

# **Bylaw No. 8640**

## **The Impounding Bylaw, 2007**

**Codified to Bylaw No. 9943  
(December 20, 2023)**

## **BYLAW NO. 8640**

### **THE IMPOUNDING BYLAW, 2007**

Whereas, under the provisions of Section 8(1)(c) of *The Cities Act*, S.S. 2002, c. C-11.1, bylaws may be passed by a City in relation to people, activities and things in, on or near a public place or place that is open to the public;

And Whereas, under the provisions of Section 8(1)(g) of *The Cities Act*, S.S. 2002, c. C-11.1, bylaws may be passed by a City in relation to streets, including temporary and permanent openings and closings;

And Whereas, under the provisions of Section 8(2)(j) of *The Cities Act*, S.S. 2002, c. C-11.1, bylaws may be passed by a City in relation to the remedying of contraventions of bylaws, including providing for moving, seizing, impounding, immobilizing, selling, destroying or otherwise dealing with or disposing of any type of real or personal property, including animals;

And Whereas, under the provisions of Section 8(2)(k) of *The Cities Act*, S.S. 2002, c. C-11.1, bylaws may be passed by a City, subject to Section 335.1, providing for the seizing, impounding, immobilizing, selling or otherwise dealing with or disposing of vehicles to enforce and collect:

- (a) fines for parking offences, including any charge the City may impose for late payment of fines; and
- (b) costs incurred by the City in enforcing and collecting fines for parking offences;

And Whereas, under the provisions of Section 32.81 of *The Summary Offences Procedure Act*, 1990, S.S. 1990-91, c. S-63.1, the City may lien the vehicle of a vehicle owner where a fine, late payment charge or costs have been imposed on a vehicle owner as a result of a conviction for a parking offence for which the vehicle owner was liable, the fine, late payment charge or costs are in default, and any portion of the fine, late payment charge or costs is due and payable to the City;

And Whereas, the City is desirous of enacting a bylaw to remove impediments from City streets and to collect fines, late payment charges and costs related to parking offences;

Now therefore, the Council of The City of Saskatoon enacts as follows:

### **Short Title**

1. This Bylaw may be cited as *The Impounding Bylaw, 2007*.

### **Purpose**

2. The purpose of this Bylaw is to provide for the impounding of any vehicle:
  - (a) that is parked, placed, left or kept in violation of The City of Saskatoon Traffic Bylaw No. 7200;
  - (b) that is parked, placed, left or kept on any street, in any public or commercial parking place, on property owned by the City or on privately-owned property where the owner of the vehicle is in default of payment of parking fines; and
  - (c) that is unlawfully parked, placed, left or kept on any privately-owned shopping centre property.

### **Definitions**

3. (1) In this Bylaw:
  - (a) “City” means The City of Saskatoon;
  - (b) “costs” means the reasonable costs of immobilizing and seizing a vehicle in accordance with this Bylaw;
  - (c) “Council” means the Council of The City of Saskatoon;
  - (d) “fine” means a fine imposed by the City for a parking offence, and includes any costs awarded to the City by any court in relation to the enforcement and collection of the fine;
  - (e) “immobilize” with respect to a vehicle, includes booting or moving;
  - (f) “impounding charges” means all costs incurred to immobilize or seize any vehicle as provided by Schedule “A” to this Bylaw;

- (g) “late payment charge” means a charge imposed for failure to pay a fine for a parking offence within the time prescribed for payment;
- (h) “officer” means any member of the Saskatoon Police Service, and any other municipal employee or agent appointed by Council to enforce this Bylaw;
- (i) “owner” means, with respect to any vehicle, the person to whom a current certificate of registration or registration permit for a vehicle is issued;
- (j) “seize” with respect to a vehicle, includes any or all of the following:
  - (i) seizing, impounding, towing and storing a vehicle;
  - (ii) repairing, processing or otherwise preparing a vehicle for sale or disposition;
  - (iii) selling or otherwise disposing of a vehicle; and
- (k) “street” includes all or any part of a culvert or drain or a public highway, lane, bridge, place, alley, square, thoroughfare or way intended for or used by the general public for the passage of vehicles or pedestrians.

(2) Schedule “A” attached hereto shall form part of this Bylaw.

