Minutes – Executive Policy Committee – July 6, 2016

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 28, 2016

Item No. 1 Enactment of a new Consolidated Parking By-Law and Amendment of the Voluntary Payment of Fines By-Law

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the following to Council:

1. That a new Winnipeg Parking By-Law be enacted (draft attached at Appendix 1) which will consolidate all or parts of the following by-laws:

   A. the Traffic By-law No. 1573/77;
   B. the Streets By-law No. 1481/77;
   C. the Parking Meter By-law No. 6547/95; and
   D. the Disabled Persons Parking By-law No. 7171/98

   The Winnipeg Parking By-law will result in consequential amendments to the Voluntary Payment of Fines By-law No 798/74 and in general will take effect on September 1, 2016.

2. That the following authorities be approved concerning establishment of parking related fees:

   A. Council shall have the authority to set on-street metered parking fees; and
   B. the Chief Administrative Officer of the City of Winnipeg shall have the authority to set other on-street parking related permit fees.

3. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 28, 2016

DECISION MAKING HISTORY:

Moved by Councillor Lukes,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 28, 2016, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Enactment of a new Consolidated Parking By-Law and Amendment of the Voluntary Payment of Fines By-Law

Critical Path: Standing Policy Committee on Infrastructure Renewal and Public Works - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
C. Stewart	R. Topolniski	B. Holsten-Boyer A/CFO	D. McNeil

RECOMMENDATIONS

1. That Council enact a new *Winnipeg Parking By-Law* (draft attached at Appendix 1) which will consolidate all or parts of the following by-laws:

   a. the *Traffic By-law No. 1573/77*;
   b. the *Streets By-law No. 1481/77*;
   c. the *Parking Meter By-law No. 6547/95*; and
   d. the *Disabled Persons Parking By-law No. 7171/98*

   The Winnipeg Parking By-law will result in consequential amendments to the *Voluntary Payment of Fines By-law No 798/74* and in general will take effect on September 1, 2016.

2. That Council approve the following authorities concerning establishment of parking related fees:
   a. Council shall have the authority to set on-street metered parking fees; and
   b. the Chief Administrative Officer of the City of Winnipeg shall have the authority to set other on-street parking related permit fees.

3. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required to enact or amend by-laws and establish fines and fees.

EXECUTIVE SUMMARY

The proposed *Winnipeg Parking By-law* will consolidate most of the rules relating to the stopping or parking of vehicles on the public right-of-way in Winnipeg. Consolidation of the regulations will allow for greater ease in educating citizens and should increase compliance. The proposed new by-law also updates many of the rules about parking in Winnipeg.

The by-law includes several new provisions which:

- Create new permit categories, including:
    - Permits allowing recreational vehicles to park on a street for up to three days; and
    - Allowing for new classes of paid parking permits (used in metered parking spaces) to be created as new situations arise
- Clarifies when vehicles used by provincial, federal and Manitoba Hydro employees can park for free or in excess of the time posted by better outlining when a permit is required and clearly defining when required work would result in an exemption;
- Allow for a 30 minute paid extension of time at parking meters;
- Expand the number of parking rules which can be enforced by City of Winnipeg enforcement agencies other than the WPS;
- Make the rules about the number, type and location of vehicles parked on residential properties a parking offence as well as a zoning violation. This permits enforcement by the WPA; and
- Amending the *Voluntary Payment of Fines By-law* to better identify which fines relate to which offences and to create a category of higher fines for vehicles engaged in commercial enterprises.

Additionally, the provisions of the proposed *Winnipeg Parking By-law* have been drafted to ensure that further amendments should not be needed once *The Municipal By-law Enforcement Act* (MBEA) is implemented.

In general, the proposed Winnipeg Parking By-law will come into force on September 1, 2016. However, the provisions that are designed to accommodate the MBEA will take effect only when the MBEA is proclaimed into law.

IMPLICATIONS OF THE RECOMMENDATIONS

The proposed consolidated By-law contains the stopping and parking provisions from the *Traffic By-law*, the *Streets By-law* and the *Parking Meter By-law*. Additionally, it includes provisions relating to the number and type of vehicles allowed on residential properties, mirroring the regulations found in the *Winnipeg Zoning By-law* but which are aimed at the vehicle owner rather than the property owner. In general, provisions which will now be contained in the new *Winnipeg Parking By-law* will be removed from existing by-laws. In the case of the *Parking Meter By-law* and the *Disabled Persons Parking By-law*, the whole by-law will be repealed. The one exception is the rules about the number and kinds of vehicles that may be parked on residential properties, which will are still zoning violations and therefore will still also be located in the zoning by-laws.

Since the enactment of the original parking provisions – in some cases, almost 40 years ago - there have been significant shifts in a number of areas related to the management of the public right-of-way, including traffic flow management, vehicle technologies and public perception around appropriate uses of the right-of-way.

Additionally, the City of Winnipeg has changed and traffic patterns and usage of the public rights-of-way have changed. Parking situations not contemplated when the by-laws were originally drafted are now often commonplace – such as the thriving mobile vendor industry, the need for parking control in the residential areas in close proximity to Investors Group Field, and permits for contractors and social service providers.

As a result, it has been necessary to update many parking provisions.

Revisions and Changes

The following is a summary of the revisions, additions and/or changes to the regulations relating to parking or stopping of vehicles as contained in the existing by-laws.

Amendments to previously existing by-law provisions:

Section 9(1) combines and updates the exemptions from parking and stopping regulations contained in the Traffic and Parking Meter By-laws. The revisions clarify when exemptions from parking and stopping regulations are authorized for City of Winnipeg, Federal, Provincial and Manitoba Hydro vehicles, limiting them to emergency situations or where the only safe place to park in the conduct of their duties is technically in violation of a parking or stopping regulation. Additionally, the revisions reduce the available exemptions from payment at paid parking locations on the street in recognition of the increased demand for on-street parking in the downtown.

Section 12(2) allows for vehicles parked at a paid parking space to purchase an additional 30 minutes of time after the maximum posted time has been reached. This provision recognizes that, in many cases, motorists may run a short period of time late on their appointments and allows those who need the additional time the opportunity to purchase an additional 30 minutes of time.

Section 12(6) is an update of the provision from the *Traffic By-law* which will now ensure turnover at time-limited locations by replacing the ability of a motorist to simply circle the block, thereby 'moving through an intersection' to 'reset the clock' and return to the same location with a prohibition on parking on the same block face in the same day once the time limit has been exceeded. This adjustment will address the situation found in a number of time-limited locations where the same cars remain all day by simply circling the block, and thereby preventing the turnover of spaces the time restriction is intended to create.

Section 13 is a revision of section 30 of the Traffic By-law and updates the provisions related to large vehicles by replacing the various size and/or weight related provisions under the definition of 'large vehicle'.

Section 14 updates the various provisions from the Parking Meter By-law relating to payment to allow for various payment options and allows for potential future payment methods to be implemented without requiring additional amendments to the by-law.

Section 15 clarifies the provision relating to posting of temporary signage relating to street works/street cleaning and extends the notice period for temporary signage from the current 12 hours to a minimum of 24 hours in advance of the scheduled start of the work.

Section 16 is an updated version of the provisions from the *Traffic By-law*. Although these provisions also appear in the *Highway Traffic Act*, including them in this by-law allows City of Winnipeg enforcement personnel to issue offence notices that currently may only be enforced by members of the Winnipeg Police Service.

Section 20 deals with parking in an alley and, in recognition of the fact many locations in the downtown are only able to conduct loading in an alley, replaces the current prohibition on parking in an alley with a time limit of fifteen minutes when loading or unloading the vehicle.

Section 21(a) is an update of the prohibition on advertising vehicles from the *Traffic By-law* and more clearly identifies the problem this provision was intended to address – vehicle mounted adjustable/digital billboards. These billboards are considered a potential hazard to traffic as they can be parked in locations where the placement of an adjustable/digital billboard would not normally be permitted for safety reasons.

Section 23 clarifies the prohibition on electrical cords being connected to vehicles parked on city streets to prevent potential safety hazards and makes the owner of the vehicle responsible for the contravention.

Sections 26 & 27 are carried over from the *Streets By-law* and are in place to limit the potential for waste products/fluids entering the sewers and land drainage systems.

<u>New Provisions:</u>

Section 11(2) establishes the regulatory framework to allow for the future establishment of designated paid parking spaces for buses in a specified area. This section is intended to address the increased number of tour/school buses in the downtown as a result of the Canadian Museum for Human Rights.

Section 22 makes it an offence to have an unregistered vehicle on a city street, mirroring the Highway Traffic Act. By including this provision, it will allow the City of Winnipeg to enforce this regulation without having to call in a Winnipeg Police Service officer to issue an offence notice under the Highway Traffic Act.

Section 34(3) addresses the issue of altered or false permits. Primarily an issue with disabled parking permits, this provision will create a specific offence for this violation allowing for a separate fine to clearly indicate the seriousness of the offence.

Section 35 explicitly spells out that any permit issued under the Winnipeg Parking By-law may be revoked. Currently the potential for revocation is contained within the terms and conditions of the permits as issued, but this provision ensures revocation is more clearly defined.

Section 43 creates a permit to allow owners to park recreational vehicles on a residential street for up to 3 days. Currently, there is no legal authority for an RV to be on a street for more than one hour, preventing owners from being able to load or unload the vehicle before or after a trip unless it can be parked in their driveway. The current time limit appears to have been put in place to address long-term parking of RVs on residential streets and this new permit class

addresses that concern while still allowing owners of RVs the opportunity to prepare their vehicle for a trip.

Part 4 addresses the growing problem in some areas of the City of residential properties being turned into parking lots, with excessive numbers of vehicles being parked on lots. The proposed By-law has the same rules as the Zoning By-law about the maximum number and type of vehicles permitted on residential property and about not parking vehicles on areas of the property that are not improved as a driveway. However, while the Zoning By-law makes the property owner responsible for violations, the proposed draft By-law will make the vehicle owners and operators responsible. This means that WPA compliance officers will now be able to ticket the vehicles rather than having to serve the property owner. It is expected that this will mean faster response to complaints from the neighbourhood and a shorter wait before fines have to be paid.

Section 59 grants the Director of Public Works and the CAO authority to establish portions of streets where parking restrictions will apply and where and when paid parking will apply. The Director can do this on the basis of traffic flows and engineering principles; the CAO can do this to accommodate the needs and development of the surrounding area

Section 62 outlines the circumstances whereby the Chief Administrative Officer may have a paid parking space temporarily closed. This authority was previously delegated to the Director of Public Works and the Chief of Police. Delegating it to the CAO will allow the CAO to sub-delegate to appropriate officials within the Public Service.

Section 64 adds the authority to have special purpose vehicles such as front end loaders removed from the public right-of-way in addition to the already existing authority to remove abandoned or derelict vehicles.

Consequential amendments to Voluntary Payment of Fines By-law

The primary change to the *Voluntary Payment of Fines By-law* is to more clearly outline each of the offences under municipal by-laws, including a reference to the appropriate section of each by-law and the fine associated with that offence.

A number of additional offences which were contained within the 'originally listed offences' are now listed separately and the fines outlined for those offences have been determined based on the category of the offence and the current fine for similar offences.

