

COMMITTEE OF THE WHOLE—APRIL 24, 2012

PARKING BY-LAW AMENDMENTS

Recommendation

The Commissioner of Legal and Administrative Services & City Solicitor recommends:

1. That Parking By-law 1-96, as amended, be further amended in accordance with this Report.

Contribution to Sustainability

Not Applicable

Economic Impact

There is no economic impact as a result of this Report

Communications Plan

Not Applicable

Purpose

The purpose of this Report is to recommend amendments to Parking By-law 1-96, as amended, to promote greater compliance.

Background - Analysis and Options

The Administrative Penalty process for parking matters was adopted by Council in June 2009. In this process, Parking By-law offenders are issued a Penalty Notice rather than a Provincial Offences Notice. Where the offender wishes to dispute the Penalty Notice, an appeal held in front of a Hearings Officer appointed by the City, rather than a trial in front of a Justice of the Peace in Provincial Offences Court. Staff have identified areas of the Parking By-law which can be improved.

- **Sidewalk Parking Prohibition**

Enforcement Services receives many complaints regarding vehicles parked on driveways that overhang onto sidewalks. Overhanging vehicles obstruct the passage of pedestrians and City maintenance vehicles such as snowplows. Section 4(6)(a) of the Parking By-law, which provides that there will be no stopping on a “highway” so as to overhang a “sidewalk”, has been utilized by Enforcement Services to deal with this situation. The definition of “highway” includes a driveway, “designed and intended for, or used by, the general public for the passage of vehicles”. Accordingly, Staff are recommending a minor amendment to the Parking By-law to include a private driveway to clarify the section.

- **Commercial Vehicle Parking in Residential Area**

The parking of commercial vehicles on residential property is prohibited by Zoning By-law 1-88, as amended. Zoning charges are processed in Provincial Offences Court. Due to the volume of charges in this Court, however, trial dates are being assigned well after the charge date, sometimes over a year. At times, this delay hampers the City’s efforts towards compliance. An alternative to the zoning approach could be enforcement through the Parking By-law. The *Municipal Act, 2001* permits the City to regulate parking on private property. Accordingly, Staff

are recommending that the City amend the Parking By-law to prohibit the parking of commercial vehicles on residential property, which would bring such an offence within the purview of the City's Administrative Penalty system. Appeals are typically heard within 2 months of the issuance of the Penalty Notice, which in turn promotes greater compliance.

- **Towing of Illegally Parked Vehicles**

Section 13 of the Parking By-law provides for the towing of vehicles when a vehicle is illegally parked on a fire route or when a vehicle is illegally parked on "private or municipal property". This provision will be amended to include a street or highway. Staff are recommending that the Parking By-law be amended to permit the towing of vehicles for contraventions of the Parking By-law. Enforcement Services will develop an internal policy that sets out principled criteria outlining when a vehicle will be towed. An example of such criteria could include vehicles which are impeding vehicular access on a City street.

- **Fire Route Signs**

Section 6 of the Parking By-law prohibits parking on a private roadway signed as a fire route. The definition of a fire route sign requires the sign be placed at intervals of not more than 30 meters. Some fire routes, however, are much longer than 30 meters. Therefore, Staff are recommending the deletion of the 30 meter interval requirement. Fire route signs will be placed, in consultation with Vaughan Fire and Rescue Service, at intervals appropriate for the particular fire route.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Regional Implications

None

Conclusion

The adoption of the recommended proposed amendments will help to promote greater compliance with the Parking By-law.

Attachments

None

Report prepared by:

Christopher G. Bendick
Legal Counsel

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services & City Solicitor