






**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Strategic Initiatives Division**

<b>TO:</b>	Mayor and Members General Issues Committee (Budget)
<b>COMMITTEE DATE:</b>	February 11, 2021
<b>SUBJECT/REPORT NO:</b>	Increased Municipal Law and Parking Enforcement in Waterfall Areas Across the City - Pilot Program (PED18011(b)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Marty Hazell (905) 546-2424 Ext. 4588
<b>SUBMITTED BY:</b>	Marty Hazell Director, Strategic Initiatives Planning and Economic Development Department  Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department  Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department 

**RECOMMENDATION**

- (a) That, subject to approval of the funding source in recommendation (b), staff be directed to assign additional Municipal Law Enforcement (MLE) and Parking Enforcement staff to Waterfall areas where challenges have been identified including, but not limited to, weekends from March 15, 2021 through to November 15, 2021, by approving additional temporary FTEs as follows:
- by adding 2 Temporary FT Municipal Law Enforcement Officers; and
  - by adding 5 Temporary PT Parking Enforcement Officers;

---

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.

- (b) That funding for the enhanced Municipal Law and Parking enforcement in Waterfall areas, including staffing and vehicle costs, estimated at a total incremental net cost of up to \$354,000 be funded from the City's Tax Stabilization Reserve 110046;
- (c) That staff be directed to report back in January 2022 after the conclusion of the recommended pilot with an overall evaluation, including measurable results such as fines issued for various offences, revenues generated, etc., and with recommendations as to whether the enhanced enforcement should be continued in 2022.

## **EXECUTIVE SUMMARY**

Significant Parking and Municipal Law Enforcement staff resources have been assigned to address problems associated with increased visitors to Waterfalls across the City. At the direction of City Council, a multi-disciplinary working group (City staff, Hamilton Conservation Authority and the Hamilton Police Service) have been working for the past few years to address specific problems in the Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster and Tews Falls and the Dundas Peak, and staff, independent of this working group, continue to address problems at other Waterfalls on an ad hoc basis.

Many remedial actions are being tested, including the City Council approved Special Enforcement Areas (SEA), where parking fines were increased to \$250 in some Waterfall areas, as well as additional enforcement and revised enforcement tactics. The City also continues to invest in access and viewing enhancements to improve the visitor experience and minimize environmental and community impacts. However, problems continue to exist due to the popularity of the Waterfall areas and the reluctance of some visitors to abide by clear regulations.

At the January 28, 2021 General Issues Committee meeting, staff were directed to report back during the 2021 Operating Budget process with options and costing for a pilot program involving increased Municipal Law Enforcement and Parking Enforcement service levels in the Waterfall areas across the City where challenges have been identified on weekends from March 15, 2021 through to November 15, 2021, with that report to include a 3 year overview of the net revenues generated through Waterfall parking enforcement in these areas.

## **Alternatives for Consideration – See Page 7**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial/Staffing: The estimated total staffing and vehicle costs for the recommended option (adding two Temporary FT MLE Officers and 5 Temporary PT Parking Enforcement Officers 3 days/week) to problematic Waterfall areas from March 15, 2021 to November 15, 2021 is estimated at \$459,120, with estimated incremental revenues of \$275,000 for a total net revenue impact of \$184,120. However, with increased parking enforcement already in place the budget includes \$230,000 in revenue and \$60,000 in expenses, so the actual impact will result in an increase of \$399,120 in expenses and \$45,000 in revenues for a net cost to the City of \$354,120 to be funded from the Tax Stabilization Reserve.

