

**RESORT MUNICIPALITY OF WHISTLER**  
**PARKING AND TRAFFIC BYLAW NO. 2177, 2018**

A bylaw to regulate, control and prohibit parking and traffic on a highway and public places and to provide for the removal, detention and impounding of vehicles and chattels unlawfully occupying a highway.

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**WHEREAS** the Council of the Resort Municipality of Whistler wishes to exercise its authority to regulate the use of highways and public places pursuant to the *Community Charter* and the *Motor Vehicle Act*;

**AND WHEREAS** the Council of the Resort Municipality of Whistler deems it expedient to provide for the regulation of traffic and parking on highways and public places within the Resort Municipality of Whistler;

**NOW THEREFORE**, at open meeting assembled, the Council of the Resort Municipality of Whistler enacts as follows:

**1.0 Citation**

1.1 This bylaw may be cited for all purposes as “Parking and Traffic Bylaw No. 2177, 2018”.

**2.0 Previous Bylaw Repeal**

2.1 Parking and Traffic Bylaw No. 1512, 2001 is hereby repealed.

**3.0 Interpretation**

3.1 Words in this bylaw have the same meaning as defined in the *Motor Vehicle Act*, as amended from time to time, unless otherwise defined in this bylaw.

**4.0 Definitions**

4.1 In this bylaw:

“**Angle Parking**” means the parking of a vehicle other than parallel to the curb lines or the lateral lines of a roadway;

“**Bylaw Enforcement Officer**” means:

- (a) a person employed as a bylaw enforcement officer or parking enforcement officer by the Municipality; or
- (b) a member of the Royal Canadian Mounted Police;

“**Commercial parking decal**” means a decal issued by the Municipality under section 12.4;

“**Commercial vehicle**” means:

- (a) every vehicle defined as a commercial vehicle in section 1 of the *Commercial Transport Act*, as amended from time to time;

- (b) every vehicle used for the collection, delivery or transportation of goods or passengers in the course of a business; or
- (c) every tradesperson's vehicle and every other vehicle which displays a commercial parking decal issued under section 12.4 of this bylaw;

**“Council”** means the municipal council of the Resort Municipality of Whistler;

**“Coupon dispenser”** means an automatic meter that dispenses coupons specifying a permitted period of time for which a vehicle may be parked at a location at which the purchase of a coupon is required;

**“Driveway”** means the portion of the boulevard specifically designated and improved to provide vehicular access at a particular point to a parcel of land and the portion of a parcel of land specifically designated and improved to provide vehicular access to a highway;

**"Fire lane"** means that portion of a highway designated as such by a traffic control device and reserved for unobstructed access by Fire Department emergency vehicles;

**“Fire zone”** means that portion of a highway which is contained within the projected extensions of the lateral boundaries of every parcel of land upon which any fire hall or fire station is constructed and in which any equipment for use in fighting fire or other emergency uses is held, stored or maintained by the Municipality;

**“Highway”** includes:

- (a) every highway within the meaning of the *Transportation Act*, including every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles; and
- (b) every place or passageway to which the public, for the purpose of parking or servicing of vehicles, has access or is invited, but does not include an industrial road;

**“Idle”** means the operation of the engine of a vehicle while the vehicle is not in motion;

**"Loading zone"** means that portion of a highway designated as such by a traffic control device and reserved for the exclusive use of loading or unloading of commercial vehicles;

**“Municipality”** means the Resort Municipality of Whistler;

**“Municipal Engineer”** means the person appointed as the Municipality's General Manager of Infrastructure Services from time to time by resolution of Council;

**“Person”** as applied with regard to a vehicle includes the person operating the vehicle, the person who holds the legal title to the vehicle, a person who is a conditional vendee, a lessee, or a mortgagor, and is entitled to be and is in possession of the vehicle, and the person in whose name the vehicle is registered;

