

# Report

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Date	August 16, 2023	File:
Subject	Towing and Vehicle Impound Bylaw No. 3923 and Fees and Charges Amendment Bylaw No. 3921 for first three readings	

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## PURPOSE

To introduce:

- (1) Towing and Vehicle Impound Bylaw No. 3923, 2023, which proposes to authorize the removal, impoundment, and release of trailers and vehicles parked in violation of Traffic Bylaw No. 2276, 1988 and/or Highway Use Bylaw No. 2261, 1989,
- (2) Fees and Charges Amendment Bylaw No. 3921, 2023, which proposes to amend the fees for towing and impoundment to cover the costs incurred for the removal of trailers, recreational vehicles and other vehicles parked illegally.

## BACKGROUND

On June 7, 2023, Council considered a report from staff (Attachment 1) to address the issue of recreational vehicle (RV) parking violations on Croft Street in Chemainus and on Duncan Street in the South End. At that time, Council directed staff to:

- (1) amend the Traffic Bylaw to increase the parking limitation under sections 7(2) and 7(3) to 4 hours,
- (2) 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, and,
- (3) draft a Towing Bylaw to regulate the towing and storage of illegally or improperly parked vehicles and chattel and amend the Fees and Charges Bylaw to include updated towing-related charges.

Illegally parked RVs are not the only parking issue that bylaw compliance officers are facing; staff have received complaints from citizens regarding derelict vehicles as well. Having all of the tools (i.e., towing and impound service provider, signage, and adoption of Towing and Vehicle Impound Bylaw No. 3923 and Fees and Charges Amendment Bylaw No. 3921) in place to tow and impound vehicles will address these parking issues.

## DISCUSSION

Although the Traffic and Highway Use Bylaws provide the authority to tow vehicles parked contrary to rules established under those bylaws, a towing and impound service provider must first be contracted in order for any of these vehicles to be towed as North Cowichan does not have the staff resources (i.e., staff available 24 hours a day to respond to vehicle owners who have had their vehicle or RV towed), nor does North Cowichan have an appropriate secure storage facility for the impounded vehicles and RVs (i.e., a facility that is fenced and screened with sufficient lighting and video surveillance for security if possible).

Towing and Vehicle Impound Bylaw No. 3923 (Attachment 2), as proposed, provides clear authorization to bylaw compliance officers and service providers on the removal, impoundment, and release of trailers, RVs and vehicles parked in violation of the Traffic Bylaw and/or Highway Use Bylaw.

Fees and Charges Amendment Bylaw No. 3921 (Attachment 3) proposes to amend the fees established for towing and removal, from \$50 to actual costs and impoundment, from \$5 per day to actual costs. Setting the charges at actual costs and then establishing the rates in the towing and impound service provider contractor, as per section 17 in Towing and Vehicle Impound Bylaw No. 3923, will enable the service provider to collect the fees directly from the vehicle owner, thereby reducing the bureaucracy for vehicle owners having to obtain proof that they have paid the fees to North Cowichan prior to their vehicle being released.

Staff have been negotiating with towing and impound service providers in Ladysmith and Nanaimo for towing and impounding trailers, RVs and other vehicles for the same rates as charged by ICBC as per section 17 in Towing and Vehicle Impound Bylaw No. 3923. However, securing a towing and impound service provider for derelict RVs has proven to be challenging, and the only option may be that RVs will be towed to Nanaimo, which will likely have a negative impact on RV owners as they may have to travel further to retrieve their RV.

## OPTIONS

1. **(Recommended Option)** Give first three readings to both bylaws as presented.

THAT Council:

- (1) Give first, second and third readings to Towing and Vehicle Impound Bylaw No. 3923, 2023, and,
- (2) Give first, second and third readings to Fees and Charges Amendment Bylaw No. 3921, 2023.

2. Give first three readings to Fees and Charges Amendment Bylaw No. 3921 as presented so that RV and vehicle owners bear the towing costs (not North Cowichan taxpayers) and refer Towing and Vehicle Impound Bylaw No. 3923 to the Committee of the Whole to provide direction to staff on changes to be made to the bylaw prior to Council's consideration.

THAT Council:

- (1) Give first, second and third readings to Fees and Charges Amendment Bylaw No. 3921, 2023.
- (2) Refer Bylaw No to the Committee of the Whole for further discussion and recommendation.

## IMPLICATIONS

An RV or vehicle is not something that should be entered into lightly. Once North Cowichan directs that an RV or vehicle be towed and impounded, it assumes all responsibility for that RV or vehicle, including any damage or theft after impoundment.

Whichever service provider is contracted must be available or able to respond 24 hours a day. Often inoperable or derelict vehicles or RVs are unclaimed, which becomes the Municipality's responsibility to dispose of, which can become costly due to the disposable charges. Integrating the disposal responsibilities into the service provider contract will reduce the risk of these costs having to be borne by taxpayers; however, that also means the potential for gain is also passed to the service provider.

Bylaw compliance officers have exhausted all forms of available enforcement. Although there may be many reasons offenders are not cooperating, the more important issues are to remove environmental risks and illegal activity and consider complaints received from local residents and businesses. However,

it should be noted that the removal of some of these RVs may result in individuals becoming unhoused. That being said, some of the RVs that are creating the issues in Chemainus and the South End pose safety risks (e.g., fire and mold) to the inhabitants.

**RECOMMENDATION**

THAT Council:

- (1) Give first, second and third readings to Towing and Vehicle Impound Bylaw No. 3923, 2023, and,
- (2) Give first, second and third readings to Fees and Charges Amendment Bylaw No. 3921, 2023.

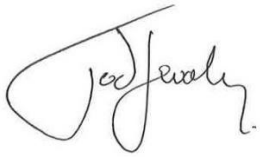
Report prepared by:

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Kim Ferris  
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**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachment(s):

- (1) 2023-06-07 Report re Parking restrictions and towing along Croft Street and Duncan Street
- (2) Towing and Vehicle Impound Bylaw No. 3923, 2023
- (3) Fees and Charges Amendment Bylaw No. 3921, 2023