



City of Vernon

# COMMERCIAL VEHICLE

## #3223

*Consolidated for Convenience*

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3223

**AMENDMENTS**

<b>BYLAW NO.</b>	<b>DATE</b>	<b>AMENDMENT</b>
#3443	Oct 13, 1987	Replacing & Deleting various wording
#3498	January 4 <sup>th</sup> , 1988	Replacing Schedule "A" in its entirety
#3671	April 23 <sup>rd</sup> , 1990	Definition Licence Year in Section 3 of the Bylaw
#4220	February 16 <sup>th</sup> , 1998	Various regulations to comply with the <i>Municipal Act</i>
#5323	June 27, 2011	<p><b>amending</b> various wording in Sections 3, 4, 5, 9 (c), 10,12 (b), 14, and 15 to reflect current terminology, reference and legislation</p> <p><b>adding</b> new Sections 16 and 17</p> <p><b>replacing</b> Schedule "A" of Bylaw 3223 to update the efficiency of the form</p>

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3223  
A bylaw to provide for the Licencing  
of or exemption from Licencing of  
Commercial Vehicles

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

1. "Commercial Vehicle Licencing Bylaw Number 1586, 1964" is hereby repealed.
2. This bylaw may be cited as "Commercial Vehicle Licencing Bylaw Number 3223, 1984".
3. In this bylaw, unless the context otherwise requires, "Act" means the Local Government Act, being Chapter 323 of the Revised Statutes of British Columbia, 1996, as amended, and "Regulations" means the Local Government Act Municipal Act Fees Regulation No. 1,

"Commercial Vehicle" means a vehicle used by a person on a highway in a participating municipality if the vehicle is:

- (a) a commercial vehicle as defined by and licensed under the Commercial Transport Act, or
- (b) a vehicle not licensed as referred to in paragraph (a), but used for the collection or delivery, or both, of merchandise or another commodity in the ordinary course of a business undertaking.

"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 Act, but does not include an arterial highway as defined by the Transportation Act.

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“Licence Inspector” means the Manager – Bylaw Enforcement or their designate and also any person lawfully acting in that capacity.

“Licence Year” means the calendar year from January 1st to the last day of December of the following year.

“Motor Vehicle” means a vehicle not run on rails, that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires.

“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.

“Participating municipality” means a municipality in which a bylaw is in force declaring that this Division applies in that municipality.

“Registration Card” means the motor vehicle registration for the motor vehicle issued pursuant to the Motor Vehicle Act or the Commercial Transport Act.

4. The Corporation of the City of Vernon is hereby declared to be a participating municipality with respect to the licensing of commercial vehicles, and the provisions of Division (3) of Part 20 of the Act apply to the Municipality from and after the commencement of the licence year beginning in 1963.
5. Except as otherwise provided in this bylaw and in the Act, but subject to the Passenger Transportation Act, no commercial vehicle shall be used or operated on any highway in the Municipality unless there is displayed upon the vehicle a valid and subsisting licence issued for the vehicle in accordance with a current year decal affixed, issued for the vehicle in accordance with Division (3) of Part 20 of the Act and with this bylaw.

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6. Except as may be otherwise provided by the 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 or registered with the Licence Inspector, and a licence obtained pursuant to the Act and this bylaw.
7. The application for a licence shall be in the form shown on Schedule "A" hereto attached and forming part of this bylaw, and shall be signed by the owner or his duly authorized agent, provided that in the case of partnerships 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.
8. Where the applicant for a licence 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 on their statements.
9. (a) The applicant form, together with the registration card for the vehicle, shall be delivered to the Licence Inspector and, in the case where a fee is applicable, shall be accompanied by the fee prescribed in the Act and Regulations.  
  
(b) Where the applicant for licences is one and the same person, 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 licence is sought.  
  
