

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 5105

TO PROVIDE FOR THE LICENSING OF COMMERCIAL VEHICLES

The Municipal Council of the Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. In this bylaw, unless the context otherwise requires:

GROSS VEHICLE WEIGHT means the weight at which a vehicle is licensed under the *Commercial Transport Act* or the *Motor Vehicle Act*, as the case may be;

HIGHWAY means a highway as defined by the *Municipal Act* but does not include an arterial highway as defined by the *Highway Act*;

LICENSE INSPECTOR means the person from time to time duly appointed as License Inspector for the Municipality and also any person lawfully acting in that capacity;

OWNER means, when used in reference to a vehicle, the person or persons duly registered from time to time under the *Motor Vehicle Act* or the *Commercial Transport Act*, as the owner or owners of the vehicle;

REGISTRATION CARD means the motor vehicle license for the motor vehicle issued pursuant to the *Motor Vehicle Act* or the *Commercial Transport Act*, as the case may be;

VEHICLE means a commercial vehicle defined as such by and licensed under the *Commercial Transport Act* and a vehicle not so licensed but which is used for the collection or delivery, or both, of merchandise or other commodity in the ordinary course of a business undertaking.

2. Division (2) of Part 11 of the *Municipal Act* is hereby declared to apply to the District of Saanich.
3. Except as otherwise provided in this bylaw and in the *Municipal Act*, but subject to the *Motor Carrier Act*, no vehicle shall be used or operated on any highway in the District of Saanich unless there is displayed upon the vehicle a valid and subsisting license plate issued for the vehicle in accordance with Division (2) of Part 11 of the *Municipal Act* and with this bylaw.

4. Except as may be otherwise provided by the *Municipal Act*, the owner of every vehicle shall, before it is used or operated on any highway in the Municipality, cause the vehicle to be licensed and a license plate obtained pursuant to the *Municipal Act* and this bylaw.
5. The application for a license and license plate or a transfer thereof, shall be in the form from time to time prescribed by the Municipality and shall be signed by the owner or his duly authorized agent, provided that in the case of a partnership or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all the owners or of the partnership.
6. Where the applicant for a license or transfer is an agent or co-owner, the owner or owners shall be deemed to have authorized all statements set forth in the application and shall be deemed to have made such statements on his own or their behalf and as his own or their statements.
7.
 - a) The application form, together with the registration card for the vehicle shall be delivered to the License Inspector and, in the case where a fee is applicable, shall be accompanied by the fee prescribed in the Act and set out in Appendix "A" attached hereto and forming part of this bylaw.
 - b) Where one person applies for more than one license, as many applications of the same kind as may conveniently be made on any one of the forms prescribed may be combined in one such form without the necessity for the completion of separate application forms for each vehicle for which a license and license plate is sought.
 - c) Notwithstanding sub-sections (a) and (b), but not inconsistent with the Act or this bylaw, the License Inspector is hereby authorized to modify any of the forms prescribed or any of the administrative procedures prescribed or deemed necessary by him when dealing with any owner applying for licenses and plates for more than one vehicle.
8. All fees collected by the License Inspector under this bylaw and in accordance with Division (2) of Part 11 of the *Municipal Act* shall be paid forthwith to the Treasurer of the Municipality who shall deal with the said fees in the manner provided by the *Municipal Act*.
9. Upon receipt of the application for a license and upon being satisfied that the prescribed fee has been paid, the License Inspector shall cause to be issued and delivered a numbered license plate and shall endorse on the registration card:
 - a) The number of such license plate;

- b) The day of issuance thereof; and
 - c) The fee paid.
10. The license plates shall at all times be affixed to the lower outside right-hand corner of the windshield; or the outside of the fixed glazed surface to the right of the operator; or the inside of the front windshield in the upper centre, and shall be kept entirely unobstructed and in a legible condition.
11. Where a person ceases to be the owner of a vehicle licensed and authorized to carry a license plate, the registration thereof and the license plate therefor, as the case may be, are deemed to be cancelled, and the new owner may make application for the transfer of the license plate by removing the existing plate from the old vehicle and presenting it to the license Inspector who will issue a new replacement thereof for a transfer fee in accordance with the provision of the *Municipal Act*.
12. Where a license plate is lost, stolen, destroyed or becomes illegible or mutilated, the owner of the vehicle in respect of which the plate was issued or his agent, may apply to the License Inspector for a replacement thereof for a fee of \$6.25 upon the surrender of such plate, if still in the possession of the owner and the License Inspector, if satisfied of the truth of the facts in support of the application, may cause a new license plate to be issued in replacement and shall endorse the record of its issuance on the registration card.
13. Every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done under this bylaw, or who does any act or thing which violates any of the provisions of this bylaw shall be deemed to have committed an offence under this bylaw and shall be liable, on conviction to a fine or penalty of not less than \$100.00.
14. (a) Any person:
- i) Who is authorized by or pursuant to any resolution of the Council or pursuant to any contract with the Corporation presently in force; and
 - ii) Who has reason to believe that any person has committed an offence under this Bylaw, may deliver to the driver of the vehicle a Parking Offence Notice.
- (b) Delivery of a Parking Offence notice may be effected by leaving it on the vehicle concerned or by giving it to the person concerned.
15. (a) Any Parking Offence Notice may indicate the alleged offence and the amount of the voluntary penalty that may be paid to the Corporation in respect of it.

- (b) If a voluntary penalty is paid pursuant to a Parking Offence Notice in the amount and within the applicable time period set out in Section 16 before any information has been sworn and a Summons issued, no prosecution shall be instituted in respect of the offence described in the Parking Offence Notice.
16. The voluntary penalty for any contravention of this Bylaw shall be:
- (a) \$50.00 if paid within 7 days from the date of the Parking Offence Notice;
 - (b) \$75.00 if paid after 7 days but within 45 days from the date of the Parking Offence Notice;
 - (c) \$100.00 if paid after 45 days from the date of the Parking Offence Notice.
17. Bylaw No. 1990, being the "Commercial Vehicle Licencing Bylaw, 1962" is hereby repealed except insofar as it may repeal any other bylaw.
18. This bylaw shall take effect on the last day of February 1984.
19. This bylaw may be cited for all purposes as the "**COMMERCIAL VEHICLE LICENSING BYLAW, 1983, NO. 5105.**"

Includes Amendment Bylaws No. 5216, 5762, 5845, 5980, 7373 and 9038

APPENDIX "A"

<i>Municipal Act Section</i>	Item	Fee \$
519(1)	Vehicle license fees for each license year for a vehicle of gross vehicle weight:	
	- not exceeding 2,800 kg	25.00
	- over 2,800 but not over 11,800 kg	30.00
	- over 11,800 kg. but not over 20,000 kg	35.00
	- over 20,000 kg	40.00
519(2)	Vehicle license fee for each license year for a vehicle operated under an agreement under section 13 of the <i>Commercial Transport Act</i>	30.00
519(3)	Vehicle license transfer fee	6.25