

THE VILLAGE OF HAINES JUNCTION

Bylaw #67-94

A BYLAW OF THE VILLAGE OF HAINES JUNCTION TO REGULATE THE PARKING OF VEHICLES ON RIGHT OF WAY MAINTAINED BY THE VILLAGE OF HAINES JUNCTION OR PARKING AREAS DESIGNATED BY THE VILLAGE.

WHEREAS Section 286 of the Municipal Act, being Chapter 119, RSY, 1986 permits Council to pass bylaws preventing or restricting, controlling and regulating the parking of vehicles, or of any particular class of vehicle, on any highway or public place, or any portion thereof.

NOW THEREFORE the Council of the Village of Haines Junction, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw be cited as the "Parking Bylaw."

DEFINITION

2. (i) "Loading Zone" means any area of property used for the loading or unloading of a vehicle or vehicles on a regular basis;
- (ii) "No Overnight Parking Area" means an area of property, public place or parking area, designated by Council as set out in attached Schedule "B".
- (iii) "Parking" means the standing of a vehicle except while it is actually being loaded or unloaded, or where it is stopped in the ordinary course of being driven on the roadway;
- (iv) "Right of Way" means any highway, roadway, street, lane, alley or right of way maintained by the Village .
- (v) "Village" means the Village of Haines Junction .
- (vi) "Vehicle or Motor Vehicle" means motor vehicle as set out in the Interpretation section of the Motor Vehicles Act, being Chapter 118, RSY, 1986.

RIGHTS OF WAY

3. No person shall stop or park a vehicle so that it obstructs, impedes the normal flow of traffic or impairs vision and safety on the right of way whether the vehicle is attended or unattended.

DISABLED VEHICLES

4. (i) Section 3 does not apply when a vehicle is so disabled that it is not practical to avoid stopping and temporarily leaving it on a right of way.
- (ii) A disabled vehicle parked on the right of way under the provisions of this section must be removed within a twenty four hour time period and if it is not the provisions of section 9 as they apply will be enforced.

NO PARKING AREAS

5. (i) (a) No overnight parking of any motor vehicle will be permitted in parking areas designated by the Council of the Village and amended from time to time by resolution of the Council of the Village, and as set out in attached Schedule "B", between the hours of 11:00 pm and 7:00 am of the next day.
- (b) Wherever practical or possible such no overnight parking areas will be posted and signs will be erected prohibiting overnight parking.

- (ii) No person shall stop or park a vehicle on the North side of St. Elias Street between the hours of 8:00 a.m. to 5:00 p.m. daily, with the exception of weekends, statutory holidays and school holidays.

LOADING ZONES

- 6. (i) No person shall stop a vehicle on a right of way except for such a period of time as reasonably may be required for the loading or unloading of the vehicle.
- (ii) No person shall cause a loading zone to be established on a right of way maintained by the Village.

INTERFERENCE

- 7. No person shall park a vehicle so that it interferes with the maintenance or a right of way or with the removal of snow from the right of way.

EXCEPTIONS

- 8. (i) Service vehicles while in the course of their regular duties are exempt from the regulations of this bylaw.
- (ii) Fire trucks, ambulance or any vehicles providing emergency or medical assistance or carrying out law enforcement duties or carrying out municipal services are exempt from the regulations of this bylaw.

