**Agenda - Executive Policy Committee - April 9, 2008**

**Report - Standing Policy Committee on Protection and Community Services - April 7, 2008**

**Item No. 2 Industry Request for Amendments to By-law No. 6549/95 - Private Parking By-law**
**File ST-9.2**

STANDING COMMITTEE RECOMMENDATION:

On April 7, 2008, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the Private Parking By-law No. 6549/95 be amended to update the fees that towing companies are allowed to charge when towing and storing vehicles that are illegally parked on private property as outlined in the report from the Chief of Police dated March 14, 2008.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

**Agenda - Executive Policy Committee - April 9, 2008**

**Report - Standing Policy Committee on Protection and Community Services - April 7, 2008**

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 7, 2008, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

**RE: Industry Request for Amendments to By-law # 6549/95 (Private Parking).**

| | |
|---|---|
| **FOR SUBMISSION TO:** | **The Standing Policy Committee on Protection and Community Services** |
| **ORIGINAL REPORT SIGNED BY:** | **Chief Keith McCaskill** |
| **REPORT DATE:** | **March 14, 2008** |

**RECOMMENDATION:**

1. That Council amend the Private Parking By-Law (draft amending By-law attached) to update the fees that towing companies are allowed to charge when towing and storing vehicles that are illegally parked on private property.

## Report Summary

**Key Issues:**

- There has been a written request to the City of Winnipeg seeking an increase in the rates that towing companies are allowed to charge for towing and storing vehicles that are illegally parked on private property. He cites increases in towing costs since the last amendments to the By-law in 2005.

- This report proposes to raise the fees that towing companies are allowed to charge for towing and storing vehicles under the Private Parking By-law so that they would be equal to the fees that are charged in the City of Winnipeg Towing Contract #390-2005.

**Implications of the Recommendation(s):**

**General Implications**

(X) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

**Policy Implications**

(X) No

( ) Yes

Comment(s):

**Regulatory Implications**

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

**Environmental Implications**

(X) No

( ) Yes

Comment(s):

**Human Resources Implications**

(X) No

( ) Yes

Comment(s):

**Financial Implications**

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): The proposed changes would make By-law #6549/95 reflective of the pricing contained in the City of Winnipeg Towing Contract #390-2005.

## Report

### REASON FOR THE REPORT:

The City Organization By-law gives the Standing Policy Committee on Protection and Community Services responsibility to consider and report to Council through the Executive Policy Committee on matters respecting parking vehicles on private property. Only City Council can amend By-laws.

### HISTORY:

Winnipeg Police Service is the City department responsible for enforcing the Private Parking By-law No. 6549/95. This By-law makes it an offence to park on private property in violation of a notice prohibiting or limiting parking. It sets out circumstances in which vehicles that are illegally parked on private property may be towed and stored. It set out rates that may be charged by towing companies when towing and storing illegally parked vehicles. These fees were last reviewed in 2005.

There has been a written request to the City of Winnipeg seeking changes in the fee structure of the By-law No. 6549/95 so that fees align with those set out in City of Winnipeg Towing Contract #390-2005.

### DISCUSSION:

The proposed amendment to the Private Parking By-law would increase fees for towing so that they are identical to the rates that are charged under the City's towing contract.

**Current By-Law Provisions/Proposed Amendments**

| Current Fee under #6549/95 | Proposed Fee under #6549/95 | 2007-2008 Rates under City Contract #390-2005 |
|---|---|---|
| Removal | | |
| $50 GVW greater than 4500 Kg | $59 GVW greater than 50000 Kg | $59 GVW less than 5000 Kg |
| $70 GVW greater than 4500 Kg but less than 6500 | $74 GVW greater than 5000 Kg but less than 11000 | $74 GVW greater than 5000 Kg but less than 11000 Kg |
| $120 GVW greater than 6500 Kg | $132 GVW greater than 11000 Kg | $132 GVW greater than 11000 Kg |
| Storage | | |
| $8 per 24 hr period, no size limit | $12 per 24 hr period GVW not exceeding 6500 Kg | |
| | $30 per 24 hr period GVW greater than 6500 Kg | |

Note: Contract #390-2005 splits vehicles into three weight categories, reflecting the popularity of greater GVW (gross vehicle weight) sport utility vehicles. The industry has stated that this results in a need to acquire vehicles with heavier towing capacity.

The proposed By-law amendment would also change the rules when towing is interrupted by the driver of the vehicle. Currently, until the vehicle is actually removed from the property, the owner is entitled to claim it and the tow truck driver is obliged to release it without any fee being paid to the towing company. The proposed amendments would still allow the driver to claim the vehicle without charge before the hoist is attached. However, once the hoist is attached, the driver would have to pay half of the towing fee in order to reclaim the vehicle, even if the vehicle has not been towed off the property. This is fairer to the towing company, who would otherwise have to absorb all the costs associated with attending to the site.

The proposed By-law also makes a small amendment to the definition of “vehicle poundkeeper” to make it clear that it applies to tow truck drivers and other employees of a towing company.