**“Recreation vehicle”** means a motor vehicle or a vehicle towed by a motor vehicle, that provides living accommodation, and includes a travel trailer, tent trailer, camper, camperized vehicle, and motor home;

**"Stop"** or **"stand"** means:

- (a) when required, a complete cessation from movement; and
- (b) when prohibited, the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a Bylaw Enforcement Officer or traffic control device;

**“Valley Trail”** means a paved or unpaved Type I or Type II recreational path as defined by the current edition of “Whistler Trail Standards” published by the Municipality from time to time, for pedestrian, non-motorized bicycles and wheeled mobility aid use;

**“Village Stroll”** means the area for the exclusive use of pedestrians as a pedestrian stroll in Whistler Village and the Upper Village as shown in Schedule “C”.

## **5.0 Application**

5.1 The provisions of this bylaw do not apply to:

- (a) a fire, police or emergency vehicle; or
- (b) a Bylaw Enforcement Officer engaged in the performance of his or her duties on behalf of the Municipality.

5.2 The provisions of this bylaw relating to the stopping, standing or parking of vehicles do not apply to the stopping, standing or parking of vehicles by:

- (a) the driver of a vehicle owned, leased or otherwise under the control of the Government of Canada, the Province of British Columbia, a municipality or a public utility, while the driver is engaged in works that require him or her to stop, stand or park the vehicle; or
- (b) the driver of a vehicle designed for towing other vehicles, while the vehicle designed for towing is stopped, standing or parked for that purpose, and with amber warning lights activated.

5.3 A person exercising a privilege conferred by sections 5.1 or 5.2 must exercise that privilege with due regard and safety and in a manner that obstructs traffic as little as possible.

## **6.0 Powers of the Municipal Engineer**

- 6.1 The Municipal Engineer is authorized to do the following, and to make orders providing for the following, for the purpose of exercising the powers of the Municipality under this bylaw, subject to the terms and conditions prescribed in this bylaw:
- (a) place or erect, or cause to be placed or erected, traffic control devices to give effect to the *Motor Vehicle Act*, this bylaw or an order under this section;
  - (b) regulate, control or prohibit the stopping, standing or parking of vehicles on a highway;
  - (c) direct a person to place or erect traffic control devices prohibiting parking:
    - i. at the entrance to places of public assembly when the assembly is taking place;
    - ii. upon either or both sides of any highway or portion thereof along the route of any parade or in the vicinity of larger gatherings;
    - iii. at any location where, upon special circumstances it is deemed necessary to facilitate or safeguard traffic; or
    - iv. in front of any building, structures or roadworks under construction, alteration, repair or demolition;
  - (d) designate a portion of a highway as:
    - i. a bus stop zone;
    - ii. a loading zone;
    - iii. a fire lane;
    - iv. a bike lane; or
    - v. a pedestrian path;
  - (e) designate portions of highways for parking zones for persons with disabilities, including providing for a system of permits for those parking zones;
  - (f) the setting apart and allotting of portions of highways adjacent to federal, provincial or municipal public buildings for the exclusive use of officials and officers engaged in them for the parking of vehicles, and the regulation of that parking;
  - (g) erect, maintain and operate on a highway or portion of it automatic or other mechanical coupon dispensers for the purpose of allotting and controlling parking spaces for vehicles, and measuring and recording the duration of parking, and requiring the driver of every vehicle parked in a parking space

to deposit in the appropriate meter a fee for parking in the manner and at the rate prescribed and as measured by the meter;

- (h) erect traffic control devices indicating that people or equipment are working on the highway that on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out;
- (i) erect traffic control devices regulating or prohibiting traffic in the vicinity of a highway where construction, reconstruction, widening, repair, marking or other work is being carried out;
- (j) establish school crossings in the Municipality; and
- (k) establish taxi stands in the Municipality for the exclusive use of taxis;

## **7.0 Temporary Traffic Control Devices**

7.1 A Bylaw Enforcement Officer or the Municipal Engineer may:

- (a) place temporary traffic control devices; and
- (b) divert or restrict traffic;

for the purpose of protecting public safety, facilitating an emergency response, or enabling work to be done on a highway.

