THE CITY OF WINNIPEG

BY-LAW NO. 76/2011

A By-law of THE CITY OF WINNIPEG to enable rapid and effective removal of snow on streets within the City of Winnipeg

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the **Winter Parking Ban By-law**.

Definitions

2 In this By-law

"authorized person" means the person authorized to

(a) designate snow routes under section 3;

(b) make a declaration under sections 5, 6 or 7; or

(c) assign a street or portion of a street to a zone under subsection 6(1);

"Director" means the Director or Acting Director of the Public Works Department of the City of Winnipeg;

"enforcement officer" means any employee of the City of Winnipeg or other individual appointed as a special constable under section 176 of *The City of Winnipeg Charter* whose special constable appointment authorizes him or her to enforce this By-law;

"parking ban" means a parking ban created by section 4 or declared under sections 5, 6 or 7;

"residential street" means any street or any portion of a street that is not a snow route;

"snow route" means a street or the portion of a street designated by the Director as a snow route under section 3;

"zone" means one of several snow clearing zones to which streets in the City have been assigned by the Director in compliance with subsection 6(1).

Designation of snow routes
3 After taking into account existing or future infrastructure, bus routes and traffic data, the Director is authorized, in compliance with subsection 8(1), to designate regional and non-regional streets or portions of them as snow routes in order to assist in efficient and effective snow clearing operations. When the Director determines that a street or a portion of a street is no longer required to be designated as a snow route, he or she may remove its designation in compliance with subsection 8(1).

Annual Snow Route Parking Bans
4 No person may stop, stand or park a vehicle, and the owner of a vehicle must not permit it to be stopped, stood or parked, on a snow route between the hours of 2:00 p.m. and 7:00 a.m. on any day during the months of December, January and February.

Declared Snow Route Parking Bans
5(1) When he or she considers it necessary for effective snow clearing operations, the Director is authorized, in compliance with subsection 8(2), to declare a Snow Route Parking Ban which prohibits stopping, standing or parking vehicles on snow routes between the hours of 12:00 midnight and 7:00 a.m. on the dates specified in the declaration.

5(2) No person may stop, stand or park a vehicle, and the owner of a vehicle must not permit it to be stopped, stood or parked, in contravention of a Snow Route Parking Ban declared pursuant to subsection (1).

Residential Parking Bans
6(1) For the purposes of this By-law, in order to assist in the efficient and effective snow clearing operations, the Director must, in compliance with subsection 8(1), assign every street or portion of a street in the City to a snow clearing zone and may reassign previously-assigned streets or portions of streets to different zones.

6(2) When he or she considers it necessary for effective snow clearing operations, the Director is authorized, in compliance with subsection 8(2), to declare a Residential Parking Ban which prohibits stopping, standing or parking a vehicle in one or more of the snow clearing zones at a time or times and on a date or dates specified in the declaration.

6(3) No person may stop, stand or park a vehicle, and the owner of a vehicle must not permit it to be stopped, stood or parked, in contravention of a Residential Parking Ban declared pursuant to subsection (2).

Snow Emergency Parking Bans
7(1) When the Mayor of the City of Winnipeg, or another member of the Council of the City of Winnipeg designated for this purpose by the Mayor, considers that

(a) a transportation emergency caused by snowfall or drifting snow has occurred or is imminent; and

(b) a prohibition on stopping, standing, or parking vehicles on snow routes is necessary for effective snow clearing operations or the maintenance of emergency and other essential services,

he or she may, in compliance with subsection 7(1), declare a Snow Emergency Parking Ban which prohibits stopping, standing or parking a vehicle on snow routes in the City of Winnipeg on dates and times specified in the declaration.

7(2) A Snow Emergency Parking Ban declared under subsection (1) may be extended by the person authorized to declare the Snow Emergency Parking Ban in compliance with subsection 8(2).

7(3) Where a Snow Emergency Parking Ban has been declared under subsection (1), an enforcement officer or any person given this authority by the Director may take any action or measure necessary to remove vehicles stopped, standing or parked on a snow route.

