Agenda – Executive Policy Committee – June 15, 2011

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 13, 2011

Item No. 1 Establishment of a New Winter Parking Policy

STANDING COMMITTEE RECOMMENDATION:

On June 13, 2011, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendations of the Winnipeg Public Service and submits the following to Council:

1. That a new Winter Parking Ban By-law (Appendix A), which would come into force on July 1, 2011, in order to be in place for the 2011/2012 winter season, be enacted.

2. That amendments to the Voluntary Payment of Fines By-law (Appendix A), to reflect the new Winter Parking Ban By-law and to increase the fine for a vehicle that is standing, stopped or parked in violation of a residential parking ban, be enacted.

3. That a one-time expenditure of $250,000 be approved out of Public Work's existing Snow and Ice Control Program for the development and implementation of an extensive public awareness program to inform Winnipeg's citizens of the amended parking restrictions.

4. That the Proper Officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – June 15, 2011

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 13, 2011

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 13, 2011, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendations of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Establishment of a New Winter Parking Policy**

Critical Path: **Standing Policy Committee on Infrastructure Renewal and Public Works**
Executive Policy Committee and Council

AUTHORIZATION

Author	Department Head	CFO	CAO
K. R. Boyd, P. Eng., Manager of Streets Maintenance	B.W. Sacher, P. Eng. Director of Public Works	P Olafson A/CFO	M Ruta A/CAO

RECOMMENDATIONS

1. That Council enact a new Winter Parking Ban By-Law (a draft By-Law is attached as Appendix A) which would come into force on July 1, 2011 in order to be in place for the 2011/2012 winter season.
2. That Council enact amendments to the Voluntary Payment of Fines By-law (Appendix A) to reflect the new Winter Parking Ban By-law and to increase the fine for a vehicle that is standing, stopped or parked in violation of a residential parking ban.
3. That a one-time expenditure of $250,000 be approved out of Public Work's existing Snow and Ice Control Program for the development and implementation of an extensive public awareness program to inform Winnipeg's citizens of the amended parking restrictions.
4. That the proper Officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On July 26, 2006 Council directed that the Administration be instructed to review and report back on the identification of a more effective Residential Overnight Parking Ban that will better meet the needs of both our citizens and the snow-clearing work crews. The Public Works Department has spent the intervening years initially developing a web-based mapping system that makes use of the latest technology to provide for a more concise scheduling of residential snow clearing activities and, for the past two winters, successfully piloting the new system to confirm its suitability for a more effective residential parking ban.

IMPLICATIONS OF THE RECOMMENDATIONS

Overview
The proposed Winter Parking By-Law will consolidate and improve the four parking bans that currently exist for the City of Winnipeg. These are:

- Annual Snow Route Parking Ban – This ban is in place during the months of December, January and February every year. It currently prohibits parking on snow routes from 2:00

a.m. to 6:00 a.m. This time would be extended by one hour to 7:00 a.m. under the new By-law.

- Declared Snow Route Parking Bans – These are declared whenever necessary by the Director of Public Works. They currently prohibit parking from midnight till 6:00 a.m. This would be extended by one hour to 7:00 a.m.
- Snow Emergency Parking Bans – These bans allow the Mayor to designate and to ban parking on snow emergency routes in a snow emergency. Although the current By-law imposes a fine for violating this ban, tickets are almost never issued because vehicles are almost always stuck rather than deliberately parked in violation of the ban. Accordingly, it is proposed that the current fine be removed. However, the new By-law would still provide for these vehicles to be towed out of the way to allow snow clearing to take place.
- Residential Overnight Parking Bans – These are declared whenever necessary by the Director of Public Works and apply City-wide until lifted. The proposed by-law would require each street to be placed in a particular snow clearing zone. Parking would be banned in each zone for a 12 hour period (either day or night shift) to permit snow clearing.

The current practice of towing vehicles to a compound at the owner's expense if they violate a Declared Snow Route Parking Ban will continue. The current practice of towing vehicles to a nearby location out of the path of plows if they violate the new Residential Parking Ban or the Snow Emergency Parking Ban will also continue. As per past practice, vehicle owners will not be charged a fee to offset the City's cost when their vehicle is towed. However, the fine for failing to observe a residential parking ban is proposed to rise to $75 from the current $50 (assuming early payment) and to $150 from the current $100 (if no early payment). This fine is intended to discourage violations of the residential parking ban and reduce the number of vehicles that must be towed.

The benefits of undertaking snow clearing operations on streets free of parked cars can be readily explained in terms of public safety, the safety of equipment operators, the higher quality of snow clearing and hauling, and the cost savings to the City if there is no requirement to return to plow isolated locations after parked cars are subsequently removed by their owners.

New Residential Parking Ban

Recent winters' experiences have convincingly demonstrated the shortcomings of our existing Residential Overnight Parking Ban and its lack of effectiveness as a tool to allow our snow clearing crews to undertake the snow clearing operations on our residential streets without the barriers presented by parked cars. A meaningful reduction in parked cars would see a timelier cleanup operation as well as reduce the overall requirement for snow clearing equipment.

This report proposes three solutions to the problem of parked vehicles that hamper snow clearing efforts.

1. The Residential Parking Ban will be targeted to particular areas and even specific streets for a designated 12 hour period. It will no longer be necessary to prohibit parking on every residential street throughout the City for as long as it takes to complete the plowing effort. Last winter, using the latest mapping technology, specific areas of the City were identified each night for plowing and the parking ban was only enforced on those specific streets for that designated time period. The public was able to identify whether their street was to be plowed by looking online at Public Work's website or by calling the 311 Contact Centre.

