full payment due under subsection 6.6.1, subject to any ‘hold order’ issued by the **Police Chief**;

(e) provide the driver with a full written accounting on company stationery of all fees, charges and taxes paid; and

(f) remove the original copy of the Tow-away Notice from the towed vehicle and retain it for a period of 90 days for inspection, upon request, by the **Licence Inspector**.

4. The Vehicle For Hire Regulation Bylaw No. 6900, as amended, is further amended at PART SIX by deleting Section 6.6 in its entirety and substituting the following:

6.6 Towing of Vehicles – Rates

6.6.1 The maximum rates for towing, impounding and storing vehicles are those set out in the *Motor Vehicle Act* Regulation 262/2010 – Lien on Impounded Motor Vehicle Regulation.

6.6.2 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 the *Motor Vehicle Act* Regulation 262/2010 – Lien on Impounded Motor Vehicle Regulation.

5. The Vehicle For Hire Regulation Bylaw No. 6900, as amended, is further amended at PART SIX by deleting Section 6.8 in its entirety and substituting the following:

6.8 Towing of Vehicles – Violations and Penalties

6.8.1 (a) A violation of any of the provisions identified in PART SIX of this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*; and

(b) A violation of any of the provisions identified in PART SIX of this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*.

6. This Bylaw is cited as “**Vehicle For Hire Regulation Bylaw No. 6900, Amendment Bylaw No. 8801**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division

APPROVED for legality by Solicitor


MAYOR

CORPORATE OFFICER



Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8802

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following after section 1.1(i):

“(j) Vehicle For Hire Regulation Bylaw No. 6900, as amended,”
2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding to the end of the table in Schedule A of Bylaw No. 8122 the content of the table in Schedule A attached to and forming part of this bylaw.
3. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8802”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 8802

SCHEDULE A to BYLAW NO. 8122

Designated Bylaw Contraventions and Corresponding Penalties

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Vehicle For Hire Regulation Bylaw No. 6900 (1998)	Towing from parking lot without proper authorization	6.3.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Towing from no parking area without proper authorization	6.3.2	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Failure to erect or maintain prescribed towing company signs	6.3.4	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Failure to erect or maintain prescribed tow-away warning signs	6.3.5	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Failure to obtain a valid towing permit for a private parking lot	6.3.7	No	\$ 300.00	\$ 275.00	\$ 325.00	n/a
	Failure to complete Part B of the tow-away notice	6.3.10	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Failure to retain Tow-away Notice for period of 90 days	6.3.10(a)(ii)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a

A1 Bylaw		A2 Description of Contravention	Failure to provide a full written accounting of fees, charges and taxes	A3 Section	6.3.10(b)(ii)	A4 Compliance Agreement Available	No	A5 Penalty	\$ 300.00	A6 Early Payment Option	\$ 275.00	A7 Late Payment Amount	\$ 325.00	A8 Compliance Agreement Discount	n/a
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IMPORTANT INFORMATION

B.C. Reg. 262/2010

Deposited September 15, 2010

Supt. of Motor Vehicles

effective September 20, 2010

Motor Vehicle Act

LIEN ON IMPOUNDED MOTOR VEHICLE REGULATION

Lien on impounded vehicle

- 1 The following fees, costs and charges are prescribed for the purposes of section 255 (2) (a) of the Act:

(a) for storage:

- (i) \$19.55 per day for impound lots located within the Greater Vancouver Regional District, the District of Squamish, the District of Chilliwack, the District of Abbotsford, the District of Mission or the City of Victoria;
- (ii) \$16.10 per day for impound lots located outside the areas described in subparagraph (i);

(b) for towing, as set out in the following table:

Item	Distance	Size and Weight of Vehicle		
	Column 1	Column 2	Column 3	Column 4
		Up to 3 628 kg GVW Automobiles, vans, pickups, motorcycles	3 629 kg to 7 257 kg GVW Medium duty trucks and trailers	7 258 kg GVW and over Heavy trucks and trailers
1	Up to 6.0 km	\$78.89	\$92.17	\$153.64
2	6.1 to 16.0 km, add per km	\$2.99	\$3.45	\$4.31
3	16.1 to 32.0 km, add per km	\$2.47	\$3.16	\$3.68

4	32.1 km and over, add per km	\$2.19	\$2.59	\$2.99
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[Provisions relevant to the enactment of this regulation: *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, section 269]

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