ENFORCEMENT

- 9. (i) Every person who violates a provision of this bylaw commits an offense and is liable on summary conviction to a fine of not more than five hundred dollars (\$500.00) or to imprisonment for not more than six months.
- (ii) For the purpose of Section 9 of the Summary Convictions Act, being Chapter 164, RSY, 1986,
 - (a) proceedings in respect of any offense specified in this bylaw may be commenced by means of a ticket in "FORM 1" attached to and forming part of this bylaw and,
 - (b) proceedings in respect of any offense against this bylaw may be commenced by means of a ticket in an appropriate form prescribed under the Summary Convictions Act, being Chapter 164, RSY, 1986.
- (iii) The form of parking ticket set out in "FORM 1" which is annexed to and forms part of this bylaw may be placed on a vehicle that is parked in contravention to any provision of this bylaw.
- (iv) For the purpose of the enforcement of the parking provisions of this bylaw, an officer is authorized to place an erasable chalk mark on the treadface of the tire of any parked vehicle that is apparently disabled and the officer and the Village incur no liability for doing so.
- (v)
 - (a) The Bylaw Enforcement Officer may issue as a written warning the ticket referred to in this section by writing in the amount of fine area the words first offense - Warning Only.
 - (b) Where a ticket referred to in this Section is issued in respect of any provision of this bylaw, the person to whom the ticket is issued may pay a voluntary fine instead of appearing in court to answer the charge, and the amount of fine for each offense shall be as set out in the appropriate Schedule of the Consolidated Municipal Fees Bylaw.
 - (c) As provided in Section 20 of Summary Convictions Act, being Chapter 164, RSY, 1986, a fine in respect of an offense committed under this bylaw may be paid to the Village before the complaint is forwarded to a justice and thereafter

such fines shall be paid to the Clerk of the Territorial Court for transmission to the Village.

- (vi) When, 24 hours after a ticket has been issued, said vehicle remains in violation of this bylaw, the bylaw enforcement officer may remove or cause to be removed said vehicle and may impound said vehicle.
- (vii) No vehicle that has been impounded under this section shall be released until all costs and charges incurred in moving and impounding the vehicle have been paid.
- (viii) Charges for impoundment shall be the cost of removing the vehicle, the cost of the Bylaw Enforcement Officer's wages for that period of time applicable, plus the additional daily rate prescribed in the appropriate Schedule of the Consolidated Municipal Fees Bylaw including the day of impoundment, the day of release and any weekends or holidays that the vehicle is impounded at the Village's Public Works yard plus an overall administration charge as set out and/or noted in the appropriate Schedule of the Consolidated Municipal Fees Bylaw.
- (ix) Unlawful removal of the vehicle from the Public Works yard, the area of impoundment, shall constitute theft of the vehicle.
- (x) Where a vehicle impounded under Section remains in impoundment for a period of thirty (30) days or more, the Village may recover from the owner of the vehicle, all costs of removal and impoundment or storage, by action in a Court of competent jurisdiction, or by sale of the vehicle at a public auction or private sale, and such recovery may be carried out by the Village or persons engaged by the Village under contract to remove, impound or store vehicles.

ENACTMENT

10. This Bylaw shall come into full force and effect on the final passage thereof.

11. Bylaw #45-92 is hereby repealed.

Read a first time this 13th day of April, 1994.

Read a second time this 27th day of April, 1994.

Approved by the Executive Council Member this 19th day of May, 1994.

Read a third time and finally passed this 25th day of May, 1994.

Mayor

Clerk

Parking Bylaw# 67-94 - Schedule "B"

List of Overnight Parking Areas in the Village of Haines Junction

Lot 1038, Quad 115A/13, Plan 41519 - Day Use Area (Trailhead)

Lots 1, 2, 3, Block 12, Plan 41519 - Town Square

Lots 7, 8, 9 & 19, Block 8, Plan 64627 - Kathleen Street

Parking Bylaw #67-94 Form 1

COMPLAINT

CANADA }
YUKON TERRITORY }

A
SUMMARY CONVICTIONS ACT

The informant says that he has reasonable and probable grounds to believe and does believe that

ON THE _____ DAY OF _____, 19____ AT/OR NEAR _____ AT _____
YUKON TIME M

NAME _____ PERSON TO WHOM TICKET IS ISSUED, SURNAME FIRST

X INDICATES OFFENCE CHARGED

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER:

<input type="checkbox"/> MOTOR VEHICLE ACT	<input type="checkbox"/> WILDLIFE ACT	<input type="checkbox"/> MOTOR TRANSPORT ACT
<input type="checkbox"/> HIGHWAYS ACT	<input type="checkbox"/> BUSINESS LICENCE ACT	<input type="checkbox"/> OTHER _____ ENACTMENT
<input type="checkbox"/> HEALTH CARE INSURANCE PLAN ACT	<input type="checkbox"/> PUBLIC HEALTH ACT	
<input type="checkbox"/> LIQUOR ACT	<input type="checkbox"/> REGULATION UNDER ACT	
<input type="checkbox"/> BY-LAW NAME _____ FOR _____ MUNICIPALITY		