A new category of fines has been included for offences related to mobile vending, which are higher than most other fines under the *Winnipeg Parking By-law* on the basis that offences related to mobile vending are in relation to a commercial operation. As such, it is appropriate these fines be at a level where compliance with the regulations is more economical than simply paying repeated fines at the discounted rate as would be the case were mobile vending fines set at the most common fine amounts.

Further, the by-law has been restructured to allow for offences from other by-laws to be added should the Public Service feel set fines and a discount period were appropriate.

Implementation and Transition

The provisions of *The Winnipeg Parking By-law* will come into force on September 1, 2016. This will allow the following to occur:

- Public education and awareness campaign of the new by-law provisions;
- Training for WPA compliance staff on the new by-law; and
- Briefing of Provincial Court officials on the new by-law and where it differs from the current regulations.

However, as noted, the provisions designed to accommodate the MBEA will take effect only when the MBEA is proclaimed into law. This includes consequential amendments to the *Municipal By-law Enforcement Act Enabling By-law*, recently considered by Council.

In addition, under the transitional provisions in the new by-law, permits issued under the current by-laws will remain valid until their renewal during 2016, at which time the new By-law provisions will apply to the new permits.

Permit Fees

Fees for existing permit classifications are currently set in a number of manners, with some being set by the CAO, some being set by Council and, in the case of Residential Parking Permits, being set in the *Traffic By-law*. The recommendation to have Council set the fees for metered on-street parking, with authority for other parking related permits and fees delegated to the CAO, will provide a predictable methodology for the approval of permit fees related to parking of vehicles while also allowing for the ability to adjust permit fees to meet changing circumstances.

The fees for permits which currently exist remain unchanged. The fee for the temporary Recreational Vehicle Permit is based on the approximate cost of administration and enforcement of the permit and is currently $50 per year.

HISTORY

Currently, regulations relating to parking and stopping of vehicles on the public right-of-way in the City of Winnipeg are located in the following by-laws:

- Traffic By-law No. 1573/77
- Streets By-law No. 1481/77
- Parking Meter By-law No. 6547/95
- Disabled Persons Parking By-law No. 7171/98
- Fire Prevention By-law No. 150/2004
- Winter Parking Ban By-law No. 76/2011

Additionally, provisions relating to vehicles on residential property are also contained within the *Winnipeg Zoning By-law No. 200/2006* and the *Neighbourhood Liveability By-law No. 1/2008*.

Over time these by-laws have been amended as required to address changes to technology, vehicles and traffic patterns, but in many cases numerous provisions have remained unchanged

since their original enactment. With changes in legislative drafting methodology, this has resulted in a scattered patchwork of rules relating to parking and stopping of vehicles. With the relevant parking provisions found in multiple by-laws, it presented a challenge to citizens to be aware of and understand the various rules.

To address this problem, the Public Service undertook to consolidate as many of the regulations relating to parking and stopping of vehicles into a single by-law along with revising the various provisions to ensure that changes in technology, vehicles and traffic management methodology are taken into account.

After review, it was determined that two by-law provisions relating to parking should not be included in the proposed consolidated By-law:

Fire Prevention

As the requirement for provision of fire lanes is part of the *Fire Prevention By-law*, the regulations relating to parking or stopping a vehicle in a fire lane have remained in the *Fire Prevention By-law*. This ensures any changes to fire prevention regulations which may affect parking or stopping in a fire lane are integrated into the regulations around parking or stopping in fire lanes without requiring amendment of multiple by-laws.

Snow Clearing

Offences related to snow clearing operations have not been consolidated in the *Winnipeg Parking By-law* as the regulations relating to stopping or parking during snow clearing operations are dependent on the conduct of those operations and, as such, the parking regulations should remain in the *Winter Parking Ban By-law*.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 13, 2016

Project Name: **First Year of Program** **2016**

Enactment of a new Consolidated Parking By-Law and Amendment of the Voluntary Payment of Fines By-Law

	2016	2017	2018	2019	2020
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Enforcement and administration of the parking provisions contained in this report are assumed to be on a cost-recovery basis as any impact on revenue cannot be reasonably estimated at this time.

original signed by

Joseph Chammartin, CGA
Manager of Finance

CONSULTATION

Legal Services Department
Planning, Property and Development Department
Public Works Department
Corporate Support Services Department

OURWINNIPEG POLICY ALIGNMENT

The consolidation of various parking related regulations into the *Winnipeg Parking By-law* aligns with Section 01-3 of Our Winnipeg and direction 1 “Provide efficient and focused civic administration” as updates to existing regulations and introduction of new regulations addresses needs of citizens in a changing parking environment.

SUBMITTED BY

Department: Winnipeg Parking Authority
Division:
Prepared by: C. Stewart
File No.
Date: June 13, 2016

DRAFT

Appendix A

WINNIPEG PARKING BY-LAW

City of Winnipeg By-law No. _____

PART 1 INTRODUCTORY PROVISIONS 1

1 SHORT TITLE 1
2 DEFINITIONS AND INTERPRETATION 1
3 REFERENCE TO TIME 5
4 CONTRAVENTION BY OWNER OR OPERATOR 5
5 CAUSING OR PERMITTING CONTRAVENTION 5
6 PEACE OFFICER'S DIRECTION SUPERSEDES 5

PART 2 RESTRICTIONS THAT APPLY TO VEHICLES ON STREETS OR IN CITY PARKING FACILITIES OR DESIGNATED PARKING SPACES 6

APPLICATION OF RULES 6

7 EXEMPTION BY PERMIT 6
8 EMERGENCY RESPONSE VEHICLES 6
9 CERTAIN VEHICLES EXEMPT 6

PARKING AND STOPPING RULES 7

10 NO STOPPING ZONE 7
11 NO PARKING ZONE 7

TIME RESTRICTIONS 8

12 TIME-LIMITED PARKING ZONE 8
13 ONE-HOUR LIMIT FOR LARGE VEHICLES, TRAILERS AND SPECIAL PURPOSE VEHICLES 8

PAID PARKING 9

14 PAID PARKING 9

OTHER PARKING RESTRICTIONS 10

15 TEMPORARY PARKING RESTRICTIONS TO ACCOMMODATE STREET WORK 10
16 VARIOUS STOPPING AND PARKING RESTRICTIONS 10
17 POSITION AND DIRECTION OF PARKED VEHICLE 11
19 SPACES RESERVED FOR PHYSICALLY DISABLED PERSONS 12
20 STOPPING OR PARKING IN LOADING ZONES 12
21 PARKING IN ALLEY 12
22 NO PARKING OF ADVERTISING VEHICLE 12
23 NO PARKING OF VEHICLE WITHOUT CURRENT PLATE AND REGISTRATION 13
24 NO ELECTRICAL CORD TO VEHICLE ON STREET 13

MOBILE VENDORS 13

25 MOBILE VENDING UNIT ON ROADWAY OR SHOULDER 13

OTHER RESTRICTIONS 14

26 NO WASHING OF VEHICLE ON STREET 14
27 NO WASHING OF CONCRETE MIXER OR OTHER EQUIPMENT 14
28 NO REPAIRING OF VEHICLE ON STREET 14
29 OTHER PROHIBITIONS 14

PART 3 PARKING PERMITS 15

GENERAL PROVISIONS 15

30 PROVIDING FALSE INFORMATION TO OBTAIN PERMIT 15
31 PERMIT APPLICATION REQUIREMENTS 15
32 COO MAY IMPOSE PERMIT CONDITIONS AND RESTRICTIONS 16
33 ISSUANCE OF PERMIT 16
34 DISPLAY OF PHYSICAL PERMIT 16
35 COO MAY REVOKE OR REFUSE TO ISSUE PERMIT 17

SPECIFIC PERMITS 18

PAID PARKING PERMIT 18

36 ISSUANCE OF PAID PARKING PERMIT 18

STADIUM EVENT ZONE PARKING PERMIT 18

37 ISSUANCE OF STADIUM EVENT ZONE PARKING PERMIT 18
38 ISSUANCE OF BUSINESS VEHICLE PERMIT ..... **ERROR! BOOKMARK NOT DEFINED.**18

CONTRACTOR PARKING PERMIT 18

39 ISSUANCE OF CONTRACTOR PARKING PERMIT 18

SOCIAL SERVICE PROVIDER PARKING PERMIT 19

40 ISSUANCE OF SOCIAL SERVICE PROVIDER PARKING PERMIT 19

RESIDENTIAL PARKING PERMIT AND VISITOR'S RESIDENTIAL PARKING PERMIT 20

41 ISSUANCE OF RESIDENTIAL PARKING PERMIT 20
42 ISSUANCE OF VISITOR'S RESIDENTIAL PARKING PERMIT 20
43 LIMITATIONS OF PERMIT 20

TEMPORARY RECREATIONAL VEHICLE PARKING PERMIT 21

44 ISSUANCE OF TEMPORARY RECREATIONAL VEHICLE PARKING PERMIT 21

TEMPORARY EXEMPTION PERMIT 21

45 ISSUANCE OF TEMPORARY EXEMPTION PERMIT 21

MOBILE VENDOR'S PARKING PERMIT 21

46 ISSUANCE OF MOBILE VENDOR'S PARKING PERMIT 21

PART 4 22

RESTRICTIONS THAT APPLY TO VEHICLES ON RESIDENTIAL PROPERTY 22

47 APPLICATION 22
48 DEFINITIONS 22
49 NO MORE THAN SIX VEHICLES 23
50 NO MORE THAN FOUR PASSENGER VEHICLES 23

51 NO MORE THAN ONE SMALL TRUCK 24
52 NO MORE THAN ONE TRAVEL TRAILER OR MOTOR HOME 24
53 LARGE VEHICLE RESTRICTIONS 24
54 FRONT YARD PARKING RESTRICTIONS 24
55 NO PARKING EXCEPT ON DRIVEWAY OR PARKING PAD 25

PART 5 ADMINISTRATIVE AND ENFORCEMENT PROVISIONS 25

56 DELEGATION 25
57 ENFORCEMENT OFFICERS 25
58 MARKING OF PARKED VEHICLE 26

REGULATION OF PAID PARKING 26

59 CAO TO ESTABLISH PAID PARKING LOCATIONS, HOURS, TIME LIMITS AND FEES 26
60 COO MAY PLACE AND MAINTAIN METERS 27
61 TEMPORARY CLOSING OF PAID PARKING SPACES 27

LIFTING OF TIME-LIMIT RESTRICTIONS 28

62 TEMPORARY LIFTING OF TIME-LIMIT RESTRICTIONS 28

REMOVAL OF VEHICLES 28

63 REMOVAL OF SPECIAL PURPOSE VEHICLE 28
64 REMOVAL OF ABANDONED OR DERELICT VEHICLES 29

NOTICES 29

65 MANNER OF GIVING NOTICE 29

OFFENCES AND ENFORCEMENT 30

66 OFFENCE 30
67 APPLICATION OF MUNICIPAL BY-LAW ENFORCEMENT ACT 30

PART 6 AMENDMENTS AND REPEALS 31

68 *STREETS BY-LAW* AMENDED 31
69 TRAFFIC BY-LAW AMENDED 31
70 VOLUNTARY PAYMENT OF FINES BY-LAW AMENDED 31
71 BY-LAWS REPEALED 33

PART 7 TRANSITIONAL PROVISIONS AND COMING INTO FORCE 33

72 TRANSITIONAL — PERMITS ISSUED BEFORE THIS BY-LAW 33
73 TRANSITIONAL — REFERENCE TO "PENALTY NOTICE" 34
74 CONTINUING APPLICATION OF VOLUNTARY PAYMENT OF FINES BY-LAW 34
75 COMING INTO FORCE 34

SCHEDULE A — STADIUM EVENT ZONES (SECTION 37) ..... ERROR! BOOKMARK NOT DEFINED.

