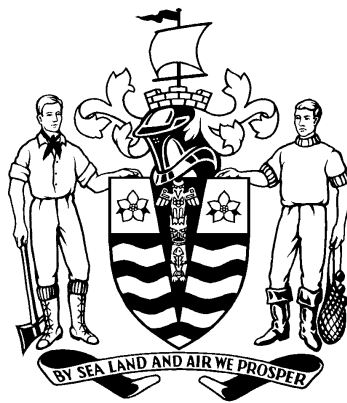


CITY OF VANCOUVER BRITISH COLUMBIA



IMPOUNDING BY-LAW NO. 3519

This By-law is printed under and
by authority of the Council of
the City of Vancouver

(Consolidated for convenience only
to December 13, 2016)

BY-LAW NO. 3519

A By-law to authorize the
impounding of vehicles and other chattels
unlawfully occupying city streets

[Consolidated for convenience only,
amended to include By-law No. 11702,
effective December 13, 2016]

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting assembled, enacts
as follows:

1. This By-law may be cited as the "Impounding By-law".

INTERPRETATION

2. Whenever the words following occur in this By-law they shall be construed in the manner hereinafter mentioned unless a contrary intention appears, or the interpretation which this provision would give to any word, expression or clause is inconsistent with the context, as the same appears in this By-law:

- (a) "Chief Constable" includes deputies and agents of the Chief Constable.
 - (b) "Constable" means any member of the police force of the City of Vancouver.
 - (c) "Impound" includes the seizure, removal and detention of any vehicle, whether being driven or not, and any other chattel, which is unlawfully placed, left, kept or driven upon a street, or in any public park.
 - (d) "impounding charges" include all expenses of removal and detention or impounding and also all towing, storage and other charges, all as provided by Schedule "A" to this By-law.
3. (a) Any constable or any employee of the City designated by the City Engineer to carry out the provisions of this By-law may impound or cause to be impounded any vehicle, whether being driven or not, which is unlawfully placed, left, kept or driven upon a street or in any public park.
 - (b) Every vehicle which has been impounded shall be kept at such premises as may be designated by the Chief Constable and shall there be kept at the Owner's risk.

- (c) For the purposes of this section, a vehicle is deemed to be unlawfully left on a street if the vehicle has
 - (i) an automobile security system that is operating in contravention of the Motor Vehicle Noise Abatement By-law, or
 - (ii) a horn that is audibly sounding for a period of more than 10 minutes.
- 4. This By-law fixes as the impounding charges the rates set out in Schedule A to this By-law, and authorizes the payment of such rates to any person with whom the city contracts for the removal, towing, or storage of an impounding vehicle or the removal of a chattel under this By-law."
- 5. (a) An impounded vehicle may be recovered by its owner if, prior to the sale provided for in section 7, the owner can show satisfactory proof of ownership and pays the impounding charges, except that the Chief Constable may, if the impounding charges are paid, give possession of the vehicle to any other person who provides satisfactory evidence of entitlement to the vehicle.
- (b) (Deleted)
- (c) Notwithstanding anything contained in this By-law, the owner of an impounded vehicle who feels that payment of the required impounding charges will cause him or her undue hardship may write out a claim of hardship directed to the Chief Constable, and if the Chief Constable, after considering and weighing the circumstances of the case, accepts the owner's claim of hardship the Chief Constable may recommend to the Vancouver Police Board that all or any part of the impounding charges be waived. The decision of the Vancouver Police Board shall be final and binding.
- 6. (a) Upon any vehicle being impounded, the Chief Constable where the impounding has been effected by a constable, or the City Engineer where the impounding has been effected by a designated employee, shall cause enquiry to be made as to who is the owner of such vehicle, or is entitled to claim possession thereof.
- (b) In respect of vehicles registered in British Columbia, the Chief Constable or the City Engineer as the case may be shall within seven days of the impounding of such vehicle forward a notice in writing to the registered owner as shown by the records maintained by the Superintendent of Motor Vehicles.
- (c) In respect of vehicles registered outside British Columbia, the Chief Constable or the City Engineer as the case may be shall forward such notice aforesaid within twenty-one days of the impounding of such vehicle to such person as the Chief Constable or the City Engineer shall, after enquiry, deem to be the owner of the said vehicle or entitled to claim possession of the same.

- (d) The said notices shall contain a description of the said vehicle, a statement of the scale of impounding charges and the address where the said vehicle is held, and shall also state a date after which the said vehicle will be sold which date shall be at least thirty days from the date that such vehicle came into the possession of the Chief Constable or the City Engineer.
 - (e) Clause (d) of section 6 shall not apply to any vehicles that are impounded pursuant to the *Transportation Act* and come into the possession of the Chief Constable or the City Engineer.
7. (1) Any vehicle which remains unclaimed after the date prescribed by the Chief Constable or the City Engineer pursuant to clause (d) of section 6 hereof shall be delivered to the City Purchasing Agent for disposal in the manner hereinafter provided.
- (2) (a) The City Purchasing Agent, where of the opinion that the value of an impounded vehicle is such that it should be scrapped or disposed of for parts, shall sell at the best advantage, or dispose of at the least cost, by public auction, solicited offers, negotiated sale, or other method which will best serve the interests of the City. For vehicles in this condition the City Purchasing Agent may arrange to have a person or firm remove such vehicles on a continuing basis, as they become available.
 - (b) The City Purchasing Agent, where of the opinion that the value of an impounded vehicle is such that is suitable, with or without repairs, for licensing and return to service, shall sell such vehicle by public auction, solicited offers, or negotiated sale. If such sales methods fail to bring a satisfactory price, the City Purchasing Agent may dispose of such vehicles in accordance with clause (a) of this subsection (2).
8. Upon the sale of any vehicle pursuant to the provisions hereof, the City Purchasing Agent shall pay the net proceeds of sale to the City Treasurer who shall, after deducting impounding and other charges, hold any balance for any lawful claimant thereto.
9. The Chief Constable where the impounding has been effected by a constable, and the City Engineer where the impounding has been effected by a designated employee, shall cause to be kept a record of every vehicle impounded pursuant to the provisions of this By-law. Such record shall be adequate and sufficient to identify the vehicle in question, and shall also give details of the time when and the place where the said vehicle was impounded, and of the full amount of the impounding charges up to the date of sale or restoration thereof.
10. Every person who attempts to prevent the impounding of any vehicle or who in any manner interferes with the impounding of any such vehicle shall be deemed to be guilty of an infraction of this By-law and shall be liable to the penalties provided herein.

