

Proposed Amendments to The Traffic Bylaw and the Disabled Parking Zones Policy

ISSUE

Various amendments to *The Traffic Bylaw* are recommended for modernization and consistency purposes. Amendments to Council Policy C07-026, the *Disabled Parking Zones Policy*, are also recommended.

RECOMMENDATION

That the Standing Policy Committee on Transportation recommend to City Council that:

1. The proposed amendments to Bylaw No. 7200, *The Traffic Bylaw* and Council Policy C07-026, the *Disabled Parking Zones* policy, as outlined in this report be approved;
2. City Council instruct the City Solicitor to make the necessary amendments to Bylaw No. 7200, *The Traffic Bylaw*; and
3. City Council instruct the City Clerk to make the necessary amendments to Council Policy C07-026, the *Disabled Parking Zones* policy.

BACKGROUND

The City Solicitor, with the approval of the General Manager of the Transportation and Construction Division and the General Manager of the Community Services Division, recommends amendments to *The Traffic Bylaw* and the *Disabled Parking Zones Policy* as outlined in this report.

DISCUSSION/ANALYSIS

The following amendments to *The Traffic Bylaw* and the *Disabled Parking Zones Policy* are recommended:

1. Add a definition for “public parking lot”

Section 58 of *The Traffic Bylaw* lists a number of parking lots that are owned and managed by the City of Saskatoon (the “City”). The current list is incomplete.

Rather than amending section 58 to include all lots owned and managed by the City, it is recommended that the list of lots in section 58 be repealed and replaced with a general reference to “public parking lots”. A definition of “public parking lot” would then be added to *The Traffic Bylaw*, and all references to section 58 parking lots would be amended to refer to public parking lots.

This approach, similar to the City of Regina’s current approach, will save having to amend section 58 every time the City sells or acquires a parking lot. The proposed approach will also aid in the prosecution of section 11 offences.

This recommendation arises from a recent court proceeding in which the defendant was found not guilty due to the City being unable to prove that the lot in question was listed in section 58.

- 2. Authorize the Saskatoon Police Service and Saskatoon Fire to operate all terrain vehicles on non-provincial highways in emergency situations, and additionally empower the General Manager to authorize any other person to operate all terrain vehicles on non-provincial highways, subject to any terms and conditions imposed.**

Section 7 of the provincial *All Terrain Vehicles Act* generally prohibits usage of all terrain vehicles on the travelled portion of highways. Subsection 9(1) of that Act permits municipalities to authorize usage of all terrain vehicles on non-provincial highways through bylaw:

9(1) The council of a municipality may, by bylaw, permit the operation of any all terrain vehicle or class or classes of all terrain vehicles on the travelled portion of the whole or any part of a highway, other than a provincial highway, in the municipality.

The Traffic Bylaw does not contemplate usage of all terrain vehicles on highways, meaning all usage of all terrain vehicles on non-provincial highways within the City is currently prohibited.

Other Saskatchewan municipalities, including Moose Jaw, Prince Albert and Lloydminster, address usage of all terrain vehicles in their bylaws.

While subsection 238(2) of *The Traffic Safety Act* allows “emergency vehicles” to operate “contrary to this Act, the regulations or a traffic bylaw”, this section does not permit emergency vehicles to act contrary to other Acts, such as *The All Terrain Vehicles Act*.

Section 331 of *The Cities Act* already gives the City broad authority to take action in emergency situations; however, given *The All Terrain Vehicles Act*, it would be preferable to specifically address the matter of all terrain vehicles through bylaw.

It is recommended that a provision be added to *The Traffic Bylaw* to authorize the Saskatoon Police Service (“SPS”) and Saskatoon Fire (“Fire”) to operate all terrain vehicles on non-provincial highways in emergency circumstances. Use of all terrain vehicles on non-provincial highways could, for example, assist SPS and Fire with search and rescue of missing persons or with transporting stranded critical care workers to their work locations.

Authority to use all terrain vehicles on highways was requested by SPS after the snowstorm of November 2020.