SCHEDULE B — SCHEDULE A TO THE *VOLUNTARY PAYMENT OF FINES BY-LAW* NO. 789/74 37

DRAFT

THE CITY OF WINNIPEG
BY-LAW No. 86/2016

A By-law of THE CITY OF WINNIPEG to regulate vehicle parking and stopping on streets, parking in city parking facilities and in designated parking spaces, and vehicle parking and storage on residential property with single and two-family dwellings.

WHEREAS section 138 of *The City of Winnipeg Charter* provides that the City of Winnipeg is the traffic authority under *The Highway Traffic Act* in respect of streets of which it has direction, control and management and, in respect of those streets, has all the powers granted to, or enjoyed by, and the duties charged on, a traffic authority under that Act;

AND WHEREAS section 139 of *The City of Winnipeg Charter* grants the City of Winnipeg an additional general authority to pass by-laws respecting streets and the parking of vehicles in the City;

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

PART 1
INTRODUCTORY PROVISIONS

Short title

1 This By-law may be cited as the Winnipeg Parking By-law.

Definitions and interpretation

2(1) The following definitions apply in this by-law.

"alley" means a street that is not more than 9 metres wide.

"block" means the area of a street between one intersection and the next intersection.

"boulevard" means the portion of a street, on either side or in the centre of the street, that

(a) is adjacent to the roadway or its shoulder;

(b) is maintained for the purpose of improving the appearance or safety of the street;

(c) is not intended to be used to carry vehicular traffic; and

(d) is not a shoulder.

"bus" means a motor vehicle that

(a) is designed, constructed or modified for the principal purpose of carrying passengers; and

(b) has a seating capacity of at least 11 persons, including the driver.

"CAO" means the Chief Administrative Officer appointed under section 96 of the Charter.

"Charter" means *The City of Winnipeg Charter*.

"City" means the City of Winnipeg continued under section 8 of the Charter.

"city parking facility" means a parking facility owned or operated by the City.

"COO" means the Chief Operating Officer of the Winnipeg Parking Authority.

"Council" means the council of the City.

"crested" means emblazoned with the City's crest.

"designated parking space" means a parking space that

(a) is located

(i) on a street, or

(ii) within a public parking lot or facility or a private parking lot or facility to which the public has access; and

(b) is designated by a sign or by markings on the parking surface as being for the use of a vehicle displaying a disabled person's parking permit.

"disabled loading zone" means the portion of a street designated by traffic control devices as an area for the loading and unloading of a vehicle used for transporting a disabled person.

"disabled person's parking permit" means a parking permit issued under section 124.3 of *The Highway Traffic Act*.

"large vehicle" means, except in Part 4, a vehicle that, alone or together with any trailer connected to it, is longer than 6.7 m (22 ft).

"mobile vending unit" means

(a) a mobile food unit as defined in the *Food and Food Handling Establishments Regulation*, Manitoba Regulation 339/88R; and

(b) a motor vehicle or trailer, other than a mobile food unit referred to in clause (a), that is used to sell, offer or provide goods or services from the vehicle or from within the vehicle while it is parked on a roadway or the shoulder of a roadway.

"mobile vendor" means

(a) an owner of a mobile vending unit and any person in charge of a mobile vending unit; and

(b) an owner of a vending unit that is operated on a sidewalk or boulevard under the authority of a Use of Street Permit issued under section 4.01.06 of the *Streets By-law*.

"operator", in relation to a vehicle, means the person having charge of the vehicle.

"owner", in relation to a vehicle, means the person in whose name the vehicle is registered under *The Drivers and Vehicles Act* or under a similar law of another jurisdiction.

"paid parking" means parking that, according to a traffic control device, is permitted upon the payment of a fee.

"paid parking space" means

(a) in relation to street parking, any space that is adjacent to the curb or edge of the roadway and within the portion of the street to which paid parking applies; and

(b) in relation to a city parking facility to which paid parking applies,

(i) a parking space marked with lines on the floor or ground surface of the facility, or

(ii) where no lines have been marked, a space no more than 3 meters wide.

"penalty notice" means a penalty notice issued under *The Municipal By-law Enforcement Act* in respect of a contravention of this By-law and, until *The Municipal By-law Enforcement Act* comes into force, means the summons part of an offence notice issued under *The Summary Convictions Act*.

"physical permit" means a card or other object evidencing a permit that is given to or sent to an applicant under clause 32(b);

"recreational vehicle" means, except in Part 4, a vehicle designed for camping and other recreational purposes. It includes, but is not limited to, a motorhome, a truck on which

a camper has been installed, a camping or travel trailer, and any trailer carrying recreational equipment such as a boat or other watercraft, a snowmobile, all-terrain vehicle or other off-road vehicle

"roadway" means the portion of a street that is improved or ordinarily used for vehicular traffic, but does not include the shoulder.

"special purpose vehicle" means

(a) a special mobile machine as defined in the *Highway Traffic Act*; and

(b) any other vehicle that is not required to be registered under *The Drivers and Vehicles Act* or a similar law of another jurisdiction.

"street" means a place or way, and all the space between the boundaries of a place or way, which or any part of which has been dedicated, opened or set apart under *The Real Property Act* or *The Expropriation Act* for public use as a roadway, lane, avenue, road or highway. In addition to the roadway, it includes all shoulders, curbs, boulevards and sidewalks located within those boundaries.

"traffic control device" means a sign, signal, light, marking or device placed or erected by or on behalf of the City for the purpose of regulating parking or regulating, warning or guiding traffic.

"trailer" means a vehicle designed for carrying goods or persons and for being towed by a motor vehicle.

"vehicle" means a vehicle as defined in subsection 1(1) of *The Highway Traffic Act*.

"Winnipeg Parking Authority" means the City's special operating agency that manages parking on streets and in city parking facilities.

2(2) For the purposes of this by-law,

(a) a vehicle, whether occupied or not, is stopped when it stands motionless, unless it is standing motionless in order to avoid conflict with other traffic, to allow an emergency vehicle to pass, or to comply with a traffic control device or a direction of a peace officer; and

(b) a vehicle that is stopped is also parked if it

(i) is left unattended, or

(ii) remains stopped for more than 5 minutes.

2(3) If one vehicle is placed in or on a second vehicle, such as a truck or trailer, this by-law applies to the second vehicle but not to the first vehicle.

Reference to time

3 A reference to a time in this by-law or on any traffic control device that prohibits or regulates stopping or parking on a street or in a city parking facility is a reference to the time determined in accordance with *The Official Time Act*.

Contravention by owner or operator

4(1) If a vehicle is stopped or parked in contravention of a provision of this by-law, the operator of the vehicle is in contravention of that provision and is liable to pay any fine or administrative penalty imposed in respect of that contravention.

4(2) If a vehicle is stopped or parked in contravention of a provision of this by-law, an owner of the vehicle who was not the operator is also responsible for that contravention and is liable to pay any fine or administrative penalty imposed in respect of that contravention unless the owner establishes that the vehicle was in the possession of the operator without the owner's consent.

4(3) If both the owner of a vehicle and its operator are liable for the same contravention, a penalty notice may be issued to either of them or separate penalty notices may be issued to each of them. If they are each issued a penalty notice, each is liable for the amount payable under the notice issued to him or her.

4(4) If a trailer connected to a motor vehicle is stopped or parked in contravention of this by-law, the operator and the owner of the motor vehicle are liable for that contravention.

Causing or permitting contravention

5 A person who causes or permits a contravention of a provision of this by-law is in contravention of that provision.

Peace officer's direction supersedes

6 A provision of this by-law prohibiting or regulating the stopping or parking of a vehicle does not apply to a vehicle stopped or parked as directed by a peace officer.

PART 2
RESTRICTIONS THAT APPLY TO VEHICLES ON STREETS OR IN CITY PARKING FACILITIES OR DESIGNATED PARKING SPACES

APPLICATION OF RULES

Exemption by permit

7(1) A provision of this Part does not apply to a vehicle for which a permit has been issued under Part 3 if

(a) the permit is valid and applies to that provision at the time when, and at the place where, the vehicle is stopped or parked in contravention of the provision; and

(b) all the conditions that apply to the permit or the permit holder are being complied with.

7(2) A provision of this Part, other than a provision that requires the payment of a parking fee, does not apply to a vehicle while it is parked or stopped in accordance with a valid Use of Street Permit issued under the *Streets By-law* if the permit is made immediately available for inspection on request by an enforcement officer.

Emergency response vehicles

8 This Part does not apply to an emergency response vehicle (such as a police vehicle, an ambulance or a paramedic or fire response vehicle) when it is being used in connection with an emergency response.

Certain vehicles exempt

9(1) A provision of this Part that prohibits or regulates the stopping or parking of a vehicle (other than a provision that requires the payment of a parking fee) does not apply to the following:

(a) a vehicle being used in a policing operation if the vehicle

(i) bears the markings of a police vehicle or is registered with the Winnipeg Parking Authority for the purpose of this section, and

(ii) is being used by the Winnipeg Police Service or by a person providing a service to or on behalf of the Winnipeg Police Service under a contract with the City;

(b) any of the following vehicles if it is stopped or parked where it is safe to do so and stopping or parking the vehicle at that location is required to perform work on a street:

(i) a vehicle of the City or of a contractor performing work on the street under a contract with the City,

(ii) a vehicle of Manitoba Hydro,

(iii) a vehicle of the government of Manitoba or the Government of Canada.

9(2) A provision of this Part that requires the payment of a parking fee does not apply to the following:

(a) a vehicle of the Winnipeg Police Service that bears the markings of a police vehicle or is registered with the Winnipeg Parking Authority for the purpose of this section;

(b) a crested vehicle of the City if it is being used by the operator in the performance of his or her duties;

(c) a vehicle of the Department of National Defence of Canada that displays number plates issued by that department;

(d) any of the following vehicles if it is stopped or parked where it is safe to do so and stopping or parking the vehicle at that location is required to perform work on a street:

(i) a vehicle of the City or of a contractor performing work on the street under a contract with the City,

(ii) a vehicle of Manitoba Hydro,

(iii) a vehicle of the government of Manitoba or the Government of Canada.

PARKING AND STOPPING RULES

No stopping zone

10 No vehicle may be stopped at a place where stopping is prohibited by a traffic control device

No parking zone

11(1) No vehicle may be parked at a place where parking is prohibited by a traffic control device.

11(2) No vehicle, other than a bus, may be stopped or parked in a space designated by a traffic control device for bus parking.

11(3) No vehicle, other than vehicle being operated under a licence issued under *The Taxicab Act*, may be stopped or parked in a space designated by a traffic control device for taxicab parking.

TIME RESTRICTIONS

Time-limited parking zone

12(1) Subject to thissection, where a parking space is governed by a traffic control device that specifies the length of time that a vehicle may be parked in that space, no vehicle may be parked in that space for a greater length of time.

12(2) When paid parking applies to a parking space, a vehicle may be parked in that space for up to 30 extra minutes as long as the fee for parking in that space during that extra time has been paid.

