

Report

Date June 7, 2023

File:

Subject Parking restrictions and towing along Croft Street and Duncan Street

PURPOSE

To address the recreational vehicles (RV) violating parking violations on Croft Street in Chemainus and on Duncan Street in the South End.

BACKGROUND

Staff have received numerous complaints from residents and businesses about RVs parking illegally at two locations within the Municipality. The locations are:

1. Croft Street in Chemainus, between Mill Street and Alder Street (see *Figure 1*).
2. Duncan Street in the South End, between University Way and James Street (see *Figure 2*). RVs parked at this location are partially on Island Corridor Foundation lands.



Figure 1 Location of parking violations on Croft Street.

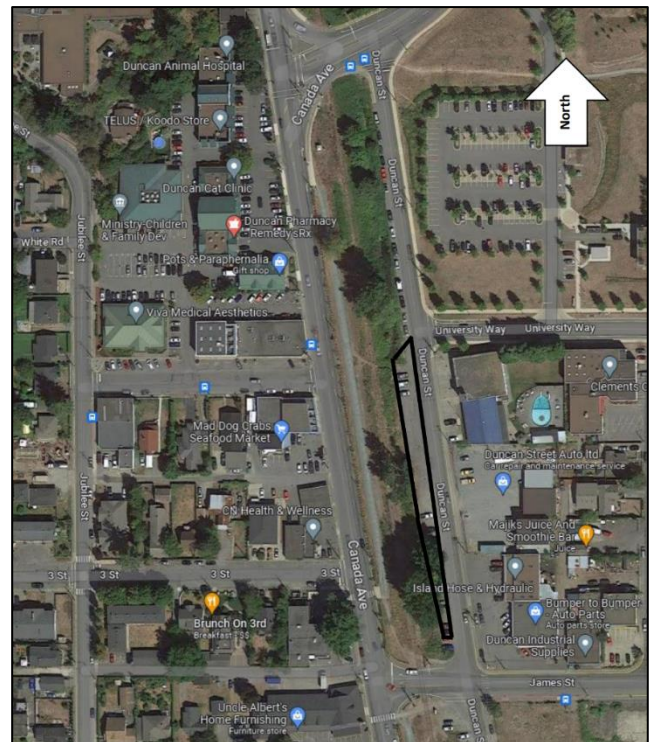


Figure 2 Location of parking violations on Duncan Street.

This has been a problem at these two locations for at least a year. However, staff are receiving an increasing number of complaints about the length of time the RVs have been parked at these locations, along with some of the activities occurring. The Traffic Bylaw limits the duration of parking for vehicles in excess of 5500 kg and trailers to a maximum of two hours. In the last 12 months, staff have received ten Calls for Service related to this issue.

The issues in relation to Croft Street are:

1. Typically, four to eight RVs are parked in violation of the Bylaw at any given time.
2. One RV is for sale, while the owner does not appear to be on site.
3. In some cases, the occupants have "laid claim" to public property beyond the parking stalls by laying out private belongings such as lawn chairs and potted plants.

The issues in relation to Duncan Street are:

1. There are four RVs parked in violation of the Bylaw.
2. Bylaw Enforcement staff have attended this location with the RCMP due to illegal activity taking place at this location.
3. Staff have been advised that at least one of the RV owners was allegedly dumping sewage down a manhole.

Bylaw Services has taken a graduated approach towards enforcement of parking restrictions in these areas as follows:

1. Step 1: Education around the parking limitations as set out in the Traffic Bylaw.
2. Step 2: Issuance of a warning.
3. Step 3: Issuance of a \$100 ticket.

DISCUSSION

Enforcement Issue

We have found that the current approach to enforcing RV parking violations, ending with ticket issuance, is not resolving the issue. When tickets are issued, the ticket can be challenged.

If challenged, it can take considerable time (in some cases, as much as six months) before an arbitration hearing can be held to adjudicate the ticket. In the meantime, no further tickets can be issued.

Towing will provide a means of addressing the problem, but there are challenges associated with towing large vehicles such as RVs that will require negotiating agreements with towing companies in the near term and modifying our existing bylaws and creating new bylaws in the longer term. In the meantime, before any towing can occur, it is necessary to post signage that makes the public aware of the parking restrictions and advises that vehicles that violate those restrictions may be towed.