(c) Notwithstanding subsections (a) and (b) above, but not inconsistent with the Act or this bylaw, the Licence Inspector is hereby authorized to modify any of the forms prescribed, or any of the administrative procedures prescribed deemed necessary by him when dealing with any owner applying for licences for more than one vehicle.
10. All fees collected by the Licence Inspector under this bylaw, and in accordance with Division (3) of Part 20 of the Act, shall be paid forthwith to the Treasurer of the Municipality, who shall deal with the said fees in the manner provided by the Act.

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11. Upon receipt of the application for a licence plate, and upon being satisfied that the prescribed fee (if any) has been paid, the Licence Inspector shall cause to be issued and delivered a numbered licence and shall endorse on the registration card:
  - (a) the number of such licence;
  - (b) the date of issuance thereof; and
  - (c) the fee paid.
  
12. The licence shall at all times be affixed to the lower outside right-hand corner of the fixed glazed surface to the right of the operator, or in the upper centre portion of the front windshield.
  
13.
  - (a) Where a person ceases to be the owner of a vehicle licenced and authorized to carry a licence, the registration thereof and the licence are deemed to be cancelled and the new owner may make application to the Licence Inspector for the transfer of the licence, in accordance with the provisions of the Act.
  - (b) Notwithstanding subsection (a), the purchase of a vehicle by a dealer in vehicles for resale shall not require the licence to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale.
  
14. Where a licence is lost, stolen, destroyed or becomes illegible or mutilated, the owner of the vehicle in respect of which the licence was issued, or his agent, may apply to the Licence Inspector for a replacement thereof for a fee as outlined in the Act and its Regulations upon the surrender of such licence, if still in the possession of the owner, and the Licence Inspector, if satisfied of the truth of the facts in support of the application, may cause a new licence to be issued in replacement and shall endorse the record of its issuance on the registration card.

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15. (a) The owner or operator of a vehicle, other than a vehicle exempt under Division (3) of Part 20 of the Act, who operates or uses or causes the vehicle to be operated or used on a highway without holding and displaying a valid and subsisting licence for the vehicle is liable on conviction to a fine not exceeding Fifty Dollars (\$50.00).
  - (b) A person who displays or causes to be displayed a licence on a vehicle not authorized to have it displayed on the vehicle is liable, on conviction, to a fine not exceeding Two Hundred Dollars (\$200.00) and the confiscation of the licence plate.
  - (c) No fine imposed under this bylaw removes any liability for a prescribed licence fee under the Act.
16. This bylaw may be enforced by means of a municipal ticket or bylaw notice in the forms prescribed for those purposes in the Community Charter and Bylaw Notice Enforcement Act. Designated offences, bylaw enforcement officers, fines, fine reductions or surcharges are as set out within City's Municipal Ticket Information Bylaw # 5300 and Bylaw Notice Enforcement Bylaw # 5250.
17. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph, clause or phrase.

READ A FIRST TIME this 9th day of January, 1984.

READ A SECOND TIME this 9th day of January, 1984.

READ A THIRD TIME this 9th day of January, 1984.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 23rd day of January, 1984.

"LYALL HANSON"

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Mayor:

"M. MCCAIG"

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City Clerk:

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**SCHEDULE "A"**

<b>THE CORPORATION OF THE CITY OF VERNON</b>				
BYLAW #3223 - Schedule "A"				
<b><u>SCHEDULE OF FEES:</u></b>				
<b>Gross Vehicle Weight</b>				
Up to 2,800 kgs..... \$				
2801 kgs – 11,800 kgs ..... \$				
11,801 kgs – 20,000 kgs..... \$				
20,001 kgs and over ..... \$				
For an application under Section 13 of the "Commercial Transport Act:..... \$				
Transfer Fee ..... \$				
<b>MUNICIPAL DECAL #</b>	<b>MOTOR VEHICLE REG. #</b>	<b>LICENCE #</b>	<b>G.V.W.</b>	<b>FEE AMOUNT</b>
<b>NAME AND ADDRESS OF APPLICANT</b>			<b>TOTAL → _____</b>	
			_____ <b>SIGNATURE OF APPLICANT</b>	