

TOWN OF CRESTON

BYLAW NO. 1895

A bylaw pursuant to Section 30 of the *Community Charter* to reserve and dedicate land for parking lots on property owned by the Town of Creston.

WHEREAS the Council of the Town of Creston may, pursuant to Section 30 of the *Community Charter*, by bylaw, reserve or dedicate for a particular municipal or other public purpose real property owned by the municipality;

AND WHEREAS Council deems it necessary and in the public interest to establish and operate parking lots;

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as "Parking Lot Bylaw No. 1895, 2019".

Part 2 Severability

- 2.1 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.

Part 3 Previous Bylaw Repeal

- 3.1 Town of Creston Bylaw No. 1097, cited as "Parking Lot Bylaw No. 1097, 1988" and all amendments thereto, are hereby repealed.

Part 4 Definitions

- 4.1 "**117 – 11th Avenue North Parking Lot**" means the property legally described as Lot 3, Block 1, District Lot 891, Kootenay District, Plan 893, Except Part Included in Plan 2609 and Parcel A (Reference Plan 130393-I), PID: 016-077-504, and located at 117 – 11th Avenue North.

"Cook Street Parking Lot I" means the property legally described as Lot 2, District Lot 891, Kootenay District, Plan NEP19283, PID: 017-310-652, and located at 1102 Cook Street.

"Cook Street Parking Lot II" means the properties legally described as Lots 4 and 5, District Lot 891, Kootenay District, Plan NEP19283, PID: 017-310-679 and 017-310-687, and located at 1201 and 1103 Cook Street, respectively.

"Electric Vehicle" means a vehicle that is driven by an electric motor which draws current from onboard storage batteries, including plug-in hybrid vehicles.

"Parking Space" means a space designated and delineated for use as a place to park a vehicle.

“Public Electric Vehicle Charging Station” means infrastructure located on property owned or leased by the Town of Creston, for the purpose of supplying electric energy for the charging of plug-in electric vehicles.

“Public Electric Vehicle Charging Station Parking Space” means a designated parking space for Electric Vehicles while charging at a Public Electric Vehicle Charging Station.

“Public Parking Space” means a parking space designated for public use on a first-come first-serve basis.

“Public Safety & Compliance Officer” means that person, or their designate, so appointed by the Town of Creston.”

“Parking Permit for Person with Disabilities” is as defined in the *Motor Vehicle Act Regulations of British Columbia*, as amended from time to time.

“Rental Parking Space” means a designated parking space which is rented, or available for rental, from the Town of Creston.

Part 5 Parking Dedication and Regulations

5.1 Cook Street Parking Lot I

- (a) Parking Spaces in Cook Street Parking Lot I are designated in “Schedule A: Cook Street Parking Lot I”, which is attached to and forms a part of this bylaw.
- (b) Parking Spaces 1 – 4 of Cook Street Parking Lot I are hereby reserved for use as Public Parking Spaces only for vehicles displaying a Parking Permit for Person with Disabilities.
- (c) Parking Spaces 5 - 51 of Cook Street Parking Lot I are hereby dedicated for use as Public Parking Spaces.
- (d) Parking Spaces 52 – 56 of Cook Street Parking Lot I are hereby reserved for use as Public Electric Vehicle Charging Station Parking Spaces.
- (e) Parking Spaces 57 – 62 of Cook Street Parking Lot I are hereby reserved for use as Rental Parking Spaces.
- (f) Council may at any time, by resolution, reserve certain spaces to be available for rent.

5.2 Cook Street Parking Lot II

- (a) Parking Spaces in Cook Street Parking Lot II are designated in “Schedule B: Cook Street Parking Lot II”, which is attached to and forms a part of this bylaw.
- (b) All Parking Spaces in Cook Street Parking Lot II are hereby dedicated for use as Public Parking Spaces
- (c) Council may at any time, by resolution, reserve certain spaces to be available for rent.

5.3 117 - 11th Avenue North Parking Lot

- (a) Parking Spaces in the 117 – 11th Avenue North Parking Lot are designated in “Schedule C: 117 – 11th Avenue North Parking Lot”, which is attached to and forms a part of this bylaw.
- (b) Parking Spaces 1 – 10 of the 117 – 11th Avenue North Parking Lot are hereby reserved for use as Rental Parking Spaces.

5.4 Parking Regulations

- (a) The maximum time period in which a vehicle shall remain in any one Public Parking Space in Cook Street Parking Lot I is two (2) hours.
- (b) The maximum time period in which a vehicle shall remain in any one Public Parking Space in Cook Street Parking Lot II is twelve (12) hours, unless specifically approved by the Town of Creston.
- (c) The maximum time period in which a vehicle may remain in any one Public Electric Vehicle Charging Station Parking Space is four (4) hours.
- (d) No vehicle shall park in a Public Electric Vehicle Charging Station Parking Space except an Electric Vehicle.
- (e) No vehicle shall park in a Rental Parking Space, from Monday to Saturday, 8:30 a.m. to 5:00 p.m., unless they have a valid rental agreement and pay the rental charge for the use of that Parking Space as prescribed in the Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.
- (f) No vehicle shall park in a location not designated as a Parking Space.
- (g) No vehicle shall park in a Public Parking Space reserved for vehicles displaying a Parking Permit for Person with Disabilities, except a vehicle displaying a Parking Permit for Person with Disabilities.