## **8.0 Stopping, Standing and Parking Vehicles**

8.1 No person may stop, stand or park a vehicle:

- (a) within 5 metres of a fire hydrant, measured from a point in the curb or edge of the roadway which is closest to the fire hydrant;
- (b) in a fire lane, except as permitted by a traffic control device;
- (c) in a fire zone;
- (d) on a sidewalk, boulevard, shoulder or any place reserved for pedestrians except where specifically designed as a parking zone;
- (e) so as to block a driveway;
- (f) in or within 6 metres of an intersection, except as permitted by a traffic control device;
- (g) within 6 metres of the approach to a flashing beacon, yield sign or stop sign located at the side of a roadway;

- (h) on a highway in contravention of a traffic control device which gives notice that standing, stopping or parking there is restricted or prohibited;
- (i) within 15 metres of the nearest railway crossing;
- (j) at any time on that side of the highway assigned odd building numbers in the Municipality's building numbering bylaw, unless permitted by a traffic control device;
- (k) between the hours of 9 a.m. to 5 p.m. on Monday to Friday, except for statutory holidays, from November 1st of each year to March 31st of the succeeding year, on that side of any highway assigned even building numbers in the Municipality's building numbering bylaw, unless permitted by a traffic control device;
- (l) on a crosswalk or within 6 metres of the approach side of a crosswalk;
- (m) on a school crossing or within 6 metres of the approach side of a school crossing;
- (n) alongside or opposite a street excavation or other obstruction when stopping, standing or parking obstructs traffic;
- (o) on a highway for the purpose of or in a manner that is amenable to:
  - i. displaying a vehicle for sale;
  - ii. advertising, greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency;
  - iii. displaying signs; or
  - iv. selling flowers, fruit, vegetables, sea foods or other commodities or articles;
- (p) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
- (q) on a bridge or other elevated structure on a highway, except as permitted by a traffic control device;
- (r) within 20 metres of a bus stop;
- (s) on a bike lane, pedestrian walkway, the Village Stroll or the Valley Trail;
- (t) in any highway in such a manner or under such conditions so as to:

- i. cause the width of the travelled portion of such highway available for the free movement of vehicular traffic to be less than 6 metres; or
  - ii. obstruct traffic into or out of any driveway or private road or garage adjoining such highway;
- (u) in any cul-de-sac unless expressly permitted by a traffic control device;
- (v) in an area reserved for government officials or officers, unless the person is the intended beneficiary of the reservation;
- (w) on a highway other than parallel with the curb or edge of the roadway and in the direction of travel, unless the highway is designated for angle parking, and where there is a curb, not further than 30 centimetres from that curb as measured from the nearest wheel;
- (x) on a highway designated for angle parking other than at 45 degrees to the curb or edge of the roadway, or other such angle as indicated by a traffic control device, and in the direction of travel, and where there is a curb, not further than 30 centimetres from that curb as measured from the nearest wheel;
- (y) on a highway where parking stalls have been designated other than wholly within the designated parking stall;
- (z) at a time or for a length of time in contravention of an applicable traffic control device on a highway where traffic control devices indicate the length of time or the time of day for which parking is allowed;
- (aa) on any portion of a highway where traffic control devices indicate the length of time allowed for parking and the requirement to register a licence plate number, or where a licence plate number was registered for a period of time and has since expired;
- (bb) on any portion of a highway where traffic control devices indicate the length of time allowed for parking and the requirement to purchase a coupon from a coupon dispenser and to conspicuously display such coupon, imprinted side up, on the vehicle dashboard, or where a coupon was purchased for a period of time and has since expired;
- (cc) without a valid monthly parking permit on any portion of a highway where traffic control devices indicate that a monthly parking permit is required;
- (dd) upon any highway for a continuous period exceeding 72 hours;

