

CITY OF KELOWNA

BYLAW NO. 10502

Amendment No. 18 to Traffic Bylaw No. 8120

The Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT the City of Kelowna Traffic Bylaw No. 8120, PART 2 - GENERAL REGULATIONS, Sub-section 2.4 Removal of Vehicles and Chattels be amended as follows:

a) Sub-section 2.4.5 Recovery be amended by deleting the words "Office of the Treasurer" and replacing it the words "Financial Services Branch" before the words "at City Hall";

b) Sub-section 2.4.6 Notice of Impoundment that reads:

"2.4.6 Notice of Impoundment. If a **motor vehicle** is removed, detained or impounded, written notice by the **Peace Officer, Bylaw Enforcement Officer** or person authorized to move such **vehicle** shall be sent to the registered **owner** at his address as shown on the records of the **Superintendent of Motor Vehicles** advising him of the seizure, the sum payable to release the **vehicle** and the date of advertising for sale by public auction if unclaimed."

be deleted in its entirety and replaced with the following:

"2.4.6 Notice of Impoundment. If a **motor vehicle, trailer or chattel** is removed, detained or impounded, written notice by the **Peace Officer, Bylaw Enforcement Officer** or person authorized to move such **vehicle** shall be sent to the registered **owner** at the address as shown on the records of the **Superintendent of Motor Vehicles** advising of the seizure and the sum payable for release the **vehicle.**"

c) Sub-section 2.4.8 Public Auction that reads:

"2.4.8 Public Auction. Any **vehicle**, or obstruction not claimed by its **owner** within thirty (30) days of its impounding or detention may be sold at public auction, which auction shall be advertised at least once in a newspaper circulating in the **City.**

be deleted in its entirety and replaced with the following:

"2.4.8 Recovery of Fees. if the **motor vehicle, trailer or chattel** is not claimed by its **owner** within sixty (60) days of its impounding, the **City** may provide for the recovery of the fees by sale, public auction or other means of disposal as deemed necessary pursuant to the *Community Charter* and the *Motor Vehicle Act*, after reasonable efforts have been made to contact the **owner.**

"2.4.8(a) Certificate of Ownership. The **City** shall obtain a Certificate of Ownership prior to the sale, public auction, or disposal of an unclaimed **motor vehicle, trailer or chattel** pursuant to regulations of the *Motor Vehicle Act* as amended from time to time."

d) Sub-section 2.4.9 Auction Proceeds that reads:

"2.4.9 Auction Proceeds. The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the City or its contractors as set out above and thirdly the balance, if any, shall be held by the City for one (1) year from the date of sale for the owner. If unclaimed at the end of the year, such sum shall be paid into the general revenue of the City."

be deleted in its entirety and replaced with the following:

"2.4.9 Proceeds of Sale. The proceeds of such sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the City or its contractors as set out above and thirdly the balance, if any, shall be held by the City for one (1) year from the date of sale for the owner. If unclaimed at the end of the year, such sum shall be paid into the general revenue of the City."

2. This bylaw may be cited for all purposes as "Bylaw No. 10502, being Amendment No.18 to City of Kelowna Traffic Bylaw No. 8120."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 12th day of March, 2012.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk