

CITY OF WHITEHORSE

BYLAW 2013-19

A bylaw to regulate the operation of parkades

WHEREAS section 265 of the *Municipal Act* (R.S.Y. 2002, Chapter 154) provides that council may pass bylaws for municipal purposes, subject to the *Motor Vehicles Act*, respecting the regulation of traffic, parking, and pedestrians; and

WHEREAS section 266 of the *Municipal Act* provides that council may in such bylaws 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.

"PARKADE" means Lots 7 to 11 inclusive in Block 16, and Lots 12 to 17 inclusive in Block 6 of the City of Whitehorse, more particularly described as:

- (1) The **Main-Steele Parkade** situated in Lots 12 – 17, Block 6, located on the corner of Steele Street and Third Avenue; and
- (2) The **Second & Steele Parkade** situated in Lots 7 – 11, Block 16, located on the corner of Steele Street and Second Avenue.

"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

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commercial sale by a business entity in an outdoor setting, to either passers-by or seated patrons.

“VEHICLE” means a vehicle or motor vehicle as indicated in the *Yukon Motor Vehicles Act*, and includes a mobile food vendor.

HOURS OF USE

3. No person shall park a vehicle between the hours of 7:30 a.m. and 6:00 p.m. on Monday to Friday inclusive in the Main-Steele parkade and in the Second and Steele parkade, except when such days are legally and lawfully proclaimed holidays, unless the operator of such a vehicle has paid the parking fees provided in this bylaw.
4. A mobile food vendor shall not park a vending unit in a parkade between the hours of 11:00 p.m. and 7:00 a.m. on Sunday thru Saturday inclusive.

FEES

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

GENERAL REGULATIONS

7. A sign bearing a clearly legible stall number shall identify each parking stall in a parkade.
8. At any time between the hours of 7:30 a.m. and 6:00 p.m. Monday to Friday inclusive in a parkade no person shall park a vehicle in a 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.
9. 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

10. 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.
11. No person shall park a vehicle for more than four hours at a time in a four-hour meter zone.
 - (1) The four-hour meters located in the parkades shall not be in service on Saturdays.

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12. 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.
13. 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.
14. All general rules and regulations with respect to parking meters contained in the City of Whitehorse *Traffic Bylaw* shall apply to metered zones in parkades.

MOBILE VENDORS

15. 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

16. 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 and allow parking in a parkade without payment of further parking fees.
17. 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.
18. 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.
19. 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;
 - (2) be void if not placed face up on the dash of the parked vehicle; and
 - (3) allow parking without payment of further parking fees.
20. Notwithstanding the provisions of section 16, the Designated Officer may restrict the number of permits issued to the same applicant and valid for the same period of time.
21. 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.

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22. The Designated Officer shall have the authority to limit the electrical load available to any stall.

PARKING REGULATIONS

23. 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.
24. Notwithstanding the provisions of section 23, 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.
25. No person shall park a vehicle in a parkade other than in a parking stall.

VEHICLE LENGTH

26. 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.
27. 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.
28. A Mobile Vendor shall not park in a parkade if the overall length and/or width of the Mobile Vendor exceeds the dimensions of the stall, or the Mobile Vendor is parked in a manner which causes, or is likely to cause, interference with the orderly operation of the parkade.

VIOLATIONS

29. 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 parking fees prescribed in this bylaw,
- a Designated Officer or other Peace Officer may take such vehicle into custody and cause it to be taken and stored in a safe and otherwise suitable place.
30. 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.

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ENFORCEMENT

31. The provisions of this bylaw shall be enforced by the Bylaw Services Department of the City.

APPEAL

32. Any person who has applied for but failed to be granted a permit or who has had a privilege denied or revoked under the provisions of this bylaw may appeal the denial or revocation in writing to council within 30 days after the decision was rendered, and council may grant the request for reinstatement.
33. The right of appeal under this bylaw shall be barred and extinguished if not received in writing by council within the 30-day period set out in this bylaw.

PENALTIES

34. Any person who commits an offence subsequent to any provisions of this bylaw is liable, upon summary conviction to a voluntary 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.

REPEAL OF PREVIOUS LEGISLATION

35. Bylaw 2000-53, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

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

FIRST and SECOND READING: March 25, 2013

THIRD READING and ADOPTION: April 8, 2013

ORIGINAL SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor

"Robert I. Fendrick"

Robert I. Fendrick, FCGA, City Clerk

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SCHEDULE "A"

VOLUNTARY FINES

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 3	Unpaid parking	\$100.00
Section 8	Unauthorized parking in numbered stall	\$100.00
Section 23	Disobey parking signs	\$50.00
Section 24	Parking outside parkade stall	\$50.00
Section 25	Parking in parkade other than parking stall	\$100.00
Section 26	Oversize vehicle	\$50.00
Section 27	Mobile Vendor parking in unauthorized location	\$100.00
Section 28	Mobile Vendor exceeds size or interferes with Parkade operations	\$100.00