August 9/17

THE CITY OF WINNIPEG

BY-LAW NO. /2017

A By-law of THE CITY OF WINNIPEG to amend various by-laws in respect of parking offences and fines

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

Appendix A of Municipal By-law Enforcement Act (MBEA) Enabling By-law amended

1 Appendix A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 Is amended in the category of fines for the Winnipeg Parking By-law No. 86/2016

(a) by replacing the reference to "*s. 10*" in the first row with "*s. 10(1)*", and the reference to "*s. 10"* in the second row with "*s. 10(2)*"; and

(b) by adding the following after the row referring to s. 11(2):

s. 11(3)	*Stopped or parked in taxi loading area*	*70*	*35*

Winnipeg Parking By-law amended

2 The Winnipeg Parking By-law No. 86/2016 is amended by

(a) adding the following after subsection 9(2):

9(3) *For the purposes of subsections (1) and (2), "work on a street" refers to work being done within the street, including any structure forming part of the street, and does not refer to work being done on property adjacent to a street.*

(b) replacing section 10 with the following:

10(1) *No person may be stopped at a place where stopping is prohibited by a traffic control device other than the type of traffic control device referred to in subsection (2).*

10(2) *No person may be stopped at a place where stopping is prohibited by a traffic control device which prohibits stopping between the hours of 7:00 and 9:00, or between the hours of 15:30 and 17:30, or both.*

(c) Adding the following heading and section immediately after section 63:

PILOT PROJECTS

Council may institute pilot projects

DRAFT

63.1(1) *Despite any other provision of this By-law but subject to this section, Council may institute a pilot project in which enforcement officers will not enforce one or more provisions of this By-law or will do so in a manner less stringent than is contemplated by this By-law.*

63.1(2) *In order for a pilot project instituted under subsection (1) to be valid, the resolution instituting it must*

(a) Identify the provisions of this By-law whose enforcement is affected by the project;

(b) Specify the manner in which enforcement of those provisions shall take place;

(c) Specify the time period of the pilot project, which must not be in excess of one year; and

(d) Unless it applies to the entire city, clearly delineate the specific area or areas of the city to which the pilot project applies.

(d) replacing sections 64 and 65 with the following:

Authority to remove vehicles

64 *Subject to section 65, an enforcement officer with authority to issue penalty notices or tickets or otherwise to initiate prosecution for a contravention of this By-law has authority to move vehicles or cause them to be moved, or to take vehicles into his or her custody and cause them to be taken to and stored in a suitable place, pursuant to section 243 of* The Highway Traffic Act*.*

Abandoned vehicles

65(1) *Despite section 64, an enforcement officer must not take a vehicle into his or her custody and cause it to be taken to and stored in a suitable place pursuant to section 243 of* The Highway Traffic Act *on the basis that it is an apparently abandoned vehicle unless the vehicle is parked on the street and*

(a) meets one of the following conditions:

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

(ii) it is wrecked, wholly or partially dismantled, or wholly or partially stripped;

(iii) it appears not to have been moved for a period of 21 days or more; and

(b) an enforcement officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at

DRAFT

least 72 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time.

65(2) *The owner of a vehicle has contravened this By-law if his or her vehicle is parked on the street and*

(a) meets one of the following conditions:

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

(ii) it is wrecked, wholly or partially dismantled, or wholly or partially stripped;

(iii) it appears not to have been moved for a period of 21 days or more; and

(b) an enforcement officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at least 72 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time

.

DONE AND PASSED, this day of , 2017.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief Operating Officer
Winnipeg Parking Authority

Approved as to form:

_____

DRAFT

For Director of Legal Services and
City Solicitor

DRAFT