



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: September 20, 2022 **REPORT:** 22-128
FROM: Protective Services **FILE:** 4700
SUBJECT: PARKING AND TRAFFIC AMENDMENT BYLAW (COMMERCIAL VEHICLES) NO.
2363, 2022 REPORT

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate and Community Services be endorsed.

RECOMMENDATION(S)

That Council consider giving first, second and third readings to the “Parking and Traffic Amendment Bylaw (Commercial Vehicles) No. 2363, 2022.”

PURPOSE OF REPORT

This report presents the “Parking and Traffic Amendment Bylaw (Commercial Vehicles) No. 2363, 2022” (Proposed bylaw) for Council’s consideration. The Proposed bylaw will update the Parking and Traffic Bylaw 2177, 2018 (the Parking bylaw) with updates to commercial decal regulations and other definitions to add clarity. The Proposed bylaw also includes updates to the Bylaw Notice Enforcement Bylaw No. 2074, 2018 (the Enforcement bylaw) to allow bylaw notices to be issued for violations and to update fine amounts for a number of associated violations.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

The Parking bylaw has been amended three times since 2018. The Parking bylaw updates have included bicycle and skateboard restrictions on the Village stroll, electric vehicle charging rates, and the introduction of the 30km/h speed limit on municipal roadways change.

The Proposed bylaw will improve the parking regulations and definitions for improved enforceability. Bylaws are amended from time to time to make them easier for the public to understand, and staff recommend updates when they discover a bylaw is misunderstood by members of the community.

Key proposed changes to the Parking bylaw are as follows:

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- a. Adding definitions for 'Commercial parking decal' and 'Service parking decal'.
- b. Adding clarity regarding the eligibility criteria in the application and increased fees for Commercial and Service parking decals to reflect the current administration of the Commercial decal program.
- c. Updating the advertising and marketing vehicle parking prohibitions section of the Parking bylaw to provide for improved readability.
- d. Updating the Enforcement bylaw to align with the Parking and Traffic bylaw updates.

Commercial Decal Program

The commercial vehicle decal program allows for Commercial vehicles to apply to the Resort Municipality of Whistler (RMOW) for an annual decal to allow for increased parking options for the purpose of conducting business in Whistler.

The RMOW offers three types of Commercial parking decals:

1. Small Commercial vehicle decal for vehicles up to 20 feet in length
2. Oversized Commercial vehicle decal for vehicles over 20 feet in length
3. Service Commercial vehicle decal for vehicles up to 20 feet in length for contractors and trades related tasks.

Small Commercial vehicles:

- This decal allows a Commercial vehicle under 20 feet in length to park in the designated "Undersized" Municipal loading zones on Main Street (and in Municipal loading zones elsewhere in Whistler) for up to 30 minutes; the operator of the vehicle must be actively engaged in the delivery or collection of goods.
- This decal does not allow a Commercial vehicle to park in the Oversized Commercial Loading Zones on Main Street.

Oversized Commercial vehicle:

- This decal allows a Commercial vehicle over 20 feet in length to park in oversized" Municipal loading zones on Main Street (and in Municipal loading zones elsewhere in Whistler) for up to 30 minutes; the operator of the vehicle must be actively engaged in the delivery or collection of goods.

Service Commercial vehicle:

- This decal allows a Service vehicle to park in the designated "undersized" Municipal loading zones in various municipal commercial loading zones around Whistler (excluding those located on Main Street) for up to 30 minutes; the operator of the vehicle must be actively engaged in the collection or delivery of goods, wares, merchandise or tools/materials from a job site.
- This decal does not allow the Service vehicles to park in the Commercial Loading Zones on Main Street.
- If the owner or operator of a vehicle in this class wishes to park on Main Street, they will be required to park in the pay parking stalls and will not be permitted to park in the commercial

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loading zones. Parking on Main Street is free before 10 am.

