

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1512, 2001

A BYLAW TO REGULATE PARKING AND TRAFFIC AT WHISTLER

WHEREAS Part 3 of the *Motor Vehicle Act* and Division 5 of Part 15 of the *Local Government Act* empower Council to regulate parking and related matters in the Resort Municipality;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

CITATION

1. This bylaw may be cited as "Parking and Traffic Bylaw No. 1512, 2001".

DEFINITIONS

2. (a) Words defined in the *Motor Vehicle Act* and its regulations have the same meaning in this bylaw, unless otherwise defined in this bylaw.

- (b) In this bylaw:

"Bylaw Enforcement Officer" means a person appointed to that position by the Municipality from time to time;

"commercial parking decal" means a decal provided by the Municipality for the purpose of identifying commercial vehicles which are not identified as such under the *Commercial Transport Act*;

"commercial vehicle" includes:

- (i) every vehicle defined as a commercial vehicle in Section 1 of the *Commercial Transport Act*;
- (ii) every vehicle used for the collection, delivery or transportation of goods or passengers in the course of a business; and
- (iii) every tradesman's vehicle and every other vehicle which displays a commercial parking decal issued under Section 13(b) of this bylaw.

"Council" means the Municipal Council of the Resort Municipality of Whistler;

"coupon dispenser" means an automatic meter, installed for the purpose of controlling and measuring the duration of parking, which dispenses a coupon upon compliance with the directions on the meter;

"curb" means a raised portion of highway forming a line of demarcation between the roadway and the boulevard of a highway;

"disabled persons' parking permit" means a permit issued for the parking of vehicles which are used to transport disabled persons, in accordance with Division 38 of the *Motor Vehicle Act Regulations*;

"disabled persons' parking zone" means that portion of a highway designated by a traffic control device for the exclusive use of vehicles displaying a valid disabled persons' parking permit;

"fire chief" means the officer-in-charge of the Whistler Fire Department;

"fire lane" means that portion of a highway designated as such by a traffic control device and reserved for unobstructed access by Fire Department emergency vehicles;

"highway" includes:

- (i) all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches and any other public way;
- (ii) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles; and
- (iii) every private place or passageway to which the public, for the purpose of parking or servicing of vehicles, has access or is invited;

"loading zone" means that portion of a highway designated as such by a traffic control device and reserved for the exclusive use of loading or unloading of commercial vehicles;

"Municipality" means the Resort Municipality of Whistler;

"Municipal Engineer" means the person appointed as the Municipality's General Manager of Engineering and Public Works from time to time by Council resolution;

"no parking zone" means that portion of a highway designated as such by a traffic control device that specifies that parking is prohibited, either generally or at specified times;

"no stopping zone" means that portion of a highway designated as such by a traffic control device that specifies that stopping is prohibited, either generally or at specified times;

"Parking Enforcement Officer" means a person appointed to that position by the Municipality from time to time ;

"parking meter" means a coin-operated traffic control device which registers and indicates the purchase of motor vehicle parking time;

"parking lot" means a public parking lot that is owned or operated by the Municipality;

"special event parking pass" means a parking permit issued pursuant to Section 18 of this bylaw;

"parking space" means a section of a highway indicated by a traffic control device as a place to park one vehicle;

"tradesman's vehicle" means any vehicle, the owner or operator of which holds a valid business licence in the Municipality as a tradesman, and which displays a valid commercial parking decal.

GENERAL PARKING AND STOPPING PROHIBITIONS

3. No person shall park any vehicle:

- (a) within six (6) metres of a fire hydrant, measured from the point on the curb (or where there is no curb, the edge of the roadway) which is closest to the fire hydrant;
- (b) in an area designated as a "fire lane";
- (c) in an area designated as a "no parking zone";
- (d) or stop any vehicle in an area designated as a "no stopping zone";
- (e) in an area designated as a "loading zone";
- (f) in an area designated as a "disabled persons' parking zone" or "handicapped zone" unless such vehicle displays a valid disabled persons' parking permit;
- (g) adjacent to a curb that is painted yellow;
- (h) at any time on that side of the highway assigned odd building numbers in the Municipality's building numbering bylaw, unless permitted by a traffic control device;
- (i) between the hours of 9 a.m. to 5 p.m. local time inclusive, on Monday to Friday, except for statutory holidays, from November 1st of each year to March 31st of the succeeding year, on that side of any highway assigned even building numbers in the Municipality's building numbering bylaw, unless permitted by a traffic control device;
- (j) so as to interfere with the normal flow of traffic;