Regulatory Framework

The *Motor Vehicle Act* enables Council to adopt a bylaw(s) with respect to the parking of motor vehicles. All signage must comply with the *Motor Vehicle Act*, Motor Vehicle Act Regulations or the Manual of Uniform Traffic Control Devices for Canada.

North Cowichan has established five bylaws that pertain to the management of illegally parked vehicles.

1. [Traffic Bylaw No. 2276](#): Regulates traffic within North Cowichan, including parking, signage and impounding vehicles. The bylaw restricts vehicles weighing more than 5500 kg and trailers to a 2-hour parking limit on municipal streets. However, signage is required to enforce violations, and prior to installing new signage, staff must obtain approval from Council in accordance with section 4 (6).

2. Highway Use Bylaw No. 2261: Regulates the use of highways and related activities, such as when vehicles are towed and impounded and, if unclaimed, how they are to be disposed of.
3. Fees and Charges Bylaw No. 3784: Establishes fees for towing/removal (\$50) and vehicle impoundment (\$5 per day).
4. Bylaw Offence Notice (BON) Enforcement Bylaw No. 3677: Authorizes a bylaw enforcement officer to issue a fine of \$100 for parking violations. Fines would be reduced to \$50 if paid within 14 days. A \$20 late payment penalty is added if a ticket is unpaid after 30 days. Each day would constitute a new infraction which could result in additional fines. An exception applies when a ticket is disputed.
5. Municipal Ticket Information (MTI) System Bylaw No. 3464: Authorizes a bylaw enforcement officer to issue a fine of \$50 for parking violations. Each day would constitute a new infraction which could result in additional fines. An exception applies when a ticket is disputed, as mentioned above.

Signage

There is currently no signage posted advising people of the parking restrictions. Installing signage to make people aware of the restrictions and the nature of enforcement should they violate the parking restrictions is a necessary first step in ultimately enabling Bylaw Services to have vehicles towed. Figure 3 shows the proposed signage.

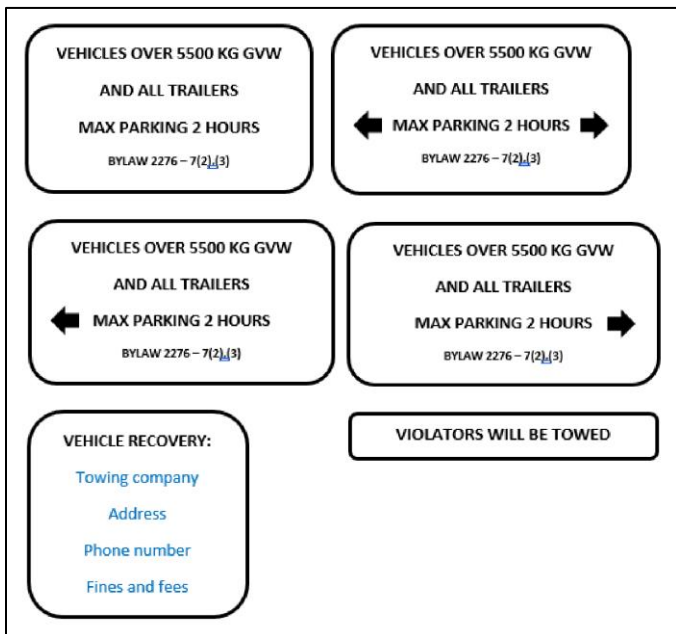


Figure 3 Proposed signage.

The signs to be mounted at the Duncan Street location will have to be installed on Island Corridor Foundation (ICF) lands. Staff has obtained tentative approval from ICF to install parking signs on their property. This authorization is subject to ICF’s approval of the proposed signage prior to installation.

Towing Vehicles

Towing companies are reluctant to tow RVs (explained in more detail in the section “Staff Analysis”). Therefore, staff recommend negotiating with at least one towing company the terms and conditions for the towing, impounding, and return/disposal of RVs in order to deal with the more immediate problem.