12(3) If a disabled person's parking permit is being used and displayed in a vehicle in accordance with *The Highway Traffic Act* and the regulations under that Act, the vehicle may be parked in the same space for up to four hours if paid parking does not apply to that space or if the maximum fee that may be paid at one time for parking in that space has been paid.

12(4) The limits in subsections (1) to (3) apply even if the period of time for which a parking fee has been paid has not yet expired.

12(5) Subsections (2) and (3) do not authorize parking in a space during any time that parking or stopping in that space is prohibited by a traffic control device.

12(6) During any period throughout which a parking time limit applies to a parking space, no vehicle may be parked more than once per day on the same side of the block that includes that space.

12(7) During the period to which an order under section 63 (lifting of time-limit restrictions) applies to a paid parking space, subsections (1) to (3) do not apply to any vehicle parked in that space other than a large vehicle.

One-hour limit for large vehicles, trailers and special purpose vehicles

13(1) Despite section 12, none of the following vehicles may be parked on a street for more than one hour:

(a) a large vehicle;

(b) a trailer;

(c) a special purpose vehicle.

13(2) Subsection (1) does not apply to

(a) a vehicle shown to be in active use by a tradesperson working on premises in the immediate area; or

(b) a bus parked in a space designated by a traffic control device for bus parking.

13(3) The one-hour limit in subsection (1) applies to a paid parking space even if the time period for which a parking fee has been paid has not yet expired.

PAID PARKING

Paid parking

14(1) When paid parking applies to a parking space, a vehicle must not be parked in that space unless

(a) the fee for parking in that space at that time, as specified by a parking meter or traffic control device, has been paid; and

(b) the payment is evidenced by

(i) a parking meter that indicates that the period for which the fee has been paid has not yet expired,

(ii) a receipt that indicates a period of time that has not yet expired is displayed in a manner that makes the time of expiry clearly visible from the outside of the vehicle, or

(iii) a valid prepaid parking voucher that applies to the time the vehicle is parked there is displayed in a manner that makes the date and start time clearly visible from the outside of the vehicle.

14(2) Clause (b) does not apply if the owner or operator of the vehicle uses a method of payment approved by the COO to charge the parking fee to a credit card account by means of an electronic communication that identifies

(a) by reference to the meter number or otherwise, the area or location at which the vehicle is parked;

(b) the plate number of the vehicle; and

(c) the period or the expiration time of the period for which the fee is paid

and the vehicle is parking within the period for which the fee has been paid.

14(3) The parking fee for a large vehicle is twice the amount that would otherwise be payable in order to comply with subsection (1).

14(4) Despite a traffic control device that indicates that paid parking applies, this section does not apply to any vehicle on a holiday as determined by *The Interpretation Act*, but sections 12 and 13 (time limits for free or paid parking) do apply on such a holiday.[1]

14(5) During the period to which an order under section 63 (lifting of time-limit restrictions) applies, subsection (1) does not apply to a vehicle that is parked in a space to which that order applies unless it is a large vehicle.

OTHER PARKING RESTRICTIONS

Temporary parking restrictions to accommodate street work

15(1) If a temporary traffic control device prohibiting parking during specified hours in order to accommodate work within the street is placed or erected on a street by or on behalf of the City, no vehicle may be parked on that street in contravention of that sign.

15(2) Subsection (1) does not apply within the first 24 hours after the sign is placed or erected on that street by or on behalf the City.

Various stopping and parking restrictions

16(1) Except when necessary to comply with a traffic control device, no vehicle may be stopped or parked

(a) on a sidewalk or where a sidewalk crosses a roadway;

[1] Note: Under *The Interpretation Act*, the following days are holidays:

- Sundays
- New Year's Day, and the following Monday when New Year's Day falls on a Sunday
- Louis Riel Day
- Good Friday
- Victoria Day
- Canada Day, and the following Monday when Canada Day falls on a Sunday
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day, and the following Tuesday when Christmas falls on a Sunday
- Boxing Day, and the following Monday when Boxing Day falls on a Sunday

(b) on a bicycle path or a pathway for pedestrians and cyclists or where such a path or pathway crosses a roadway;

(c) on a crosswalk or within three metres of a crosswalk situated in front of the vehicle;

(d) within three metres of the point on the edge of the roadway directly opposite a fire hydrant;

(e) on a boulevard;

(f) in an intersection or within three metres of an intersection;

(g) in front of a driveway;

(h) in such a manner as to constitute an obstruction or hazard on a roadway;

(i) on the roadway side of a vehicle stopped or parked at the edge of the roadway;

(j) within 30 metres of the nearest rail of a railway crossing; or

(k) within nine metres of a flashing beacon, stop or arrêt sign or traffic control signal located ahead of the vehicle at the side of the roadway.

16(2) For the purpose of clause (1)(f), the distance from an intersection is to be measured along the curb of the roadway in question — or edge of the roadway in the absence of a curb — from the point at which that curb or edge ceases to follow the lateral curb line of the roadway and begins to arc toward the nearest curb or edge of the other roadway.

Position and direction of parked vehicle

17(1) Except as otherwise required or authorized by a traffic control device, a vehicle parked on a street must be parked parallel to the edge of the roadway and

(a) within 45 cm (18 in) of the physical barrier or painted line separating the roadway and a bicycle path, if there is one;

(b) within 45 cm (18 in) of the curb, if there is one, and no bicycle path lies between the curb and the roadway;

(c) on the shoulder if there is one; or

(d) as close as practicable to the edge of the roadway if there is no bicycle path, no curb and no shoulder.

17(2) If a vehicle on a street is parked in a traffic lane in which parking is permitted, it must face the same direction as the flow of traffic in that lane. If it is parked on a shoulder or a lane reserved for parking, it must face the same direction as the flow of traffic in the adjacent lane.

17(3) Subsection (2) does not apply in areas to which a Use of Street Permit issued under the Streets By-law applies, or in a work area, as defined in the Manual of Temporary Traffic Control approved by Council, so long as the Manual of Temporary Traffic Control is being followed.

Spaces reserved for physically disabled persons

18(1) No vehicle may be stopped or parked

(a) in a designated parking space or a disabled loading zone; or

(b) in such a manner as to obstruct access to such a space;

unless a disabled person's parking permit is being used and displayed in the vehicle in accordance with *The Highway Traffic Act* and the regulations under that Act.

18(2) No vehicle may be stopped or parked in a designated parking space or a disabled loading zone while there is displayed in the vehicle a card or other object that is not, but when seen from outside the vehicle could reasonably be mistaken for, a valid disabled person's parking permit.

Stopping or parking in loading zones

19(1) No vehicle may be stopped or parked in a loading zone unless it is in the process of being loaded or unloaded.

19(2) No vehicle may remain in a loading zone, even if it is in the process of being loaded or unloaded, for longer than the length of time specified on the traffic control devices designating the loading zone or, if no time limit is specified,

(a) 30 minutes, if the loading zone is designated by a traffic control device as a disabled loading zone; or

(b) 15 minutes, in any other case.

Parking in alley

20 No vehicle may be parked in an alley for more than 15 minutes.

No parking of advertising vehicle

21 None of the following vehicles may be stopped or parked on a street:

(a) a vehicle displaying a sign on which the advertising copy is not fixed and may be changed while the vehicle is in motion or while it is stopped or parked on a street;

(b) a vehicle displayed for sale;

(c) a vehicle being used for the purpose of displaying goods for sale.

No parking of vehicle without current plate and registration

22 No vehicle may be parked on a street unless it

(a) is currently registered under *The Drivers and Vehicles Act* or a similar law of another jurisdiction and has attached to it a valid and current number plate issued under that law; or

(b) is a special purpose vehicle.

No electrical cord to vehicle on street

23 No vehicle parked on a street may be connected to an electrical cord or wire that crosses the edge of the street.

MOBILE VENDORS

Mobile vending unit on roadway or shoulder

24(1) A mobile vendor may carry on business from a mobile vending unit parked on a roadway or the shoulder of a roadway only if

(a) in the case of a unit that is a mobile food unit,

(i) the vendor holds a valid permit issued under section 3 of the *Food and Food Handling Establishments Regulation*, Manitoba Regulation 153/2003, and the permit is made immediately available for inspection upon request by an enforcement officer, and

(ii) the unit is not located within 20 metres of the nearest entrance to a restaurant, grocery store or other retail food service establishment other than a mobile vending unit;

(b) the vendor holds a Mobile Vendor's Parking Permit issued under Part 3 that is valid for the location at which the unit is parked;

(c) the unit is legally parked and being used to sell, offer or provide goods or services only to persons who are not on the roadway;

(d) neither the unit nor its customers are obstructing vehicular or pedestrian traffic or posing a risk to persons or vehicles; and

(e) the unit is not located

(i) within three metres of the nearest public entrance to a building,

(ii) within 20 metres of the nearest vehicular or pedestrian entrance to a park as defined in the *Parks By-law*,

(iii) within five metres of the nearest intersection of a street on which the posted speed limit is 60 km/h or less, or

(iv) on a street on which the posted speed limit is more than 60 km/h or within 20 metres of such a street.

24(2) For the purpose of subclause (1)(e)(iii), the distance from an intersection is to be measured as described in subsection 16(2).

OTHER RESTRICTIONS

No washing of vehicle on street

25 A person must not wash any of the following vehicles on a street:

(a) a large vehicle;

(b) any other vehicle that is used for the commercial carriage of goods or people.

No washing of concrete mixer or other equipment

26 A person must not cause or allow the wash water or other waste material discharged from a concrete mixer or any other construction or maintenance vehicle or equipment to be deposited on or flow onto a street.

No repairing of vehicle on street

27 A person must not make any repairs or improvements to a vehicle while it is on a street, other than repairs of an emergency nature.

Other prohibitions

28 A person must not

(a) remove, alter, obliterate or deface a mark after it is made or placed on a vehicle under section 58 and before the vehicle has been moved through the nearest intersection;

(b) deposit in a parking meter a slug or other object as a substitute for a form of payment authorized by the instructions on the meter; or

(c) remove from a vehicle a penalty notice or other notice left on the vehicle for the purpose of enforcing this by-law, unless the person is the owner or operator of the vehicle.

PART 3
PARKING PERMITS

GENERAL PROVISIONS

Providing false information to obtain permit

29(1) A person must not provide false information in support of an application for a permit under this Part.

29(2) If information in support of an application under this Part is false or misleading with respect to any material fact, any permit issued in response to that application is invalid.

29(3) Although the COO is required to give notice to the person to whom a permit has been issued that it is invalid due to the provision of false or misleading information provided in support of the application, the invalidity of the permit is not affected by delays in giving notice or a failure to give notice.

Permit application requirements

30(1) An application for a permit under this Part must

(a) be made to the COO in the form and manner required by him or her;

(b) include or be accompanied by such evidence as the COO requires to ensure that the applicant or the vehicle is eligible for the permit;

(c) if the permit to be issued is to apply to a specific vehicle, include or be accompanied by information that COO requires to identify the vehicle; and

(d) be accompanied by a payment of the applicable fee, if any.

30(2) After an application for a permit is made, the COO may request the applicant to provide any additional information or document he or she requires to ensure that the applicant or the vehicle is eligible for the permit.

