




TO: GENERAL COMMITTEE

SUBJECT: OVERNIGHT PARKING – WINTER CONTROL

PREPARED BY AND KEY CONTACT: B. RUSSELL, MANAGER, MUNICIPAL LAW AND PROSECUTION SERVICES

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES 

GENERAL MANAGER APPROVAL: E. ARCHER, GENERAL MANAGER OF CORPORATE SERVICES 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: JON M. BABULIC, CHIEF ADMINISTRATIVE OFFICER 

**RECOMMENDED MOTION**

1. That By-law 2007-209 be amended to reduce the period during which on-street overnight parking is prohibited from "November 1 of one year to April 15 of the next year" to "December 1 of one year to March 31 of the next year" commencing immediately upon passage of the amending by-law.
2. That By-law 2007-209, as amended, be pro-actively enforced for the entire duration of the overnight parking restrictions, regardless of weather conditions and not on a "complaint only" basis.
3. That the Operations Department, in consultation with the Legal Services Department, develop specific provisions to be incorporated into By-law 2007-209 to address winter events occurring prior to December 1 or after March 31<sup>st</sup>, and to authorize the General Manager of Community Services, or his designate, to declare a winter event at any time where winter maintenance activities would be required winter events and report back to General Committee.

**PURPOSE & BACKGROUND**

4. By-law 2007-209 currently prohibits parking on any municipal street between November 1 and April 15 of each year between the hours of 12 midnight and 7:00 a.m. (between the hours of 3:00 a.m. and 6:00 a.m. in the Downtown BIA), regardless of weather conditions.
5. By-law 2007-209 was passed in response to a process improvement review related to winter snow removal operations. The process improvement review determined that any impediment to winter maintenance activities increases risk to motorists, inconveniences residents who live on streets which cannot be adequately cleared of snow and ice as a result of parked cars, and impacts operations and related costs associated with the winter maintenance activities.
6. At the time that the changes to overnight parking restrictions were adopted, members of City Council discussed alternate hours for the restrictions including a six hour restriction between the hours of 1 a.m. and 7 a.m. However, staff in the Operations Department had advised that a seven hour period would be required in order to properly maintain the City's road network. While there were concerns with individuals being impacted by restrictions starting at midnight rather than 1 a.m., the City Council of the day determined that a greater number of individuals would be negatively impacted, if the winter control operations were not concluded by 7 a.m.

7. Public notices are currently distributed through newspaper, radio and television commencing in October and continuing throughout the winter season informing individuals of this prohibition.
8. Operations Department staff have noted improved efficiencies by reducing the time required for winter maintenance activities when the by-law is enforced based on the terms of the by-law as opposed to complaint only.
9. Discretion by the officer is exercised based on his/her observations and consideration is given to known extenuating circumstances (eg. mechanical failure of a vehicle, medical emergencies, etc.). In 2010, approximately 9% of all tickets issued were cancelled for various reasons including information being communicated by the vehicle owner/driver after the ticket was issued and served.
10. In March of 2010, Motion 10-G-076 was passed, which in part directed:  
  
"that staff in the Legal Services Department review the policy of issuing tickets to vehicles parked on city streets between midnight and 7:00 a.m. after November 1<sup>st</sup>, prior to snowfall, including the opportunity to issue warnings only and report back to General Committee".
11. This was followed in May 2010 by Motion 10-G-190 which directed, in part, that:  
  
"staff in Legal Services Department, Municipal Law and Prosecutions Branch immediately cease proactive enforcement related to Overnight Parking by-law 2007-209...and enforce these matters on a complaint basis until such time as General Committee and Council consider a report regarding the legal, financial and staffing implications of enforcing parking issues on a complaint only basis".
12. Staff Report LGL008-10 dated November 15, 2010, addressed Motions 10-G-076 and 10-G-190. Resulting from that Staff Report,  
  
"...2 That with respect to By-law 2007-209 regarding overnight parking prohibition, staff be authorized to undertake a review in February of each year to assess the projected level of enforcement for the period of March 1 to April 15 considering projected weather conditions, work plans and general maintenance programs of the Operations Department and other factors as may be pertinent, and that a report be forwarded to General Committee recommending adjustments, if necessary to be made to enforcement as a result of this assessment."

## **ANALYSIS**

### **Enforcement of the Overnight Parking Prohibitions**

13. Winter maintenance operators and Operations Department management have indicated that enforcement of the terms of the by-law throughout the established period assists with general maintenance activities such as salting, sanding, sweeping, etc. and encourages compliant behaviour before the onset of a winter event. The enforcement of the by-law provides improvements and efficiencies for winter operations. By establishing an effective by-law and enforcement strategy operators can complete the routes with fewer interruptions, which in turn reduces the average cost per route
14. Enforcement which is independent of any complaint or a specific condition to exist enables appropriate recruitment and predictable work assignment.

