

PROPOSED

TT2020-0923
ATTACHMENT 3

BYLAW NUMBER 45M2020

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 26M96, THE CALGARY TRAFFIC BYLAW

WHEREAS Council has considered TT2020-0923 and considers it necessary to amend Bylaw 26M96, the Calgary Traffic Bylaw, to address residential parking permits;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 26M96, the Calgary Traffic Bylaw, as amended, is hereby further amended.
2. Subsection 2(1)(av) is deleted in its entirety and the following is substituted:

“(av) “*Traffic Engineer*” means the person appointed to the designated officer position established under section 2.1 of this Bylaw or that person’s designate;”

3. In section 9(10) the words “or in any *Residential Parking Zone*” are added after the word “parkade”.
4. Sections 20, 21, 22, 23, 24, 25, 26, 26.01, 26.02, 26.03, 26.1, and Schedules “K” and “P” are all deleted in their entirety.
5. The following is added after section 19 as sections 20, 21, 22, 23, 24, 25 and 26:

“RESIDENTIAL PARKING ZONES – DEFINITIONS AND INTERPRETATION

20. In sections 20 to 26:

- (a) “*large multi-family building*” means a building of six (6) stories or more in height or a building with more than 40 dwelling units;
- (b) “*Parking Zone Permit*” includes a valid and subsisting Residential Parking Permit, Visitor Parking Permit, or a Flex Permit issued under section 24;
- (c) “*Residential Parking Zone*” means an area designated by the Traffic Engineer of one or more streets where the use of the property adjacent to the street frontage in the area is primarily residential but may include residential home-based businesses or live-work units; and
- (d) “*small multi-family building*” means a building that is five (5) stories in height or less and has fewer than 40 dwelling units;

DESIGNATION OF PARKING ZONES

21. (1) The Traffic Engineer is authorized to designate one or more adjacent streets, or part of one or more adjacent streets, in the City as a *Residential Parking Zone*.
- (2) The Traffic Engineer may assign unique identifiers to each *Residential Parking Zone* to distinguish them.
- (3) The Traffic Engineer may authorize parking spaces on any *street* within a *Residential Parking Zone* to be designated *zone controlled spaces* under section 9.
- (4) The Traffic Engineer may amend the boundaries of a *Residential Parking Zone* or remove a *Residential Parking Zone* at any time.
- (5) The Traffic Engineer must keep a record of the streets that are within an area that has been designated as a *Residential Parking Zone* and a record of every *traffic control device* placed in a *Residential Parking Zone* and these records must be available for public inspection at the office of the Traffic Engineer during business hours and available at www.calgary.ca.

RESTRICTIONS ON PARKING IN PARKING ZONES

22. The Traffic Engineer may post a *traffic control device* within a *Residential Parking Zone* imposing parking restrictions.

ELIGIBILITY FOR PARKING ZONE PERMITS

23. (1) The following persons are eligible to apply for a *Parking Zone Permit*:
- (a) a person who resides within a *Residential Parking Zone* that has on-street parking restrictions on a street directly adjacent to the person's dwelling and wishes to park a vehicle registered to that person's residence on-street;
- (b) a person who resides within a *Residential Parking Zone* that has on-street parking restrictions on a street directly adjacent to the person's dwelling and wishes visitors to that person's residence to be able to park on-street;
- (c) a person who is the head of a religious institution or is the president of a community association located within a *Residential Parking Zone*, provided no more than five permits are issued for each institution or association; and

- (d) a person engaged in temporary construction or maintenance work in a *Residential Parking Zone*.
- (2) Despite subsection (1) the following persons are not eligible to apply for a *Parking Zone Permit*:
 - (a) a resident who lives in a dwelling unit in a *large multi-family building*;
 - (b) a resident of a building where the development permit for that building states that no parking permits would be issued;
 - (c) a resident of an area where access to residential on-street parking permits are limited, restricted, or otherwise discouraged under a statutory plan; and
 - (d) a resident of a building that has more than 25 percent or more commercial frontage at ground level.
- (3) An application for a *Parking Zone Permit* by an eligible person must be in the form and contain the information prescribed by the Traffic Engineer.

AUTHORITY OF TRAFFIC ENGINEER

- 24. (1) The Traffic Engineer is authorized to issue and renew *Parking Zone Permits* to eligible persons that may exempt a vehicle from one or both of:
 - (a) parking contrary to a specific *traffic control device* within a *Residential Parking Zone*; and
 - (b) making payments for the use of a space in a *zone controlled space* that is within a specific *Residential Parking Zone*.
- (2) In administering *Parking Zone Permits* the Traffic Engineer may:
 - (a) issue and renew *Parking Zone Permits* that are valid for use only by a specific person and/or vehicle within a specific *Residential Parking Zone*;
 - (b) create categories of types of *Parking Zone Permits* and charge different fees for the issuance or renewal of each type of *Parking Zone Permit*;
 - (c) issue or renew a *Parking Zone Permit* on a set term of a number of weeks, months, or years;
 - (d) amend or revoke a *Parking Zone Permit* at any time where the person using the permit has failed to comply with a condition of the permit or has provided false or misleading information in obtaining the permit;