### **Immobilizing and Seizing of Vehicles**

- 4. (1) Where any vehicle is parked, placed, left or kept in violation of The City of Saskatoon Traffic Bylaw No. 7200, an officer may immobilize or seize that vehicle from any of the following locations:
  - (a) any street;
  - (b) any public parking place;
  - (c) any property owned by the City;

- (d) any privately owned shopping centre, if the owner of the shopping centre has given written authorization to Council to do so; or
  - (e) any commercial property or property owned by a school board, a church, or a non-profit organization, where the owner or manager has entered into an agreement in a form satisfactory to the General Manager of Community Services Department.
- (2) Where the owner of a vehicle is in default of payment of parking fines, an officer may immobilize or seize any vehicle registered to that owner from any of the following locations:
- (a) any street;
  - (b) any public or commercial parking place;
  - (c) any property owned by the City; or
  - (d) any private property.
- (3) The City shall have the right to immobilize and seize any vehicle whether or not the owner of the vehicle is charged with or convicted of an offence.

### **Notice of Seizure**

5. (1) Upon seizing any vehicle, the City shall make reasonable efforts to provide notice of seizure to the owner of the vehicle:
- (a) personally; or
  - (b) via registered mail to the address shown on the motor vehicle registration certificate.
- (2) For the purposes of subsection 6(1), notice is deemed to have been received:
- (a) the day the notice was served, if the notice was personally served;
  - (b) the seventh day following the date of its mailing, if the notice was served by registered mail; and

- (c) in any other case, including where attempts to serve have been unsuccessful and no notice is ever provided, 30 days after the date the vehicle was seized.
- (3) Failure of the City to provide notice or sufficient notice shall not invalidate the seizure or the owner's responsibility to pay any costs, impounding charges, fines and late payment charges or affect the City's ability to dispose of the vehicle pursuant to section 6 or 7.

### **Redemption of Seized Vehicles**

6. (1) Any vehicle seized pursuant to Section 4 shall be stored at the City compound or any other place authorized by the Chief of Police or the General Manager of Community Services Department or a designate thereof, at the cost of the owner for a minimum of 30 days after the date of deemed service of the notice provided for in Section 5, unless the impounding charges, costs and any outstanding fines and late payment charges are sooner paid.
- (2) Upon payment of any outstanding fines, costs, late payment charges and impounding charges, a vehicle seized pursuant to Section 4 may be redeemed:
- (a) by the owner, subject to the owner providing proof of ownership satisfactory to the City;
  - (b) at the City's discretion, by a person who is authorized in writing by the owner to redeem the vehicle;
  - (c) where the owner of the vehicle is unknown or cannot be located, to any other person who, in the City's opinion, has a valid legal interest in the vehicle.

### **Failure to Redeem a Seized Vehicle**

7. (1) If a vehicle is not redeemed prior to the date of sale in accordance with Subsection 6(2), the vehicle shall be sold, and the proceeds applied to any outstanding impounding charges, costs, fines and late payment charges.
- (2) In the event that upon the sale of the vehicle, the amount recovered is in excess of any outstanding impounding charges, costs, fines and late payment charges, reasonable efforts will be made to notify the owner of the vehicle of the excess proceeds.

- (3) Regardless of whether the owner is notified of the excess proceeds, the owner shall be responsible for contacting the City to make arrangements to collect the proceeds.
- (4) Excess proceeds from the sale of a vehicle shall be claimed within one year of the date of the sale, otherwise, they shall form part of the Impoundment Program Stabilization Reserve.
- (5) In the event that upon the sale of the vehicle, the amounts recovered are insufficient to satisfy all outstanding fines, costs, late payment charges and impounding charges, the deficiency becomes an amount owing to the City and may be collected by civil action for debt in a court of competent jurisdiction.

### **Parking Fines in Default – Liens**

8. (1) In addition to any other remedy that the City is entitled to pursue to recover outstanding fines, late payment charges and costs related to a conviction for a parking offence, the City has the authority to lien a vehicle of a vehicle owner if:
  - (a) a fine, late payment charge or costs were imposed on the vehicle owner as a result of a conviction for a parking offence for which the vehicle owner was liable;
  - (b) the fine, late payment charge or costs are in default; and
  - (c) any portion of the fine, late payment charge or costs is payable to the City.
- (2) A lien on a vehicle takes effect when the City registers a financing statement in the Personal Property Registry with respect to the vehicle.
- (3) A lien with respect to which a financing statement is registered in the Personal Property Registry by the City secures the amount of the following which the owner is liable to the City:
  - (a) the sum of the fines, late payment charges and costs in default on the date of registration of the financing statement; and
  - (b) with respect to fines, late payment charges and costs in default subsequent to registration of the financing statement, the sum of all those fines, late payment charges and costs for which the owner is liable before discharge of the lien.

