

CITY OF WHITEHORSE
BYLAW 2017-19

A bylaw to regulate the operation of parkades

WHEREAS section 265 of the *Municipal Act RSY 2002, c.154* provides that council may pass bylaws for municipal purposes regulating, subject to the *Motor Vehicles Act RSY 2002, c. 153*, traffic, parking, and pedestrians; and

WHEREAS section 266 of the *Municipal Act* provides that such bylaws may regulate, control or prohibit, and provide for a system of licences, inspections, permits or approvals;

NOW THEREFORE the council of the municipality of the City of Whitehorse hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Parkade Bylaw**".

DEFINITIONS

2. In this bylaw,

"CITY" means the City of Whitehorse.

"CITY MANAGER" means the City Manager of the City of Whitehorse.

"COUNCIL" means the duly elected municipal council of the City of Whitehorse.

"DESIGNATED OFFICER" means an employee of the City of Whitehorse, or an authorised representative as designated by the City Manager.

"FEE" means a fee as set out in the City's Fees and Charges Bylaw as amended from time to time.

"LEASE, ENCROACHMENT AND PROPERTY USE POLICY" means the policy, adopted by council and amended from time to time, that guides Mobile Food Vendor operations.

"MOBILE FOOD VENDOR" (street vendor, street stand, food truck, etc.) means an independently operated vehicle or mobile food vending apparatus occupying public space, typically for the purpose of providing food and beverages for commercial sale by a business entity in an outdoor setting, to either passers-by or seated patrons.

"OFFICER" means an officer as defined in the *Motor Vehicle Act* and includes City of Whitehorse bylaw enforcement officers referred to in Commissioner's Order 1978/118 passed pursuant to the *Motor Vehicles Act, RSY 2002, c. 153*.

"OPERATING HOURS" means the hours between 9:00 a.m. and 6:00 p.m. on Monday to Friday inclusive, except when such days are statutory holidays, or designated otherwise by the City.

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"PARK OR PARKING" includes the standing still of a vehicle, except where a vehicle is stopped in the ordinary course of being driven on the roadway.

"PARKADE" means:

- (1) The Main-Steele Parkade situated in Lots 12 – 17, Block 6, located on the corner of Steele Street and Third Avenue;
- (2) The Second and Steele Parkade situated in Lots 7 – 11, Block 16, located on the corner of Steele Street and Second Avenue; and
- (3) The Main and 6th Parkade situated in lots 607, 609, and 611 in block 55, Quad 8880, Plan 3807 LTO, and the 15 metres north, immediately contiguous to each lot.

"PERMIT" means the City's approval, with or without conditions, authorized and issued under this bylaw.

"PAY PARKING KIOSK" means a kiosk set up within a parkade for the purpose of receiving a fee for parking in designated parking stalls within the parkade.

"TRAFFIC BYLAW" means the City of Whitehorse Traffic Bylaw as amended from time to time.

"VEHICLE" means a vehicle or motor vehicle as defined in the *Motor Vehicles Act*, and includes a mobile food vendor.

EXEMPTIONS

3. This bylaw shall not apply to a designated officer, officer, or employees or agents of the City of Whitehorse, or to the operators of fire, ambulance, search and rescue, or other emergency vehicles acting in the course of their lawful duties.

HOURS OF USE

4. During operating hours, no person shall park a vehicle in a parkade unless the operator of such vehicle has paid the fees provided for by this bylaw.
5. A mobile food vendor shall not park in a parkade between the hours of 11:00 p.m. and 7:00 a.m.

FEES

6. The fees to be charged for the use of a parkade are set out in the Fees and Charges Bylaw.
7. The fees for mobile food vendors occupying stalls in a parkade are set out in the Lease, Encroachment, and Property use Policy and the Fees and Charges Bylaw.

GENERAL REGULATIONS

8. A sign bearing a clearly legible stall number shall identify each parking stall in a parkade.

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9. During operating hours, no person shall park a vehicle in a parkade parking stall designated for permit holders unless that person is the holder of a valid monthly parking permit or a temporary parking permit authorizing parking in the specific numbered stall in which the vehicle is parked.
10. Notwithstanding any other section of this bylaw, a mobile food vendor may only occupy a stall in a parkade pursuant to the Lease, Encroachment, and Property use Policy.