- (ee) on a highway or public place between 9 pm and 6 am if the vehicle or the vehicle together with the trailer attached to the vehicle has a licenced gross vehicle weight that exceeds 5,500 kgs or exceeds 8.5 metres in length;
- (ff) in a parking zone for persons with disabilities zone unless the vehicle displays a valid permit issued under Division 38 of the *Motor Vehicle Act Regulations* or issued under this bylaw;
- (gg) on any highway or public place without proper or valid insurance displayed;
- (hh) on any highway or public place without proper or valid number plates displayed;
- (ii) adjacent to a curb that is painted yellow;
- (jj) so as to obstruct or interfere with the normal passage of vehicular or pedestrian traffic;
- (kk) on any portion of a highway for which a sign or traffic control device indicates that the portion of the highway is:
  - i. being used for construction, reconstruction, maintenance or repair of the roadway, sidewalk or public utility works; or
  - ii. the location of scheduled removal of snow, ice, leaves, dirt or other debris;
- (ll) in front of a barricade used to block off a roadway or access to a roadway;
- (mm) in municipal parks, except in areas designated for parking;
- (nn) on a portion of a highway designated as a taxi stand, unless the vehicle is a taxi licensed for operation within the Municipality;
- (oo) in a loading zone except as permitted by section 12.3 of this bylaw; or
- (pp) with the vehicle engine idling for a period longer than 1 minute, unless the motor vehicle:
  - i. is idling while passengers are actively embarking or disembarking;
  - ii. is idling in lanes of traffic because of traffic congestion, an emergency, or mechanical difficulties;
  - iii. is an emergency vehicle;
  - iv. is an armoured vehicle involved in the secure delivery or pick up of goods;

- v. is engaged in a parade or race authorized by the Municipality;
- vi. is engaged in a mechanical test or maintenance procedure for which idling is required;
- vii. must remain idling so as to power equipment or tools ancillary to the motor vehicle, and such equipment is in use; or
- viii. must remain idling so as to power a heating or refrigeration system for the preservation of perishable cargo.

8.2 No person shall:

- (a) disobey a traffic control device placed under this bylaw;
- (b) operate a prohibited type of vehicle on a portion of a highway designated for a particular type of vehicle or exclusively for pedestrian use;
- (c) disobey the direction of a crossing guard at a school crossing;
- (d) place or leave any chattel, structure or other thing on a highway except as authorized by this bylaw or another enactment;
- (e) abandon a vehicle on a highway;
- (f) leave an inoperable vehicle on a highway; or
- (g) leave on or in a vehicle on a highway any substance that could attract a bear, cougar, coyote or wolf, including but not limited to food products, domestic landfill waste or garbage, pet food, seed, restaurant grease, game meat, or glass or metal ware or other item containing food or food residue.

8.3 If a crossing guard enters the roadway at a school crossing, the operator of a vehicle approaching the school crossing must come to a complete stop and remain stopped until all pedestrians and the crossing guard have left the roadway.

**9.0 Trailers**

9.1 No person shall park or place a trailer designed for occupancy by individuals or for the carriage of goods and merchandise on any highway, or any portion of a public parking lot operated by the Municipality, unless the trailer is attached to a motor vehicle mechanically capable of towing the trailer.

**10.0 Occupation of Vehicles and Trailers**

10.1 No person shall:

- (a) occupy a motor vehicle, recreation vehicle, or trailer as temporary or permanent living quarters;

- (b) stabilize, secure or otherwise prevent a motor vehicle, recreation vehicle, or trailer from movement, including the use of jacks, blocks, bricks or other material;
- (c) operate, use, deploy, or open extendable parts known as “push outs” or “slide outs” on a motor vehicle, recreation vehicle, or trailer; or
- (d) sleep in a motor vehicle, recreation vehicle, or trailer;

while it is parked upon any highway or in any portion of a parking lot owned or operated by the Municipality.