COO may impose permit conditions and restrictions

31(1) The COO may impose conditions or restrictions on a permit in addition to those set out in this by-law. Such conditions or restrictions may not be inconsistent with this by-law and must be consistent with the purpose of the permit or for ease of administration. They must be set out in

(a) the application form for the permit or in a document presented to the applicant during the application process; or

(b) a document given to the applicant at the time of issuing the permit.

31(2) The failure of a person or vehicle to comply with a condition or restriction imposed on a permit is a contravention of this by-law.

Issuance of permit

32 A permit is issued when either

(a) details of the permit are entered in the Winnipeg Parking Authority's system for the registration of permits and a receipt or other written notice confirming the issuance of the permit is given or sent to the applicant; or

(b) a physical permit is given or sent to the applicant.

Alteration and reproduction of physical permit prohibited

33 No person may alter or reproduce or copy a physical permit that has been issued under this Part.

Display of physical permit

34(1) If a physical permit is issued for a specific vehicle,

(a) no person may display the permit in any vehicle other than the vehicle for which it was issued; and

(b) the owner of the vehicle must not allow the permit to be displayed in any other vehicle.

34(2) A physical permit is not effective to exempt a vehicle from a provision of this by-law unless it is displayed so that it is clearly visible from the outside of the vehicle.

34(3) When a vehicle that is stopped or parked has displayed in it a card or other physical object that is not, but when seen from outside the vehicle could reasonably be mistaken for, an unaltered physical permit referred to in section 34, the vehicle is stopped or parked in contravention of this by-law.

COO may revoke or refuse to issue permit

35(1) The COO may revoke or refuse to issue a permit if

(a) the City is entitled to take collection proceedings in respect of anadministrative penalty or fine payable by the applicant or permit holder for stopping or parking a vehicle in contravention of this or any other City by-law; or

(b) the vehicle to which the permit applies — or to which the permit would apply if it were issued — is or has been repeatedly stopped or parked in contravention of this by-law or of a condition of a permit that applies to that vehicle.

35(2) Before revoking a permit under this section, the COO must give or send the permit holder a notice stating

(a) his or her intention to revoke the permit and why;

(b) that the permit holder may respond to the notice on or before a specified date, which must be at least 7 days after the date the notice is given or sent, by

(i) providing reasons why the permit should not be revoked; and

(ii) if a fine or administrative penalty is owing, paying the outstanding fine or penalty or entering into an payment arrangement satisfactory to the COO; and

(c) the permit will be revoked if the permit holder fails to respond as set out in the notice.

35(3) If the permit holder has failed to respond as set out in the notice, or the response is not satisfactory to the COO, the COO may revoke the permit by written notice to the permit holder.

35(4) If a payment arrangement entered into with the COO in response to a revocation notice is not complied with, the COO may revoke the permit by written notice to the permit holder. Subsections (2) and (3) do not apply to such a revocation.

35(5) A person whose permit has been revoked under this section is not eligible for a similar permit for a period of one year after the date of the revocation.

SPECIFIC PERMITS

Paid Parking Permit

Issuance of Paid Parking Permit

36(1) On application, the COO may issue a Paid Parking Permit that exempts the vehicle specified in the permit from the fee payment requirement in section 14.

36(2) A Paid Parking Permit may be issued on a daily, weekly, monthly, seasonal or annual basis and is valid only for the period specified on the permit.

36(3) The COO may establish classes of Paid Parking Permits with different conditions or restrictions. Such classes may include, for example,

(a) permits for buses parked in spaces designated for bus parking;

(b) permits for vehicles of or used by the City or by contractors performing work for the City;

(c) permits for vehicles of or used by the government of Manitoba or of Canada.

Stadium Event Zone Parking Permit

Issuance of Stadium Event Zone Parking Permit

37(1) On application by the owner of a vehicle who resides in an area marked in Schedule A to this by-law as a stadium event zone, the COO may issue a Stadium Event Zone Parking Permit exempting that vehicle from the restrictions imposed by traffic control devices that

(a) are placed or erected within a stadium event zone for the purpose of regulating parking in relation to stadium events; and

(b) specify the dates and times when parking is prohibited.

37(2) The permit may not be issued if two such permits — which are still valid — have been issued for other vehicles belonging to or being used by persons residing in the same dwelling unit as the applicant.

Contractor Parking Permit

Issuance of Contractor Parking Permit

38(1) On application, the COO may issue a Contractor Parking Permit that, subject to subsection (4) and any conditions or restrictions imposed on the permit, exempts a vehicle

from the parking restrictions in subsection 12(1) (parking time limits), section 13 (one-hour limit for large vehicles, trailers, etc.) and section 20 (parking in alley).

38(2) Such a permit may be issued only for a vehicle that is used in the business of providing a carpentry, plumbing, gas fitting, roofing, electrical or other contractor service relating to the construction, renovation, repair, landscaping or maintenance of real property.

38(3) A single permit may be issued under this section for both a trailer and a motor vehicle used for towing the trailer.

38(4) A permit under this section does not exempt a vehicle

(a) when it is parked on a block after having been parked on that block for more than a total of 72 hours in that year;

(b) when it is parked for personal use and not in the course of providing a contractor service; or

(c) when it is parked in a space to which paid parking applies.

Social Service Provider Parking Permit

Issuance of Social Service Provider Parking Permit

39(1) On application, the COO may issue a Social Service Provider Parking Permit that, subject to subsection (3), exempts a vehicle from the parking restrictions in subsection 12(1) (parking time limits).

39(2) The permit may be issued only for a vehicle that

(a) is used in the business of providing home care, occupational therapy, speech therapy or another social service; and.

(b) without a trailer, is not a large vehicle.

39(3) Such a permit does not exempt a vehicle

(a) when it is parked for personal use and not in the course of providing a social service; or

(b) when it is parked in a space to which paid parking applies.

Residential Parking Permit and Visitor's Residential Parking Permit

Issuance of Residential Parking Permit

40(1) On application, the COO may issue a Residential Parking Permit that exempts a vehicle, other than a large vehicle, from the parking restrictions in subsection 12(1) (parking time limits) as they apply to the street or portion of a street specified in the permit.

40(2) The permit may be issued only for a street or portion of a street

(a) that is not listed in Schedule E of the *Streets By-law*; and

(b) on which there is no traffic control device prohibiting parking for one or more specific periods during the day;

and only for a vehicle registered in the name of an applicant whose residence is in the immediate vicinity of the street or portion of the street specified in the permit.

Issuance of Visitor's Residential Parking Permit

41(1) On application by a person who is eligible for a Residential Parking Permit, the COO may issue a Visitor's Residential Parking Permit that exempts a vehicle, other than a large vehicle, for a period of up to 30 days from the parking restrictions in subsection 12(1) (parking time limits) as they apply to the street or portion of the street specified in the permit, which must satisfy the requirements of subsection 40(2).

41(2) The permit may be issued only if the COO is satisfied that

(a) allowing the vehicle to be parked on the street would not unduly inconvenience or adversely affect residents of that street; and

(b) the vehicle will be used, during the period of the permit, by a person residing temporarily at the applicant's residence.

Limitations of permit

42 A permit issued under section 40 (residential parking permit) or 41 (visitor's residential parking permit) is valid only for

(a) the period for which it is issued;

(b) the vehicle for which it is issued; and

(c) the street or portion of a street specified in the permit.

Temporary Recreational Vehicle Parking Permit

Issuance of Temporary Recreational Vehicle Parking Permit

43(1) Subject to this By-law, on application by the owner of a recreational vehicle, the COO must issue a Temporary Recreational Vehicle Parking Permit for that vehicle.

43(2) Such a permit exempts the vehicle specified in the permit from the parking restrictions in subsection 12(1) (parking time limits) and section 13 (one-hour limit for large vehicles, trailers, etc.) on the streets or portions of streets specified in the permit for the period or periods specified in the permit. All periods to which such a permit applies must fall within a single 3-day period.

43(3) A permit must not be issued under this section for a vehicle if four such permits have already been issued to the applicant in that calendar year in respect of one or more recreational vehicles.

Temporary Exemption Permit

Issuance of Temporary Exemption Permit

44(1) On application, the COO, if satisfied that exceptional circumstances justify it in the public interest, may issue a Temporary Exemption Permit that exempts a vehicle from one or more of the following in the area and for the period or periods specified in the permit, which may be not more than seven days:

(a) the parking restrictions in subsection 12(1) (parking time limits);

(b) the parking restrictions in section 13 (one-hour limit for large vehicles, trailers etc.);

(c) the restrictions imposed by traffic control devices described in subsection 37(1) (stadium event zone parking).

44(2) Such a permit does not exempt a vehicle when it is parked in a space to which paid parking applies.

44(3) The COO may waive the fee that would otherwise apply to the permit if he or she considers it to be in the public interest to do so.

Mobile Vendor's Parking Permit

Issuance of Mobile Vendor's Parking Permit

45(1) On application by a mobile vendor, the COO may issue a Mobile Vendor's Parking Permit that exempts

(a) the vendor's mobile vending unit and, if that unit is a trailer, the motor vehicle used to transport the unit; or

(b) the motor vehicle used to transport a mobile vending unit that is operated on a sidewalk or boulevard under the authority of a Use of Street Permit issued under section 4.01.06 of the *Streets By-law*;

from the parking restrictions in subsection 12(1) (parking time limits), section 13 (one-hour limit for large vehicles, trailers, etc.), section 14 (paid parking) and clause 21(1)(c) (displaying goods for sale) at the location or within the area specified in the permit.

45(2) The conditions and restrictions imposed by the COO may include a noise restriction relating to the operation of the mobile vending unit and may limit the application of the permit to particular locations, streets or areas of the city.

45(3) A Mobile Vendor's Parking Permit is valid only for

(a) the period or periods of time for which it was issued;

(b) the area or location for which it was issued;

(c) the mobile vending unit and any other vehicle for which it was issued;

(d) areas and during times when parking is permitted, and is not valid for areas and times to which a Use of Street Permit issued under the Streets By-law applies.

PART 4
RESTRICTIONS THAT APPLY TO VEHICLES ON RESIDENTIAL PROPERTY

Application

46 This Part applies to the parking and storage of vehicles on residential property with a single-family detached dwelling or a two-family dwelling as defined in section 48 of the *Winnipeg Zoning By-law*.

Definitions

47 The following definitions apply in this Part.

"GVWR" means the gross vehicle weight rating of a vehicle as stated by the vehicle manufacturer, on a sign on the vehicle or in the vehicle registration.

"large truck" means a truck with a GVWR of more than 4,536 kg (10,000 lbs).

"large vehicle" means a vehicle, other than a recreational vehicle, that

(a) is a large truck; or

(b) has one or more of the following characteristics:

(i) tandem axles;

(ii) a passenger capacity in excess of 15 persons; or

(iii) dual wheels where the vehicle includes a flat deck or other form of utility deck; or

(c) can be generally described as

(i) a bus,

(ii) a limousine,

(ii) a cube van,

(iii) a dump truck, tow truck or flatbed truck, or

(iv) a tractor, trailer, or tractor-trailer combination.

"passenger vehicle" means a motor vehicle (other than a bus, commercial vehicle, motor home, or taxicab) that is designed, used, or maintained primarily for the transportation of people on a street or highway. It includes a pickup truck, a van (other than a cube van), a minivan, a motorcycle, a moped and a scooter.

"property" means a residential property described in section 46.

