

CHAPETER V:

SECTION IV PARKING ON PRIVATE LOTS

TOWING

SECTION I

GENERAL DISPOSITIONS

42. Subject to sections 43 and 47, a road vehicle parked at a place where the stopping or parking of road vehicles is prohibited under the Code or a regulation may be towed at the expense of the owner of the vehicle.

43. A road vehicle parked on private land, other than a parking lot to which the public has access by express or tacit invitation, without the authorization of the owner or occupier of the land, may be towed at the expense of the owner of the vehicle.

44. No vehicle shall be towed or towed without the consent of its owner or driver unless it is parked in contravention of the Code or a regulation.

45. A vehicle towed for illegal parking may not be driven more than 5 km from the place where it was parked illegally or outside the territory of the agglomeration of Montréal. In addition, a vehicle that has been removed to a location can not be towed again to be moved.

The distance indicated in the first paragraph is calculated by taking the shortest route, taking into account the traffic rules, between the point of departure and the point of arrival of the vehicle thus towed.

46. Every person who tows a road vehicle shall ensure that the vehicle is not left in a place where parking is prohibited.

SECTION II

PARKING PARKS

47. A road vehicle parked in a parking lot to which the public has access by express or tacit invitation may be moved or towed, at the expense of the owner of the vehicle, if it does not meet one of the following requirements: :

(1) the vehicle is parked in contravention of the signs in place prohibiting or restricting the parking of vehicles or restricting it to any person or categories of person;

(2) the vehicle is parked in a part not provided for or arranged for such purpose, so as to hinder or impede the movement or movement of other vehicles.

48. Notwithstanding section 47, in the case of a public parking lot to which the public has access by express or implied invitation, it is prohibited to tow or have a contravening road vehicle towed unless the parking lot be provided, at each of its entrances, with a sign:

(1) fully visible and legible on the highway during the hours for which towage is planned and, for that purpose, provided with adequate lighting at night; 2 ° of an area of at least 0.75 m²;

3 ° indicating:

(a) any infringing vehicle will be towed at the expense of its owner;

(b) the name of the towing company;

(c) the maximum rate prescribed in this Regulation for towing and storage, with the mention "all inclusive" or "all costs included";

(d) a telephone number to be dialed to obtain, at all times, the designation of the exact location where a towed vehicle may be retrieved, stating "Information if towed".

49. In the case of a public parking lot to which the public has access by express or tacit invitation, towing authorized under this by-law may only be done if the following information has been previously communicated to the number indicated on the sign:

(1) a description of the vehicle being towed, indicating the make, color and number of the license plate;

(2) the time at which the towing is done;

3 ° the address of the place where the vehicle can be recovered.

In addition, the following formalities must be completed:

(1) prior to towing, the owner or occupant of the parking lot, or the duly authorized representative of one of them, must legibly and accurately complete, sign and issue a towing invoice in accordance with the specifications of the Article 38;

(2) the owner or occupier of the parking lot, or the duly authorized representative of one of them, or the towing company, must give a copy of the bill to the owner or operator of the towed vehicle when tell him the location or give him the vehicle.

The owner or the occupant of the parking lot, as well as the company in charge of towing, must keep for two years the copies of the towing invoices provided for in the first paragraph and allow the competent authority to take cognizance of it at its request.

50. No owner or occupant of a parking lot shall designate as duly authorized representative, for the purposes of subparagraph 1 of the second paragraph of section 49, a person employed by a towed or otherwise remunerated by any such undertaking or having any pecuniary interest, or a person who is already acting for the same purpose as a duly authorized representative of another owner or occupier parking.

51. No person employed by a towage enterprise or remunerated in any manner or by any means by any such undertaking or having any pecuniary interest, or any person who for the same purposes, acts as the duly authorized representative of another owner or occupant of a parking lot, to act as duly authorized representative of the owner or occupant of a parking lot for the purposes of paragraph 1 of the second paragraph of Article 49.

52. Where the towing is carried out by the City or by a third party remunerated directly by it, by order of a police officer or the competent authority, the formalities provided for in the second paragraph of section 49 are replaced by the issuance a statement of offense including the costs of towing.

53. Every person who tows a road vehicle under section 47 shall ensure that the vehicle can be recovered at any time after the expiry of 30 minutes after the towing . The owner or driver of the vehicle must be immediately informed of the place where the vehicle was towed.

54. No person who has the custody of a towed vehicle in accordance with this Division shall detain the vehicle on the ground that the towing and guarding charges of the vehicle have not been paid.

The guardian must return the towed vehicle without delay to the owner or driver of the vehicle upon presentation of proof of ownership or rental of the vehicle.

SECTION III

TOWING AND STORAGE FEES

55. The towing costs claimed from the owner of a towed vehicle must not exceed the amount fixed in the By-law concerning rates. This maximum fare covers all operations related to this towing and all accessories used for this purpose. It is forbidden to claim any additional sum as such.

56. The storage costs claimed from the owner of a towed vehicle must not exceed the amount fixed in the by-law on rates, by day or fraction of a day. It is forbidden to claim any additional sum as such.

57. Where the owner or driver of a road vehicle claims possession of the vehicle before it has been removed from the place where it was parked or parked contrary to the law or this Regulation, no charge shall be required even if the vehicle is already attached or attached to the tow truck. It is forbidden to claim any sum in this respect.

For the purposes of the first paragraph, the word "place" means, in the case of parking on private land, the lot or parking lot.

CHAPTER VI

PENAL PROVISIONS

58. Every person who contravenes this by-law commits an offense and is liable

(1) in the case of a natural person,

(a) for a first offense, to a fine of \$ 200 to \$ 500;

(b) for a first subsequent offense, to a fine of \$ 400 to \$ 1,000;

(c) for any further recidivism, to a fine of \$ 800 to \$ 2,000;

(2) in the case of a legal person,

(a) for a first offense, to a fine of \$ 500 to \$ 1,000;

(b) for a first subsequent offense, to a fine of \$ 1,000 to \$ 2,000;

and (c) for any further recidivism, to a fine of \$ 2,000 to \$ 4,000.

59. Notwithstanding section 58, every person who contravenes section 6, 40, 41 or 54 is guilty of an offense and is liable

(1) in the case of a natural person,

(a) for a first offense, to a fine of \$ 1,000;

(b) in the case of a second or subsequent offense, to a fine of \$ 2,000;

(2) in the case of a legal person,

(a) for a first offense, to a fine of \$ 2,000;

(b) in the case of a second or subsequent offense, to a fine of \$ 4,000.

CHAPTER VII

FINAL AND TRANSITIONAL DISPOSITION

60. This by-law repeals and replaces the Vehicle Towing Regulation (03-098) and any regulation or provision of a by-law applicable in the territory of the agglomeration of Montréal relating to the towing of vehicles.

61. Operating permits and driver's licenses issued under the Vehicle Towing Regulations (03-098) remain valid and are deemed to have been issued in accordance with this Regulation until renewed.

62. This Regulation took effect on January 1, 2019.