

**City of Chilliwack**

**Bylaw No. 2915**

**A bylaw to Regulate the Use of Parking Areas at Municipal Facilities**

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WHEREAS Section 518.1 of the *Local Government Act* authorizes Council, by bylaw, to regulate and prohibit activities in relation to municipal services;

AND WHEREAS the City provides recreational, social, entertainment and cultural services at facilities located throughout the territorial area of the City and such facilities include motor vehicle parking areas which are open to public use for the purpose of enhancing access to the City's services;

AND WHEREAS Section 124(1)(g) and (h) of the *Motor Vehicle Act* authorizes Council, by bylaw, to provide for the removal, detention or impounding of vehicles unlawfully occupying a portion of a highway or public place and for the imposition and recovery of fees, costs and expenses for that purpose;

NOW THEREFORE the Council of the City of Chilliwack, in open meeting assembled, enacts as follows:

**CITATION**

1. This bylaw may be cited as "**Municipal Facilities Parking Bylaw 2003, No. 2915**".

**DEFINITIONS**

2. In this Bylaw

“motor vehicle” means a vehicle, not run on rails, that is designed to be self-propelled;

“municipal facility” means every parcel of land which is owned or controlled by the City of Chilliwack and which is used to provide City recreation, social, entertainment or cultural services; and

“park” means the standing of a motor vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading.

**PROHIBITION**

3. No person shall park a motor vehicle in any area that is made available within a municipal facility for public motor vehicle parking, except while the occupants of the motor vehicle are participating in the City services that are provided at that municipal facility and as indicated by traffic control devices designated as controlling that parking stall.

**REMOVAL, DETENTION AND IMPOUNDMENT**

4. Any bylaw enforcement officer, traffic warden or towing contractor engaged by the City, and any peace officer, may remove, detain and impound any motor vehicle which is parked in contravention of this bylaw.

**FEES, COSTS AND EXPENSES**

5. Any person whose motor vehicle is removed, detained or impounded pursuant to this bylaw may recover the motor vehicle upon payment of the following amounts to the City or the City’s agent:
  - (1) a removal fee of \$100.00; and
  - (2) an impoundment charge of \$40.00 for each day or partial day that a motor vehicle is impounded.
6. Thirty days after a motor vehicle has been impounded under this bylaw, the amounts imposed under Section 5 may be recovered by sale of the motor vehicle at auction, or by action in a court of competent jurisdiction.

**OFFENCE AND PENALTY**

7. Any person who:
  - (1) parks a motor vehicle in a manner contrary to Section 3 of this bylaw; or
  - (2) obstructs any person who is acting under Section 4 of this bylaw;commits an offence and is liable on conviction to a fine not exceeding \$1000.00..

**SEVERABILITY**

8. If any section, subsection, clause or phrase of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed section, subsection, clause or phrase.

Received first reading on the 16<sup>th</sup> day of June, 2003.

Received second reading on the 16<sup>th</sup> day of June, 2003.

Received third reading on the 16<sup>th</sup> day of June, 2003.

Reconsidered, finally passed and adopted on the 7<sup>th</sup> day of July, 2003.

“Clint Hames”

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Mayor

“Peter D. Monteith”

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Clerk