- (e) refuse to renew a *Parking Zone Permit* at the end of its term length;
 - (f) require any person applying for a *Parking Zone Permit* to provide documentation demonstrating:
 - (i) that person's residency within a *Parking Zone*,
 - (ii) the person's ownership and registration of a vehicle, or
 - (iii) any other information necessary in the opinion of the Traffic Engineer to determine whether to issue, renew or revoke a *Parking Zone Permit*,
 - (g) attach terms and conditions to a *Parking Zone Permit*, and
 - (h) set a limit to the number of *Parking Zone Permits* that will be issued to a specific *small multi-family building* and set a limit to the number that will be issued overall within a particular *Residential Parking Zone* based on one or more of:
 - (i) congestion, occupancy, and turnover of streets,
 - (ii) the number of street parking spots,
 - (iii) the type of traffic control devices and parking conditions in the *Residential Parking Zone*, and
 - (iv) the type and/or density of residential dwellings in the *Residential Parking Zone*.
- (3) The Traffic Engineer is not required to issue or renew a *Parking Zone Permit* unless the required fee for the permit has been paid by the person applying for the permit.
- (4) Fees paid for a *Parking Zone Permit* are not refundable.
- (5) *Parking Zone Permits* are not transferable.
25. (1) The Traffic Engineer may revoke, refuse to issue, or refuse to renew, a *Parking Zone Permit* where:
- (a) the applicant is not eligible to apply;
 - (b) the permit limit set by the Traffic Engineer for *Parking Zone Permits* for a particular *small multi-family building* or overall within the *Residential Parking Zone* would be exceeded;
 - (c) the applicant has misused a current or previously issued *Parking Zone Permit* or failed to abide by terms and conditions placed on a

- permit, or supplied false or misleading information in applying for a permit;
- (d) the vehicle applied for is not a passenger automobile or exceeds a maximum weight of 4500 kg or exceeds 6.7 meters in length or exceeds 2.9 meters in height and is not intended to be used for limited term construction or maintenance activities in the *Residential Parking Zone*; or
 - (e) the *Residential Parking Zone* is removed.
- (2) The Traffic Engineer may attach one or more of the following terms and conditions to a permit:
- (a) that the permit expires on a set date from when it is issued;
 - (b) that the permit only applies to one unique *Residential Parking Zone*;
 - (c) that the permit is only valid for specific times of the day or specific days of the week; or
 - (d) that the permit can only be used for a specific vehicle.
- (3) Any person who relies on a permit in defence to a charge under this Bylaw or the Parking Bylaw has the onus of proving that he or she was the holder of a valid and subsisting *Parking Zone Permit*.
- (4) The Traffic Engineer may delegate the power to issue, revoke or administer permits under this section at any time to the Calgary Parking Authority or any other City employee.

PROHIBITIONS

26. (1) The owner or operator of a vehicle must not park or stop or permit the parking or stopping of a vehicle contrary to a *traffic control device* in a *Residential Parking Zone*.
- (2) Notwithstanding subsection (1) a vehicle for which a valid and subsisting *Parking Zone Permit* has been issued may be parked on a street in a *Residential Parking Zone* where parking is restricted by a *traffic control device* despite that restriction.
- (3) The exception set out in subsection (2) only applies in the specific *Residential Parking Zone* for which the *Parking Zone Permit* has been issued as identified by the unique identifier designated by the Traffic Engineer and only exempts from the specific *traffic control device* specified in the *Parking Zone Permit*.

- (4) A person must not use a *Parking Zone Permit* contrary to its terms or conditions.
- (5) A person must not provide misleading or false information when applying for a *Parking Zone Permit*.

TRANSITIONAL

- 26.1 A residential parking permit or a commercial business zone permit issued prior to November 2, 2020 and which was subsisting as of that date continues in effect until the original date of expiry for that permit and:
- (a) where the person holding that permit is not eligible for a *Parking Zone Permit* that person may renew the permit up to a maximum end date of January 1, 2022; or
 - (b) where the person holding that permit is eligible for a *Parking Zone Permit* they must apply upon expiry of that permit for a *Parking Zone Permit*.”

Consequential Amendments

6. In Schedule “A”, under the headings indicated, after:

SECTION	OFFENCE	EARLY PAYMENT AMOUNT 1 (if paid within 10 days after the date of the offence)	FINE PAYMENT AMOUNT 2 (if paid after 10 days but within 30 days after the date of the offence)	SPECIFIED PENALTY
“19(2)	Removing chalk mark on tire			\$30.00”

the following is deleted:

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SECTION	OFFENCE	EARLY PAYMENT AMOUNT 1 (if paid within 10 days after the date of the offence)	FINE PAYMENT AMOUNT 2 (if paid after 10 days but within 30 days after the date of the offence)	SPECIFIED PENALTY
"26.02(1)	Sell, Trade, or Rent Permit	\$40.00	\$50.00	\$75.00
26.02(2)	Use of Visitor Parking Permit for Unauthorized Purpose	\$40.00	\$50.00	\$75.00
26.02(3)	Use of Special Parking Permit for Unauthorized Purpose	\$40.00	\$50.00	\$75.00
26.03(b)	Failure to Display Parking Permit in Manner Required	\$40.00	\$50.00	\$75.00
26.1(5)	Failure to Display Permit	\$40.00	\$50.00	\$75.00
26.1(6)	Parking without Valid Permit	\$40.00	\$50.00	\$75.00"

and the following is substituted:

SECTION	OFFENCE	EARLY PAYMENT AMOUNT 1 (if paid within 10 days after the date of the offence)	FINE PAYMENT AMOUNT 2 (if paid after 10 days but within 30 days after the date of the offence)	SPECIFIED PENALTY
"26(1)	Parking without a permit	\$40.00	\$50.00	\$75.00
26(4)	Misuse permit	\$40.00	\$50.00	\$75.00

26(5)	Providing information	false	\$40.00	\$50.00	\$75.00”
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Coming into Force

7. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____