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# HALDIMAND COUNTY

## Memorandum BME-M01-2019 Parking Set Fine Increases

For Consideration by Council in Committee on February 26, 2019

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**To:** Mayor Hewitt and Members of Council

**From:** Randy Charlton, Manager, Building & Municipal Enforcement Services

On December 16, 2002, Council passed a General Parking By-law #307/02 in order to prohibit or regulate the parking, standing or stopping of vehicles or any class thereof on the roads and Municipal parking lots under the jurisdiction of the County. In order to facilitate enforcement of the General Parking By-law pursuant to the *Provincial Offences Act*, staff applied to the Ministry of the Attorney General to establish set fines. These set fines were initially approved by the Ministry in February, 2003.

In June 2009, these fines were reviewed and updated and staff subsequently applied the Ministry to increase the parking set fines which were approved by the Ministry, generally by \$5.00 for the early payment payable within 7 days and \$10.00 for the set fine. This is the fine structure that currently is in place for Parking control matters.

Currently, there are 22 different set fines pursuant to the General Parking By-law #307/02, which includes 3 existing offences that had not previously had set fines established until 2017. After 10 years, it is appropriate to re-examine the set fines to ensure that these are updated and that they have the appropriate level of incentive for by-law compliance.

In addition to the foregoing, due to complaints about parking and activity around the Hagersville Quarry lands, in the summer of 2018 Council amended the Parking By-law to identify the roads in this area with the posting of the “No Stopping” signs. Council also directed that a more proactive approach to parking enforcement was required – specifically the introduction of a tow-away zone in this location to discourage trespassing on the quarry property, to address safety concerns from vehicles parking on the road allowance and compatibility matters with nearby residences. The intent is to bring forward a separate by-law before the end of March to enact the tow-away zone provisions in advance of the summer season.

Staff has completed a review of the set fines and pursuant to the Ministry’s “Set Fine Application Best Practices Manual” and will be requesting in an application an increase in the parking set fines.

The set fines application, once approved, will see parking set fines range between \$40.00 and \$350.00 depending on the severity of the parking offence. A minor offence for example, would include “parked wrong way on street” while the highest parking set fine would be for “parked/stopped in designated space – no permit (Disabled)”. Note that the Province has mandated that the **minimum** Set Fine of \$300.00 for Parking in a Disabled parking spot without a permit.

The application to the Ministry would request a more contemporary approach for set fines for the following offences:

| Short Form Wording                             | Early Payment | Set Fine |
|--|---------------|----------|
| Stop where prohibited                          | \$50.00       | \$75.00  |
| Parked within 1.5 metres of a fire hydrant     | \$75.00       | \$100.00 |
| Parked/stopped in designated space – no permit | \$325.00      | \$350.00 |
| Parked heavy vehicle in a prohibited area      | \$150.00      | \$175.00 |

The set fines requested are comparable to those fines found in the City of Hamilton. Staff also looked at the parking set fines in Norfolk County, and were advised that the set fines in Norfolk County have not been reviewed for 8 years.

Funds received through the court process are posted to the POA cost center and off-setting this activity. While those parking funds received by the County that are not challenged and paid outside the court process are posted to the enforcement cost center.

The fee schedule attached illustrates the current Set and Early Payment Fines along with the Proposed Set Fines to the Ministry.

**Haldimand County**  
**Part II Provincial Offences Act**  
**By-law No. 307/02 as amended: Parking By-law**  
**Schedule of Fines**

| Item | Short Form Wording                             | Provision Creating or Defining Offence | Early Voluntary Payment Payable within 7 days | Set Fine | Early Voluntary Payment Payable within 7 days | Set Fine |
|------|--|--|---|----------|---|----------|
|      |  |  | Existing                                      |          | Proposed to Ministry                          |          |
| 1.   | Stop where prohibited                          | Section 8                              | \$30.00                                       | \$40.00  | \$50.00                                       | \$75.00  |
| 2.   | Parked where prohibited                        | Section 10                             | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 3.   | Parked – obstruct sidewalk                     | Section 9 (a)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 4.   | Parked – obstruct boulevard                    | Section 9 (a)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 5.   | Parked within 1.5 metres of a fire hydrant     | Section 9 (b)                          | \$50.00                                       | \$75.00  | \$75.00                                       | \$100.00 |
| 6.   | Parked within intersection                     | Section 9 (c)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 7.   | Parked – obstruct crosswalk                    | Section 9 (a)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 8.   | Parked obstructing parked vehicle              | Section 9 (m)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 9.   | Parked within 15 metres of railway crossing    | Section 9 (e)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 10.  | Parked on roadway less than 6 metres wide      | Section 9 (f)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 11.  | Exceeded two hour parking limit signs          | Section 11                             | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 12.  | Parked longer than 48 consecutive hours        | Section 9 (g)                          | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 13.  | Not parked at required angle                   | Section 5                              | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 14.  | Parked wrong way on Street                     | Section 4                              | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 15.  | Parked – municipal parking lot                 | Section 14                             | \$20.00                                       | \$30.00  | \$30.00                                       | \$50.00  |
| 16.  | Parked/stopped in designated space – no permit | Section 15                             | N/A   | \$310.00 | \$325.00                                      | \$350.00 |

|     |  |               |         |          |          |          |
|-----|--|---------------|---------|----------|----------|----------|
| 17. | Parked – obstruct driveway                     | Section 9 (a) | \$20.00 | \$30.00  | \$30.00  | \$50.00  |
| 18. | Parked in area reserved for funeral procession | Section 16    | \$20.00 | \$30.00  | \$30.00  | \$50.00  |
| 19. | Parked heavy vehicle in a prohibited area      | Section 9 (o) | \$75.00 | \$100.00 | \$150.00 | \$175.00 |
| 20. | Stop obstructing traffic                       | Section 7 (d) | \$30.00 | \$40.00  | \$60.00  | \$75.00  |
| 21. | Park on wrong side of street                   | Section 12    | \$20.00 | \$30.00  | \$30.00  | \$50.00  |
| 22. | Stop in school bus loading area                | Section 13    | \$30.00 | \$40.00  | \$60.00  | \$75.00  |

**Note: The general penalty provision for the offences listed above is Section 18 of By-law 307/02, as amended, a certified copy of which has been filed, and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33**