

CITY OF NANAIMO

BYLAW NO. 2618

A BYLAW TO ESTABLISH THE NANAIMO PARKING COMMISSION

WHEREAS the Council may, by bylaw adopted by an affirmative vote of at least two-thirds of all its members, pursuant to section 688 of the Municipal Act, delegate to a commission, whose members shall serve without remuneration, any or all of the administrative powers of the Council over property acquired, held or used for public purposes, including off-street parking facilities; and

WHEREAS it is deemed advisable to establish a Parking Commission to operate and manage the City's off-street parking facilities and to provide advice and recommendations to Council regarding all matters pertaining to parking; particularly advice and recommendations regarding the provision of additional off-street parking capacity in order to adequately meet the future needs of the business community in the City's downtown and to ensure investor confidence in the City of Nanaimo; and

WHEREAS it is deemed advisable to set out the composition of the Commission; the manner in which the Council shall appoint the members thereof; the procedures governing the conduct of the Commission; and the duties and powers delegated to the Commission.

NOW THEREFORE the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. TITLE

This bylaw may be cited as "PARKING COMMISSION BYLAW 1983 NO. 2618".

2. INTERPRETATION

In this bylaw, unless the context otherwise requires:

"Civic Off-Street Parking Facilities" means those named in section 6 of this bylaw.

"Commission" means the commission established by this bylaw.

*repealed
Feb 27/86*

- "Council" means the Municipal Council of the City of Nanaimo.
- "Director of Finance" means the person duly appointed as such from time to time, and includes any person appointed or designated by the Director to act on his behalf.
- "Director of Public Works" means the person duly appointed as such from time to time, and includes any person appointed or designated by the Director to act on his behalf.
- "Downtown Parking Area" means the area as shown in dark outline on Schedule 'A' attached hereto and forming a part of this bylaw.

3. ESTABLISHMENT OF COMMISSION

A Commission to be officially known as the "Nanaimo Parking Commission" is hereby established.

4. COMPOSITION OF COMMISSION

- (1) The members of the Commission shall consist of seven (7) members appointed as follows:
- (a) Four (4) persons appointed annually by the Council who represent businesses with parking interests, and users of parking in the City;
 - (b) Two members of City Staff, appointed annually by the Council, who represent the Finance Department and the Administrative Services Department;
 - (c) A chairman appointed annually by the Mayor.

5. APPOINTMENT OF COMMISSION

- (1) Each of the members appointed pursuant to 4(1) shall be qualified to be electors of the City of Nanaimo.
- (2) (a) Members appointed to the Commission shall be appointed for a term of one year only.
(b) Notwithstanding (a), a member may be re-appointed for any number of subsequent or successive terms.
- (3) (a) In the event of the death, resignation, removal from office, or other inability to serve of a member of the Commission, the Council shall appoint a member to fulfill the term of the vacancy thus created. Such appointment shall be until December 31 of that year.
(b) Notwithstanding (a), in the event of the death, resignation, removal from office, or other inability to serve of the Chairman of the Commission, the Mayor shall appoint a new Chairman to fulfill the term of as the vacancy thus created. Such appointment shall be until December 31 of that year.
- (4) All appointed members of the Commission, other than members of City Staff, shall serve without remuneration for their service as members.

6. REAL AND PERSONAL PROPERTY TO BE ADMINISTERED BY COMMISSION

The real and personal property to be administered by the Commission shall be the off-street parking facilities located on the properties shown on Schedule "B" attached to and forming part of this bylaw.

7. DUTIES AND POWERS DELEGATED TO COMMISSION

(1) Off-Street Parking Facilities

Except as may be provided in this bylaw and in the Municipal Act, and subject to compliance with the policies established by Council from time to time, the Commission shall have the exclusive right of management and operation of civic off-street parking facilities for and on behalf of the City and, for greater certainty but without restricting the generality of the foregoing, it may:

- (a) Fix any and all fees, rents, charges and tolls for the use of any space or any portion of space for the parking of automobiles in civic off-street parking facilities;
- (b) Prescribe the terms and conditions of and enter into agreements for the use by any person or persons of a space or spaces or portion of a space or spaces in civic off-street parking facilities;
- (c) Prescribe the hours and days during and on which civic off-street parking facilities or any of them shall be in operation;
- (d) Make rules and regulations for the good order and management of civic off-street parking facilities or any of them;
- (e) Contract for the supply of materials, labour and services and the performance of such work as may be deemed by the Commission to be expedient for the operation, repair or maintenance of any civic off-street parking facilities;

- (f) Order expenditures on account of the cost of services, materials and labour and of any and all other costs and expenses incurred in the operation, maintenance and management of any civic off-street parking facilities or any of them, within annual budgetary limitations of the City.