Staff Analysis

In the absence of the ability to have RVs towed away, staff will continue to receive complaints from residents and businesses regarding their concerns related to public safety, the environment, loss of parking for customers during the busy tourism season, and the impacts on the local businesses. If this issue is not addressed, others may engage in similar activities exacerbating these problems. Therefore, staff recommend that steps be taken to put in place the means to curb this behaviour where complaints arise.

Staff acknowledges that in dealing with this issue at these two locations, the problem may move to another location. However, the hope is that having proper signage and a location to store towed RVs will alter the behaviour and encourage people to park their RVs in long-term parking facilities or at a lawful campground.

In addition to installing new signs and negotiating an agreement with a tow company(ies), amendments will be needed to municipal bylaws so that North Cowichan can recover all fees related to towing and impound.

Towing companies typically will not tow RVs for a variety of reasons, one being the often-poor condition of the vehicles, which can increase towing costs, and the other being the high costs associated with storing RVs due to their size. For those reasons, towing companies will typically require that Municipalities assume responsibility for RVs, even though they are being towed and impounded by the towing company. The additional work required to provide for a more robust process is:

1. Development of a Towing Bylaw to incorporate all towing actions into a single bylaw and develop more robust towing-related regulations: The bylaw will expand on the types of vehicles that could be towed, such as RVs, trailers and the like, and will set out the conditions for impoundment, storage of impounded vehicles, and any signage requirements. More importantly, the bylaw will include provisions specifically for RVs, which pose a unique problem, as discussed previously.
2. Amendment to various bylaws to update towing-related fees, charges, and fines: Staff will be proposing updates to the Fees & Charge Bylaw, Bylaw Offence Notice Enforcement Bylaw, and the Municipal Ticket Information (MTI) System Bylaw to include updated fines, fees, and charges to ensure that North Cowichan can recoup expenses incurred when towing RVs.

OPTIONS

1. (Recommended Option)

- (1) THAT Council authorize the Director of Engineering to install signage at Croft Street in Chemainus (between Mill Street and Alder Street) that:
 - (a) Restricts the parking of vehicles over 5,500 kilograms and trailers to no more than 2 hours; and,
 - (b) Advises the public that vehicles or trailers violating the parking restrictions will be towed and how to recover their vehicle or trailer;
- (2) THAT Council authorize the Director of Engineering to install signage at Duncan Street in the South End (between University Way and James Street) that:
 - (a) Restricts the parking of vehicles over 5,500 kilograms and trailers to no more than 2 hours;

and,

- (b) Advises the public that vehicles or trailers violating the parking restrictions will be towed and how to recover their vehicle or trailer;
- (3) THAT Council authorize staff to enter into an agreement with at least one towing company and to set out the terms and conditions for the towing, impounding, and return/disposal of recreational vehicles.
- (4) THAT Council direct staff to draft:
- (a) a Towing Bylaw to regulate the towing and storage of illegally or improperly parked vehicles and chattel; and,
 - (b) an amendment to the Fees and Charges Bylaw to include updated towing-related charges.

The recommended option will address the current problem of complaints related to RVs that are parked for extended periods while also dealing with the problem in the longer term by establishing rules around when and how the towing, impoundment, and recovery/disposal of chattel, including RVs, will be managed moving forward.

2. Alternative Option

- (1) THAT Council authorize the Director of Engineering to install signage at:
- (a) Croft Street in Chemainus (between Mill Street and Alder Street) that restricts the parking of vehicles over 5500 kilograms and trailers to no more than 2 hours; AND
 - (b) Duncan Street in the South End (between University Way and James Street) that restricts the parking of vehicles over 5500 kilograms and trailers to no more than 2 hours.
- (2) THAT Council direct staff to draft:
- (a) a Towing Bylaw to regulate the towing and storage of illegally or improperly parked vehicles and chattel; and,
 - (b) an amendment to the Fees and Charges Bylaw to include updated towing-related charges.