- (4) Within 15 days of registering a financing statement in the Personal Property Registry, the City shall cause a notice to be served on the vehicle owner.
- (5) The notice mentioned in Subsection 8(4) shall state:
  - (a) that the authority has a lien pursuant to *The Summary Offences Procedure Act, 1990* with respect to unpaid parking fines, late payment charges and costs and has registered a financing statement in the Personal Property Registry with respect to a vehicle of a specified make, model and year;
  - (b) if the vehicle is registered pursuant to *The Traffic Safety Act*, the name and address of the registered owner;
  - (c) if the vehicle is not registered pursuant to *The Traffic Safety Act*, that there is reason to believe that the vehicle is owned by the person whose name and address are specified;
  - (d) the amount of the unpaid parking fines, late payment charges and costs as at the date of registration of the financing statement;
  - (e) that, if the amount of the lien is not paid within 15 days after the notice is served, the authority may take possession and dispose of the vehicle; and
  - (f) the address and telephone number of the place where further information can be obtained from the City.
- (6) A notice mentioned in Subsection 8(4) shall be served on the vehicle owner:
  - (a) by delivering it personally; or
  - (b) by ordinary mail.
- (7) A notice sent by ordinary mail in accordance with Clause 8(6)(b):
  - (a) is sufficiently given if it is sent to the last postal address of the vehicle owner shown in the records of the administrator pursuant to *The Traffic Safety Act*; and

- (b) is deemed to have been served on the seventh day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of their own, the person did not receive the notice or received it at a later date.
- (8) In addition to the expenses permitted pursuant to *The Personal Property Security Act, 1993* for retaking, holding, repairing, processing, preparing for disposition of and disposing of a vehicle, the City is also entitled to be paid:
  - (a) any other reasonable expenses incurred by the City; and
  - (b) an administrative fee in the amount of \$25.00.

### **Parking Fines In Default - Immunity From Liability**

- 9. Where the owner of a vehicle is in default of payment of parking fines and the vehicle is immobilized or seized, the City is not liable for any loss or damage to the vehicle, or to the contents of the vehicle.

### **Offences and Penalties**

- 10. (1) No person shall:
  - (a) obstruct or interfere with the immobilization or seizure of any vehicle; or
  - (b) tamper with or remove any immobilization device that may be used to immobilize or seize any vehicle.
- (2) Every person who contravenes Subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than:
  - (a) \$10,000.00 in the case of an individual; and
  - (b) \$25,000.00 in the case of a corporation.
- (3) Any person who tampers with or removes any immobilization device that may be used to immobilize or seize any vehicle shall be liable for any loss or damage to the immobilization device.

**The Unclaimed Personal Property Bylaw, 2003**

10.1 *The Unclaimed Personal Property Bylaw, 2003* does not apply to vehicles to which this Bylaw applies.

**Repeal of Bylaw**

11. Bylaw No. 7859 is repealed.

**Coming Into Force**

12. This Bylaw comes into force on the day of its final passing.

Read a first time this 5<sup>th</sup> day of November, 2007.

Read a second time this 5<sup>th</sup> day of November, 2007.

Read a third time and passed this 5<sup>th</sup> day of November, 2007.

\_\_\_\_\_  
"Donald J. Atchison"  
Mayor

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"Janice Mann" "SEAL"  
City Clerk

**Schedule "A"**  
**Impounding Charges**

|    |   |             |
|----|---|-------------|
| 1. | Towing  | Actual Cost |
| 2. | Impound Fee   | \$70.00     |
| 3. | Storage Fee, to be paid in addition to the Impound Fee on the first day, and for each day or part of a day thereafter | \$20.00     |
| 4. | Advertising Costs   | Actual Cost |
| 5. | Administration Fee: includes lien search and preparing for sale   | \$45.00     |
| 6. | Sales charge if sold  | \$45.00     |

If a vehicle requires extra services, or if additional facilities are necessary for its proper handling, the cost of such extra service or additional facilities shall be added to the charges set out in this Schedule. Also, any costs associated with the selling of a vehicle and of transferring title shall be paid by the Purchaser.