15. It has been noted that when the by-law is enforced on the basis of complaint only, the public are left confused and wondering when and how the by-law is enforced and what the law actually is. Enforcement on a complaint only basis can and has created an impression of ineffective or selective enforcement.

Duration of Overnight Parking Restrictions

16. A variety of overnight parking prohibitions exist throughout the Province.

Town of Aurora	November 15 – April 15	2 a.m. – 6 a.m.
City of Kingston	December 1 – March 31	1 a.m. – 7 a.m.
City of Oakville	November 15 – April 15	2 a.m. – 6 a.m.
City of Orillia	November 15 – April 15	12 midnight – 7 a.m.
City of North Bay	November 1 – March 31	3 a.m. – 6 a.m.
City of Sudbury	December 1 – March 31	12 midnight – 7 a.m.
Town of Newmarket	November 1 – April 15	2 a.m. – 6 a.m.

17. Snowfall cannot be accurately predicted and consequently staff must rely on averages collected over the years to project anticipated winter weather activity in the early and latter winter season months.
18. Regarding the period during which on-street overnight parking would be prohibited, the recommendation of December 1 of one year through March 31 of the next year more closely represents the season during which we have typically been experiencing the majority of winter weather conditions which require winter maintenance activities.
19. With respect to the 2011 spring season, long range forecast information (Environment Canada and Farmer's Almanac) suggests that March and April 2011 are likely to experience below normal precipitation.

Winter Events

20. The recommendations of this report also provide a mechanism to address "winter events" which may occur outside of the designated period and during which winter maintenance may be required.
21. It is recommended that provisions be developed for inclusion in By-law 2007-209 whereby the General Manager of Community Services, or his designate, could declare a "winter event" when winter weather occurs outside of the prohibited period set (December 1 – March 31) and winter maintenance activities are required. Such a model may:
- define a "winter event". A "winter event" may be defined as a period of time during which the General Manager of Community Services, or his designate, in his or her sole discretion, declares that he/she anticipates a winter event which is likely to require snow plowing, snow clearing or other winter maintenance operations. A declaration of a "winter event" would be required to be made no later than 6 p.m. on any day and extend for a period to be declared by the General Manager of Community Services, or his designate.
  - provide for public notification where a "winter event" is declared. This may include:
    - ❖ posting the Notice on the City of Barrie internet website; and/or,
    - ❖ issuing a media advisory; and/or,

- ❖ any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected.
- establish that when declared, a "winter event" would commence at midnight of the day on which it was declared and continue through to 7 a.m. of the same day, repeating the time frames daily until the expiration of the winter event, as declared.
- determine that within the Downtown BIA, the declaration of a "winter event" would be considered to commence at 3:00 a.m. of the day immediately following the day on which it was declared and continue through to 6:00 a.m. of the same day, repeating the time frames daily until the expiration of the winter event, as declared.
- provide that a "winter event" could be concluded earlier than or extended beyond the original date specified by the General Manager of Community Services, or his designate. In either case, however, further notice would be required to the public in the same manner as the original declaration.
- establish that during a "winter event", no person would be permitted to park on any City street between the hours of midnight and 7 a.m. (3:00 a.m. and 6:00 a.m. within the Downtown BIA).

#### Issuance of Alerts

22. Regardless of the model adopted, it is proposed that staff be engaged to distribute "alerts" to vehicles parked on-street overnight for a period of two weeks prior to the on-set of the designated period, in addition to media releases through local media services such as television, radio and newspaper reminding motorists of the upcoming prohibitions and related enforcement.
23. Following this two-week period, enforcement would commence based on the terms of the by-law and continue throughout the designated period to assist in ensuring that general maintenance activities such as salting, sanding, sweeping, plowing, etc. can be effectively carried out by the Operations Department, and further, to encourage compliant behaviour before the onset of a winter event. This will also enable appropriate recruitment and predictable work assignment.

#### ENVIRONMENTAL MATTERS

24. There are no environmental concerns related to this recommendation.

**ALTERNATIVES**

25. There are 2 alternatives available for consideration by General Committee:

**Alternative #1**

That By-law 2007-209 be amended throughout to reduce the period during which on-street overnight parking is prohibited from "November 1 of one year to April 15 of the next year" to "December 1 of one year to March 31 of the next year" commencing December 1, 2011 only and no provisions related to winter events be developed.

All other provisions of the current by-law remain unchanged. The by-law will continue to provide for Designated Snow Routes and snow lift procedures within the period of December 1 of one year through March 31 of the next year.

This alternative is not recommended as it does not provide a mechanism to address winter weather conditions beyond the designated period which may necessitate winter maintenance activities.

**Alternative #2**

That By-law 2007-209 remain unchanged. That the by-law remain in effect for the period of November 1 of one year to April 15 of the next year.

