

# THE CORPORATION OF THE DISTRICT OF SUMMERLAND

## BYLAW NUMBER 93-074

### A BYLAW TO PROVIDE FOR THE LICENSING OF OR EXEMPTION FROM LICENSING OF COMMERCIAL VEHICLES

The Council of the Corporation of the District of Summerland in open meeting assembled, enacts as follows:

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

**"Act"** means the Municipal Act being Chapter 290 of the Revised Statutes of British Columbia 1979, as amended;

**"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 Highway Act;

**"Licence Inspector"** means the person from time to time duly appointed as Licence Inspector for the municipality and also any person lawfully acting in that capacity;

**"Licence Year"** means the period from March 1st to the last day of February of the following year;

**"Vehicle"** means a vehicle used by a person on a highway in the municipality which is 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;

**"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 licence for the motor vehicle issued pursuant to the Motor Vehicle Act or the Commercial Transport Act.

2. The provisions of this bylaw apply to all vehicles except:

- a) a vehicle licensed as a farm vehicle under the Commercial Transport Act, except

when used for the collection or delivery, or both, of goods, wares, merchandise or other commodity not required in the ordinary course of a farm undertaking of the owner of the vehicle;

- b) notwithstanding paragraph (e), a vehicle licensed under the Commercial Transport Act owned by a farmer and used only to transport the produce of his farm to market and to transport supplies required for his farm;
  - c) a vehicle owned and operated by an improvement district;
  - d) a vehicle not requiring a license fee under Section 3(6) of the Motor Vehicle Act;
  - e) a vehicle licensed under the Commercial Transport Act not being used by a person for the purpose of his business, or by an organization for profit;
  - f) a vehicle owned by the Crown in Right of the Province; and
  - g) any vehicle exempted under the Commercial Transport Act or the Municipal Act.
3. The Corporation of the District of Summerland is hereby declared to be a participating municipality with respect to the licensing of commercial vehicles and the provisions of Division (2) of Part 11 of the Act apply to the municipality from and after the commencement of the licence year beginning in 1993.
4. Except as otherwise provided in this bylaw and in the Act, but subject to the Motor Carrier Act, no vehicle shall be used or operated on any highway in the municipality unless there is displayed upon the vehicle a valid and subsisting licence plate affixed in accordance with Division (2) of Part 11 of the Act and this Bylaw.
5. 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 plate affixed.
6. The application for a licence and a licence plate shall be in the form shown as 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 of the partnership.
7. 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 or their statements.
8. a) The application 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.

- 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 and licence plate is sought.
  - c) Notwithstanding subsections (a) and (b), 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 and plates for more than one vehicle.
9. All fees collected by the Licence Inspector under this bylaw and in accordance with Division (2) of Part 11 of the Act shall be paid forthwith to the Treasurer of the municipality who shall deal with the said fees in the manner provided for by the Act.
10. Upon receipt of the application for a licence 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 plate and shall endorse on the registration card -
- a) the number of such licence plate;
  - b) the date of issuance thereof; and
  - c) the fee paid.
11. The licence plate shall at all times be affixed in a horizontal position on the front of the vehicle on the inside of the windshield at the top centre, and shall be kept entirely unobstructed and in a legible condition.
12. a) Where a person ceases to be the owner of a vehicle licenses and authorized to carry a licence plate, the registration thereof and the licence plate is deemed to be cancelled and the new owner may make application to the Licence Inspector for the transfer of the licence plate 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 plate to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale.
13. Where a licence 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 Licence Inspector for a replacement thereof for a fee of five Dollars (\$5.00) upon the surrender of such plate, 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 plate to be issued in replacement and shall endorse the record of its issuance on the registration card.

14. a) Any person who operates a vehicle, other than a vehicle exempted by Section (2) of this bylaw or under Section 520 of the Act, who operates or uses or causes to be operated or used on a highway in the municipality with holding and displaying a valid and subsisting licence plate for the vehicle is liable on conviction to a fine not exceeding \$50.00.
- b) Any person who displays or causes to be displayed a licence plate on a vehicle not authorized to have it displayed on the vehicle is liable on conviction to a fine not exceeding \$200.00 and the confiscation of the licence plate.
15. This bylaw may be cited as the "Commercial Vehicle Licensing Bylaw".
16. Bylaw Number 2164 be and is hereby repealed.
17. This bylaw shall come into force and effect on March 1st, 1994.

READ A FIRST, SECOND AND THIRD time by the Municipal Council on the 27th day of September, 1993.

RECONSIDERED, FINALLY READ AND ADOPTED by the Municipal Council, signed by the Mayor and Clerk, and sealed with the Corporate Seal of the municipality, this 12th day of October, 1993.

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MAYOR

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CLERK

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

P.O. BOX 159  
SUMMERLAND, B. C.  
VOH 1Z0

93-074  
**Re: By-law ~~967~~ - Commercial Vehicle Licensing By-law**

Municipal Licence Plate Number \_\_\_\_\_

I, \_\_\_\_\_ owner (agent of

\_\_\_\_\_, who is the

owner) of a \_\_\_\_\_ of a gross

(Make of vehicle)

vehicle weight of \_\_\_\_\_ kg. Motor-vehicle Registration Number \_\_\_\_\_ apply to the

Municipality of Summerland for:

A Municipal licence plate for the above vehicle for the licence year 19\_\_\_\_\_ for which is hereby tendered the  
fee of \$\_\_\_\_\_.

SIGNED: \_\_\_\_\_

OWNER/AGENT

ADDRESS: \_\_\_\_\_

\_\_\_\_\_