11. Every vehicle which comes into the hands of the Police for any reason other than as a result of impounding shall be held and dealt with in accordance with the provisions of this By-law but no impounding charges shall be imposed in respect thereof until seven days after a date to be fixed by the Chief Constable, after which date all the provisions of this By-law shall apply thereto.

12. (1) The City Engineer, any employee of the City designated by the City Engineer to carry out the provisions of this By-law or, in consultation with the City Engineer, the Chief Constable or the Medical Health Officer, may impound or cause to be impounded any chattel, not including a motor vehicle, which is unlawfully placed, left or kept upon a street.
- (2) The owner of a chattel impounded pursuant to subsection (1) shall be responsible for the payment of all impounding charges.
- (3) The owner of a chattel who has paid all impounding charges and has proved title to the chattel to the satisfaction of the City Engineer may recover possession of the chattel provided that such possession is taken within one month from the time of the impounding.
- (4) Any chattel which remains unclaimed after the date prescribed by subsection (3) shall be delivered to the City Purchasing Agent to be disposed of in the same manner as provided for in sections 7 and 8.

13. Every person who offends against any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act or thing which violates any of the provisions of this By-law, shall be deemed to be guilty of an infraction of this By-law, and shall be liable to the penalties hereby imposed.

14. Every person who commits an offence against this By-law is liable to a fine and penalty not less than \$500.00 and not exceeding \$10,000.00.

15. By-law No. 2676, as amended by By-law No. 3374, is hereby repealed.

16. This By-law shall come into force and take effect on and after the date of the final passing hereof.

DONE AND PASSED in open Council this 18th day of April, 1955.

(Signed) "F. J. Hume"
Mayor

(Signed) "R. Thompson"
City Clerk

Schedule A

Fees and Charges for impounded vehicles
(towing fees will have GST added)

1. Towing Fee

a) Vehicle with a gross vehicle weight of 2,999 kg or less

- (i) regular tow..... \$77.46
- (ii) tow with dolly \$102.46

Plus fuel surcharge of 12%

Plus, for a towing distance greater than 6.0 km..... \$2.64 per km

Plus fuel surcharge of 12%

b) Vehicle with a gross vehicle weight of 3,000 kg to 6,300 kg

- (i) regular tow..... \$81.80
- (ii) tow with dolly \$106.80

Plus fuel surcharge of 12%

Plus, for a towing distance greater than 6.0 km..... \$3.05 per km

Plus fuel surcharge of 12%

c) Vehicle with a gross vehicle weight of 6,301 kg to 9,072 kg

- (i) regular tow..... \$129.67

Plus fuel surcharge of 12%

Plus, for a towing distance greater than 6.0 km..... \$3.72 per km

Plus fuel surcharge of 12%

d) Vehicle with a gross vehicle weight of 9,073 kg and over

- (i) regular tow..... \$172.47

Plus fuel surcharge of 12%

Plus, for a towing distance greater than 6.0 km..... \$7.83 per km

Plus fuel surcharge of 12%

2. Unhooking Fee

Where towing service has commenced hook-up and the owner or person in charge requests delivery of the vehicle before it is towed.

- a) Vehicle with a gross vehicle weight of 2,999 kg or less
 - (i) regular tow..... \$38.73
 - (ii) tow with dolly \$51.23

Plus fuel surcharge of 12%

- b) Vehicle with a gross vehicle weight of 3,000 kg to 6,300 kg
 - (i) regular tow..... \$40.90
 - (ii) tow with dolly \$53.40

Plus fuel surcharge of 12%

- c) Vehicle with a gross vehicle weight of 6,301 kg to 9,072 kg
 - (i) regular tow..... \$64.84

Plus fuel surcharge of 12%

- d) Vehicle with a gross vehicle weight of 9,073 kg and over
 - (i) regular tow..... \$86.24

Plus fuel surcharge of 12%

3. Storage Fee

- a) for the first day or portion thereof, that vehicle is impounded and stored \$23.28
- b) for each day after the seventh day, or portion thereof, that the vehicle is in storage \$10.00

1. Removal fee

For the removal of a chattel unlawfully placed, left or kept on a City street, the charge shall be

- Where removal necessitates only the use of one person \$100.00
- plus, a fuel surcharge to a maximum of 8.5% \$8.50

- a) Where removal necessitates the use of two people but no extra equipment \$200.00
 plus, a fuel surcharge to a maximum of 8.5% \$17.00
- b) Where removal necessitates the use of more than two people or extra equipment or both \$300.00
 plus, a fuel surcharge to a maximum of 8.5% \$25.50

2. Containers

For the storage of an impounded solid waste container, the charge for:

- a) the first day, or portion thereof, that the solid waste container is impounded shall be \$8.00
- b) each day after the first day, or portion thereof, that the solid waste container remains impounded shall be \$8.00