

CITY OF HAMILTON

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

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: May 3, 2011	
SUBJECT/REPORT NO: Enforcement of the 12 Hour Parking By-law (PED11079) (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe, General Manager Planning and Economic Development Department	PREPARED BY: Marty Hazell 905-546-2424 Ext. 4588 William Young 905-546-2424 Ext. 2469 Kerry Davren 905-546-2424 Ext. 6609
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED11079 (Enforcement of the 12 Hour Parking By-law) be received; and,
- (b) That the item titled "Separation of enforcement of 12 hour parking rule from complaints respecting abandoned vehicles" be identified as complete and removed from the Planning Committee's Outstanding Business List.

EXECUTIVE SUMMARY

On October 5th 2010 the (former) Economic Development and Planning Committee directed staff "to explore separating the two issues of using the 12 hour parking rule for Public Works activities, and complaints from neighbours about abandoned vehicles, and report back on options for a reasonable time limit to guide action on abandoned vehicles".

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This Report responds to that directive and recommends no change to the current enforcement practice for 12 hour violations.
Alternatives for Consideration – See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

On October 5, 2010, the former Economic Development and Planning Committee approved the following motion:

“Whereas, the City of Hamilton’s 12 hour parking rule is important in allowing Public Works activities to be carried out as needed in neighbourhoods; and,

Whereas, it is important to be able to remove abandoned vehicles from neighbourhoods, but this may not be required within a 12 hour timeframe, and,

Whereas, the 12 hour parking rule is enforced upon receiving a complaint, many of which are driven by neighbourhood disputes, and,

Whereas, many Hamilton citizens are concerned upon receipt of a 12 hour parking ticket, when for many years this was not enforced in their neighbourhood, or are frustrated when caught up in disputes between neighbours.

That staff be directed to explore separating the two issues of using the 12 hour parking rule for Public Works activities, and complaints from neighbours about abandoned vehicles, and report back on options for a reasonable time limit to guide action on abandoned vehicles.”

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Public Works was consulted in the preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The City of Hamilton Parking By-law (By-law 01-218) prohibits vehicles from parking in excess of 12 hours on all City streets. The 12 hour parking time limit was approved by the Hamilton City Council on August 25, 1959. Prior to municipal amalgamation in 2001, Ancaster (3 hours), Dundas (12 hours), Flamborough (12 hours), and Stoney Creek (6 hours) all had maximum on-street parking time limits. There is no record of any maximum parking time limit in Glanbrook prior to amalgamation. City Council approved a 12 hour limit for all streets in the new City on January 4, 2001.

There are two principal reasons for this regulation. The first is to deal with problems which result from persons parking their vehicles on a public roadway in front of their own property or someone else's for days or weeks on end. This practice can cause many problems and complaints from neighbours who have difficulty in parking, and obviously some time limit restriction is required to prevent people from abandoning vehicles on public roadways for extended periods of time.

The second purpose is to provide for the erection of temporary parking prohibition signing by Public Works at least 12 hours in advance of operations being performed such as roadway construction, utility repairs and various street maintenance activities such as street cleaning, snow removal, tree trimming, catch basin cleaning, crack patching and sidewalk repairs. Using temporary cardboard signs to prohibit parking for street maintenance operations negates the need for permanent parking prohibition signs/regulations thereby reducing operating costs and the impacts that permanent parking prohibitions would have on residents.

The long-standing practice by City staff is to enforce the 12 hour rule only upon complaint, by issuing tickets and/or towing vehicles found parked in excess of 12 hours. In 2010, approximately 2,800 complaints were received from residents, which resulted in approximately 2,000 parking tickets being issued and 572 vehicles being removed from City streets.

Virtually all municipalities have some type of maximum parking restriction on public roadways; generally in the range of three to six hours. Hamilton's 12 hour limit is by far the most lenient known in the Province.

Councillor McHattie has expressed concern that requests for enforcement are more often than not driven by neighbourhood disputes rather than parking problems per se, and further, Councillor McHattie has expressed the concern that the 12 hour parking limit discourages residents from leaving their vehicles at home and using other modes of transportation on a daily basis.

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Lengthening or eliminating the 12 hour parking limit would create the following operational problems:

- a significant negative impact on Public Works' ability to perform street maintenance operations and increased labour and material costs; and,
- increased public concerns/complaints regarding vehicles being parked on streets for long periods of time and increased staff time and effort in addressing these concerns/complaints.

With respect to the direction to investigate separating enforcement of "*...the 12 hour parking rule for Public Works activities, and complaints from neighbours about abandoned vehicles*", staff have considered this comprehensively and have the following comments/concerns:

- when responding to complaints for enforcement of the 12 hour parking time limit, the usual response time is such that a parking ticket is not normally issued until three to four days, and a tow does not occur for normally four to six days after a complaint is received. Therefore, most vehicles are already parked for extended periods of time upon staff responding to a complaint, and lengthening the time would exacerbate the problem. As noted earlier, staff responded to 2,800 complaints in 2010, so this is already a Community concern.
- From an enforcement perspective, it is simply not practical to restrict parking to 12 hours before Public Works performs street maintenance and to use a larger time limit when responding to complaints related to abandoned vehicles. As the regulations are not signed, this would be virtually impossible to enforce and would create serious confusion for motorists and complainants as they would never know which time limit applies.
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ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Staff could be directed to not enforce this section of the By-law when receiving complaints from residents. However, this is not recommended as there is documented Community concern demonstrated by the number of complaints received annually.

Councillor McHattie has suggested a pilot program where staff would delay responding to 12 hour complaints in Ward 1, such that an additional time could be provided for residents who wish to park on-street for longer time periods. Staff would not be opposed to working with the Councillor to design such a pilot if Committee/Council so directs.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

Healthy Community

- ◆ an efficient and effective residential parking program directly affects Community quality of life.

APPENDICES / SCHEDULES

N/A

MH/KD/WY:dt