- (k) on a sidewalk, boulevard, shoulder or any place reserved for pedestrians except where specifically designated as a parking zone;
- (l) so as to block a private driveway;
- (m) within six (6) metres of the nearest point to any intersection;
- (n) on any highway, including the shoulder thereof, for the purpose of:
 - (i) advertising;
 - (ii) repairing or performing maintenance on the vehicle, except when necessitated by an emergency; or
 - (iii) selling any goods or services;
- (o) on a highway except on the right-hand side thereof, and the right-hand wheels, if on the highway, shall be not further than thirty (30) centimeters from the curb or if there is no curb, from the edge of the roadway;
- (p) in contravention of any sign or other traffic control device posted or installed pursuant to this bylaw;
- (q) on any highway for a period longer than seventy-two (72) hours;
- (r) in front of a barricade used to block off a roadway or access to a roadway;
- (s) in a public park, except in designated areas;
- (t) that is unlicensed or uninsured on a highway;
- (u) for the purposes of camping in an area designated as a highway;
- (v) on the roadway side of another vehicle that is stopped or parked at the edge or curb of a roadway, except when necessary to avoid conflict with traffic or to comply with the law or directions of a peace officer or traffic control device; and
- (w) with the vehicle engine idling for a period longer than five minutes if the gross vehicle weight exceeding 5,000 kilograms, unless;
 - (i) the motor vehicles is in lanes of traffic,
 - (ii) the motor vehicle is undergoing emergency repairs along a roadside,
 - (iii) the motor vehicle is an emergency vehicles, or
 - (iv) if the operation of the motor vehicle engine is necessary to power equipment ancillary to the motor vehicle.

PARKING LOTS

4. No person shall park any vehicle on any parking lot or in a parking space:
 - (a) for a period longer than the posted maximum time restriction;
 - (b) during any time period for which posted parking regulations designate the parking lot or parking space as a "no parking zone"; or
 - (c) such that any portion of the vehicle:
 - (i) extends into the roadway or parking lot beyond the markings delineating the parking space; or
 - (ii) occupies more than one parking space.

PARKING METERS

5. No person shall park any vehicle in a parking space regulated by a parking meter without paying the required fee in the manner specified on the adjacent parking meter.
6. No person shall park any vehicle in a parking space for a period longer than the maximum time restriction specified on the adjacent parking meter.

COUPON DISPENSER CONTROLLED PARKING

7. No person shall park any vehicle in a coupon dispenser controlled parking lot:
 - (a) without first obtaining a coupon from the coupon dispenser and conspicuously displaying such coupon, imprinted side up, on the vehicle dashboard; nor
 - (b) after the posted maximum parking time, beginning at the time and date imprinted on the coupon obtained from the dispenser, has elapsed.

EXEMPTIONS FROM PARKING REGULATIONS

8. Police, Ambulance, and Fire Department emergency vehicles are exempt from all parking and stopping regulations contained in this bylaw.
9.
 - (a) Municipal, Provincial and public utility corporation service vehicles are exempt from all parking and stopping regulations in this bylaw, while the operators of such vehicles are actually engaged in work requiring them to be stopped or parked in contravention of any such provision.
 - (b) Any vehicle parked under the authority of paragraph (a) within six (6) metres of a fire hydrant or in an area designated as a "fire lane", shall be attended at all times

and shall be moved immediately at the request of a Bylaw Enforcement Officer, Parking Enforcement Officer, the Fire Chief or the Fire Department Officer in charge at an emergency response incident.

COMMERCIAL VEHICLE PARKING

10. No person shall park any commercial vehicle with a gross vehicle weight of 5,000 kg or greater, on any highway in the Municipality, except:
 - (a) in a loading zone, in accordance with Section 13 of this bylaw;
 - (b) when the commercial vehicle is standing temporarily while the operator is actually engaged in loading or unloading goods or passengers; or
 - (c) while the operator of the commercial vehicle is actually engaged in providing a tradesman's service, moving service or other commercial service to another person, on land adjacent to the highway where the vehicle is parked.
11. The exception in paragraph 10(c) does not apply if Section 3(h) or 3(i) of this bylaw prohibits parking at the applicable time or location.
12. No vehicle parked under the authority of paragraph 10(c) may be parked in a "no stopping zone", a "no parking zone", a "fire lane", or within six (6) metres of a fire hydrant.