It is additionally recommended that the General Manager of Transportation and Construction be given general authority to authorize any other persons to operate all terrain vehicles on non-provincial highways, subject to any terms or conditions the General Manager may impose.

The above authority could be used to permit other persons, including other City employees, to use all terrain vehicles on non-provincial highways, or similarly to permit SPS or Fire to operate all terrain vehicles in circumstances other than emergency situations. Parks, for example, already uses all terrain vehicles on non-provincial highways for City purposes.

Permission to use all-terrain vehicles on non-provincial highways could be granted through policy or other means, such as on a case-by-case basis.

3. Modernize language respecting persons with disabilities

In an effort to move toward more inclusive, respectful language, it is recommended that references to “disabled persons” and “disabled person’s vehicles” be repealed, and that references to a “disabled person’s placard” be replaced with a term such as “accessible parking permit”.

It is similarly recommended that Council Policy C07-026, the *Disabled Parking Zones Policy*, be amended to modernize the language used and to ensure consistency with the new terminology to be used in *The Traffic Bylaw*. An amended *Disabled Parking Zones Policy*, with the recommended amendments blacklined, is attached to this report as Appendix 1; the new name of the Policy is the *On-Street Accessible Parking Areas Policy*. Housekeeping amendments have been made, including updating references to Departments and Divisions, and it has been clarified that this Policy applies only to the installation of parking areas on streets.

4. Amend *The Traffic Bylaw* to ensure consistency with the *Mobile Food Truck Policy*

In 2013, a pilot project began respecting the operation of mobile food trucks and trailers on streets. That pilot project subsequently became a permanent program. To ensure Council Policy C09-039, the *Mobile Food Truck Policy* does not conflict with *The Traffic Bylaw*, the following amendments to *The Traffic Bylaw* are recommended:

- Add an exception that permits mobile food trucks and trailers with a length of up to 9.75 metres to park in metered parking areas, ticket-controlled zones or pay station zones.
- Add an exception that permits mobile food trucks and trailers to park for up to six hours on the street, including in non-loading zone parking stalls that are otherwise subject to a shorter period of parking time by signage.

5. Amend sections 58.2 and 58.4 of *The Traffic Bylaw* to clarify joint liability

It is recommended that sections 58.2 and 58.4 of *The Traffic Bylaw* be amended to clarify that owners and their contractors are jointly responsible for any damage to trees, streets, sidewalks or boulevards during property development. Changing the “or” to an “and” in these sections will ensure the City may charge either the contractor or owner, or both the contractor and owner, for these offences.

6. Repeal references to “double head parking meters”

As the City no longer uses double head parking meters, it is recommended that reference to double head parking meters be deleted from the definition section as well as section 55 of *The Traffic Bylaw*.

7. Clarify that “General Manager” in section 55 of *The Traffic Bylaw* refers to the General Manager of Community Services

“General Manager” is currently defined to mean the “General Manager of Transportation & Construction”. It is recommended that the definition of General Manager be amended, both to update the Division name (which should include “and” rather than “&”) and to clarify that this is the definition unless otherwise specified.

Section 55 would then similarly be amended to refer to the General Manager of *Community Services*, since the Parking Services Program falls under the responsibility of that General Manager.

8. Housekeeping amendments

Minor housekeeping amendments are recommended, including repealing and replacing the entirety of section 2, the definitions section, to reformat this section in line with current formatting standards, delete unnecessary definitions and make other minor housekeeping amendments.

FINANCIAL IMPLICATIONS

There are no anticipated financial implications.

NEXT STEPS

Upon approval by City Council, the City Solicitor will prepare the necessary amendments to Bylaw No. 7200, *The Traffic Bylaw* and the City Clerk will amend Council Policy C07-026, the *Disabled Parking Zones Policy*.

OTHER IMPLICATIONS

There are no legal, social, or environmental implications identified.

APPENDIX

1. Proposed Amendments to Council Policy C07-026, the *On-Street Accessible Parking Areas Policy*.

Report Approval

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