SECTION NUMBER OF ACT, REGULATION OR BY-LAW _____

DESCRIPTION OF OFFENCE _____

SWORN BEFORE ME AT _____

INFORMANT (SIGN) _____ YUKON ON THE _____ DAY OF _____, 19____ J.P. (SIGN) _____

VEHICLE	THIS TICKET HAS BEEN ISSUED TO THE REGISTERED OWNER OF THE VEHICLE WHO IS HEREBY NOTIFIED THAT S. 241 OF THE MOTOR VEHICLES ACT WILL BE RELIED UPON TO CONVICT THE ACCUSED OF THE ABOVE OFFENCE WHETHER OR NOT HE WAS ACTUALLY DRIVING THE VEHICLE.														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">MAKE</th> <th style="width: 25%;">TYPE OF VEHICLE</th> <th style="width: 10%;">YEAR</th> <th style="width: 20%;">VEHICLE LICENCE NO</th> <th style="width: 20%;">PROV / STATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td>YUKON <input type="checkbox"/> OTHER _____</td> </tr> <tr> <td colspan="5">DISTINGUISHING FEATURES</td> </tr> </table>	MAKE	TYPE OF VEHICLE	YEAR	VEHICLE LICENCE NO	PROV / STATE					YUKON <input type="checkbox"/> OTHER _____	DISTINGUISHING FEATURES			
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				YUKON <input type="checkbox"/> OTHER _____											
DISTINGUISHING FEATURES															

YOU ARE COMMANDED TO APPEAR IN COURT AT _____, YUKON, ON THE _____ DAY OF _____, 19____, AT _____ M. TO ANSWER TO THE CHARGE.
NOTICE - IF YOU DO NOT WISH TO APPEAR IN COURT ON THE STATED DATE:

VOLUNTARY FINE	YOU MAY PAY A FINE OF \$ _____ BY MAIL OR IN PERSON TO THE TERRITORIAL COURT BY _____ DAY OF _____, 19____. IF YOU DO THIS A PLEA OF GUILTY WILL BE ENTERED AND YOU ARE NOT REQUIRED TO APPEAR IN COURT TO ANSWER TO THE CHARGE.
OR	YOU MAY PLEAD NOT GUILTY BY SIGNING THE PLEA OF NOT GUILTY BELOW AND RETURNING THIS NOTICE TO APPEAR BY MAIL OR IN PERSON TO THE TERRITORIAL COURT, BY THE _____ DAY OF _____, 19____. IF YOU DO THIS YOU ARE NOT REQUIRED TO APPEAR IN COURT TO ANSWER TO THE CHARGE UNTIL FURTHER NOTICE.

SIGNATURE FOR NOT GUILTY PLEA _____

(SEE PARTICULARS OF COURT ADDRESS AND PAYMENT OF FINE (ON BACK OF NOTICE TO APPEAR))

ACCUSED	PRINT ADDRESS - STREET _____	DATE OF BIRTH _____	YEAR _____	MON _____	DAY _____	<input type="checkbox"/> M <input type="checkbox"/> F	
	CITY _____	PROVINCE _____	POSTAL CODE _____				SEX
	LICENCE NO _____	CLASS _____	PROVINCE / STATE				YUKON <input type="checkbox"/> OTHER _____
VEHICLE OWNER	LAST _____	FIRST _____	OTHER _____				
ADDRESS	STREET _____	CITY _____	PROVINCE _____	POSTAL CODE _____			

ISSUING OFFICER (SIGN) _____ NAME (PRINT) _____ AUTHORITY _____

FINE REVENUE IS PAYABLE TO: MUNICIPALITY OF _____ Y.T.G. _____

SIGNATURE OF PERSON TO WHOM TICKET IS ISSUED _____ **REGISTRY NO.** _____