LOADING ZONES

13.
 - (a) Commercial vehicles may be parked for a maximum of thirty (30) minutes in an area designated as a "loading zone", while the operator of the vehicle is engaged in loading or unloading materials, provided that the vehicle is moved immediately at the request of a Bylaw Enforcement Officer or a Parking Enforcement Officer.
 - (b) Despite paragraph (a), no owner or operator of a commercial vehicle that is not licensed under the *Commercial Transport Act* shall park in an area designated as a "loading zone" without first obtaining a commercial parking decal from the Municipality by providing proof of a valid commercial use vehicle insurance policy and proof of a valid municipal business licence and paying a \$30 processing fee.
 - (c) A commercial parking decal shall be displayed on the windshield of each commercial vehicle that is not licensed under the *Commercial Transport Act*, at all times.

PARKING OFFENCE NOTICE

14. (a) If a vehicle is parked or stopped in contravention of this bylaw, a Parking Offence Notice in the form set out in Schedule "A" to this bylaw may be issued by placing it on the vehicle or by delivering it to the registered owner of the vehicle.
- (b) A Parking Offence Notice shall specify the reason for which the vehicle is deemed to be parked or stopped in contravention of the provisions of this bylaw.
- (c) Prior to the question of whether a deemed violation of this bylaw is in fact a violation being heard by a Court having jurisdiction, the matter may be settled by the payment to the Municipality of the appropriate minimum settlement amount as indicated on the Parking Offence Notice and as set out in Schedule "A" to this bylaw.

REMOVAL AND IMPOUNDMENT

15. Whenever any vehicle is parked in contravention of this bylaw, a Bylaw Enforcement Officer, peace officer or a Parking Enforcement Officer may authorize the removal and impoundment of that vehicle until all costs of removal and impoundment together with all other lawfully imposed fees and penalties have been paid in full by the owner of the vehicle.
16. The Municipal Engineer, Fire Chief, Roads Foreman, a Bylaw Enforcement Officer, peace officer or a Parking Enforcement Officer may also order any parked vehicle removed or impounded under Section 15 if the vehicle interferes with:
 - (a) firefighting operations;
 - (b) snow removal operations;
 - (c) emergency access to any building or property; or
 - (d) the construction, reconstruction, maintenance or repair of any highway or public utility.

POWERS OF THE MUNICIPAL ENGINEER

17. Subject to the terms and conditions in this bylaw, the Municipal Engineer is authorized to make orders providing for:
 - (a) placing or erection of traffic control devices;
 - (b) regulation, control or prohibition of pedestrian traffic and traffic by other conveyances on sidewalks, walkways, boulevards and lanes;

- (c) regulation, control or prohibition of the stopping, standing or parking of vehicles within the Municipality;
- (d) parking zones for persons with disabilities, subject to the *Motor Vehicle Act* and its regulations;
- (e) setting apart and allotting of portions of highways adjacent to any federal provincial or municipal public buildings for the exclusive use of officials and officers engaged therein, for the parking of their vehicles, and the regulation of that parking;
- (f) erection, maintenance and operation on any highway or portion thereof of automatic or other mechanical meters, for the purpose of allotting and controlling parking spaces for vehicles, recording the duration of parking, and requiring the driver of every vehicle parked in a parking space to deposit in the appropriate meter a fee for parking in the manner and at the rate prescribed and as measured by the meter;
- (g) removal, detention or impounding of any vehicle unlawfully occupying any portion of a highway or public place and for a scale of fees, costs and expenses therefore, and the recovery of such fees, costs and expenses, either from the owner or by sale of the vehicle, at public auction or by action in any court of competent jurisdiction;
- (h) establishment and use of loading, commercial and passenger zones within the Municipality and for the designation thereof;
- (i) regulation of the width, length and height of vehicles and the width, length, height, fastenings and distribution of loads on vehicles driven or operated on any highway except an arterial highway;
- (j) traffic control devices to be erected or placed indicating that people or equipment are working on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out;
- (k) traffic control devices to be erected or placed to regulate or prohibit traffic on any highway in the vicinity of construction, reconstruction, widening, repair, marking or other work being carried out;
- (l) regulation, control and prohibition of erection or maintenance, or both, of signs, advertisements or guide posts on or over any highway other than arterial highways in the Municipality, and for the alteration, repainting, tearing down or removal of any sign erected or maintained on or over any such highway without compensation to any person for loss or damage resulting from the alteration, repainting, tearing down or removal;
- (m) regulation or prohibition of pedestrian traffic on highways other than at crosswalks;