(2) Advisory Capacity

- (a) The Commission may make recommendations to the Council and the Director of Public Works on all parking matters in the Downtown Parking Area.
- (b) The Commission shall consider and make recommendations to Council on all matters referred to it by Council, the Advisory Planning Commission, a standing committee of Council, or the City Administrator.
- (c) Without limiting the generality of the preceding sections, the Commission may make recommendations to the Council as to:
 - (i) the appropriate fees payable and operational times for metered on-street parking;
 - (ii) fines and penalties for bylaw violations;
 - (iii) the requirements for the provision of additional off-street parking capacity to adequately meet the needs of the Downtown Parking Area;
 - (iv) the administration of the Off-Street Parking Reserve Fund; and
 - (v) taxis and sightseeing vehicles.
 - (vi) commuter transportation in the City.

- (3) The Commission shall enter into an agreement with the City of Nanaimo, such agreement to outline in detail the objectives, duties and responsibilities of the Commission.
- (4) The Commission shall cooperate with all properly constituted bodies both elected and appointed to furthering the objectives of the Commission, as agreed to under (3).

8. PROCEDURES GOVERNING CONDUCT OF COMMISSION

- (1) The Commission shall have power to regulate its own procedure provided that such rules and regulations do not contravene any City of Nanaimo bylaw or the Municipal Act or any other municipal, provincial or federal enactment for the time being in force;
- (2) At all meetings of the Commission five (5) members of the Commission shall constitute a quorum;
- (3) The Chairman shall preside at meetings of the Commission when present and, in his absence an Acting-Chairman may be appointed for that meeting by the members present;
- (4) The Chairman or Acting-Chairman at any meeting shall be entitled to vote;
- (5) The acts of the Commission shall be ratified by the signature of the Chairman and approval by the Commission to the minutes of each meeting as entered and kept in the Minute Book of the Commission by some person appointed by the Commission for that purpose; provided also that such minutes and Minute Book or Books shall be available to and open for inspection at any reasonable time by any member of the Commission, by any member of the Council, and by any person authorized for that purpose by resolution by the Council.

(6) The Commission shall, prior to December 15th in each year, provide a report to Council outlining the Commission's activities in that year, and providing recommendations for the Council as to the continuation or modification of the Commission, its structure or operation.

9. FINANCES

(1) The financial procedures of the Commission shall be as set out by the Director of Finance and shall be contained in the agreement named in section 7(3).

PASSED FIRST, SECOND AND THIRD READINGS 1983-SEP-12.

AMENDED AT SECOND READING THEN PASSED SECOND AND THIRD READINGS AS AMENDED 1983-DEC-05.

ADOPTED 1983-DEC-19.

