



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 2, 2019
SUBJECT/REPORT NO:	Early Payment Removal for Parking By-laws (PED19052) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Administrative Penalty System By-law 17-225 (APS) be amended to remove the Early Payment for By-law 01-216 Regulating Municipal Parking Facilities, By-law 01-217 To Establish and Regulate Fire Routes, By-law 01-218 Regulating On-Street Parking, By-law 01-219 To Manage and Regulate Municipal Parks, By-law 01-220 Regulating Parking on Private and Municipal Property, By-law 80-179 Regulating Hess Village Pedestrian Mall, By-law 16-009 Regulating Unauthorized Parking on Boulevards, Side Yards and Front Yards, and for staff to prepare an amended Administrative Penalty System By-law 17-225 which would be prepared in a form satisfactory to the City Solicitor and be enacted by Council at a future date, upon reviewing the feasibility of implementation with current operations.

EXECUTIVE SUMMARY

Following the implementation of the Administrative Penalty System (APS) in August of 2015, staff have continued to incorporate additional By-laws into APS. Initially, the Early Payment amount was incorporated alongside a set penalty to be consistent with the former Provincial Offences Act (POA) Court Process for transitional purposes.

Since the implementation of APS, several other By-laws have been transitioned along with applicable fees. However, parking enforcement is unique, in that it has an Early Payment amount for fines. Staff is seeking council approval to remove the Early

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Payment for Parking Enforcement related offences for consistency and efficiencies within the APS.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Approving the removal of the Early Payment may correlate with an increase in fine revenue collected from undisputed, voluntary payments of parking penalties.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On May 13, 2015, City Council approved the implementation of APS for Parking Enforcement as per *Ontario Regulation 333/07 of the Municipal Act*. Execution of the implementation was done August 2015. At its meeting of September 27, 2017, City Council approved Report 17-015 directing staff to implement the APS to other Municipal By-laws which now include Animal Ownership, Licensing and Regulation of Various Businesses, Noise, Municipal Parks, Yard Maintenance, Property Standards, and Vacant Buildings.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended with revisions to Tables 1-7.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

APS continues to be expanded within the City of Hamilton and has been adopted by numerous municipalities across Ontario. Amending the existing Parking Enforcement penalty amounts to remove the Early Payment will support:

- Improved consistency with APS across the City of Hamilton;
- Improved customer experience for voluntary payment;
- Improved efficiencies for the Hamilton Municipal Parking System (HMPS) Ticket Management Database; and,

- Increased Parking Penalty revenues from voluntary, undisputed penalty payments.

As it stands, Parking Enforcement penalties are the only infractions that have an Early Payment penalty amount option. This provides a seven-business day payment window for parking penalties at a reduced rate for voluntary payment without dispute. In comparison to other municipalities, such as Burlington, Oakville, Mississauga, Toronto, St. Catharines, and Brampton, the City of Hamilton is the only municipality that still utilizes an Early Payment while under APS. As APS continues to expand within the City, “like services” should be the focus for a consistent and familiar end user experience across all sections.

In regards to customer experience, staff consistently are met with enquires about timelines for payment amounts owed. Removal of the Early Payment amount and its associated seven-business day window, the expectation and understanding how much to pay reverts to a simple 15 calendar day timeline for the set penalty amount. The use of calendar days is then consistent and continues to be used as the penalty notice continues to age in the APS process. It is of staffs’ opinion, that the Early Payment amount is not looked as an “incentive” but merely what is owed at that time. With its removal, staff anticipates that customers who would historically pay the Early Payment amount, the majority would continue to pay the set fine amount, voluntarily, and would not chose to dispute. In cases were a dispute was requested, the existing review process is still in place. Parking penalties may be reduced, cancelled or extension of times to pay can be allotted by Screening Officers and Hearing Officers under APS.

With moving to a “calendar day” based process for parking penalties, it would allow for the penalty aging process to be simplified in the HMPS APS Ticket Management Database. This eliminates the need for annual customization of processes around the holiday closure period and other long holiday weekends such as Easter. This would reduce risk of errored notices to customers about past due parking penalties.

Lastly, increased parking penalty revenues from voluntary, undisputed penalty payments, is anticipated. During the course of 2016-2018, on average, 49% of parking penalties were paid at the Early Payment amount. Taking into account the 151,608 average issued parking penalties per year, over the same period, up to \$350,000 in fine revenue may be generated through voluntary, undisputed penalty payments, at the set fine amount. An increase in parking penalty disputes may occur, which could lower that figure, but staff would still forecast an increase in revenues. This possible increase in requests for disputes can be absorbed within current staffing levels.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

N/A

JB:cr