"recreational vehicle" means a vehicle (other than a passenger vehicle, motor home, travel trailer) that is designed for recreational purposes. It includes a boat, an off-road vehicle as defined in *The Off-Road Vehicles Act* and a trailer designed specifically for transporting a recreational vehicle.

"small truck" means a truck that is neither a large vehicle nor a passenger vehicle.

"travel trailer" means a trailer that is equipped with sleeping quarters.

No more than six vehicles

48 No person may park or store a vehicle on a property if, at the time of placing the vehicle on the property, at least six other vehicles are already parked or stored on the property.

No more than four passenger vehicles

49 No person may park or store a passenger vehicle on a property if, at the time of placing the vehicle on the property, at least four other passenger vehicles are already parked or stored on the property.

No more than one small truck

50 No person may park or store a small truck on a property if, at the time of placing the truck on the property, another small truck is already parked or stored on the property.

No more than one travel trailer or motor home

51 No person may park or store a travel trailer or motor home on a property if, at the time of placing the vehicle on the property, a travel trailer or motor home is already parked or stored on the property.

Large vehicle restrictions

52(1) No person may park or store a large truck on a property if, at the time of placing the vehicle on the property, another large truck is already parked or stored on the property.

52(2) No person may park or store a large truck on a property unless

(a) it is parked further from the street than the front wall of the dwelling;

(b) it is parked in an enclosed structure or is shielded from view from adjacent properties through the use of landscaping that meets the side and rear yard buffering requirements of sections 188 to 193 of the *Winnipeg Zoning By-law*; and

(c) the owner of the property has a conditional use approval for the parking of the truck on the property.

52(3) Despite subsections (1) and (2), and in addition to any large truck parked or stored on a property in compliance with those subsections, one large vehicle with a GVWR of more than 4,536 kg (10,000 lbs.) may be stopped or parked on the property while it is being actively loaded or unloaded.

Front yard parking restrictions

53(1) From May 15 to October 31 of the same year, no person may park or store a recreational vehicle, motor home or travel trailer on a driveway in the front yard of a property if, at the time of placing the vehicle on the property, another recreational vehicle is already parked or stored on a driveway in the front yard of the property.

53(2) From November 1 to May 14 of the following year, no person may park or store a recreational vehicle, motor home or travel trailer on a driveway in the front yard of a property.

53(3) No person may park or store a vehicle on a driveway in the front yard of a property if, at the time of placing the vehicle on the driveway, the number of vehicles in the front yard is already at the maximum. For this purpose, the maximum number of vehicles in the front yard of a property is

(a) two vehicles, if they are not parked in tandem; or

(b) four vehicles, if they are parked in tandem.

No parking except on driveway or parking pad

54 No person may park or store a vehicle on any part of a front or side yard of a property unless that part is a driveway or other area that has been improved for use as a parking area.

PART 5
ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

Authority includes power to act negatively

55 Unless otherwise stated, a duty, power or function given to an employee in this By-law to act positively, includes the authority to act negatively in respect of the same matter. For example, the power given to the Director of Public Works and the CAO in section 59 to prohibit parking on portions on streets includes the authority to remove prohibitions on parking on portions of streets where parking is prohibited, either at all times or at specific times or days.

Delegation

56(1) The COO may, in writing, delegate to one or more persons employed by the City the exercise of any duty, power or function assigned by this by-law to the COO. The delegation may be made subject to any conditions or restrictions that the COO considers appropriate.

56(2) An employee to whom the COO has delegated a duty, power or function under this section may not further delegate it except as authorized by the COO.

Enforcement officers

57(1) The following persons are enforcement officers for the purpose of this by-law:

(a) the CAO;

(b) every person designated under subsection 176(1) of the Charter as an enforcement officer for the purpose of this by-law;

(c) every person appointed under subsection 176(2) of the Charter as a special constable who, by the terms of the appointment, is authorized to enforce this by-law.

57(2) For the purpose of enforcing this by-law, an enforcement officer has the powers of a peace officer within the limits or his or her designation or appointment.

Marking of parked vehicle

58 For the purpose of enforcing this by-law, an enforcement officer may make or place a mark on a vehicle parked on a street.

REGULATION OF PARKING

Director of Public Works and CAO authorized to establish parking prohibitions

59(1) In addition to other powers delegated to him or her by Council, the Director of Public Works for the City may prohibit parking on portions of streets, either at all times or at specific times or days, taking into account vehicular and pedestrian traffic in that location and generally-accepted engineering principles.

59(2) In addition to other powers delegated to him or her by Council, the CAO may establish portions of streets where parking is prohibited, either at all times or at specific times or days, in order to accommodate the needs and development of the surrounding area.

CAO to establish paid parking locations, hours, time limits

60(1) The CAO may establish, in accordance with subsections (2) and (3) and any applicable resolution of Council,

(a) where paid parking is to apply or not to apply;

(b) the days on which, and the time or times during which, paid parking is to apply at each location; and

(c) subject to subsection 12(2), the parking time limits for paid parking.

60(2) When exercising his or her authority under subsection (1), the CAO must take into account

(a) Plan Winnipeg;

(b) all applicable resolutions and policies adopted or approved by Council;

(c) the Operating Charter of the Winnipeg Parking Authority as amended from time to time; and

(d) the needs and characteristics of the surrounding area.

60(3) Paid parking may be applied to a portion of a street only where, and during a time of day when, parking is not prohibited by or under

(a) *The Highway Traffic Act*;

(b) any other by-law of the City; or

(c) a by-law, a resolution of Council or the Standing Policy Committee in the exercise of the City's powers as a traffic authority, or a decision of the Director of Public Works in the exercise of a power delegated to him or her by Council.

60(4) The CAO's authority under this section may not be delegated.

COO may place and maintain meters

61 The COO may place and maintain parking meters in city parking facilities and wherever the CAO determines that paid parking is to apply.

Temporary closing of paid parking spaces

62(1) The CAO may cause a paid parking space to be temporarily closed for parking when necessary to accommodate

(a) Maintenance of underground structures under the street;

(b) Construction in the street;

(c) Street cleaning;

(d) Parades;

(e) Closures for which a Use of Streets Permit has been issued;

(f) and

(g) Other circumstances in which the temporary closure of parking is reasonable.

62(2) A paid parking space may be closed under this section by placing a sign prohibiting parking in that space.

LIFTING OF TIME-LIMIT RESTRICTIONS

Temporary lifting of time-limit restrictions

63(1) Upon application or on his or her own initiative, the COO may, in order to facilitate parking for a particular event, issue a written order that exempts all vehicles, other than large vehicles, from the restrictions in section 12 (parking time limits).

63(2) In deciding whether to issue an order under subsection (1), the COO must

(a) take into account the purposes for the parking time limit restrictions and the extent to which a temporary exemption would undermine those purposes; and

(b) weigh the importance of the purposes for the parking time limit restrictions against the benefits of a temporary exemption from them.

63(3) If there is an application fee for the permit, the COO may waive the fee if he or she considers it in the public interest to do so.

63(4) The order must specify

(a) the area, street, streets or portions of streets to which the exemption applies; and

(b) the day or days and the time or times during which the exemption applies.

63(5) The COO may cause the details of the exemption to be communicated to the public in any manner he or she considers appropriate.

REMOVAL OF VEHICLES

Removal of special purpose vehicle

64(1) If a special purpose vehicle is

(a) creating a hazardous condition in a street; or

(b) obstructing traffic otherwise than under the authority of a Use of Street Permit issued under the *Streets By-law*;

an enforcement officer authorized by the CAO to enforce this section may, by verbal or written order, require the operator of the vehicle to remove the vehicle.

64(2) If the operator of the vehicle cannot be readily located or does not immediately comply with an order made under subsection (1), an enforcement officer authorized by the CAO to enforce this section may cause the vehicle to be removed to a compound.

64(3) The owner of the vehicle is responsible for the fees payable for removing and storing the vehicle.

Removal of abandoned or derelict vehicles

65(1) If a vehicle on a street

(a) is parked in contravention of section 22 (parking of unregistered vehicle);

(b) is not in operating condition; or

(c) is wrecked, wholly or partly dismantled, wholly or partly stripped;

an enforcement officer may leave a notice on the vehicle (in addition to any penalty notice for a contravention of this by-law) requiring the vehicle to be removed from the street by a specified time that is at least 72 hours after the notice is left on the vehicle. The owner of the vehicle must ensure that the vehicle is removed from the street within specified time.

65(2) If the vehicle is not removed from the street before the time specified in the notice expires, the COO may

(a) cause the vehicle to be removed from the street; and

(b) cause the impoundment, storage, destruction or other disposition of the vehicle as he or she considers appropriate in the circumstances.

65(3) The costs incurred in towing, impounding, storing, destroying or disposing of the vehicle, as determined by the COO, are a debt owing to the City by the last owner of the vehicle and may be recovered as such in a court of competent jurisdiction.

NOTICES

Manner of giving notice

66(1) A notice or other document to be given or sent to a person under this by-law must be in writing and may be given or sent as follows:

(a) by personal delivery to the person;

(b) delivering it, or sending it by registered or ordinary mail, to the person's last known address, which may be an address indicated in the records of the Winnipeg Parking Authority or of the Registrar of Motor Vehicles;

(c) sending it by facsimile transmission, e-mail or another method of electronic communication to a number or address provided by the person for the receipt of such a notice.

66(2) A notice that is delivered or sent by registered mail to a person's address in accordance with clause (1)(b) is deemed to have been given to the person on the day it is delivered to that address.

66(3) A notice that is sent by ordinary mail to a person's address in accordance with clause (1)(b) is deemed to have been given to the person seven days after the day it is mailed.

66(4) A notice that is sent to a person in accordance with clause (1)(c) is deemed to have been given to the person on the first day after the day it was sent unless a written acknowledgment of receipt confirms receipt of the notice on the day it was sent.

66(5) For greater certainty, this section does not apply to the giving or delivery of a penalty notice or other document under the *Voluntary Payment of Fines By-law* or under *The Municipal By-law Enforcement Act*, or to a notice that, under this by-law, may be left on a vehicle.

OFFENCES AND ENFORCEMENT

Offence

67 A person who obstructs or interferes with, or attempts to obstruct or interfere with, an enforcement officer carrying out or attempting to carry out his or her responsibilities in the enforcement of this by-law is guilty of an offence.

Application of Municipal By-law Enforcement Act

68 When they come into force, *The Municipal By-law Enforcement Act* and the *Municipal By-law Enforcement Act (MBEA) Enabling By*-law apply to the enforcement of this by-law other than section 67.

APPEALS

Appeals

69 Where an order, decision or other matter is subject to appeal under *The City of Winnipeg Charter*, it may be appealed to the Standing Policy Committee on Innovation or such other appeal body designated for this purpose by Council.

PART 6
AMENDMENTS AND REPEALS

***Streets By-law* amended**

70(1) The *Streets By-law No. 1481/77* is amended by this section.

70(2) Section 1 is amended by repealing the definition "abandoned vehicle".

70(3) Sections 2.05, 2.06 and 2.07 are repealed.

70(4) Subclause 4.01.02(a) is amended by replacing "*Traffic By-law*" with "*Winnipeg Parking By-law*".

70(5) Subsection 4.01.04 is amended

(a) by replacing "*the Traffic By-law which*" with "*a City by-law that*"; and

(b) by replacing "*the Parking Meter By-law, the vehicle must still comply with that By-law*" with *"section 14 (paid parking) of the Winnipeg Parking By-law, the vehicle must still comply with that section*".

