

DISTRICT OF SEHEL T

VEHICLE REMOVAL BYLAW NO. 279, 1995

A Bylaw to Regulate the Removal of Abandoned Vehicles

WHEREAS, the Municipal Act provides inter alia, in Section 582, that Council may regulate highway use and may authorize the removal, detention or impounding of a chattel or obstruction unlawfully occupying a portion of a Highway and provide for a scale of fees, costs and expenses for their recovery; and

WHEREAS, the Municipal Act further provides inter alia, in Section 529(9) that where a person is in default of a Council direction, Council may authorize the matter be done at the expense of that person, and the expense, including costs and interest, may be recovered in the same manner as municipal taxes; and

WHEREAS, the Municipal Act further provides inter alia, in Section 298 that a person who breaks a lawful regulation or requirement under a bylaw commits an offence; and

WHEREAS, the Highway Scenic Improvement Act provides inter alia, in Section 7, for the removal and disposal of an abandoned vehicle; and

WHEREAS, Section 7(2)(b) of the Highway Scenic Improvement Act provides inter alia, that Council may confer the powers and authority for the removal of abandoned vehicles;

NOW THEREFORE, the Council of the District of Sechelt in open meeting assembled enacts as follows:

1. **CITATION**

This Bylaw may be cited for all purposes as the District of Sechelt "Vehicle Removal Bylaw No. 279", 1995.

2. **DEFINITIONS**

In this Bylaw:

"Abandoned Vehicle", means a vehicle as defined in the Motor Vehicle Act, that is without:

- a) a current validation decal attached to the vehicle number plate, or

Vehicle Removal Bylaw No. 279, 1995

- (b) without a number plate attached to the vehicle.

“Bylaw Enforcement Officer”, means the person from time to time duly appointed by Council as Bylaw Enforcement Officer for the District of Sechelt and also a person acting on behalf of or under the instruction of the Bylaw Enforcement Officer.

Superintendent of Public Works”, means the person from time to time duly appointed by the Council as Superintendent of Public Works for the District of Sechelt and also a person acting on behalf of or under the instruction of the Superintendent of Public Works.

“Village Core”, for the purposes of this bylaw, means that area bounded on the south by Trail Bay, the west by the west side of the Shorncliffe Avenue road right-of-way, the north by the north side of the B.C. Hydro right-of-way that parallels Neptune Street and the east by the boundary with the Sechelt Indian Government District.

3. **REGULATIONS**

- (1) An abandoned vehicle that obstructs or unlawfully occupies a portion of a highway or public place may be removed, detained and impounded by the Bylaw Enforcement Officer, the Superintendent of Public Works or a member of the local detachment of the R.C.M.P., in accordance with the same terms as set out in the Highway Scenic Improvement Act, except that this Bylaw applies to all highways and public places within the District of Sechelt.
- (2) The owner of an abandoned vehicle that has been removed under Section 3(1) must pay to the District of Sechelt the towing and storage charges payable as set out in Schedule A, attached to and forming part of this Bylaw, prior to recovery of the vehicle.
- (3) A vehicle removed under Section 3(1) may be disposed of:
- (a) if there is no record of ownership of the vehicle in the records of the Superintendent of Motor Vehicles and there is no other evidence of ownership on or in the vehicle and seven (7) days have elapsed since the removal and no person has appeared and established a claim to the vehicle, paid the money for fees and expenses and taken custody of the vehicle; or

Vehicle Removal Bylaw No. 279, 1995

(b) if notice in writing is given by registered mail to the last owner in the records of the Superintendent of Motor Vehicles or to the person whose apparent ownership is evidenced and fourteen (14) days have elapsed since the mailing of the notice.

(4) Obstructing an Authorized Person

No person shall interfere with or obstruct an officer, employee or agent of the District of Sechelt who is authorized by this Bylaw to remove, detain or impound abandoned vehicles.

(5) Recovery of Vehicle Without Payment

No person shall recover a removed vehicle prior to paying the District of Sechelt the towing and storage charges set out in Schedule A.

4. SEVERABILITY

Should any section, subsection, clause, paragraph, sentence or word of this Bylaw be declared unlawful or invalid by a Court of competent jurisdiction, no other part of this Bylaw shall be deemed to be invalid and the balance of the Bylaw shall remain in force as a whole where the context so permits, except for the part declared unlawful or invalid.

5. OFFENCE AND PENALTY

Every person who violates a provision of this Bylaw or who suffers or permits a contravention of a provision 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, shall be deemed to be guilty of an offence and, upon conviction thereof, shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00), plus costs, or six months imprisonment or both.

READ A FIRST TIME THIS 15th DAY OF NOVEMBER, 1995.

READ A SECOND TIME THIS 15th DAY OF NOVEMBER, 1995.


Vehicle Removal Bylaw No. 279, 1995

READ A THIRD TIME THIS 15th DAY OF NOVEMBER, 1995.

RECONSIDERED AND FINALLY ADOPTED THIS 6th DAY OF DECEMBER, 1995.

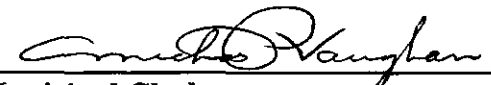


Mayor



Municipal Clerk

I hereby certify this to be a true and accurate copy of District of Sechelt "Vehicle Removal Bylaw No. 279", 1995.



Municipal Clerk



DISTRICT OF SECHELT

VEHICLE REMOVAL BYLAW NO. 279, 1995

SCHEDULE A

Towing and storage charges payable for the recovery of an abandoned vehicle are as follows:

- (1) If the abandoned vehicle is impounded in the "Village Core" area, no charge for towing; \$5.50 per day, to a maximum of fourteen (14) days, for vehicle storage.
- (2) If an abandoned vehicle is impounded outside the "Village Core", a towing fee of \$35.00, plus \$5.50 per day, to a maximum of fourteen (14) days, for vehicle storage.