



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the amending By-law attached as Appendix “A” to Report PED17179(b), being a By-law to amend By-law 18-199, a By-law to Prohibit Driving School Instructing in the Restricted Areas, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

On July 13, 2018, Council approved Item 16 of Planning Committee Report 18-011 which created By-law 18-199 designating several driving school instructing prohibited zones. This By-law was created to alleviate the compounded effect of vehicular traffic experienced by the neighbourhoods where hundreds of drive test exams occur daily.

Since the passing of the By-law 18-199, staff have received more complete DriveTest exam route maps and have updated Appendices “1” and “2” of By-law 18-199. In addition to updating the Ward 5 restricted area maps and through consultation with Legal Services, improvements to increase clarity of the By-law which are outlined in the amending By-law attached as Appendix “A” to this Report.

Resulting from the improved Ward 5 maps, staff is recommending additional signs be installed to adequately identify the prohibited driving school instructing areas.

Alternative for Consideration – Not Applicable

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The installation of additional signs to identify driving school instructing prohibited zones will be required. The total cost of signs required to facilitate the prohibited driving instructing areas would be approximately \$2,000 in addition to the original \$1,600 and would be paid for from Account No. 59035-817006.

Staffing: Enforcement of the prohibited area can be accomplished with existing staff.

Legal: Pursuant to subsection 27(1) of the *Municipal Act*, 2001, the City has authority to pass by-laws in respect of a highway where it has jurisdiction over the highway.

Pursuant to Sections 8, 9 and 10 of the *Municipal Act*, 2001, the City of Hamilton is authorized to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 6 and 8 of subsection 10(2) authorize by-laws respecting the health, safety and well-being of persons and the protection of persons and property.

HISTORICAL BACKGROUND

On July 13, 2018, Council approved Item 16 of Planning Committee Report 18-011 which created a new By-law 18-199 designating several driving school instructing prohibited zones. This By-law was created to alleviate the vehicular traffic from the driving school community who teach students how to drive on the same neighbourhood roads where hundreds of DriveTest exams occur daily.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services and DriveTest Hamilton were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Shortly after the DriveTest began operating at 370 Kenora Avenue North location in Stoney Creek, residents have objected to the additional vehicular traffic generated by the facility as well as the driving school instructors it attracts.

On July 13, 2018, Council approved Item 16 of Planning Committee Report 18-011 prohibiting driving school instructing in designated prohibited areas, enacted under the authority of the *Municipal Act, 2001*. This By-law provided Municipal Law Enforcement Officers with a critical tool to address vehicular traffic in sensitive residential neighbourhoods. The prohibition applies to Provincially Licensed Driving School Instructors who teach their students on the same routes as the DriveTest examiners.

Since the By-law was enacted, staff have received new complete Ministry of Transportation (MTO) approved exam route maps to update the By-law. In addition to more complete Ward 5 maps other approved MTO exam routes have been added with the goal to utilize these areas to alleviate vehicular pressure experienced by residents in Ward 5. Spreading DriveTest exams over more neighbourhoods means less vehicles on MTO approved residential roads.

A review of the By-law also identified several areas for improved language and clarity and in consultation with Legal Services the amending By-law has been prepared to capture the suggested amendments.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Proposed amending By-law to Prohibit Driving School Instructing in the Restricted Areas

KL:LF:st