

THE CORPORATION OF THE CITY OF DAWSON CREEK

BYLAW No. 4279, 2015

A Bylaw for the Regulation, Control, and Prohibition of the stopping, standing or parking of tow trucks in residential areas in the Municipality of Dawson Creek.

WHEREAS, pursuant to Section 120 of the Motor Vehicle Act R.S.B.C. 1979 C.288 as amended and Section 46 and Sections 260-273 of the *Community Charter*, the Council is authorized to regulate the parking of vehicles within the Municipality.

AND WHEREAS, pursuant to Section 903 of the *Local Government Act*, 1996, C. 323 the Council is authorized to regulate the use of land within the Municipality.

NOW THEREFORE: the Municipal Council of the City, in open meeting assembled enacts as follows:

SECTION 1 - TITLE:

1.1 This Bylaw may be cited for all purposes as the **“TOW TRUCK PARKING BYLAW NO. 4279, 2015”**.

SECTION 2 - DEFINITIONS:

2.1 In this Bylaw, unless the context requires otherwise, the following words and terms have the following meanings assigned to them.

“Boulevard” means that portion of a highway between curb lines or the lateral lines of a roadway and the adjoining property or roadway, and includes curbs, sidewalks and ditches.

“Business License” means a license issued under the Business License Bylaw.

“Business License Bylaw” means the City of Dawson Creek Annual Business License and Regulation Bylaw No. 3758, 2004 as amended from time to time.

“Bylaw Enforcement Officer” means a person appointed by the City to enforce the bylaws of the City and includes the RCMP.

“City” means the Corporation of the City of Dawson Creek.

“Council” means the Council of the City.

“Director of Development Services” means the person designated by Council as the Director of Development Services and his authorized representative.

“Highway” includes every highway within the meaning of the Highway Act or Motor Vehicle Act and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passage way owned or operated by the City for the purpose of providing off street parking or for the use of pedestrian or cycle traffic.

“Impound” means to restrain or in any way immobilize a motor vehicle. Impounded and impounding have corresponding meanings.

“Owner/Operator” means the person registered as the owner of a tow truck, or the person who operates or drives a tow truck.

“Park” means the standing of a vehicle, whether occupied or not.

“Residential Area” means any area zoned Residential in the Zoning Bylaw of the City currently in force, and includes the highways abutting such zones and where the zone is different on the two sides of the highway, the dividing line will be taken to be the center line of the highway.

“Sidewalk” means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians or any other improved area set aside for pedestrian use only.

“Tow” means to pull, tow, carry or lift a motor vehicle. Towed and towing have corresponding meanings.

“Tow Truck” means any motor vehicle that is designed, modified or used for the pulling, towing, carrying or lifting of other motor vehicles with or without the assistance or use of lifts, winches, dollies, trailers or any like equipment.

SECTION 3 - EXEMPTIONS

3.1 This bylaw does not apply to persons:

- a. engaged in activities authorized by a provincial or federal enactment;
- b. authorized by a Bylaw Enforcement Officer, the Director of Development Services or other persons so authorized by Council; or
- c. operating a municipal or provincial utility vehicle or vehicles of a public utility corporation while engaged in their duties.

SECTION 4 – REGULATIONS

4.1 A Person may park a maximum of one Tow Truck in a Residential Area provided:

- a. the registered owner of the tow truck holds a valid Business Licence;
- b. valid Residential Area Tow Truck Parking Permit is issued for the tow truck;
- c. where the registered owner of the tow truck is not the registered owner of the property on which it is to be parked, the registered owner of the property has provided written permission to park the tow truck on the property; and
- d. the tow truck does not exceed 10,000 kilograms GVW or 11 metres in length.