Legal: N/A

## **HISTORICAL BACKGROUND**

At the January 28, 2021 General Issues Committee (Budget) meeting, the following Motion was approved:

### **Increased Municipal Law and Parking Enforcement in the Waterfall Areas Across the City – Pilot Program**

WHEREAS, City Council, at its March 27, 2019 meeting, approved the creation of a multi-disciplinary working group to conduct a comprehensive, multi-faceted investigation of public safety and the negative impacts to the Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster and Tews Falls and the Dundas Peak;

WHEREAS, this multi-disciplinary working group continues to meet regularly and in consultation with the Ward 13 Councillor, to troubleshoot the continuing problems in residential areas in the vicinities of Webster and Tews Falls and the Dundas Peak;

WHEREAS, the Hamilton Conservation Authority's shuttle-bus operation was suspended during 2020, due to the COVID-19 pandemic;

WHEREAS, despite many City Council approved regulations and increased fines, regular enforcement, and other improvement measures being enacted/conducted, as well as a reservation system being tested by the Hamilton Conservation Authority, increased visitors to Webster and Tews Falls and the Dundas Peak continue to have negative impacts on area residents;

WHEREAS, requests for by-law enforcement at other Hamilton Waterfall areas continue to increase;

THEREFORE, BE IT RESOLVED:

That the General Manager of Planning and Economic Development be directed to report back to the General Issues Committee, during the 2021 Operating budget process, with options and costing for a pilot program involving increased Municipal Law and Parking Enforcement service levels in the Waterfall areas across the City where challenges have been identified on weekends from March 15, 2021 through to November 15, 2021, with that report to include a 3 year overview of the net revenues generated through Waterfall parking enforcement in these areas.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

### **RELEVANT CONSULTATION**

Various Planning and Economic Development staff collaborated in preparing this Report and Finance staff have assisted with the preparation of the financial estimates. Human Resources (Labour Relations) staff were consulted and have no concerns with recommendations or alternatives contained herein.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

#### **1) Three-year overview of the net revenues generated through Waterfall parking enforcement in these areas.**

A historical summary of the financial impacts of increased Waterfalls enforcement is summarized in Exhibit 1 below. Over the three-year period, an average of \$233,000 in SEA fines were issued, with the highest year being 2020. As noted above, the proactive enforcement of the SEA's was achieved, largely through the use of overtime on weekends.

Overall, the fines collected more than offset the overtime costs. However, it is noted that this does not account for any revenue reductions in other areas due to the deployment of Officers to the SEAs. Since the majority of fines were issued on weekends, this amount is relatively minor.

In 2020, the extra enforcement revenues collected through SEA fines helped to offset the significant financial impacts of COVID. In 2020, the total revenue from collected parking penalty notices decreased by 25% due to relaxed on-street and off-street

enforcement throughout much of the Pandemic and lower overall parking activity in general. Therefore, while the Waterfalls enforcement resulted in extra revenues in 2020, they did not translate into an operating surplus for the Hamilton Municipal Parking System (HMPS) that could be used to fund enhanced waterfalls enforcement.

**Exhibit 1: Historical Activity for Waterfalls Parking Enforcement**

Waterfall Enforcement Revenues/Expenditures	2018	2019	2020	2018-2020 Total	Annual (3 year) average
Special Enforcement Area Fines	\$128,000	\$197,000	\$373,000	\$698,000	\$233,000
Staffing Costs (overtime)	\$60,000	\$80,000	\$100,000	\$240,000	\$80,000
Net	+\$68,000	+\$117,000	+\$273,000	+\$458,000	+\$153,000

**2) Options and costing for a pilot program involving increased Municipal Law and Parking Enforcement service levels in the Waterfall areas across the City where challenges have been identified on weekends from March 15, 2021 through to November 15, 2021,**

In April 2019, Council approved the implementation of a Special Enforcement Area (SEA) for the Greensville Area to address on-going parking problems associated with Webster and Tews Falls and the Dundas Peak. Fines within the SEA were set at \$250. A similar SEA for Devil’s Punchbowl and Grindstone/Smokey Hollow Falls was added in July 2020. Since these SEAs were added, proactive enforcement has occurred during the peak seasons and on the busiest weekends overtime shifts are added to allow for dedicated enforcement. For selected weekends in May and June 2020, in response to increased activity due to COVID, HMPS utilized a minimum of four dedicated Parking Control Staff for the entire duration of 8:00 AM to 10:00 PM within the SEA.