- (n) use of sidewalks and crosswalks by persons riding cycles;
 - (o) prohibition of pedestrian traffic in an unmarked crosswalk designated by a traffic control device;
 - (p) establishment of school crossings in the Municipality and the regulation and control of pedestrian and vehicular traffic with respect to them;
 - (q) regulation of traffic passing by or in the vicinity of schools through the use of traffic patrols, and for that purpose vesting in the school children or other persons employed in traffic patrols power to require vehicles to stop at school crossings or other designated places on a highway;
 - (r) establishment and use of taxi stands in the municipality and their designation;
 - (s) regulation and control of processions on highways in the Municipality;
 - (t) regulation and control of persons using roller skates, sleighs, skates, skis or other similar means of conveyance on highways in the municipality and the closing of a highway or highways or part of them to permit the use of roller skates, sleighs, skates, skis or other similar means of conveyance;
 - (u) placement or construction of traffic calming works or other design features on a roadway;
 - (v) regulation and control of maximum gross vehicle weights of vehicles on a highway or highways within the Municipality, other than arterial highways; and
 - (w) the issuance of special event parking passes, which shall be available to the operators of all passenger vehicles, authorizing parking despite Sections 3(c), (h) and (i) of this bylaw, for defined periods in locations specified by the Municipal Engineer.
18. The Municipal Engineer is authorized to rescind, revoke, amend or vary orders made under Sections 17.

CONTRAVENTION

19. (a) Any person who contravenes any provision of this bylaw commits an offence punishable under the *Offence Act* and is liable to a fine not exceeding two thousand dollars (\$2,000.00) and the costs of prosecution.
- (b) An owner of a motor vehicle is liable under subsection (a) notwithstanding that the motor vehicle, at the time of the violation, is unattended or is not in the possession of any person.

20. Where a person has parked a vehicle in a parking space in violation of the provisions of this bylaw, a separate offence is committed upon the expiry of each period of time which the vehicle could have been lawfully parked.

SEVERABILITY

21. If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

REPEAL


22. "Parking and Traffic Bylaw No. 542, 1986" as amended, is repealed and replaced by this bylaw.
23. Despite Section 22, every order made under "Parking and Traffic Bylaw No. 542, 1986" continues in effect.

READ A FIRST TIME this 22nd day of May, 2001.

READ A SECOND TIME this 22nd day of May, 2001.

READ A THIRD TIME this 22nd day of May, 2001.

ADOPTED by a vote of 2/3 of all members of Council members present this 4th day of June, 2001.



Hugh O'Reilly
Mayor



Brenda Sims
Clerk

I HEREBY CERTIFY that this is
a true copy of "Parking and Traffic Bylaw
No. 1512, 2001".



Brenda Sims
Clerk

Resort Municipality of Whistler
Parking Offence Notice



YOU ARE HEREBY NOTIFIED THAT YOU ARE ALLEGED TO HAVE
COMMITTED AN OFFENCE AGAINST PARKING BYLAW NO. 542, 1986 AS
INDICATED HEREON.

Ticket Number: C0005410
WARNING ONLY
Time: 03:30 PM Date: 05/22/01
Officer No: 1187

Location:
LOT A SURFACE LEVEL 1

Violation:
FAILURE TO DISPLAY
VALID DISPENSER COUPON

Fine:
Impound:

Lic: ABC231 -BC

Make: FORD
Model: F150
Color: BLACK

COMMENTS:



see reverse for instructions

Resort Municipality of Whistler
Parking Offence Notice

Voluntary Payment Instructions

By Mail - Do not send cash in the mail. Please write
the offence notice number on the cheque or money
order and make payable to:

Resort Municipality of Whistler

Please accept your canceled cheque as your receipt.

Address

Envelope to:

Bylaw Fines
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, B.C.
V0N 1B4

Pay in Person:

Between 8:00 am - 4:30 pm
Monday thru Friday
(closed statutory holidays)
at Municipal Hall
4325 Blackcomb Way
Whistler, B.C.
Telephone: 604 932-5535

After Hour

Drop Box:

Evenings, weekends and
statutory Holidays payments may
be deposited in a locked drop
box located at Municipal Hall.

General Info:

Defective parking equipment
must be reported to the Bylaw
Department immediately.
Telephone (604) 932-5535

Appeals:

Appeals must be received in
writing on a Parking Appeal
Notice Form within 10 calendar
days of ticket issuance. For
appeals information, call The
Bylaw Department at
(604) 932-5535,
Monday thru Friday,
8:00 am - 4:30 pm.