REPEALED 1987-FEB-02

CERTIFIED A TRUE COPY


DEPUTY CITY CLERK

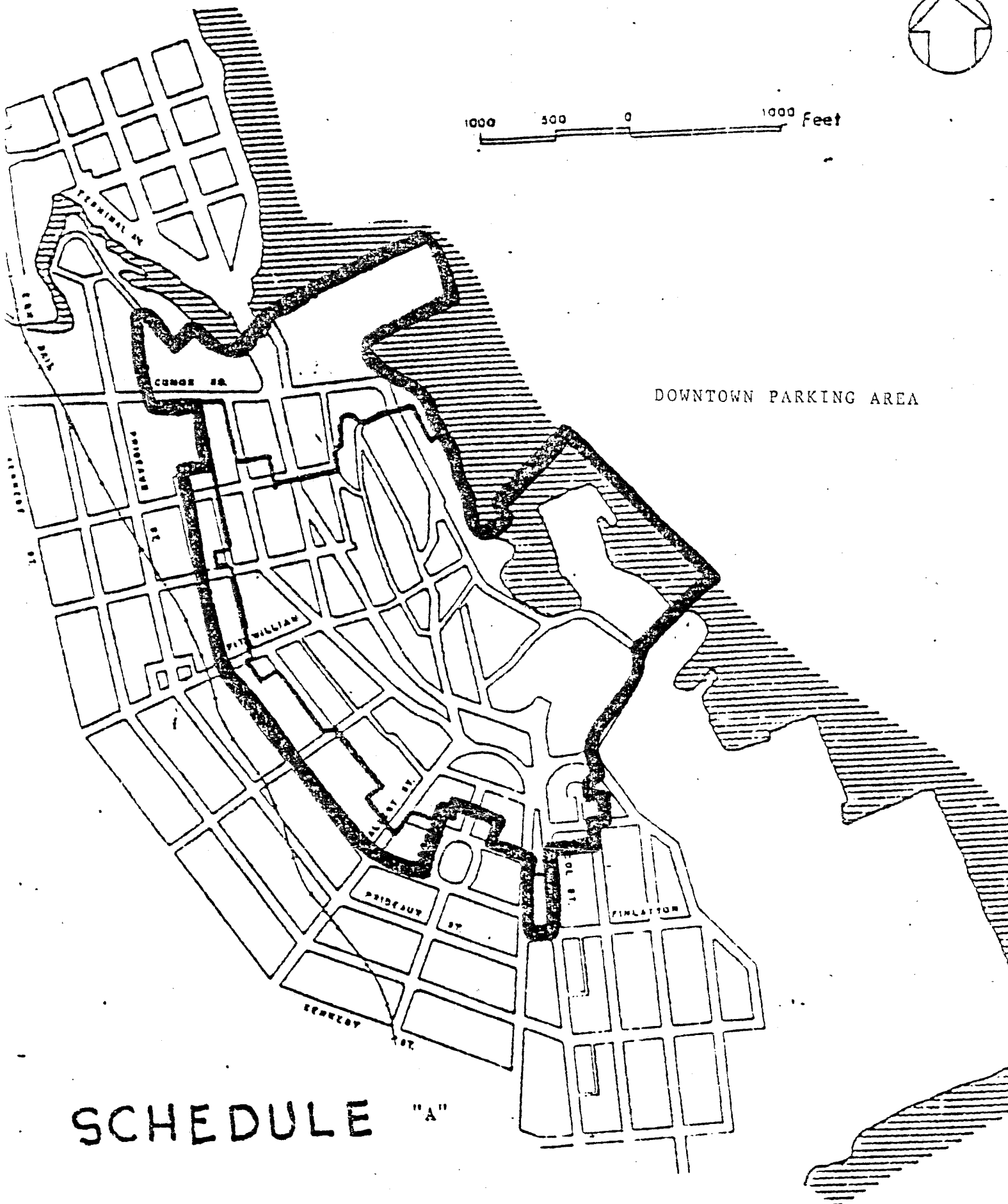
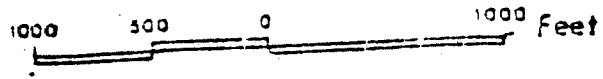
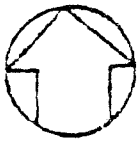
"F. J. NEY"

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"G. D. BERRY"

DEPUTY CITY CLERK

Downtown Development Study



SCHEDULE "A"

NANAIMO PARKING COMMISSION BYLAW

OFF-STREET PARKING FACILITIES

The following are designated as off-street parking facilities, pursuant to section 6 of this bylaw:

- (A) Consisting of the Bastion Street Parkade, situated on Lot 1, Plan 26912, Nanaimo District.
- (B) Consisting of the Gordon Street Parkade, situated on Lot 1, Plan 19722, Nanaimo District.
- (C) Consisting of all of Cavan Street lying easterly of its intersection with Albert Street and including Lots 4, 5, 15 and 16, Block 15, Plan 584, Nanaimo District.
- (D) Consisting of the Wallace/Wentworth Parkade, situated on Lots 1, 2, 3, and 4, Block 39, Section 1, Nanaimo District, Plan 584.