That vehicles continue to be prohibited on the street between the hours of midnight to 7 a.m. (3 a.m. to 6 a.m. in the Downtown BIA).

That enforcement of the terms of the by-law only be undertaken at times when winter maintenance activities are required, as determined necessary by the Operations Department.

This alternative is not recommended as the duration of the parking restrictions exceed what is deemed to be necessary at this time and it fails to establish clear parameters related to enforcement for the public. The public are left confused and wondering when and how the by-law is enforced and what the law actually is. This model further does not allow for appropriate recruitment or predictable work assignment.

**FINANCIAL**

26. The reduction in the period of overnight parking prohibitions would result in a decrease in fine revenue, as it is directly proportionate to enforcement activities. Based on the recommendations of this report, it is estimated that gross fine revenue would be reduced by approximately \$194,600 per season based on the average of the 2008-2009/2009-2010 season.
27. Based on the recommendations of this report, an operating cost savings of approximately \$7,000 could be realized in the 2011 budget, as staff could be recruited for a later commencement date and earlier conclusion date seasonally resulting in an employment period of approximately 24 weeks (previously 26 weeks).
28. A nominal savings of approximately \$250.00 could be realized with respect to impact on fleet services as a result of the reduction in enforcement from 26 weeks annually to 24 weeks.

- 
29. The recommendations of this report could result in a net revenue reduction of approximately \$186,570.00. This reduction is subject to the weather conditions we experience throughout the enforcement period, and not reflected in the current draft 2011 Business Plan.

**LINKAGE TO COUNCIL STRATEGIC PRIORITIES**

30. The 2010-2014 Council's Strategic Priorities have not been established as of the time of writing of this report:

**APPENDIX "A"**

**See Staff Report OPR009-07, attached**

**The following motion resulted from Staff Report OPR009-07.**

**September 17, 2007**

**Motion 07-G-491 PROPOSED CHANGES TO OVERNIGHT PARKING RESTRICTIONS FOR WINTER CONTROL OPERATIONS**

That, in an effort to improve the effectiveness and efficiency associated with winter control operations:

Parking be prohibited on all City streets from November 1 to April 30 of each year from 1 a.m. to 7 a.m.;

Parking be prohibited within the area designated as the Downtown Business Improvement Area from 3:00 a.m. to 6:00 a.m. from November 1 to April 30 of each year; and

Parking be prohibited 24 hours per day, 7 days per week, on designated snow routes in accordance with Appendix "A" to Staff Report OPR009-07, during snow removal activities, when notice has been provided in advance of the proposed "snow lift".

That By-law 2251, establishing overnight parking restrictions in the City of Barrie, and all amendments thereto, be repealed.

That the appropriate by-law be prepared to establish the proposed overnight parking restrictions.

That staff makes application to the Ministry of the Attorney General for approval of an early payment fine of \$20.00 and a set fine of \$30.00 for violations related to overnight parking restrictions.

That the City Clerk's Office be authorized to hire 4 additional Full-time (35 hours per week) and 2 additional Part-Time (24 hours per week) Municipal Law Enforcement Officers, on a temporary contract basis, for a period of 6.5 months to increase enforcement of the expanded overnight parking restrictions.

That warnings be issued to advise motorists of the upcoming parking prohibitions starting two weeks prior to November 1st.

That the staff review the changes to overnight parking restrictions after the first winter control season including the financial implications associated with enforcement and report back to General Committee. (OPR009-07) (File: T06-OV) 07-A-341

**07-A-341** That motion 07-G-491 of General Committee Report No. 39, Section "C", concerning Proposed Changes to Overnight Parking Restrictions for Winter Control Operations be amended by deleting "1 a.m. to 7 a.m." in item 1 a) and inserting "12 midnight until 7:00 a.m."



---

**APPENDIX 'B'**

**See STAFF REPORT OPR007-08, attached.**

**The following motion was passed further to Staff Report OPR007-08.**

**September 15, 2008**

**Motion 08-G-432    REVIEW OF CHANGES TO OVERNIGHT PARKING RESTRICTIONS FOR  
WINTER CONTROL OPERATIONS**

That By-law 2007-209, establishing overnight parking restrictions in the City of Barrie, be amended to shorten the end date of the parking restrictions from April 30<sup>th</sup> to April 15<sup>th</sup>, with all other provisions of By-law 2007-209 remaining in effect.

That in accordance with the Program Change Form attached as Appendix "A" to Staff Report OPR007-08, the City Clerk's Office be authorized to hire a maximum of 4 additional Full-time (35 hours per week) and 2 additional Part-Time (24 hours per week) Municipal Law Enforcement Officers annually, on a temporary contract basis, for a period of up to 6 months to enforce the overnight parking restrictions. (OPR007-08) (File: T06-OV)