Part 6 Enforcement and Penalties

6.1 Enforcement

- (a) The Public Safety and Compliance Officer is empowered to place a Ticket on any vehicle which they have deemed to have been parked contrary to the provisions of this bylaw.
- (b) The Public Safety and Compliance Officer is empowered to cause any vehicle to be impounded and towed away which they have deemed to have been parked contrary to the provisions of this bylaw. The owner of the vehicle shall be responsible for any towing, storage, or other charges associated with this action.

- (c) In the event that any person parks a vehicle in a Rental Parking Space rented to any other person, the Town may, on complaint of the renter, cause the vehicle to be towed away. The owner of the vehicle shall be responsible for any towing, storage, or other charges associated with this action.

6.2 Penalties

- (a) The penalties for parking contrary to this bylaw are as prescribed in the Bylaw Notice and Enforcement Bylaw No. 1760, 2011, as amended from time to time.

Part 7 Effective Date

7.1 This bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by content and SECOND TIME by title this 3rd day of September, 2019.

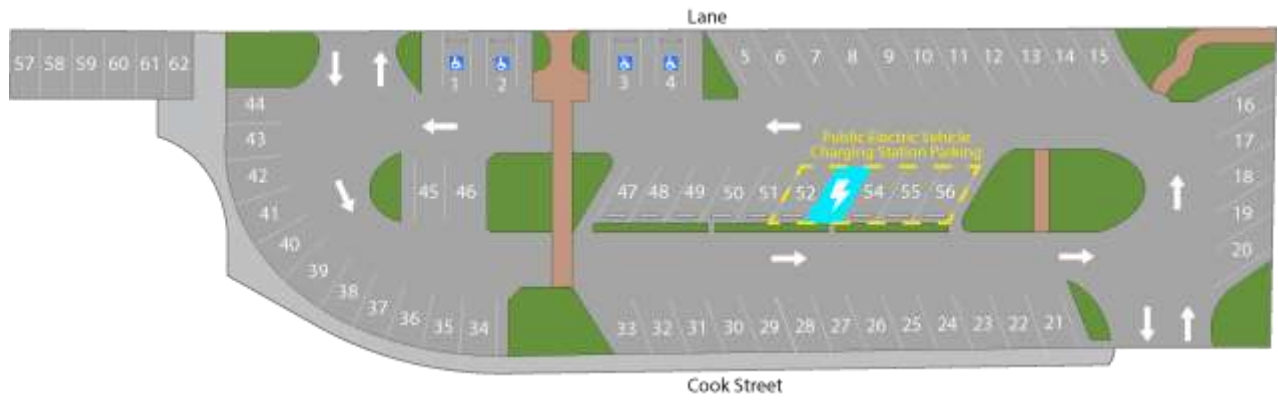
READ A THIRD TIME by title this 17th day of September, 2019.

ADOPTED this 8th day of October, 2019.

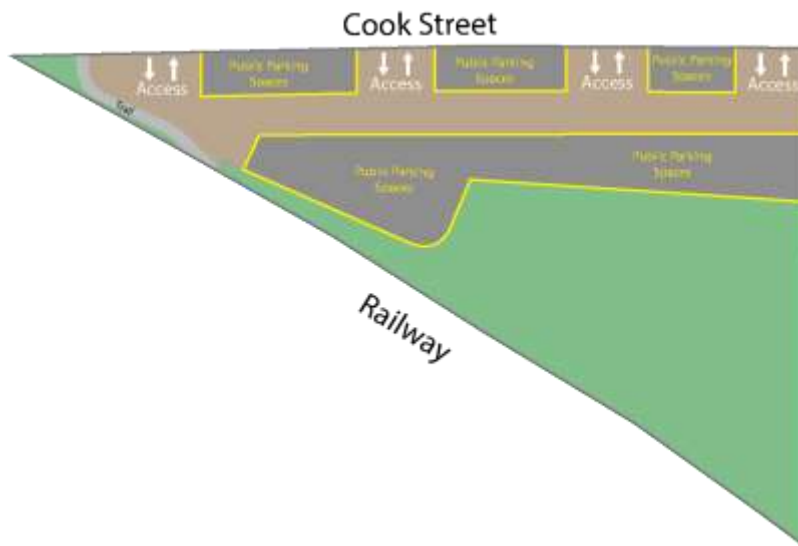
"Ron Toyota"
Mayor Ron Toyota

"Stacey Hadley"
Stacey Hadley, Corporate Officer

Schedule A: Cook Street Parking Lot I



Schedule B: Cook Street Parking Lot II



Schedule C: 117 - 11th Avenue North Parking Lot