10.2 The Municipal Engineer, Supervisor of Bylaw Services or their designate may temporarily exempt certain persons from section 10.1 for the purpose of facilitating a municipally sanctioned special event.

### **11.0 Traffic Notices**

11.1 No person other than the owner or driver of a vehicle may remove any notice placed or affixed on the vehicle by a Bylaw Enforcement Officer in the course of their duty.

11.2 No person shall cause or permit a vehicle to move from one location to another location on the same street immediately after that person has exhausted the time limit for parking on that street.

11.3 No person shall deliberately erase a chalk mark from a tire marked by a Bylaw Enforcement Officer or remove any other object or device used by the Bylaw Enforcement Officer in the course of their duties.

11.4 No person may deliberately cover, conceal or hide a vehicle number plate, or park in such a manner to cover, conceal or hide a vehicle number plate while parked on a highway or any portion of a public parking lot operated by the Municipality.

### **12.0 Commercial Vehicles**

12.1 No person shall park a commercial vehicle with a licenced gross vehicle weight in excess of 5,500kg on any highway in the Municipality, except as permitted by sections 12.2 and 12.3 of this bylaw.

12.2 A commercial vehicle is exempt from section 12.1 of this bylaw if the commercial vehicle is:

- (a) displaying a commercial vehicle decal and is being used to provide a tradesperson’s service or other commercial service to land adjacent to the highway where the vehicle is parked; or
- (b) providing a moving service on land adjacent to the highway where the vehicle is parked;

provided that the commercial vehicle is moved by its operator immediately at the request of a Bylaw Enforcement Officer

- 12.3 A commercial vehicle displaying a commercial vehicle decal may be parked for a maximum of 30 minutes in an area designated by a traffic control device as a “loading zone”, if the operator is engaged in loading or unloading of materials, provided that the commercial vehicle is moved by its operator immediately at the request of a Bylaw Enforcement Officer.
- 12.4 A person may obtain a commercial vehicle decal for one or more vehicles owned by that person and used as part of a business by completing an application in the form prescribed by the Municipal Engineer and providing to the Municipality:
- (a) the licence plate, make and model of each vehicle;
  - (b) proof of a valid commercial use vehicle insurance policy that covers each vehicle;
  - (c) proof of a valid municipal business licence;
  - (d) full payment of all unpaid fines imposed in relation to the use of each vehicle in contravention of this Bylaw; and
  - (e) payment of a \$30.00 processing fee.
- 12.5 A commercial vehicle decal is valid only for the calendar year in which it is issued.

### **13.0 Impoundment of Vehicles and Chattels**

- 13.1 The Municipal Engineer, Roads Supervisor, a lead hand, a Bylaw Supervisor, a Bylaw Enforcement Officer or a Parking Officer may remove and impound, or cause to be removed and impounded:
- (a) any vehicle that is placed, parked, stopped or standing in violation of this bylaw; and
  - (b) any chattel, structure or other thing that is unlawfully occupying a portion of a highway.
- 13.2 Despite section 13.1(b), the Municipal Engineer, Roads Supervisor, a lead hand, a Bylaw Supervisor, a Bylaw Enforcement Officer or a Parking Officer may dispose of any chattel or structure or thing that appears to have been discarded or abandoned as worthless on a highway.
- 13.3 The owner of a vehicle impounded under this bylaw shall, within 30 days of the vehicle’s impoundment, pay to the Municipality or an authorized agent of the Municipality:
- (a) the Towing Fee calculated using the Towing Fee Table;
  - (b) the Impound Fee; and
  - (c) the Administration Fee;

as set out in Schedule "A".