**Project Name:** **First Year of Program**

| | 0 | 1 | 2 | 3 | 4 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | - | - | - | - | - |
| Additional Capital Budget Required | $ - | $ - | $ - | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ - | $ - | $ - | $ - | $ - |
| Debt - External | - | - | - | - | - |
| Grants (Enter Description Here) | - | - | - | - | - |
| Reserves, Equity, Surplus | - | - | - | - | - |
| Other - Enter Description Here | - | - | - | - | - |
| Total Funding | $ - | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ - | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Direct Costs | $0 | $0 | $0 | $0 | $0 |
| Less: Incremental Revenue/Recovery | - | - | - | - | - |
| Net Cost/(Benefit) | $0 | $0 | $0 | $0 | $0 |
| Less: Existing Budget Amounts | - | - | - | - | - |
| Net Budget Adjustment Required | $0 | $0 | $0 | $0 | $0 |

**Additional Comments: There is no financial impact to the Winnipeg Police Service. The impact will be to the general public.**

original signed by Kerri Kreitz Feb.29/08
A/Manager of Finance & Administration

**IN PREPARING THIS REPORT THERE WAS:**

**Internal Consultation With and Concurrence By:**

Legal Services

**External Consultation With:**

Dr. Hook Towing

**THIS REPORT SUBMITTED BY:**

Department: Winnipeg Police Service
Division: Organizational Development and Support #32
Prepared by: Yvonne Pregely S751, Research Analyst
File No. 08-504

**THE CITY OF WINNIPEG**

**BY-LAW NO. _____**

A By-law of THE CITY OF WINNIPEG to amend the Private Parking By-law.

**THE CITY OF WINNIPEG**, in Council assembled, enacts as follows:

**Private Parking By-law amended**

1. The Private Parking By-law No. 6549/95 is amended by this By-law.

**Definition amended**

2. The definition "Vehicle Poundkeeper" in section 1 is amended by adding "and includes an employee, agent or representative of a vehicle poundkeeper" at the end of the definition.

**Subsections 6(2) and (3) replaced**

3. Subsection 6(2) and (3) are repealed and the following is substituted:

6. (2) Where a vehicle is claimed by the owner or operator of the vehicle before any preparation for removal has been undertaken, including attachment of the hoist mechanism, the vehicle poundkeeper must immediately release the vehicle to the owner or operator without any fee being charged.

(3) Where a vehicle is claimed by the owner or operator of the vehicle after the hoist mechanism has been attached or other preparation for removal has begun, the vehicle poundkeeper must release the vehicle to the owner or operator upon payment of one-half of the removal costs applicable to that vehicle as set out in section 11.

(4) Where a vehicle is claimed by the owner or operator of the vehicle after the towing vehicle has moved under power with the vehicle in tow, the vehicle poundkeeper must release the vehicle to the owner or operator upon payment of the removal costs applicable to that vehicle as set out in section 11.

(5) Where a vehicle is claimed by the owner or operator of the vehicle after the vehicle has been removed to a place of impoundment but before it has been placed in storage, the vehicle poundkeeper must release the vehicle to the owner or operator upon payment of the removal costs applicable to that vehicle as set out in section 11.

(6) For greater certainty, where this section requires that the vehicle poundkeeper release a vehicle to the owner or operator, any towing apparatus that has been attached to the vehicle must be removed and the vehicle must be placed in a position where it can be removed by the owner or operator and no additional fee may be charged for this work.

**Subsection 11(1) replaced**

4. Subsection 11(1) is repealed and the following is substituted:

11. (1) Subject to section 6, a vehicle poundkeeper must release a vehicle that has been removed and stored pursuant to this By-law to an individual who provides appropriate identification which corresponds to the vehicle's registration and who provides payment to the vehicle poundkeeper of the applicable removal and storage costs for the vehicle set out in subsection (1.1)

(1.1) The maximum costs of removal and storage that may be charged by a vehicle poundkeeper pursuant to this By-law are as follows:

(a) Removal Costs

(i) $59.00 in removal costs for vehicles with a gross vehicle weight not exceeding 4500 kilograms;

(ii) $74.00 in removal costs for vehicles with a gross vehicle weight greater than 4500 kilograms but not exceeding 6500 kilograms;

(iii) $132.00 in removal costs for vehicles with a gross vehicle weight exceeding 6500 kilograms;

(b) Storage Costs

(i) $12.00 for each 24 hour period of time or portion thereof that a vehicle with a gross vehicle weight not exceeding 6500 kilograms has been stored at a place of impoundment;

(ii) $27.00 for each 24 hour period of time or portion thereof that a vehicle with a gross vehicle weight exceeding 6500 kilograms has been stored at a place of impoundment.

**DONE AND PASSED**, in Council assembled, this day of , 2008.

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Mayor

_____
City Clerk

Approved as to content:

_____
Chief of the Winnipeg Police Service

Certified as to form:

_____
For City Solicitor/Manager of Legal Services