



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2016
SUBJECT/REPORT NO:	By-law to Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards (PED13042(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	William Young (905) 546-2424 Ext. 2469 Gary Bishop (905) 546-2424 Ext. 3177
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the By-law to Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards, attached as Appendix “A” to Report PED13042(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (b) That the By-law to Amend the Administrative Penalty By-law No. 15-138, attached as Appendix “B” to Report PED13042(a), which adds administrative penalties for infractions under the By-law To Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards and has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (c) That the item titled “By-law to Regulate Parking on Boulevards and Front and Side Yards” be removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

At the March 27, 2013 Council meeting, Report PED13042, By-law to Regulate Parking on Boulevards and Front and Side Yards, was referred back for further consideration and consultation.

The recommended draft By-law To Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards, creates a parking contravention which, if enacted, would permit the issuance of parking penalty notices to vehicles found to be in violation which is more efficient and effective than enforcing under the Zoning By-law.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing/Legal: NA

HISTORICAL BACKGROUND

At the March 27, 2013 Council meeting, Report PED13042 respecting By-law to Regulate Parking on Boulevards and Front and Side Yard, was referred back to staff and Ward Councillors for further consideration and consultation.

Historically, all six former municipalities had prohibitions under the Zoning By-laws which restricted parking on boulevards, and front and side yards.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

The Mayor and all 15 Councillors were consulted in the preparation of this Report, as was Legal Services.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff regularly receives complaints about vehicles illegally parked on boulevards, front or side yards (in contravention of the Parking By-law 01-218) or on private property (in contravention of Zoning By-law(s)) or a combination thereof. Parking Control Officers enforce Parking By-law infractions whereas offences enforced under the Zoning By-law(s) require the attention of Property Standards Officers. Zoning By-law violations are time consuming, and in many cases involve the Courts and may take up to a year to resolve.

Creating a new Parking By-law infraction to prohibit parking on boulevards on private property in side yards would streamline the enforcement process and allow Parking Control Officers to respond in a more efficient manner to issue parking penalty notices, and streamline this process.

Staff surveyed 11 Ontario municipalities (Guelph, Windsor, Waterloo, Kitchener, Ottawa, Oshawa, Kingston, St. Catharines, Richmond Hill, Oakville and London), and found that the fines/administrative penalty for parking on these areas range from \$25 to \$500 dollars with the average fine/administrative penalty being \$145.

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Staff is recommending a \$100 penalty, which is the maximum currently allowed by the *Municipal Act* for parking contraventions under an Administrative Penalty System. This new By-law provision also requires an amendment to the Administrative Penalty By-Law to include the short form wording and administrative penalties.

As directed, staff consulted with all members of Council and is recommending the following short-term/special event exemptions to the By-law because boulevard parking has been occurring in these locations and has been a community-accepted practice for many years, and to include these areas under this By-law would severely impact these events:

- areas around Tim Hortons Field (as outlined in Appendix “A” to Report PED13042(a), Schedules, A and B) from four hours before the start time until two hours after, during major events at the stadium; and,
- areas around Winona Peach Festival (as outlined in Appendix “A” to Report PED13042(a), Schedule C), from four hours before the start time until two hours after is taking place.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED13042(a) - By-law to Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards

Appendix “B” to Report PED 13042(a) – By-law to Amend Administrative Penalty By-Law 15-138

WY:GB:st