SCHEDULE 'A'

Resort Municipality of Whistler
 Bylaw Violations List
 Parking and Traffic Bylaw No. 1512, 2001

CODE	SECTION	FINE	1ST TIER*	2ND TIER**	DESCRIPTION
1	3 (a)	\$75.00	\$25.00	\$50.00	WITHIN 6M OF A FIRE HYDRANT
2	3 (b)	\$75.00	\$25.00	\$50.00	IN A FIRE LANE
3	3 (e)	\$75.00	\$25.00	\$50.00	PARKED IN A LOADING ZONE
4	3 (f)	\$75.00	\$25.00	\$50.00	PARKED IN A HANDICAP ZONE
5A	6	\$50.00	\$15.00	\$30.00	OVERPARKED 15 MIN. LIMIT
5B	6	\$50.00	\$15.00	\$30.00	OVERPARKED 1 HR. LIMIT
5C	6	\$50.00	\$15.00	\$30.00	OVERPARKED 2 HR. LIMIT
5D	6	\$50.00	\$15.00	\$30.00	OVERPARKED 3 HR. LIMIT
5E	6	\$50.00	\$15.00	\$30.00	OVERPARKED 72 HR. LIMIT
6	6	\$50.00	\$15.00	\$30.00	PARKED DURING PROHIBITED HOURS
7	7 (a)	\$50.00	\$15.00	\$30.00	FAILURE TO DISPLAY VALID DISPENSER COUPON
8	6	\$50.00	\$15.00	\$30.00	EXPIRED METER
9	3 (c)	\$50.00	\$15.00	\$30.00	PARKED IN A NO PARKING ZONE
10	3 (i)	\$50.00	\$15.00	\$30.00	ON EVEN # SIDE (NO PARKING 9AM-5PM MON-FRI)
11	3 (h)	\$50.00	\$15.00	\$30.00	ON ODD SIDE NO PARKING ANYTIME
12	3 (k)	\$50.00	\$15.00	\$30.00	ON A SIDEWALK BLVD OR SHOULDER
13	3 (d)	\$50.00	\$15.00	\$30.00	IN NO STOPPING ZONE
14	3 (j)	\$50.00	\$15.00	\$30.00	INTERFERING WITH NORMAL FLOWS OF TRAFFIC
15	Over 72 hrs	\$50.00	\$15.00	\$30.00	LONGER THAN 72 HRS.
16	Double Stopped	\$50.00	\$15.00	\$30.00	DOUBLE STOPPED OR STANDING
17	3 (b)	\$100.00	\$50.00	\$75.00	OVERSIZED VEHICLES PARKED IN A FIRE LANE
18	3 (c)	\$100.00	\$50.00	\$75.00	OVERSIZED VEHICLES OVERPARKED IN A LOADING ZONE
19	3 (j)	\$100.00	\$50.00	\$75.00	OVERSIZE VEHICLE PARKED INTERFERING WITH TRAFFIC
20	3 (d)	\$100.00	\$50.00	\$75.00	OVERSIZED VEHICLES PARKED IN NO STOPPING ZONE
21	3 (p)	\$50.00	\$15.00	\$30.00	PARKED IN CONTRAVENTION OF POSTED REGULATIONS
22	3 (m)	\$50.00	\$15.00	\$30.00	PARKED WITHIN 6M OF NEAREST POINT TO ANY INTERSECTION
23	3 (q)	\$50.00	\$15.00	\$30.00	PARKED ON A HIGHWAY LONGER THAN 72 HOURS
24	3 (l)	\$50.00	\$15.00	\$30.00	PARKED SO AS TO BLOCK A PRIVATE DRIVEWAY
25	4 (c (iii))	\$50.00	\$15.00	\$30.00	VEHICLES OCCUPIES MORE THAN 1 SPACE
26	3 (n (i))	\$50.00	\$15.00	\$30.00	PARKED FOR THE PURPOSE OF ADVERTISING
27	3 (t)	\$100.00	\$50.00	\$75.00	UNINSURED OR UNLICENSED VEHICLE PARKED ON A HIGHWAY
28	3 (u)	\$75.00	\$75.00	\$75.00	CAMPING IN AN AREA DESIGNATED AS A HIGHWAY
29	3 (w)	\$75.00	\$25.00	\$50.00	EXCESSIVE IDLING OF AN ENGINE

* 1st Tier: Ticket is discounted if paid within 15 days

** 2nd Tier: Ticket is discounted if paid within 30 days