

UNOFFICIAL CONSOLIDATION

THE CITY OF BURNABY

BYLAW NO. 9888

A BYLAW for regulating the business of the immobilization, towing and impoundment
of vehicles unlawfully parked.

(Consolidated for convenience with Bylaw #11366, 12479, and 13348)

1. This BYLAW may be cited as **BURNABY VEHICLE IMMOBILIZATION AND TOWING BYLAW**.
2. In this BYLAW, unless the context otherwise requires:
 - (a) "Chief Constable" means the officer in charge of the police force in and for the City of Burnaby and includes his assistants;
 - (b) "driver" means any person who operates a tow truck;
 - (c) "impound lot" means an area of land that is used for the storage of impounded vehicles;
 - (d) "impound lot attendant" means a person who has the means and authority to release an impounded vehicle from an impound lot;
 - (e) "Inspector" means the Chief Licence Inspector for the City of Burnaby and includes his assistants;
 - (f) "parking lot" means an area of land or any building or part thereof that is used for the parking of vehicles including areas provided specifically for employees or customers of a business or for tenants of a building, but does not include an area where parking is an ancillary use to a single family dwelling;
 - (g) "parking lot attendant" means a person who has the means and authority to remove a vehicle immobilizing device from a vehicle to which it has been attached or affixed;

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- (h) "tow truck" means a vehicle used to tow other vehicles from place to place;
 - (i) "tow truck business" means the business of towing by tow truck vehicles from parking lots without the consent of the owners or operators of such vehicles;
 - (j) "unauthorized parking" means the parking of a vehicle in a parking lot without the consent of the owner or operator of the parking lot or contrary to the conditions under which the parking of vehicles in that parking lot is authorized;
 - (k) "vehicle" means a motorcycle, automobile, truck or other motorized vehicle used for transportation on a highway;
 - (l) "vehicle immobilizing business" means the business of controlling the unauthorized parking of vehicles in parking lots by the use of vehicle immobilizing devices; and
 - (m) "vehicle immobilizing device" or "VID" includes a wheel lock device, a Denver Boot or any other device designed to be attached or affixed to a stationary vehicle to prevent the movement of that vehicle.
3. No person shall carry on, engage in or operate a tow truck business, vehicle immobilizing business or an impound lot in the City of Burnaby unless that person is the holder of a valid business licence issued under Burnaby Business Licence BYLAW and complies with the provisions of this BYLAW.
4. Every person carrying on or operating a vehicle immobilizing business shall:
- (a) maintain a written record of all vehicles which that person or any person in that person's employ has immobilized, identifying each vehicle by make, colour and licence plate number and the times when the vehicle was immobilized and released from immobilization, and make such record available for inspection by the Inspector, the Chief Constable or any other employee of the City of Burnaby or other police officer during normal business hours;
 - (b) at all times have a parking lot attendant either present at each parking lot where that person or any of that person's servants, agents or employees has immobilized a vehicle by the use of a VID or available to be contacted by telephone for the purpose of immediately attending at the parking lot to remove the VID;
 - (c) notify the Inspector and Chief Constable in writing of the address of that person's place of business and any change thereof; and
 - (d) maintain one or more comprehensive public liability insurance policies in respect of that business in an amount of not less than two million (\$2,000,000) dollars per occurrence.

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5. (1) No person shall immobilize a vehicle in a parking lot by the use of a VID unless:
 - (a) there is conspicuously displayed in the parking lot signs meeting the following requirements:
 - (i) signs shall be not less than 30 cm by 45 cm with numbers and letters not less than 2.5 cm in height;
 - (ii) signs shall be clearly visible at all times, and shall be posted at each entrance to and exit from such parking lot and, if applicable, elsewhere in the parking lot no further than 30 m from any area of the parking lot in which vehicles are subject to immobilization;
 - (iii) signs shall clearly state the conditions under which the parking of any vehicle will be considered unauthorized parking and shall set out the name and telephone number of the person or firm responsible for immobilizing vehicles in the parking lot;
 - (b) a parking lot attendant is at or about the parking lot or available to be contacted by telephone to attend at the parking lot immediately upon being requested to do so in order to remove the VID; and
 - (c) the owner, occupier or operator of the parking lot or a duly authorized agent or employee has placed or displayed on the vehicle an immobilization notice in the form prescribed in Schedule "A" of this BYLAW or in a form approved in writing by the Inspector and completed in full.
 - (2) A person who authorizes the immobilization of a vehicle by the use of a VID shall complete the immobilization notice in triplicate, retain the triplicate copy and place the original and duplicate copies securely on the windshield of the vehicle described in the immobilization notice. A person who immobilizes a vehicle by the use of a VID shall retain the original immobilization notice for a period of six (6) months and place the duplicate copy of the immobilization notice securely on the windshield of the vehicle described in the immobilization notice.
6. Every parking lot attendant shall:
 - (a) within thirty (30) minutes of having been requested by telephone to do so, attend at a parking lot for the purpose of removing a VID; and