Note that Commercial parking decals do not allow a Commercial vehicle to park in Fire Lanes, No Parking Zones, No Stopping Zones or to interfere with the normal flow of traffic; nor does a Commercial parking decal exempt Commercial vehicles from paying for parking at Municipal parking meters for paid parking spots.

More information on commercial parking and decals is available at:
<https://www.whistler.ca/services/transportation/parking/commercial-parking>

Analysis

Parking Bylaw Amendments

The Proposed bylaw adds a new definition for a Service parking decal so that it is easier to understand the difference between the Service parking decal and the standard Commercial parking decal.

The Commercial parking decal section is also updated to include confirmation of whether or not the vehicle meets the definition of Commercial vehicle.

There is a proposed increase in the processing fee for Commercial parking decals from \$30 to \$40 per vehicle up to a maximum processing fee of \$400 (10 vehicles). Commercial parking decals would remain free after ten Commercial parking decals for that business, as is the current process. This fee has not been updated since the Commercial Decal Program was created in the early 2000s.

The Proposed bylaw also updates the 'advertising and marketing on a road' section to clarify that the following activities are prohibited and constitute a violation under the Parking bylaw:

- displaying a sign or using the vehicle to advertise a business or service; or
- selling or distributing goods or providing a service, including selling flowers, fruit, vegetables or seafood.

Enforcement Bylaw Amendments

The Proposed bylaw includes associated changes to the Enforcement bylaw to allow bylaw notices to be issued for related violations, and to update fine amounts for a number of associated violations.

Staff reviewed which bylaw notice amounts should increase due to enforcement issues or concerns about a lack of incentive to comply with the Parking bylaw. As a result, staff recommend raising some of these bylaw notices to ensure the bylaw notice is sufficient to reliably gain compliance with the bylaw regulations. For reference, parking fines for private parking lots such as Marketplace in Whistler generally start at \$55 and escalate after a certain amount of time.

Key changes proposed for the Enforcement Bylaw are as follows:

1. There will be a slight increase in the most common parking violation, "Licence Plate not in the system," from \$35 to \$40 (initial fine) and from \$70 to \$80 for the maximum amount.

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2. Violation amounts will increase such as parking in an accessible stall without a permit (from \$140 to \$150 (initial fine) and from \$140 to \$300 for the maximum amount) or parking in a taxi stand (from \$35 to \$100 (initial fine) and from \$70 to \$200 for the maximum amount) to encourage compliance with the bylaw.
3. Finally, the bylaw notices for illegal advertising from a vehicle (such as selling goods directly from a vehicle) will be added (\$100 for the initial fine and \$200 for the maximum amount).

POLICY CONSIDERATIONS

Corporate Plan

The RMOW Corporate Plan is updated annually and provides strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

Not Applicable

Other Policy Considerations

The Whistler Accessibility Action Plan ensures the RMOW meets the requirements of the *Accessible British Columbia Act*, which came into effect September 1, 2022. The increase in fines for parking in an accessible stall without a permit, supports access to accessible parking for those who need those spaces.

BUDGET CONSIDERATIONS

Legal fees for bylaw updates are included in the 2022 budget. Parking fine revenue is received as general revenue to the RMOW and is currently expected to generate approximately \$400,000 in revenue in 2022. The fee increase for the commercial decals and parking fines is estimated to generate ~\$80,000 in incremental revenue in 2023.

LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

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The RMOW is committed to working with the Líl'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

Comment(s):

Community engagement is not required or legislated by the *Community Charter* for these bylaw updates.

REFERENCES

"Parking and Traffic Amendment Bylaw (Commercial Vehicles) No. 2363, 2022" (included in Council Package)

SUMMARY

This report presents the Proposed bylaw to update the Parking and Enforcement bylaws for consideration of first three readings. The Proposed bylaw includes updates to make the Parking bylaw easier to understand and updates to the Enforcement bylaw to allow for increased bylaw notices (fines) to ensure compliance with the Parking bylaw.

SIGN-OFFS

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