

**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW V-200**

**RESPECTING IMMOBILIZATION OF VEHICLES ON PRIVATE PROPERTY**

WHEREAS vehicles are being parked or left on private property without the consent of the owner or operator of such property;

AND WHEREAS the owner or operator of such property have engaged individuals or business to immobilize vehicles left parked on the property without consent;

AND WHEREAS Council for the Halifax Regional Municipality considers it necessary and desirable to establish a by-law regulating the activity of vehicle immobilization;

AND WHEREAS section 188 of the *Halifax Regional Municipality Charter, 2008, c.39* permits Halifax Regional Council to establish by-laws respecting the safety and protection of property, and businesses, business activities, and persons engaged in business;

BE IT ENACTED by the Council of the Halifax Regional Municipality pursuant to the *Halifax Regional Charter* as follows:

**Short Title**

1. This By-law may be cited as By-Law V-200, the *Vehicle Immobilization By-law*.

**Interpretation**

2. In this By-law:
  - (a) "Council" means the Halifax Regional Council;
  - (b) "HRM" means Halifax Regional Municipality;
  - (c) "immobilize", with respect to a vehicle, means to detain using an immobilizing device;
  - (d) "immobilizing device" means a wheel locking device, a Denver boot, or other device designed to be attached or affixed to a parked vehicle to immobilize the vehicle;
  - (e) "Municipality" means Halifax Regional Municipality; and
  - (f) "vehicle immobilization business" means any person who carries on the business of immobilizing vehicles.

**Application of this By-law**

3. This By-law applies throughout the Halifax Regional Municipality.

**Compliance with By-law**

4. No person shall carry-on, engage in, or operate, or cause to carry-on, engage in, or operate a vehicle immobilization business unless that person complies with the provisions of this By-law.

## **Signage**

5. Where an owner or an occupant of property affected by this By-law has posted signs stating conditions on which motor vehicles may be parked or left on the property, or prohibiting the parking or leaving of a vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.
6. No person shall immobilize or cause to immobilize a vehicle in a parking lot unless there is signage displayed in the parking lot meeting the following requirements:
  - (a) any sign must conform with the applicable Land Use By-law;
  - (b) signs must be clearly visible and legible at all times;
  - (c) text of the signs must contain:
    - (i) a warning to the effect that improperly or unlawfully parked vehicles will be immobilized at the owner's expense;
    - (ii) the name and telephone number of the vehicle immobilization business; and
    - (iii) the immobilizing fees that will apply.

## **Vehicle Immobilization**

7. Every person carrying on, engaging in, or operating or causing the carrying on, engaging in, or operating a vehicle immobilization business shall:
  - (a) Repealed;
  - (b) maintain a list of all employees, and produce same to the Municipality within two business days upon request;
  - (c) have the written authority of the owner or occupant of the property to engage in vehicle immobilization on the property and produce same to the Municipality within two business days upon request;
  - (d) maintain a written record of all vehicles which that person or any person in that person's employ has immobilized, identifying each vehicle by make, colour, and license plate number and the times when the vehicle was immobilized and released from immobilization, and make such record available to the Municipality upon request;
  - (e) prior to immobilizing a vehicle, place a notice on the windshield of the vehicle, setting out the reasons and authority for the immobilization as prescribed in Schedule B;
  - (f) at all times have a person either present at each parking lot where a vehicle has been immobilized or available to be contacted by telephone for the purpose of immediately attending at the parking lot to remove the vehicle immobilizing device;
  - (g) within 45 minutes of having been requested by telephone to do so, attend at a parking lot for the purpose of removing a vehicle immobilizing device;

- (h) remove the immobilizing device immediately after accepting payment of the prescribed fee, not to exceed the amount prescribed in Schedule A; and
  - (i) accept payment by either cash, credit, or debit card, and offer the same level of service and response time regardless of the method of payment selected.
8. A person carrying on, engaged in, or operating a vehicle immobilization business must issue a written receipt, including the following information, to a person who pays immobilizing fees:
- (a) the name, or identification numbered issued by the vehicle immobilization business, of the person who immobilized the vehicle;
  - (b) the time when the vehicle was immobilized;
  - (c) the location where the vehicle was immobilized; and
  - (d) the fees for removing the immobilizing device.
9. Without restricting the foregoing, no person carrying on, engaged in, or operating a vehicle immobilization business shall:
- (a) immobilize a vehicle parked in a parking stall or area designated as being for the use of mobility-disabled persons, or in a designated fire lane;
  - (b) immobilize a vehicle with mobility handicapped person identification permits or plates;
  - (c) without lawful authority, immobilize a validly parked vehicle on a parking lot;
  - (d) immobilize a vehicle on a parking lot for failure to obtain a parking ticket from a payment system unless the payment system is in sound working order and supplied with parking tickets;
  - (e) immobilize a vehicle on a parking lot for failure to purchase sufficient parking time from a payment system unless the payment system is in sound working order;
  - (f) immobilize a vehicle on a parking lot when the purchased parking time has expired unless at least 15 minutes have elapsed since the time of expiry; or
  - (g) immobilize a vehicle due to the failure of the owner or operator to pay the total charges for the previous removal of an immobilizing device from a vehicle.