As noted in Section 1 above, the additional revenues generated through parking enforcement in Waterfall areas helped to off-set revenue losses due to relaxed on-street and off-street enforcement during the Pandemic and lower overall parking activity in general.

After due consideration, staff was not able to identify any practical options to enhance Waterfall enforcement using current staff (in addition to the status quo options noted in Section 1 above) without compromising enforcement levels in other areas of the City. Further, it should be noted that staff estimates that the threshold for writing parking tags

**SUBJECT: Increased Municipal Law and Parking Enforcement in Waterfall Areas Across the City - Pilot Program (PED18011(b)) (City Wide) - Page 6 of 7**

---

in Waterfall areas is being approached, so additional enforcement beyond current levels is not expected to result in increased revenues and could, in fact, decrease revenues as greater compliance is achieved. Additional enforcement could, however, reduce community impact by providing more of a “*presence*” to deter illegal parking in problematic Waterfall areas.

The following two options are being presented for Committee consideration, which include additional Municipal Law and Parking Enforcement staff in problematic Waterfall areas from March 15, 2021 through to November 15, 2021.

Staff are recommending the lower cost Option #1 (adding two Temporary FT MLE Officers and five Temporary PT Parking Enforcement Officers 3 days/week with an estimated cost of \$399,120 and estimated revenues of \$45,000 for a total net impact of \$354,120.

**OPTION #1**

Additional MLE and Parking Enforcement Officers	Expenditures (Mar 15 – Nov 15, 2021)	Revenues (Mar 15 – Nov 15, 2021)	Net Cost of Option #1
MLE (2 Temporary FT MLE Officers 3 days/week @ 7.5 hour shifts plus vehicle costs)	\$139,140	\$25,000	-\$114,140
Parking Enforcement (5 Temporary PT Officers/3 shifts/week @ 7.75 hours/shift plus vehicle costs)	\$259,980	\$20,000*	-\$239,980
<b>Total estimated Net Cost of Option #1</b>	<b>-\$399,120</b>	<b>\$45,000</b>	<b>-\$354,120</b>

\* Estimated additional revenue over and above current 2021 Budget.

**OPTION #2**

Additional MLE and Parking Enforcement Officers	Expenditures (Mar 15 – Nov 15, 2021)	Revenues (Mar 15 – Nov 15, 2021)	Net Cost of Option #2
MLE (4 Temporary FT MLE Officers rotating teams/7 days/week @ 7.5 hours/shifts staggered (morning/afternoon/evenings))	\$278,290	\$50,000	-\$228,290
Parking Enforcement (10 Temporary PT Officers/3 shifts/week @ 7.75 hours/shift plus vehicle costs)	\$303,290	\$40,000*	-\$263,290
<b>Total estimated Net Cost of Option #2</b>	<b>-\$581,580</b>	<b>\$90,000</b>	<b>-\$491,580</b>

\* Estimated additional revenue over and above current 2021 Budget.

In addition to enforcement efforts and signing changes being tested by City staff at various City and Hamilton Conservation Authority (HCA) waterfalls, the HCA piloted a reservation system in the Greensville and Dundas neighbourhoods in 2020. In 2021, City staff and HCA staff will be looking at the feasibility of installing fencing to prevent access to Waterfalls at strategic locations where serious problems exist.

Also, in 2021 Tourism and Culture Division staff intend to report on developing an overall Waterfall Tourism Strategy for the City which will seek to mitigate the problems associated with visitors in nearby neighbourhoods, while optimizing access to the Waterfalls for Hamilton residents and tourists.

### **ALTERNATIVES FOR CONSIDERATION**

Options for Committee consideration are detailed in the Analysis section of this Report.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Healthy and Safe Communities**

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

### **APPENDICES AND SCHEDULES ATTACHED**

N/A