

REVISED

CITY OF CASTLEGAR

BY-LAW NO. 401

Being a By-Law to provide for the Licensing of or Exemption from  
Licensing of Commercial Vehicles.

THEREFORE the Municipal Council of the City of Castlegar in open meeting assembled, enacts as follows:

PART 1

- 1.1 This By-Law may be cited for all purposes as the "City of Castlegar Commercial Vehicle Licensing By-Law No. 401, 1984".
- 1.2 WHEREAS the City of Castlegar is hereby declared to be a participating municipality with respect to the licensing of commercial vehicles and the provisions of Division (2) of Part X of the Municipal Act apply to the municipality from and after the commencement of the license year beginning in 1984.

PART 2      DEFINITIONS

In this By-Law, the words defined shall have the following meanings and where not defined shall be as in the Interpretation Section of the Municipal Act, unless the context otherwise requires.

- 2.1 Act means the Municipal Act being Chapter 290 of the Revised Statutes of British Columbia 1979, as amended;
- 2.2 Gross Vehicle Weight means the weight at which a vehicle is licensed under the Department of Commercial Transport Act or the Motor-Vehicle Act, as the case may be;
- 2.3 Highway means a highway as defined by the Act but does not include an arterial highway as defined by the Highway Act;
- 2.4 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;
- 2.5 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 Department of Commercial Transport Act as the owner or owners of the vehicle;
- 2.6 Registration Card means the motor-vehicle license for the motor vehicle issued pursuant to the Motor-Vehicle Act or the Department of Commercial Transport Act.

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PART 3      REQUIREMENTS

- 3.1 Except as otherwise provided in this By-Law 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 license-plate with a current year decal affixed in accordance with Division (2) of Part X of the Act and with this By-Law.
- 3.2 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 License Inspector and a license-plate with a current year decal affixed.

PART 4      APPLICATION

- 4.1 The application for a license and license-plate with a current year decal affixed shall be in the form shown as Schedule "A", hereto attached and forming part of this By-Law, 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.
- 4.2 Where the applicant for a license 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.
- 4.3 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.
- 4.4 Where the applicant for licenses 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 license and license-plate with a current year decal affixed is sought.

- 4.5 Notwithstanding subsections 4.3 and 4.4 but not inconsistent with the Act or this By-Law; the License 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 licenses and plates with a current year decal affixed for more than one vehicle.

PART 5. ADMINISTRATION

- 5.1 All fees collected by the License Inspector under this By-Law and in accordance with Division (2) of Part X 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.
- 5.2 Upon receipt of the application for a license and upon being satisfied that the prescribed fee (if any) has been paid, the License Inspector shall cause to be issued and delivered a numbered license-plate with a current year decal affixed and shall endorse on the registration card
- (1) the number of such license-plate and decal;
  - (2) the date of issuance thereof; and,
  - (3) the fee paid.

PART 6. REGULATIONS

- 6.1 The license-plate with a current year decal affixed shall at all times be affixed in a horizontal position on the front of the vehicle either to, or immediately adjacent to, the provincial motor-vehicle license plate, and shall be kept entirely unobstructed and in a legible condition and shall not obscure any other legally required plate, sign or notice.
- 6.2 Where a person ceases to be the owner of a vehicle licensed and authorized to carry a license-plate with a current year decal affixed the registration thereof and the license-plate with a current year decal affixed is deemed to be cancelled and the new owner may make application to the License Inspector for the transfer of the license-plate with a current year decal affixed in accordance with the provisions of the Act.

- 6.3 Notwithstanding subsection 6.2, the purchase of a vehicle by a dealer in vehicles for resale shall not require the license-plate with a current year decal affixed to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale.
- 6.4 Where a license-plate with a current year decal affixed 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 two dollars (\$2.00) 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 with a current year decal affixed to be issued in replacement and shall endorse the record of its issuance on the registration card.

PART 7      PENALTY

- 7.1 Every person who offends against any of the provisions of this By-Law subject to Section 523 of the Municipal Act, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of the By-Law, or neglects to do or refrains from doing anything required to be done under this By-Law, or who does any act or thing which violates any of the provisions of this By-Law shall be deemed to have committed an offence under this By-Law and shall be liable, on conviction to a fine and penalty of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

PART 8      EFFECTIVE DATE


- 8.1 This By-Law shall be deemed effective upon final adoption.
- 8.2 The City of Castlegar Commercial Vehicle Licensing By-Law No. 55-202-K and By-Law No. 56-225-K and all amendments thereto are hereby rescinded.

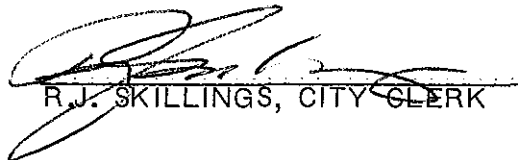
INTRODUCED AND READ A FIRST TIME THIS 10TH DAY OF JANUARY, 1984.

READ A SECOND TIME THIS 10TH DAY OF JANUARY, 1984.

READ A THIRD TIME THIS 24TH DAY OF JANUARY, 1984.

RECONSIDERED AND ADOPTED, SIGNED BY THE MAYOR AND CITY CLERK AND SEALED WITH THE CORPORATE SEAL THIS 14TH DAY OF FEBRUARY, 1984.

  
MAYOR AUDREY L. MOORE

  
R.J. SKILLINGS, CITY CLERK

CITY OF CASTLEGAR BY-LAW NO. 401

SCHEDULE "A"

Municipal License Plate \_\_\_\_\_

Decal Number \_\_\_\_\_

I, \_\_\_\_\_, owner (agent of \_\_\_\_\_  
\_\_\_\_\_ who is the owner) of \_\_\_\_\_  
\_\_\_\_\_ of a gross vehicle weight of \_\_\_\_\_ grams/pounds,  
Motor-vehicle Registration No. \_\_\_\_\_ apply to the \_\_\_\_\_  
\_\_\_\_\_ :

1. A Municipal License-plate with a current year decal affixed for the above vehicle for the license-year 19\_\_\_\_ for which is hereby tendered the fee of \$ \_\_\_\_\_.

Signed: \_\_\_\_\_

Owner/Agent

Address: \_\_\_\_\_

\_\_\_\_\_

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