

REPORT TO COUNCIL



Date: February 21, 2012
File: 0600-01
To: City Manager
From: City Clerk
Subject: Amendments to Traffic bylaw No. 8120

Recommendation:

THAT Council receives the report of the City Clerk, dated February 21, 2012 to consider amendments related to the disposal of abandoned or unclaimed vehicles to the City of Kelowna Traffic Bylaw No.8120;

AND THAT Council gives reading consideration to Bylaw No. 10502, being "Amendment No. 18 to Traffic bylaw No. 8120".

Purpose:

Under the Traffic Bylaw, the City is able to dispose of abandoned or unclaimed vehicles by public auction, after which if the vehicle does not sell, there are two options; sell the vehicle's parts, or destroy the vehicle. The proposed amendment to the bylaw is to provide greater flexibility in the City's options for the sale, auction or other means of disposal as deemed necessary.

Background:

Bylaw Services may direct the City towing contractor to remove and impound a motor vehicle unlawfully occupying any portion of a highway, sidewalk or boulevard. Traffic Bylaw No. 8120 outlines the conditions and procedures for removal, impoundment, and recovery of a vehicle. The registered owner(s) of the vehicle is provided written notification of the seizure, including any costs and charges that are being incurred for the removal, care and storage of the vehicle. The notification includes the conditions for recovery, including that, if after 30days and reasonable efforts have been made, the owner does not claim the vehicle or refuses to pay, the City may arrange for the sale of the vehicle at public auction.

In many instances, the condition of the vehicle does not warrant proceeding to an auction. The proposed changes to the Traffic Bylaw would remove the requirement that an abandoned or unclaimed vehicle must proceed to auction prior to any other action for disposal is considered.

Under the proposed amendments, following the 30day notification process, staff would investigate any liens, transfer ownership of the vehicle, and choose the best method of disposal of the vehicle in order to recover any outstanding fees, costs and expenses. If the condition of the vehicle would clearly secure a price that covers towing, storage, indirect costs and some revenue, the City would then proceed to public auction. Any revenue generated would be put into an account for a period of one year, after which the funds would be transferred into general revenues.

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Internal Circulation:

City Clerk
Bylaw Supervisor, Office of the City Clerk
Manager, Purchasing
Financial Planning Manager, Financial Services
Property Management Manager, REBS

Legal/Statutory Authority:

Motor Vehicle Act s.124(1)(g)(h)
Community Charter s.46(2)(3)

Existing Policy:

Bylaw No. 8120 Traffic Bylaw

Financial/Budgetary Considerations:

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Personnel Implications:


External Agency/Public Comments:

Community & Media Relations Comments:

Alternate Recommendation:

Submitted by:


Stephen Fleming, City Clerk

Approved for inclusion:  R. Mayne, Director, Corporate Services