- 13.4 An owner of a vehicle may not reclaim a vehicle impounded under this bylaw until all fees imposed under section 13.3 have been paid.
- 13.5 The Municipality shall, at least 2 weeks prior to offering a vehicle at auction under section 13.6 or disposing of a vehicle under section 13.7(b), send by regular mail written notice of an intention to dispose of the vehicle to:
- (a) the person registered with the Insurance Corporation of British Columbia as the owner of the vehicle; and
  - (b) any person who has a security interest in the vehicle where a financing statement with respect to the security interest is registered at the date of the impoundment.
- 13.6 If a vehicle impounded under this bylaw is not reclaimed within 30 days, the Municipality may offer the vehicle for sale at auction and credit the proceeds of any sale against the following in the indicated order:
- (a) the fees imposed under section 13.3;
  - (b) the Auction Fee set out in Schedule "A" payable to the Municipality; and
  - (c) the surplus payable to the owner of the vehicle upon the owner's demand.
- 13.7 If a vehicle impounded under this bylaw:
- (a) does not sell at auction; or
  - (b) has a market value that a Bylaw Enforcement Officer reasonably determines is less than the fees payable by the owner under this bylaw;
- the Municipality may dispose of the vehicle and credit any proceeds from salvage towards the fees imposed under section 13.3 and, if the vehicle did not sell at auction, the Auction Fee set out in Schedule "A" that is payable to the Municipality.
- 13.8 If the Municipality impounds a thing under this bylaw other than a vehicle, then the owner of the thing must pay the Impound Fee set out in Schedule "A" within 14 days of the thing's impoundment.
- 13.9 An owner may not reclaim a thing impounded under this bylaw until all fees imposed under section 13.8 have been paid.
- 13.10 If the owner of a thing fails to pay the Impound Fee imposed by section 13.8 in the time required, the Municipality may seek recovery of those fees by selling the thing using whichever process a Bylaw Enforcement Officer considers appropriate once the Bylaw

Enforcement Officer has made reasonable efforts to notify the owner of the thing, if known, of the impending sale.

**14.0 Vehicle repairs**

No person shall make any repairs to a vehicle while it is upon any highway, other than such temporary repair as is necessary for the removal of such vehicle from the highway.

**15.0 Removal of wrecked or damaged vehicles**

Every person who removes a wrecked or damaged vehicle from the scene of an accident on a highway shall remove all glass and other debris caused by the accident from the highway.

**16.0 Altering traffic control device**

No person shall remove, mark, imprint on, or in any manner whatsoever deface, damage or interfere with any traffic control device erected or placed under the provisions of this bylaw.

**17.0 Requirement to state name and address**

When requested by a Bylaw Enforcement Officer the driver or operator of a vehicle, or the person in charge of a vehicle on a highway, shall correctly state his or her name and address and the name and address of the owner of the vehicle.

**18.0 Lower Speed Limit on Designated Highways**

No person shall drive or operate a motor vehicle on any of those highways or portions of highways shown in grey on Schedule "B" at a greater rate of speed than 30 km/h. For clarity and in accordance with section 146(9) of the *Motor Vehicle Act* a person who contravenes this Section does not commit an offence against this bylaw but may contravene section 146(7) of the *Motor Vehicle Act*.

**19.0 Obstruct Bylaw Enforcement Officer**

19.1 Every person shall comply with an order, direction, signal or command made or given by a Bylaw Enforcement Officer under this bylaw.

19.2 No person may refuse to comply with the lawful direction of any Bylaw Enforcement Officer or otherwise hinder, delay or obstruct in any manner, directly or indirectly, a Bylaw Enforcement Officer carrying out duties in accordance with this bylaw.

**20.0 Penalties**

Any person who contravenes this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw commits an offence and, upon summary conviction, shall be liable to a penalty of not less than \$100 and not more than the maximum penalty provided under the *Offence Act*, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

**21.0 Severability**

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

**22.0 Schedules**

Schedules "A", "B" and "C" are attached to and form part of this bylaw.

GIVEN FIRST AND SECOND READINGS this 14th day of August, 2018.

GIVEN THIRD READING this 4th day of September, 2018.

ADOPTED BY THE COUNCIL this 18th day of September, 2018.