4.2 A Person parking a Tow Truck on property in a Residential Area in accordance with this Bylaw must not:

- a. use flashing lights;
- b. use automatic starting devices that start at certain temperatures or time intervals;
- c. use “Jake” brakes, engine brakes, and air horns;
- d. use back up warning signals;
- e. use radio communication devices unless such devices are in silent mode or with an audio

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- headset or similar device;
 - f. park the Tow Truck on any City highway, boulevard, sidewalk, or lawn;
 - g. carry out maintenance or repairs to the Tow Truck;
 - h. have a vehicle attached to, or have any wreckage or vehicle parts on the Tow Truck; or
 - i. idle a Tow Truck for a period in excess of 10 minutes;
- 4.3 A Person must not:
- a. remove any notice or ticket placed on or affixed to a motor vehicle unless they are the owner or operator of the motor vehicle; or
 - b. remove or otherwise tamper with any markings placed on a motor vehicle pursuant to this Bylaw to determine the length of time a vehicle remains parked in a particular location.

SECTION 5 - PERMITS

- 5.1 The Director of Development Services may issue a permit to the operator of a licensed Tow Truck in accordance with the provisions of Section 4 of this Bylaw.
- 5.2 Drivers may apply to the Director of Development Services for a permit authorizing the Tow Truck to be parked in a Residential Area.
- 5.3 An application for a permit must be accompanied by an application fee of \$50.00.
- 5.4 Permits are issued for the calendar year and expire on December 31st of each year.
- 5.5 A permit must be:
- a. displayed in a window of the house or tow truck which faces the street immediately adjacent to the property upon which the Tow Truck is parked; and
 - b. visible from the street.
- 5.6 Where a Driver holding a permit issued pursuant to this section contravenes any provision of this bylaw the Director of Development Services may revoke the permit or refuse to issue a permit in a subsequent year.

SECTION 6 – REMOVAL OF VEHICLES

- 6.1 When a Tow Truck is parked in contravention of this bylaw, in addition to any other remedies and penalties imposed by the bylaw of the City, a Bylaw Enforcement Officer may impound the Tow Truck.
- 6.2 Claiming Vehicle
- a. A Driver or registered owner of an impounded Tow Truck may recover the Tow Truck by paying the fees as set out in Schedule “A” of this bylaw.
 - b. Any Tow Truck, not claimed by its owner within ninety (90) days of impoundment or seizure will be forfeited to the removal contractor.

SECTION 7 - ENFORCEMENT

- 7.1 Any person designated as a Bylaw Enforcement Officer pursuant to the City of Dawson Creek’s Bylaw Enforcement Notice Bylaw No. 4277, 2016 or Dawson Creek’s Municipal Ticket Information Bylaw No. 4278, 2016 is hereby authorized and empowered to enforce the provisions of this bylaw by the Bylaw Notice Enforcement Bylaw or the Municipal Ticket Information System Bylaw.
- 7.2 A Person must not do any act or suffer or permit any act to be done in contravention of this bylaw.
- 7.3 A Person must not obstruct or impede a bylaw officer in lawful performance on any property, at all reasonable times, in order to ascertain whether such regulations are being observed.
- 7.4 Each day that an offence against this bylaw continues may be deemed a separate and distinct offence.
- 7.5 A person who contravenes any provision of this bylaw is liable to a fine of not more than \$10,000.00 and not less than \$100.00 for each offence.
- 7.6 Any penalty imposed pursuant to this bylaw will be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

SECTION 8 - SEVERABILITY

- 8.1 If any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision does not apply and the remainder of this bylaw continues in full force and effect and is construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

READ a first time this 21 day of December, 2015.

READ a second time this 21 day of December, 2015.

READ a third time this 21 day of December, 2015.

ADOPTED this 18 day of January, 2016.

CERTIFIED A TRUE AND CORRECT COPY of Bylaw No. 4279 cited as "TOW TRUCK PARKING BYLAW NO.4279, 2015".

Original Signed By

Brenda Ginter
Director of Corporate Administration

The Corporate Seal of **THE CORPORATION OF THE CITY OF DAWSON CREEK** was affixed in the presence of:

Original Signed By

Dale Bumstead – Mayor

Original Signed By

Brenda Ginter
Director of Corporate Administration

SCHEDULE A

Prior to recovering a Tow Truck that has been seized; the following fees must be paid to the removal contractor:

Fee Type	Amount
Tow	Actual Costs
Storage	\$25.00 per day

The owner of a Tow Truck that does not claim their seized Tow Truck must reimburse the City for any charges that the removal contractor bills to the City in relation to their seized Tow Truck.