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- (b) remove a VID immediately after having been offered payment of the fee prescribed in section 7(b).
7. No person shall:
- (a) tow from a parking lot a vehicle that has been immobilized by a VID unless twenty-four (24) hours has elapsed since the VID was attached or affixed to the vehicle;
 - (b) charge more than the amount set out in Schedule "C" of this BYLAW for the removal of a VID;
 - (c) use a VID on any vehicle parked in a parking stall or area designated as being for the use of disabled persons or in a designated fire lane.
8. Every person carrying on or operating a tow truck business shall:
- (a) license each tow truck owned or operated by that person and used in that business as a tow truck under the Motor Vehicle Act;
 - (b) insure each tow truck owned or operated by that person and used in that business as a tow truck under the Insurance (Motor Vehicle) Act;
 - (c) maintain one or more comprehensive public liability insurance policies in respect of that business in an amount of not less than two million (\$2,000,000) dollars per occurrence;
 - (d) produce to the Inspector or Chief Constable upon request satisfactory evidence of compliance with paragraphs (a), (b) and (c) of this section;
 - (e) notify the Inspector and Chief Constable in writing of the address of that person's place of business and any change thereof;
 - (f) maintain the books and records of the operation of the business;
 - (g) retain that persons's daily records and the daily records of all drivers employed by that person and all tow-away notices required to be retained under section 9(b)(ii) for a period of six (6) months;
 - (h) immediately on the request of the Inspector, the Chief Constable or any other employee of the City of Burnaby or other police officer produce for inspection the books and records of the business or any part thereof specifically requested;

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- (i) cause all vehicles towed for unauthorized parking by that person or any driver in that person's employ to be towed to and stored at an impound lot located within the City of Burnaby unless specifically directed otherwise by the owner or operator of any particular vehicle;
 - (j) if a vehicle impounded by that person or any other driver in that person's employ remains unclaimed for more than fourteen (14) days after its impoundment, immediately send written notification to the registered owner thereof stating where the vehicle can be claimed;
 - (k) on or before the last day of each month, submit to the Chief Constable a written record of all vehicles impounded by that person for a period of longer than fourteen (14) days giving a description, licence plate number and identification number for each vehicle;
 - (l) cause each tow truck owned or operated by that person and used in that business to have painted or otherwise permanently affixed on each side of the cab the business name and telephone number in legibly printed characters not less than ten (10) cm in height that shall be kept clear and distinguishable at all times;
 - (m) keep and cause every driver in that person's employ to keep a daily record of all trips made containing the reason for the trip, the time, origin and destination of each towing engagement and a description and licence plate number of each vehicle towed; and
 - (n) not more than one (1) hour after that person or any driver in that person's employ impounds or causes to be impounded a vehicle, notify the Chief Constable of the fact of impoundment, the vehicle's description and licence plate number, the location from which it was towed and the location where it has been impounded.
9. No person shall:
- (a) tow a vehicle while it is occupied;
 - (b) tow a vehicle from a parking lot for unauthorized parking unless:
 - (i) there is conspicuously displayed in the parking lot one or more signs meeting the following requirements:
 - (A) signs shall be not less than 30 cm by 45 cm, with numbers and letters not less than 2.5 cm in height;

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- (B) signs shall be clearly visible at all times, and shall be posted at each entrance to and exit from the parking lot and, if applicable, elsewhere in the parking lot no further than 30 m from any area of the parking lot in which vehicles are subject to towing;
 - (C) signs shall clearly state the conditions under which a vehicle may be towed from the parking lot, the name of the business responsible for towing vehicles from the parking lot and the telephone number of the impound lot to which the vehicle will be taken; and
- (ii) except in the case of a vehicle parked in a parking stall or area designated as being for the use of disabled persons or in a designated fire lane, the owner, occupier or operator of the parking lot or that person's duly authorized employee has placed or displayed on the vehicle a tow-away notice in the form prescribed in Schedule "B" of this BYLAW or in a form approved in writing by the Inspector and completed in full. The tow-away notice shall be completed in triplicate and the triplicate copy of the tow-away notice shall be retained by the owner, occupier or operator of the parking lot, the original of the tow-away notice shall be kept by the driver or the operator of the tow truck business by whom that driver is employed for a period of six (6) months and the duplicate copy of the tow-away notice shall be securely placed on the windshield of the vehicle described in the tow-away notice.
10. Every driver shall, before towing a vehicle from the scene of an accident, provide to the owner or operator of the vehicle a card that identifies the driver and the business by whom the driver is employed and describes the destination to which the vehicle will be towed, and where the owner or occupier of the vehicle is injured or has left or been removed from the scene of the accident, the card shall be given to an attending police officer.
11. Every impound lot shall:
- (a) be protected by a fence not less than 1.8 m in height;
 - (b) be adequately lighted for security purposes;
 - (c) have an impound lot attendant on duty and on site at all times between the hours of 7:00 a.m. and 2:30 a.m. and at all other times have a telephone answering service available at the gate whereby the owner or operator of an impounded vehicle may contact the owner or operator, or an employee or agent of the owner

or operator, of the impound lot and obtain the release of the vehicle within thirty (30) minutes.

