

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Towing Company Regulation Bylaw, 1997, No. 2272

**CONSOLIDATED FOR CONVENIENCE
August, 2019**

*In case of discrepancy, the original Bylaw
or Amending Bylaws must be consulted.*

Consolidates Amendments authorized by:

- Amendment Bylaw [No. 1], 2009, No. 2722

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2272

A Bylaw to regulate towing companies within the Municipality of Esquimalt.

WHEREAS Section 526 of the *Municipal Act* provides that a Municipal Council may by bylaw regulate the carrying on of any business in the Municipality; and

WHEREAS Section 189 of the *Motor Vehicle Act* authorizes peace officers to move vehicles stopped or parked on a highway; and

WHEREAS Section 193 of the *Motor Vehicle Act* provides for the towing of motor vehicles left on private property without the consent of the occupier of the said property;

NOW, THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "TOWING COMPANY REGULATION BYLAW, 1997, NO. 2272".
2. In this Bylaw:
 - (1) **"Parking Lot"** means a place which is used or set aside for use for the parking of one or more motor vehicles and includes parking spaces accessory to residential, commercial, industrial or institutional premises where such spaces are reserved for the use of certain persons or certain classes of persons;
 - (2) **"Towing Company"** means any person, firm or corporation who carries on the business of, *inter alia*, towing away unlawfully or improperly parked vehicles pursuant to the provisions of Sections 189 and 193 of the *Motor Vehicle Act* or otherwise.
3. No person carrying on the business of a towing company and no person being the owner or driver of a motor vehicle used by any such company for the purpose of carrying on its business as a towing company shall tow or remove any motor vehicle from a parking lot in the Municipality or cause the same to be towed or removed from any such parking lot for the reason that it is unlawfully or improperly parked unless:

- (1) at the time when such motor vehicle is so towed or removed there is displayed in a conspicuous place on such parking lot a sign or signs clearly visible and legible at all times from each entrance and each exit to the parking lot containing a warning to the effect that motor vehicles unlawfully or improperly parked thereon will be towed away at the expense of the owner of the motor vehicle and giving the name and telephone number of the towing company that will tow the vehicle away, the address of the location at which the vehicle so towed will be stored and specifying the towing charges and the hours during which vehicles will be towed away.
- (2) A sign, substantially in the following form, shall be deemed to be sufficient compliance with subsection (1):

“NOTICE

Unlawfully parked vehicles will be towed away at owner’s expense by **(name of towing company)** to **(address at which vehicle will be stored)**, Victoria, B.C., Telephone Number **(999-9999)**.

(hours during which vehicles will be towed away).

Towing Charges:	\$65.00 plus care and storage fees (or \$25.00 if vehicle released before leaving these premises).”
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- (3) Such sign or signs shall have been so displayed at the time when the motor vehicle was first left on such parking lot and continuously thereafter until the motor vehicle is towed and stored as aforesaid.
- 4. No towing company shall tow away a vehicle which is unlawfully or improperly parked in a parking lot to a place which is more than 5 km (3.1 miles) beyond the boundary of the Township of Esquimalt without the owner’s prior consent.
- 5. (1) The maximum sum payable to a towing company for its costs and charges for the removal of a motor vehicle towed away from a parking lot because it was unlawfully or improperly parked thereon, shall be the sum of \$65.00 plus care and storage fees calculated at the rate of \$2.00 per hour or portion of an hour from the arrival of the vehicle at the storage location until it is released to the owner or operator thereof to a maximum of \$15.00 for the first calendar day and commencing at 12 o’clock midnight after the first calendar day at the rate of \$2.00 per hour or portion of an hour to a

- maximum fee of \$15.00 per calendar day.
- (2) If the owner or operator of the vehicle reaches such vehicle after it has been connected to a towing vehicle and before it has been removed from the parking lot where it was left, the towing company shall forthwith release such vehicle on payment of a sum not exceeding \$25.00.
 - (3) The charges herein prescribed do not apply to motor vehicles towed into the Municipality from outside its boundaries.
 - (4) The charges herein prescribed are subject to any applicable federal or provincial taxes.
6. Each towing company shall cause a person to be on duty twenty-four hours a day to answer telephone calls and release motor vehicles; shall cause a written receipt to be issued forthwith upon receipt of payment for removal, and care and storage charges; and shall cause motor vehicles that have been towed away to be released forthwith upon tender of payment of the appropriate charges.
 7. Each towing company shall deliver to the Victoria Police Department between 12 o'clock noon and 4 o'clock in the afternoon of each day, a list in writing containing a description and vehicle licence number of each motor vehicle that was towed or removed from a parking lot located within the boundaries of the Municipality between 9 o'clock in the forenoon of the preceding day and 9 o'clock in the forenoon of the same day by the said towing company, the time at which the towaway or removal took place, the location from which the motor vehicle was towed or removed and whether the motor vehicle was released to the owner or operator thereof. *[Bylaw No. 2722, Amendment Bylaw [No. 1]*
 8. (a) Nothing contained in this bylaw shall prevent members of the Esquimalt Fire Rescue Department and/or Victoria Police Department, or a towing company acting on the instructions of the Esquimalt Fire Rescue Department and/or Victoria Police Department, from towing away any motor vehicle. *[Bylaw No. 2722, Amendment Bylaw [No. 1]*

(b) Nothing contained in this bylaw shall pertain to tows initiated by the Victoria Police Department. *[Bylaw No. 2722, Amendment Bylaw [No. 1]*
 9. (1) 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 \$50.00 and not more than \$500.00 for a first offence and for each subsequent offence to a fine of not less than \$100.00 and not more than \$1,000.00.

(2) The penalties imposed hereunder shall be in addition to and not in substitution for any other penalty or remedy.

10. Bylaw No. 2004, cited as the "Towing Company Regulation Bylaw, 1991, No. 2004", is hereby repealed, except insofar as it may repeal any other bylaw.

Read a first time by the Municipal Council on February 17, 1997.

Read a second time by the Municipal Council on February 17, 1997.

Read a third time by the Municipal Council on February 17, 1997.

ADOPTED by the Municipal Council on March 3, 1997.

R. T. RICE
MAYOR

R. SERIGHT
MUNICIPAL CLERK