This option is a go-slow approach. Signage will be posted to make the public aware of the parking restrictions. Bylaw Services will continue to issue tickets. However, the signage related to towing will NOT be installed until the necessary regulatory framework and fees are in place. Once the signage related to towing is installed, there will be an expectation from the public that the vehicles be towed. Therefore, under this option, staff would get the necessary regulations in place along with the requisite fees, after which the towing signage would be installed. If necessary, any agreements with towing companies that may be necessary would be negotiated after the regulatory framework is in place and the towing could commence.

IMPLICATIONS

Financial

The additional costs for signage and the staff time to mount the signs will be minimal.

The Municipality will incur some costs for towing and storage of RVs if the towing companies are not prepared to assume those costs. These costs are not yet fully understood until staff have identified a towing company to tow and impound the vehicles. However, to give Council a sense of the potential costs, ICBC has established costs and rates for towing-related charges, which are shown in *Table 1* (the

Estimated Costs are based on towing and storing an RV in Nanaimo, with the vehicle being stored for 35 days).

Despite the costs, the expectation is that owners will claim their property, at which time they will be required to pay the costs before getting their vehicle back. If they do not reclaim their vehicle, then the Municipality can recover its costs through the sale of the asset. The Municipality has some financial risk if the owner does not claim their vehicle and the asset has no value. Should this occur, the Municipality will be responsible for the disposal charges.

Table 1 ICBC towing-related charges.

Item	Rate	Estimated Cost
Towing		
▪ Time Charge	\$100/hr	\$100
▪ Mileage Charge	\$3.00/km	\$180
Impoundment		
▪ Less than 20 ft	\$25/d	\$875
▪ 20+ ft to 35 ft	\$50/d	\$1,750
▪ Greater than 35 ft	\$75/d	\$2,625
Miscellaneous Charges		
▪ Flatbed (if the vehicle can't be towed)	\$35	
▪ Site Cleanup	\$85/hr	
▪ Loading & Securing	\$85/hr	
▪ Assistant Driver	\$35/hr	

Environmental

Assuming that the allegations of sewage dumping are true, these vehicles may pose some environmental risks. Given that it is reasonable to assume that sewage dumping could be to a drainage utility hole rather than a sanitary utility hole, removal of the offending vehicles will reduce this risk.

Social

Some parties may have concerns about the lack of housing and how RVs are a form of housing. Staff understand these concerns but view that issue as a bigger discussion around homelessness and how to deal with it. Further, not all of the vehicles are housing people. Some are used for illegal activities or they are for sale and sitting vacant.

Similar to the issue of homelessness, ongoing illegal activities are a bigger issue that warrants further discussion. However, staff consider the concerns expressed by residents and businesses proximate to these sites, and the recommended actions reflect those considerations.

Communications

It is not anticipated that there is a need for extensive communications work that flows from this project. The signage will advise the public and potential offenders that their vehicles may be towed if they are in violation of the bylaw. Many of the offenders have already been advised through the graduated enforcement process.

Staff have already advised the City of Duncan (Bylaw Services and Engineering & Operations) that we are bringing a report to Council requesting that Council approve staff taking action regarding illegal parking, including the potential for towing of RVs.

RECOMMENDATION

- (1) THAT Council authorize the Director of Engineering to install signage at Croft Street in Chemainus (between Mill Street and Alder Street) that:
 - (a) Restricts the parking of vehicles over 5,500 kilograms and trailers to no more than 2 hours; and,
 - (b) Advises the public that vehicles or trailers violating the parking restrictions will be towed and how to recover their vehicle or trailer;
- (2) THAT Council authorize the Director of Engineering to install signage at Duncan Street in the South End (between University Way and James Street) that:
 - (a) Restricts the parking of vehicles over 5,500 kilograms and trailers to no more than 2 hours; and,
 - (b) Advises the public that vehicles or trailers violating the parking restrictions will be towed and how to recover their vehicle or trailer;
- (3) THAT Council authorize staff to enter into an agreement with at least one towing company and to set out the terms and conditions for the towing, impounding, and return/disposal of recreational vehicles.
- (4) THAT Council direct staff to draft:
 - (a) a Towing Bylaw to regulate the towing and storage of illegally or improperly parked vehicles and chattel; and,
 - (b) an amendment to the Fees and Charges Bylaw to include updated towing-related charges.

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