70(6) Schedule H is amended by deleting the rows for contraventions of sections 2.05 and 2.06.

Traffic By-law amended

71(1) The *Traffic By-law No. 1573/77* is amended by this section.

71(2) Subsection 2(2) is amended by repealing the definitions "disabled loading zone" and "loading zone".

71(3) Sections 20 to 28, 29 to 33 and 35 are repealed.

71(4) Section 28.1 is amended by striking out everything after "*along a boulevard*".

71(5) Schedules 10, 12, 13 and 14 are repealed.

Voluntary Payment of Fines By-law amended

72(1) If the Voluntary Payment of Fines By-law No. 789/74 has not been repealed by the time this By-law comes into force, then it is amended by this section.

72(2) Sections 2 and 3 are replaced with the following:

2(1) A parking tag must set out the following information:

(a) the description of the contravention set out in Schedule A;

(b) if the contravention relates to a plated vehicle, the plate number of that vehicle;

(c) if the contravention does not relate to a vehicle or is alleged to have been committed by someone other than the owner or operator of the vehicle, the name of the person alleged to be responsible for the contravention;

(d) the date and time of the contravention;

(e) any other facts the knowledge of which is necessary for an understanding of the circumstances of the contravention.

2(2) The parking tag may be attached to the vehicle to which the contravention relates or be handed or delivered to the owner or operator of the vehicle. If the contravention does not relate to a vehicle or is alleged to have been committed by someone other than the owner or operator of the vehicle, it must be handed or delivered to the person who is alleged to have committed the contravention.

3(1) Within 15 days after the parking tag for a contravention is attached to a vehicle or is handed or delivered to the owner or operator of the vehicle or to the person named in the parking tag (each of whom is referred to in this section as the "alleged offender"), the alleged offender may request the Chief Operating Officer of the Winnipeg Parking Authority to review the parking tag to determine

(a) whether the alleged contravention occurred;

(b) whether the parking tag contains the information required by The Summary Convictions Act to be included;

(c) whether the parking tag contains accurate information about the alleged contravention;

(d) whether for any other reason a recommendation should be made to stay the prosecution of the alleged contravention or to recommend that a justice should exercise his or her powers under section 7 of The Summary Convictions Act.

3(2) Within 15 days after the parking tag for a contravention is attached to a vehicle or is handed or delivered to the alleged offender, the alleged offender may pay the discounted fine for that contravention as set out in Schedule A. If a request for a review is made under subsection (1), the 15-day period within which to pay the discounted fine is extended by four days or the number of days required to complete the review and notify the alleged offender, whichever is less.

3(3) If

(a) the discounted fine for a contravention is paid within the 15-day period referred to in subsection (1), or any extension of that period by subsection (2); or

(b) the full fine for a contravention is paid at any time after the time allowed for paying the discounted fine;

there is to be no prosecution for that contravention under The Summary Convictions Act.

72(3) Schedule A is replaced with the Schedule B attached to this by-law.

Municipal By-law Enforcement Act (MBEA) Enabling By-law amended

73 Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law is replaced with Schedule C attached to this by-law.

By-laws repealed

74 The following by-laws are repealed:

(a) the *Disabled Persons Parking By-law No. 7171/98*;

(b) the *Winnipeg Parking Meter By-law No. 6547/95*.

PART 7
TRANSITIONAL PROVISIONS AND COMING INTO FORCE

Transitional — permits issued before this by-law

75 On the coming into force of this by-law, each permit that

(a) is listed in the first column of the following table; and

(b) was a valid unexpired permit immediately before the coming into force of this by-law;

continues to apply as if it were a permit listed in the second column opposite and issued under this by-law. It is subject to any conditions that apply to such a permit under this by-law, but also continues to be subject to any conditions imposed on that permit at the time it was issued.

Existing permit	**Continues as**
Parking Permit under Schedule F of the *Parking Meter By-law*	Paid Parking Permit under section 36
Stadium Event Zone Parking Permit under section 26.2 of the *Traffic By-law*	Stadium Event Zone Parking Permit under section 37
Residential Parking Permit under Schedule 10 of the *Traffic By-law*	Residential Parking Permit under section 40

Visitor's Residential Parking Permit under Schedule 10 of the *Traffic By-law*	Visitor's Residential Parking Permit under section 41
Contractor Parking Permit under Schedule 12 of the *Traffic By-law*	Contractor Parking Permit under section 38
Social Service Provider Parking Permit under Schedule 12 of the *Traffic By-law*	Social Service Provider Parking Permit under section 39
permit for a temporary exemption under Schedule 13 of the *Traffic By-law*	Temporary Time-limit Exemption Permit under section 44
Mobile Vendor's Parking Permit under Schedule 15 of the *Traffic By-law*	Mobile Vendor's Parking Permit under section 45

Transitional — reference to "penalty notice"

76(1) Despite the definition "penalty notice" in subsection 2(1), a reference in this by-law to a penalty notice is also deemed to be a reference to a notice issued under the *Voluntary Payment of Fines By-law* and referred to in that by-law as a parking tag.

76(2) This section is repealed on the day that section 68 (application of Municipal By-law Enforcement Act) comes into force.

Continuing application of Voluntary Payment of Fines By-law

77(1) If it has not been repealed by the time this by-law comes into force, the *Voluntary Payment of Fines By-law,* as it read immediately before that section came into force, continues to apply in respect of any contravention for which a parking tag was issued before the day section 72 came into force.

77(2) If it has not been repealed by the time this by-law comes into force, the *Voluntary Payment of Fines By-law*, as it read immediately before this by-law comes into force, continues to apply in respect of any contravention for which a parking tag was issued before the day that this by-law came into force.

Coming into force

78(1) Subject to subsection (2), this by-law comes into force on September 1, 2016.

78(2) If the *Municipal By-law Enforcement Act (MBEA) Enabling By-law* is not yet in force on September 1, 2016, section 68 (application of Municipal By-law Enforcement Act) and subsection 77(2) come into force on the day that such a by-law comes into force.

DONE AND PASSED, this day of , 2016.

_____
Mayor

_____
City Clerk

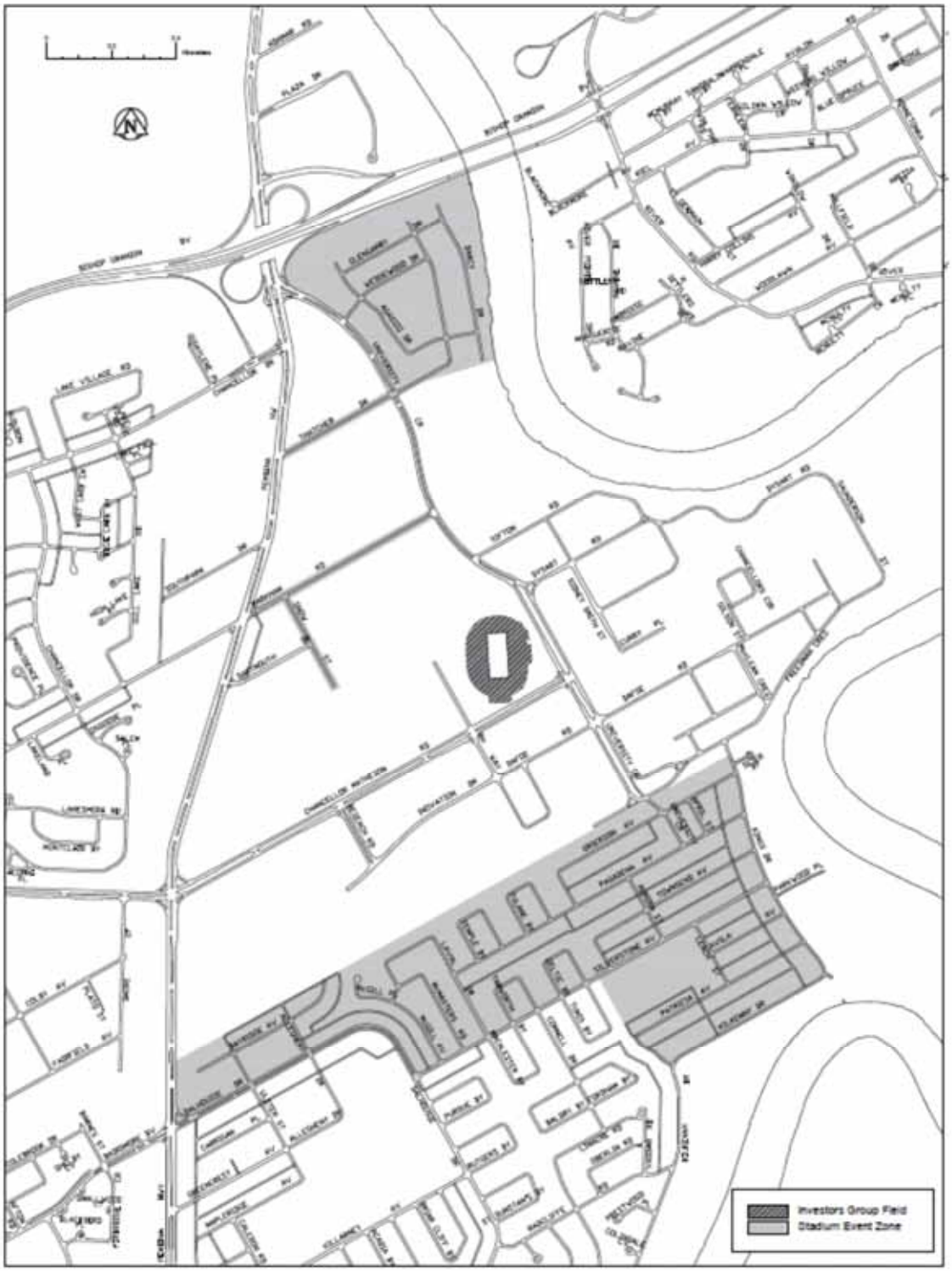
Approved as to content:

_____
Chief Operating Officer
Winnipeg Parking Authority

Approved as to form:

_____
For Director of Legal Services/City Solicitor

SCHEDULE A



SCHEDULE B TO THE WINNIPEG PARKING BY-LAW

This is Schedule A to the *Voluntary Payment of Fines By-law* No. 789/74

Fines for Parking and Related Offences

Winnipeg Parking By-law, By-Law No. ___/2016		Fine	
Provision	Contravention	Full Fine ($)	Discounted Fine ($)
s. 10	Stopping where stopping prohibited	70	35
s. 10	Stopping where stopping prohibited between 7:00 and 9:00 or between 15:30 and 17:30	100	50
s. 11(1)	Parking where parking prohibited	70	35
s. 11(2)	Parking in designated bus parking space	70	35
s. 12(1)	Parking beyond time limit (paid parking space)	70	35
s. 12(1)	Parking beyond time limit (free parking space)	70	35
s. 13(1)	Parking beyond time limit (one-hour limit)	70	35
s. 14(1)	Parking without payment or beyond time paid for	60	30
s. 15(1)	Parking where prohibited by temporary traffic control device	150	75
s. 16(1)(a)	Parking on sidewalk or where sidewalk crosses roadway	100	50
s. 16(1)(b)	Parking on bicycle path or pedestrian pathway or where it crosses roadway	100	50
s. 16(1)(c)	Parking on crosswalk or within 3 metres of crosswalk	70	35
s. 16(1)(d)	Parking within 3 metres of fire hydrant	100	50
s. 16(1)(e)	Parking on boulevard	70	35