PARKING METER ZONES

11. When a parking meter zone is established in a parkade, vehicles using the parking meters must park in the parking stall and deposit coins in the parking meter for that parking stall up to the maximum time on that parking meter.
12. No person shall park a vehicle for more than four hours at a time in a four-hour meter zone during operating hours.
13. No person who parks at a metered parking space shall allow the vehicle to remain in that parking space for a period longer than that for which payment has been deposited in the parking meter.
14. Where a vehicle is parked in a parking meter space at which the parking meter shows that the time for which a parking fee may have been paid has expired, the vehicle shall be deemed to have remained parked in contravention of this bylaw.
15. All provisions with respect to parking meters contained in the City of Whitehorse *Traffic Bylaw* shall apply to metered spaces in parkades.

PARKING KIOSK

16. When paid parking is established for a parkade by the installation of a pay parking kiosk, a person parking a vehicle in the parkade shall pay for the parking stall they occupy up to the maximum time permitted by that pay parking kiosk.
17. Vehicles using a parkade shall only park in designated parking stalls.
18. No person shall park a vehicle in a parkade for more than 72 consecutive hours.
19. During operating hours no person shall park a vehicle in a parkade parking stall unless that person has paid a fee for the use of a stall.
20. Where required to do so by signage posted at a pay parking kiosk, an operator of a vehicle parked in a stall shall place a valid parking permit on the driver's side of the dash board of the vehicle in such a manner that the date and time on the permit is fully visible from the outside of the vehicle.
21. Where required to do so by signage posted at a pay parking kiosk, an operator of a vehicle shall park a vehicle only in the area designated.
22. No person shall park a vehicle in a parkade parking stall without a pay parking kiosk permit which has not expired showing, or allow a vehicle to remain in a parkade parking stall once the time on the pay parking kiosk permit has expired.

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MOBILE FOOD VENDORS

23. Upon city approval of an application by a mobile food vendor pursuant to the Lease, Encroachment, and Property use Policy, the designated officer shall cover a parking meter with a hood indicating "No Parking" to reserve the use of the stall for the approved applicant.

MONTHLY PARKING PERMITS

24. The designated officer may issue monthly parking permits in such numbers as may from time to time be deemed appropriate. Such permits shall be issued on a space available basis for a fee and allow parking in a parkade without payment of further parking fees.
25. The designated officer may establish a waiting list for permit parking spaces. Such list shall be based upon the date of application for permit spaces, and available spaces shall be assigned in accordance with a first-applied, first-served basis.
26. Where payment for a monthly parking permit is in arrears for any period in excess of thirty days, the designated officer may cancel such parking permit and reassign the permit space to the next applicant on the established waiting list.
27. Permits issued in accordance with this bylaw shall be made available in the order in which applications for such permits are received, and such permits shall:
 - (1) be valid only during the period for which the permit is issued; and
 - (2) be void if not placed face up on the dash with the permit fully visible from the outside of the parked vehicle.
28. Notwithstanding the provisions of section 21 of this bylaw, the designated officer may restrict the number of permits issued to any applicant.
29. Where electrical service is supplied to parking stalls, the fees for parking permits for such stalls shall be established under the Fees and Charges Bylaw at such rates as may be necessary to cover parking charges, electrical costs, and such other costs as are deemed appropriate.
30. The designated officer shall have the authority to limit the electrical load available to any stall.

PARKING REGULATIONS

31. All vehicles shall be parked in accordance with such directions as may be given on signs erected in a parkade for that purpose, and where angle parking or parallel parking is so required, vehicles shall be parked in accordance with the provisions of the *Motor Vehicle Act* respecting angle and parallel parking.
32. The holder of a valid parking permit shall park at or as near as practicable to the stall number sign located on the parking stall which has been assigned to the permit holder.
33. No person shall park a vehicle in a parkade other than in a parking stall.