#### **Restrictions on Advertising**

10. No person carrying on, engaged in, or operating a vehicle immobilization business shall display on their vehicles, premises, advertising, or any other place a statement that states or implies that their business is anyway endorsed by the Halifax Regional Municipality.

#### **Uniform and Vehicle**

11. Every person carrying on or operating a vehicle immobilizing business shall wear a uniform that meets the following conditions:
- a) a professional appearing uniform identifying the vehicle immobilization business that is standardized with other employees of the vehicle immobilization business;

- b) uniforms must not include wording referencing Halifax Regional Municipality, Halifax Regional Police, police, or parking enforcement; and
  - c) photo identification cards issued by the vehicle immobilization business that must be worn on the outside of the uniform in the chest area.
12. Any vehicle used for vehicle immobilizing business:
- (a) must be clearly identified with the company name and contact number affixed to the side of the vehicle;
  - (b) may be identified using magnetic signage or decals; and
  - (c) must not contain any signage referencing Halifax Regional Municipality, Halifax Regional Police, police, or parking enforcement.

**Fees**

13. No person carrying on, engaged in, or operating a vehicle immobilization business shall charge more than the amount set out in Schedule "A" for the combination of installation and removal of an immobilizing device.

**Offence and Penalty**

14. (1) A person who:
- (a) violates or contravenes a provision of this By-law;
  - (b) fails to do anything required by this By-law;
  - (c) permits anything to be done in violation of this By-law; or
  - (d) obstructs or hinders any person in performance of their duties under this By-law, is guilty of an offence.
- (2) Every person who commits an offence is liable upon summary conviction to a penalty of not less than \$500.00 and not more than \$10,000.00 and in default of payment, to imprisonment for a term of not more than two (2) months.
- (3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

**Severability**

15. Where a court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary.

Done and passed in Council this 14<sup>th</sup> day of September, 2021.

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Mayor Mike Savage

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Iain MacLean, Municipal Clerk

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of Halifax Regional Council on September 14<sup>th</sup>, 2021.

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Iain MacLean, Municipal Clerk

Notice of Motion:	June 29, 2021
First Reading:	August 17, 2021
Notice of Second Reading Publication:	August 21, 2021
Second Reading:	September 14, 2021
Approval of Minister of Municipal Affairs and Housing:	N/A
Effective Date:	September 18, 2021

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**Amendment 1 (V-201)**

Notice of Motion:	September 12, 2023
First Reading:	September 26, 2023
Notice of Second Reading Publication:	September 30, 2023
Second Reading:	October 17, 2023
Approval of Minister of Municipal Affairs and Housing:	N/A
Effective Date:	October 21, 2023

**Schedule A**

**Fees**

Maximum Immobilization Fee	\$115.00
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**Schedule "B"**

VEHICLE IMMOBILIZATION NOTICE

THE PARKING LOT LOCATED AT \_\_\_\_\_

MOTOR-VEHICLE DESCRIPTION: Make \_\_\_\_\_ Model \_\_\_\_\_

Colour \_\_\_\_\_ Licence No. \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_  A.M.  P.M.

PARKING TICKET NUMBER: \_\_\_\_\_

REASON FOR IMMOBILIZATION

No permission to occupy

No contract of occupancy

Vehicle is hazard

No meter ticket

Vehicle is obstruction

Meter ticket expired

Other

THIS IMMOBILIZATION NOTICE ISSUED BY: \_\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Signature)

TO BE COMPLETED BY WHEEL-LOCKING DEVICE OPERATOR:

OPERATOR NO. \_\_\_\_\_

IMMOBILIZATION DATE \_\_\_\_\_ IMMOBILIZATION TIME \_\_\_\_\_

**COMPANY NAME, NUMBER**

ORIGINAL - IMMOBILIZING OPERATOR    2ND COPY - LEAVE ON VEHICLE FOR OWNER  
3RD COPY - TO BE RETAINED BY ISSUER