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Nancy Wilhelm-Morden,  
Mayor

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Brooke Browning,  
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of  
the "Parking and Traffic Bylaw No. 2177, 2018".

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Municipal Clerk, B. Browning

Schedule "A"

Towing Fee Table					
Item	Distance	Weight of Vehicle			
	Column 1	Column 2 Up to 2 999 kg Gross Vehicle Weight	Column 3 3 000 kg to 6 300 kg Gross Vehicle Weight	Column 4 6 301 kg to 9 072 kg Gross Vehicle Weight	Column 5 9 073 kg Gross Vehicle Weight and over
1	Up to 6.0 km	\$88.65	\$93.61	\$148.40	\$197.37
2	6.1 km to 16.0 km, add per km	\$3.02	\$3.50	\$4.25	\$8.96
3	16.1 km to 32.0 km, add per km	\$2.55	\$3.19	\$3.60	\$7.68

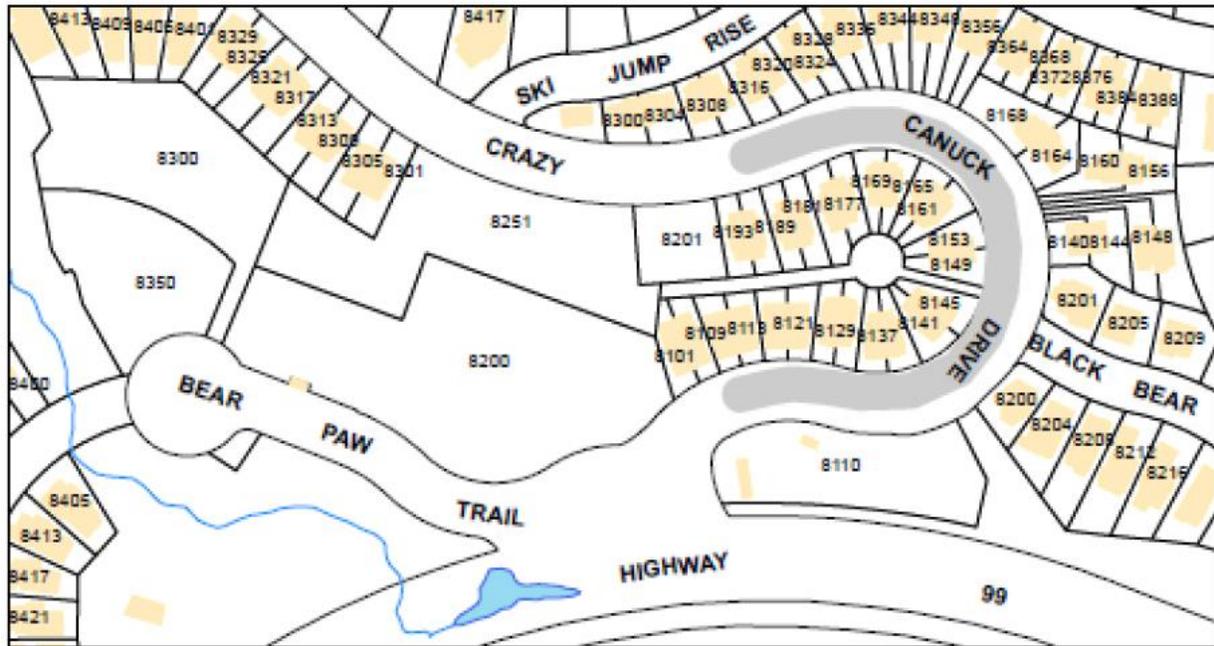
**Impound Fee:** \$19.75 per day or part thereof.