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VEHICLE LENGTH

34. No vehicle with an overall length in excess of 20 feet shall be parked in a parkade at any time except a mobile food vendor, and a mobile food vendor shall not exceed an overall length in excess of 26 feet unless otherwise approved by the designated officer.
35. A mobile food vendor parking in a parkade shall only park in a numbered parkade stall that has been approved in accordance with the Lease, Encroachment, and Property use Policy.
36. A mobile food vendor shall not park in a parkade if the overall length and/or width of the mobile food vendor exceeds the dimensions of the stall, or the mobile food vendor is parked in a manner which causes, or is likely to cause, interference with the orderly operation of the parkade.

VIOLATIONS

37. Where any vehicle in the parkade is:
 - (1) parked contrary to the provisions of this bylaw;
 - (2) in excess of 20 feet in length;
 - (3) parked in a manner which causes, or is likely to cause, interference with the orderly operation of the parkade; or,
 - (4) parked without payment of the applicable fee,an officer may take such vehicle into custody under section 109 of the *Motor Vehicles Act* and cause it to be taken and stored in a safe and otherwise suitable place.
38. No vehicle which has been taken into custody and placed in storage pursuant to the provisions of this bylaw shall be released to the owner thereof until all costs and charges incurred in moving and storing the vehicle have been paid, together with such other fees as may be charged by any contractor of the city engaged by the city to move and store such vehicle.

ENFORCEMENT

39. Where a vehicle is standing or parked in violation of any provision of this bylaw or the Traffic Bylaw, an officer may move the vehicle or require the driver or person in charge of the vehicle to move it.
40. Where a fine levied by the Yukon Territorial Court as a result of a conviction under this bylaw is unpaid after 15 days, the city may add the amount of the fine to taxes owed to the city in accordance with section 344(2) of the *Municipal Act* or apply to the court to register the fine as a debt due to the City and thereafter direct the Sherriff to seize and sell the vehicle. Where a vehicle remains impounded for 30 days or more the city may recover the cost of removal and/or impoundment by court action or sale of the vehicle in accordance with section 110 of the *Motor Vehicles Act*.

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41. For the purpose of initiating proceedings by way of a ticket in respect of any offence under this bylaw, the form of ticket to be utilized shall be as prescribed by the *Summary Convictions Act*.
42. Any person who commits an offence under this bylaw is, in addition to any other punishment, liable to:
 - (1) a set fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Schedule "A" attached hereto and forming part of this bylaw, or
 - (2) on summary conviction, a fine not exceeding ten thousand dollars (\$10,000.00).

OFFICERS

43. For the purpose of enforcing this bylaw, every officer and designated officer shall have the powers of a peace officer under sections 36, 50, 86, 106, 114, 134 to 136, 181, 203, 217, 230, and 232 of the *Motor Vehicles Act* as provided for by section 249(2) of the *Motor Vehicles Act*.

REPEAL OF PREVIOUS LEGISLATION

44. Bylaw 2013-19, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

45. This bylaw shall come into full force and effect on and from the final passing thereof.

FIRST and SECOND READING: December 11, 2017

THIRD READING and ADOPTION: January 15, 2018

ORIGINAL BYLAW SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor

"N. L. Felker"

Norma L. Felker, Assistant City Clerk

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SCHEDULE "A"

SET FINES

| <u>Authority</u> | <u>Ticket Description of Offence</u> | <u>Penalty</u> |
|------------------|---|----------------|
| Section 5 | Park mobile food vendor in parkade outside hours | \$100.00 |
| Section 9 | Park in stall without valid monthly or temporary permit | \$100.00 |
| Sections 17 & 21 | Vehicle parked in non-designated area | \$100.00 |
| Section 18 | Park vehicle in a parkade for more than 72 hours | \$100.00 |
| Section 19 | Unpaid parking | \$100.00 |
| Section 20 | Kiosk permit not fully visible | \$25.00 |
| Section 22 | Expired parking kiosk permit | \$100.00 |
| Section 27(1) | Display invalid monthly permit | \$50.00 |
| Section 27(2) | Monthly parking permit not fully visible | \$25.00 |
| Section 31 | Disobey parking signs | \$100.00 |
| Section 32 | Parking outside parkade stall | \$50.00 |
| Section 33 | Parking in parkade other than parking stall | \$100.00 |
| Section 34 | Oversized vehicle | \$50.00 |
| Section 35 | Fail to park mobile food vendor in numbered stall | \$100.00 |
| Section 36 | Oversized mobile food vendor | \$100.00 |