DRAFT

Winnipeg Parking By-law, By-Law No. ___/2016		Fine	
Provision	Contravention	Full Fine ($)	Discounted Fine ($)
s. 16(1)(f)	Parking in intersection or within 3 metres of intersection	100	50
s. 16(1)(g)	Parking in front of driveway	70	35
s. 16(1)(h)	Parking in manner that obstructs or causes hazard	100	50
s. 16(1)(i)	Parking on roadway beside another vehicle	70	35
s. 16(1)(j)	Parking within 30 metres of railway crossing	70	35
s. 16(1)(k)	Parking within 9 metres of beacon, stop or arrêt sign or traffic control signal	70	35
s. 17(1)	Improper parking	70	35
s. 17(2)	Parking in wrong direction	70	35
s. 18	Parking on wrong side of roadway	70	35
s. 19(1)	Parking in designated parking space	300	150
s. 19(1)	Parking in disabled loading zone	300	150
s. 19(1)	Obstructing access to designated parking space or disabled loading zone	300	150
s. 19(2)	Displaying invalid form of permit in designated parking space or disabled loading zone	300	150
s. 20(1)	Parking in loading zone while not loading or unloading	70	35
s. 20(2)	Remaining overtime in loading zone	70	35
s. 21	Parking overtime in alley	70	35
s. 22(1)(a)	Parking or stopping advertising vehicle	70	35
s. 22(1)(b)	Parking or stopping vehicle displayed for sale	70	35
s. 22(1)(c)	Parking or stopping vehicle displaying goods for sale	70	35
s. 23	Parking unplated or unregistered vehicle	100	50
s. 24	Parking with electrical cord crossing street boundary	100	50
s. 25(1)(a)(ii)	Operating mobile food unit within 20 metres of entrance to retail food service establishment	300	150

DRAFT

Winnipeg Parking By-law, By-Law No. ___/2016		Fine	
Provision	Contravention	Full Fine ($)	Discounted Fine ($)
s. 25(1)(b)	Operating mobile vending unit without Mobile Vendor's Parking Permit	300	150
s. 25(1)(c)	Serving customer located on roadway	300	150
s. 25(1)(d)	Mobile vending unit obstructing traffic or posing risk	300	150
s. 25(1)(e)(i)	Operating mobile vending unit within 3 metres of entrance to a building	300	150
s. 25(1)(e)(ii)	Operating mobile vending unit within 20 metres of park entrance	300	150
s. 25(1)(e)(iii)	Operating mobile vending unit within 5 metres of intersection	300	150
s. 25(1)(e)(iv)	Operating mobile vending unit on street with speed limit greater than 60 km/h or within 20 meters of such street	300	150
s. 26	Parking or storing vehicle(s) on private property contrary to Rule __	100	50
s. 27	Washing vehicle on street	100	50
s. 28	Discharging waste material onto street	100	50
s. 29	Non-emergency repair of vehicle on street	100	50
s. 30(1)(a)	Removing, altering, obliterating or defacing mark placed on parked vehicle	100	50
s. 30(1)(b)	Depositing slug or other object in parking meter	300	150
s. 30(1)(c)	Removing penalty or other notice from vehicle	300	150
s. 30(2)	Displaying invalid form of permit	300	150
s. 31(1)	Providing false information in support of permit application	300	150
s. 32(2)	Failing to comply with condition or restriction of permit (other than mobile vendor's parking permit).	100	50
s. 32(2)	Failing to comply with condition or restriction of mobile vendor's parking permit	300	150
s. 34(3)	Displaying invalid form of physical permit	300	150

DRAFT

Winnipeg Parking By-law, By-Law No. ___/2016		Fine	
Provision	Contravention	Full Fine ($)	Discounted Fine ($)
s. 35(1)(a)	Unlawfully displaying permit in vehicle	300	150
s. 35(1)(b)	Owner allowing permit to be unlawfully displayed in vehicle	300	150
s. 64	Failing to remove abandoned or derelict vehicle	300	150

Fire Prevention By-law, By-Law No. 150/2004		Fine	
Provision	Contravention	Full Fine ($)	Discounted Fine ($)
50.1(2)(a)	Parking so as to obstruct access by Winnipeg Fire Paramedic Service vehicle	300	150
50.1(2)(b)	Parking in contravention of sign that prohibits parking that obstructs access by fire department vehicles	300	150

Winter Parking Ban By-law, By-Law No. 76/2011		Fine	
Provision	Contravention	Full Fine ($)	Discounted Fine ($)
4	Park/stop on snow route between 2:00 a.m. and 7:00 a.m. (Annual Snow Route Parking Ban, December to February)	100	50
5(2)	Park/stop on snow route between 12:00 midnight and 7:00 a.m. (Declared Snow Route Parking Ban)	100	50
6(3)	Park/stop in snow clearing zone when Residential Parking Ban applies to the zone	150	75

DRAFT

SCHEDULE C TO THE WINNIPEG PARKING BY-LAW

This is Schedule A to the *Municipal By-law Enforcement Act (MBEA) Enabling By-law*

The following are the by-law contraventions which may be dealt with by a penalty notice under *The Municipal By-law Enforcement Act*, as well as the administrative penalties for each contravention, and the discounted amount for each contravention referred to in Part 2 of the Bylaw:

Fines for Parking and Related Offences

Winnipeg Parking By-law, By-Law No. ___/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty ($)	Discounted Amount ($)
s. 10	Stopping where stopping prohibited	70	35
s. 10	Stopping where stopping prohibited between 7:00 and 9:00 or between 15:30 and 17:30	100	50
s. 11(1)	Parking where parking prohibited	70	35
s. 11(2)	Parking in designated bus parking space	70	35
s. 12(1)	Parking beyond time limit (paid parking space)	70	35
s. 12(1)	Parking beyond time limit (free parking space)	70	35
s. 13(1)	Parking beyond time limit (one-hour limit)	70	35
s. 14(1)	Parking without payment or beyond time paid for	60	30
s. 15(1)	Parking where prohibited by temporary traffic control device	150	75
s. 16(1)(a)	Parking on sidewalk or where sidewalk crosses roadway	100	50
s. 16(1)(b)	Parking on bicycle path or pedestrian pathway or where it crosses roadway		
s. 16(1)(c)	Parking on crosswalk or within 3 metres of crosswalk	70	35
s. 16(1)(d)	Parking within 3 metres of fire hydrant	100	50

DRAFT

Winnipeg Parking By-law, By-Law No. ___/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty ($)	Discounted Amount ($)
s. 16(1)(e)	Parking on boulevard	70	35
s. 16(1)(f)	Parking in intersection or within 3 metres of intersection	100	50
s. 16(1)(g)	Parking in front of driveway	70	35
s. 16(1)(h)	Parking in manner that obstructs or causes hazard	100	50
s. 16(1)(i)	Parking on roadway beside another vehicle	70	35
s. 16(1)(j)	Parking within 30 metres of railway crossing	70	35
s. 16(1)(k)	Parking within 9 metres of beacon, stop or arrêt sign or traffic control signal	70	35
s. 17(1)	Improper parking	70	35
s. 17(2)	Parking in wrong direction	70	35
s. 18	Parking on wrong side of roadway	70	35
s. 19(1)	Parking in designated parking space	300	150
s. 19(1)	Parking in disabled loading zone	300	150
s. 19(1)	Obstructing access to designated parking space or disabled loading zone	300	150
s. 19(2)	Displaying invalid form of permit in designated parking space or disabled loading zone	300	150
s. 20(1)	Parking in loading zone while not loading or unloading	70	35
s. 20(2)	Remaining overtime in loading zone	70	35
s. 21	Parking overtime in alley	70	35
s. 22(1)(a)	Parking or stopping advertising vehicle	70	35
s. 22(1)(b)	Parking or stopping vehicle displayed for sale	70	35
s. 22(1)(c)	Parking or stopping vehicle displaying goods for sale	70	35
s. 23	Parking unplated or unregistered vehicle	100	50

DRAFT

Winnipeg Parking By-law, By-Law No. ___/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty ($)	Discounted Amount ($)
s. 24	Parking with electrical cord crossing street boundary	100	50
s. 25(1)(a)(ii)	Operating mobile food unit within 20 metres of entrance to retail food service establishment	300	150
s. 25(1)(b)	Operating mobile vending unit without Mobile Vendor's Parking Permit	300	150
s. 25(1)(c)	Serving customer located on roadway	300	150
s. 25(1)(d)	Mobile vending unit obstructing traffic or posing risk	300	150
s. 25(1)(e)(i)	Operating mobile vending unit within 3 metres of entrance to a building	300	150
s. 25(1)(e)(ii)	Operating mobile vending unit within 20 metres of park entrance	300	150
s. 25(1)(e)(iii)	Operating mobile vending unit within 5 metres of intersection	300	150
s. 25(1)(e)(iv)	Operating mobile vending unit on street with speed limit greater than 60 km/h or within 20 meters of such street	300	150
s. 26	Parking or storing vehicle(s) on private property contrary to Rule __	100	50
s. 27	Washing vehicle on street	100	50
s. 28	Discharging waste material onto street	100	50
s. 29	Non-emergency repair of vehicle on street	100	50
s. 30(1)(a)	Removing, altering, obliterating or defacing mark placed on parked vehicle	100	50
s. 30(1)(b)	Depositing slug or other object in parking meter	300	150
s. 30(1)(c)	Removing penalty or other notice from vehicle	300	150
s. 30(2)	Displaying invalid form of permit	300	150
s. 31(1)	Providing false information in support of permit application	300	150

DRAFT

Winnipeg Parking By-law, By-Law No. ___/2016		Administrative Penalty	
Provision	Contravention	Administrative Penalty ($)	Discounted Amount ($)
s. 32(2)	Failing to comply with condition or restriction of permit (other than mobile vendor's parking permit).	100	50
s. 32(2)	Failing to comply with condition or restriction of mobile vendor's parking permit	300	150
s. 34(3)	Displaying invalid form of physical permit	300	150
s. 35(1)(a)	Unlawfully displaying permit in vehicle	300	150
s. 35(1)(b)	Owner allowing permit to be unlawfully displayed in vehicle	300	150
s. 64	Failing to remove abandoned or derelict vehicle	300	150

Fire Prevention By-law, By-Law No. 150/2004		Administrative Penalty	
Provision	Contravention	Administrative Penalty ($)	Discounted Amount ($)
50.1(2)(a)	Parking so as to obstruct access by Winnipeg Fire Paramedic Service vehicle	300	150
50.1(2)(b)	Parking in contravention of sign that prohibits parking that obstructs access by fire department vehicles	300	150

Winter Parking Ban By-law, By-Law No. 76/2011		Administrative Penalty	
Provision	Contravention	Administrative Penalty ($)	Discounted Amount ($)
4	Park/stop on snow route between 2:00 a.m. and 7:00 a.m. (Annual Snow Route Parking Ban, December to February)	100	50
5(2)	Park/stop on snow route between 12:00 midnight and 7:00 a.m. (Declared Snow Route Parking Ban)	100	50
6(3)	Park/stop in snow clearing zone when Residential Parking Ban applies to the zone	150	75

DRAFT