12. The maximum amounts that may be charged for the towing of a vehicle from a parking lot, for the release of a vehicle at the request of its owner or operator after the vehicle has been engaged for towing but prior to its removal from the parking lot from which it is being towed and for the storage of an impounded vehicle at an impound lot shall be those set out in Schedule "C" of this BYLAW.
13. Every person who violates any of the provisions of this BYLAW, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this BYLAW or who neglects to do or refrains from doing anything required to be done by any of the provisions of this BYLAW commits an offence, and shall be liable upon summary conviction to a fine or penalty of not less than \$150.00 and not more than \$2,000.
14. This BYLAW, except section 8 (i), shall come into force on the 1st day of March, 1994 and section 8 (i) of this BYLAW shall come into force on the 1st day of September, 1994.

Read a first time 26th day of July, 1993

Read a second time 7th day of September, 1993

Read a third time this 20th day September, 1993

RECONSIDERED AND ADOPTED THIS 27th day of September, 1993.

MAYOR

CLERK

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SCHEDULE A

FORM OF IMMOBILIZATION NOTICE AND REGULATIONS

IMMOBILIZATION NOTICE

Issued pursuant to the Burnaby Vehicle Immobilization & Towing bylaw

TO: _____ (Vehicle immobilizing company) (address) (phone)

THIS IS YOUR AUTHORITY TO IMMOBILIZE THE VEHICLE DESCRIBED BELOW ON THE PARKING LOT LOCATED AT _____

MOTOR-VEHICLE DESCRIPTION: Make _____ Model _____ Colour _____ Licence No. _____ B.C. or _____ Date _____ Time _____ A.M. P.M.

REASON FOR IMMOBILIZATION

VEHICLES PARKED IN FIRE LANE AND IN PARKING SPACES DESIGNATED FOR DISABLED PERSONS SHOULD BE TOWED

- No permission to occupy No contract of occupancy Vehicle is hazard No meter ticket Vehicle is obstruction Other Meter ticket expired

THIS IMMOBILIZATION NOTICE ISSUED BY: _____ (Print name)

- owner occupier operator

(Signature)

TO BE COMPLETED BY WHEEL-LOCKING DEVICE OPERATOR:

OPERATOR NO. _____

IMMOBILIZATION DATE _____ IMMOBILIZATION TIME _____

ORIGINAL - IMMOBILIZING OPERATOR 2ND COPY - LEAVE ON VEHICLE FOR OWNER 3RD COPY - TO BE RETAINED BY ISSUER

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SCHEDULE B

FORM OF TOWAWAY NOTICE AND REGULATIONS

TOWAWAY NOTICE

Issued pursuant to the Burnaby Vehicle Immobilization & Towing bylaw

TO: _____ (towing company) (address) (phone)

THIS IS YOUR AUTHORITY TO REMOVE THE VEHICLE DESCRIBED BELOW FROM THE PARKING LOT LOCATED AT _____

MOTOR-VEHICLE DESCRIPTION: Make _____ Model _____ Colour _____ Licence No. _____ B.C. or _____ Date _____ Time _____ A.M. P.M.

REASON FOR REMOVAL

- Reasons for removal: Parked in fire lane, No permission to occupy, Disabled parking only, No contract of occupancy, Vehicle is hazard, No meter ticket, Vehicle is obstruction, Other, Meter ticket expired

THIS TOWAWAY NOTICE ISSUED BY: _____ (Print name)

- Issued by: owner of lot, occupier, operator

(Signature)

THIS SECTION TO BE COMPLETED BY TOW-TRUCK DRIVER:

TOW-TRUCK NO. _____

TOW DATE _____ TOW TIME _____

ORIGINAL - TOW-TRUCK DRIVER 2ND COPY - LEAVE ON VEHICLE FOR OWNER 3RD COPY - TO BE RETAINED BY ISSUER

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SCHEDULE "C"
(BYLAW #13348)

	MAXIMUM CHARGES
A. For removal of a vehicle immobilizing device from a vehicle	\$35.00
B. For towing a vehicle from a parking lot to an impound lot, including the first four (4) hours of storage, and the use of all necessary equipment	The towing charges provided for in the B.C. <i>Lien on Impounded Motor Vehicle Regulation</i> (B.C. Reg. 262/2010)
C. For the release of a vehicle at the request of its owner or operator after it has been engaged for towing but prior to its removal from the parking lot from which is being towed	One-half of the Item (1) "Up to 6.0 Km" rate provided for in the B.C. <i>Lien on Impounded Motor Vehicle Regulation</i> (B.C. Reg. 262/2010)
D. For each 24 hour period or part thereof that an impounded vehicle is stored at an impound lot excluding the first four (4) hours of storage	The storage charges provided for in the B.C. <i>Lien on Impounded Motor Vehicle Regulation</i> (B.C. Reg. 262/2010)

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