**Administration Fee:** \$34.43 for a claimed vehicle, and \$68.85 for an unclaimed vehicle.

**Auction Fee:** \$100.00

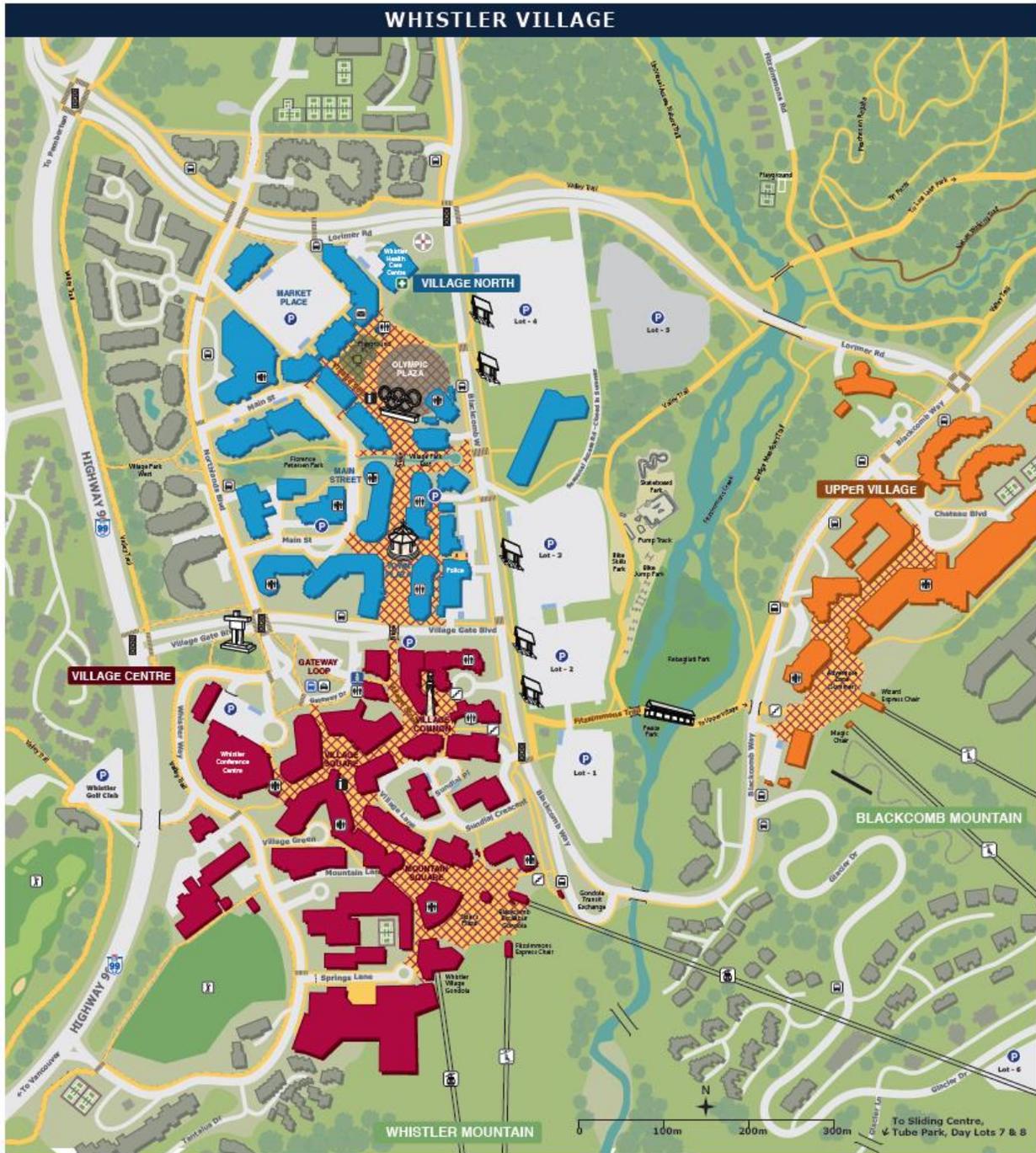


Rainbow



— 30 KM/H Speed Limit Designated Highway

# Schedule "C" - Village Stroll Map



 Village Stroll