Mechanisms for designations of snow routes, declarations and assignment of streets to zones

8(1) The designation of a snow route under section 3 or the assignment of a street or portion of a street to a zone under subsection 6(1) takes effect at the point when all of the following actions have been taken:

(a) the authorized person has signed the designation or assignment;

(b) the City Clerk has been notified in writing of the designation or assignment;

(c) the designation or assignment has been posted on the City of Winnipeg website;

(d) lists or maps of snow routes and snow clearing zones on the City of Winnipeg website have been updated to show the new designation or assignment.

8(2) A parking ban declared under sections 5 or 6 takes effect at the point when all of the following actions have been taken:

(a) the authorized person has signed the declaration;

(b) the City Clerk has been notified in writing of the declaration;

(c) the declaration has been posted on the City of Winnipeg website;

(d) the authorized person has released a communiqué to the media that

(i) states that a parking ban has been declared; and

(ii) provides details of the parking ban.

8(3) For the purposes of this section

(a) “designation” includes the removal of the designation of a street or portion of a street as a snow route;

(b) "assignment" includes the re-assignment of a street or portion of a street to another zone; and

(c) "declaration" includes the extension of a Snow Emergency Parking Ban under subsection 7(2).

Towing of vehicles parked in contravention of bans

9(1) Where an enforcement officer has reasonable and probable grounds to believe that an unattended vehicle is stopped, standing or parked

(a) on a street designated as a snow route and marked as such by snow route signs erected on the street; and

(b) in contravention of a parking ban created by section 4 (Annual snow route parking bans) or declared under section 5 (Declared snow route parking bans);

the enforcement officer may cause the vehicle to be taken to and stored in a suitable place under subsection 243(2) of *The Highway Traffic Act*. Subsection 243(3) of *The Highway Traffic Act* applies to the costs of the moving and storage of the vehicle.

9(2) A vehicle that is standing or parked in violation of a parking ban imposed under section 6 (Residential Parking Ban) is hereby determined to be in a position that causes it to interfere with the removal of snow from a street by a person authorized by the City of Winnipeg to remove the snow. A peace officer or an enforcement officer is authorized to move such a vehicle or cause it to be moved to a place where it will not interfere with the removal of snow from the street pursuant to subsection 243(1) of *The Highway Traffic Act*.

Public notification

10 The Director must ensure that the following information is posted on the City of Winnipeg website and is communicated to individuals who telephone the City of Winnipeg seeking this information:

(a) the streets or portions of streets currently designated as snow routes under section 3;

(b) the snow clearing zone into which a street or portion of a street has been assigned under subsection 6(1);

(c) the existence of snow route parking bans under sections 4 or 5;

(d) the existing of a residential parking ban declared under section 6.

Consequential amendments

10(1) The Snow Emergency By-law No 6548/95 is hereby repealed.

10(2) Sections 29, 29.1 and 29.2 of the Traffic By-law No. 1573/77 are repealed.

10(3) The Voluntary Payment of Fines By-law No. 789/74 is amended by striking out the following:

Parking/stopping on snow emergency route	*200*	*100*
Park/stop on snow route 02:00 TO 06:00 (December to February)	*100*	*50*
Park/stop on snow route (overnight parking ban)	*100*	*50*
Park/stop on non-snow route (residential parking ban)	*100*	*50*

and substituting the following:

Stand/stop/park on snow route 2:00 to 7:00 (Annual Snow Route Parking Ban, December to February)	*100*	*50*
Stand/stop/park on snow route 12:00 to 7:00 (Declared Snow Route Parking Ban)	*100*	*50*
Stand/stop/park in residential zone subject to parking ban (Residential Parking Ban)	*150*	*75*

Coming into force

11 This By-law comes into force on July 1, 2011.

DONE AND PASSED, this day of , 2011.

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Mayor

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City Clerk

Approved as to content:

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Director of Public Works

Approved as to form:

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For Director of Legal Services and
City Solicitor