This process worked even better than anticipated and has led to the development of the new Residential Parking Ban proposed in this report that will place parking restrictions on identified snow clearing zones for only a specified 12 hour period rather than the entire city for several days. In addition, in neighbourhoods that have a high-density of on-street parked cars, such as the Wolseley area, adjacent streets will be placed into different zones so that residents will have an alternate nearby location to park their cars during a residential plowing event.

2. The Residential Parking Ban will be imposed on a twelve-hour shift basis around the clock. In the past, the Residential Street Overnight Parking Ban restricted parking for a six hour period (from 12:00 midnight to 6:00 am) despite the fact that the City's plowing operations were being undertaken around the clock 24 hours a day. The result was an inefficient use of equipment, the need to return to clean up areas where vehicles had been parked, and a longer and more expensive snow clearing operation.

   The Public Works Department proposes to use the new By-law to impose parking bans in snow clearing zones either during a 12 hour day shift operation or a 12 hour night shift operation. It is anticipated that, when combined with the significant reduction in interference from parked cars, the optimal use of equipment will mean that the time duration of a typical residential plowing operation can be reduced from 120 hours to no more than 60 hours under typical plowing conditions.

3. This report does not propose a fee to be imposed on the owners of vehicles parked in violation of a residential parking ban whose vehicles have to be towed out of the path of the snow clearing equipment. However, as noted above, it is proposed that the fine for a ticket for parking in violation of the new Residential Parking Ban should rise to deter non-compliance.

   A review of other winter cities that provide similar service levels of plowing activities for residential streets has demonstrated that, in order for any ban to be effective, there must be significant consequences for violators. Too many of our citizens have been prepared to accept the current fine they may face for parking in violation of the existing ban as an alternative to finding off-street parking at a cost that may be significantly higher. It is hoped that imposing a higher fine, combined with the fact that alternate parking will now only be required for a 12 hour period, will prompt additional vehicle owners to keep their vehicles off the streets in residential parking ban zones

Public Awareness Campaign Required

The proposed By-law will require that the Director post on the City's website and make available through 311 the following information:

- Snow clearing zones;
- Designated snow routes;
- The existence of snow route parking bans and residential parking bans.

In addition, in keeping with established practice, communiqués must be issued to the media concerning snow route and residential parking bans.

However, given the changes to the parking bans being proposed, it will be imperative that an extensive public awareness campaign be undertaken to familiarize our citizens with the proposed new winter parking restrictions (primarily the new Residential Parking Ban) and it is estimated that $250,000 from the Snow and Ice Control Program will be necessary to develop and implement the required multi-media campaign prior to next winter. It is anticipated that

additional funding will not be required but rather that the costs of the one-time campaign will be offset by savings in the provision of more efficient and effective snow clearing operations as a result of the reduction in parked cars. An annual public awareness program will be required but sufficient funding for this smaller initiative is currently included in the annual Snow and Ice Control Program.

HISTORY

The existing Winter Overnight Parking Bans were adopted by Council in December 1993.

FINANCIAL IMPACT

Financial Impact Statement **Date:** April 26, 2011

Project Name: **First Year of Program** **2011**

Establishment of a New Winter Parking Policy

	2011	2012	2013	2014	2015
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 250,000	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 250,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	250,000	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The report recommendations include a one time initiative which would cost approximately $250,000 in 2011 to undertake a required public awareness compaign related to the implementation of the new recommended winter parking policy. The public awareness campaign would be funded by savings in the provision of more efficient and effective snow clearing operations as a result of the reduction in parked cars. There is no financial impact related to the increase in fines based on the assumption that the increased fines will result in a lower volume of parking offenders.

"Original Signed by D. Stewart, CA"

Darcy Stewart, CA
Manager, Finance & Administration

CONSULTATION

In preparing this report there was consultation with:

Winnipeg Parking Authority (SOA)
Legal Services Department
Corporate Support Services

SUBMITTED BY

Department	Public Works Department
Division	Streets Maintenance Division
Prepared by:	Bruce McPhail, P. Eng.
Date:	April 27, 2011
File No.	

Attachments: Appendix A – Winter Parking Ban By-Law

APPENDIX A

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to enable rapid and effective removal of snow on streets within the City of Winnipeg

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the **Winter Parking Ban By-law**.

Definitions

2 In this By-law

"authorized person" means the person authorized to

(a) designate snow routes under section 3;

(b) make a declaration under sections 5, 6 or 7; or

(c) assign a street or portion of a street to a zone under subsection 6(1);

"Director" means the Director or Acting Director of the Public Works Department of the City of Winnipeg;

"enforcement officer" means any employee of the City of Winnipeg or other individual appointed as a special constable under section 176 of *The City of Winnipeg Charter* whose special constable appointment authorizes him or her to enforce this By-law;

"parking ban" means a parking ban created by section 4 or declared under sections 5, 6 or 7;

"residential street" means any street or any portion of a street that is not a snow route;

"snow route" means a street or the portion of a street designated by the Director as a snow route under section 3;

"zone" means one of several snow clearing zones to which streets in the City have been assigned by the Director in compliance with subsection 6(1).

Designation of snow routes

3 After taking into account existing or future infrastructure, bus routes and traffic data, the Director is authorized, in compliance with subsection 8(1), to designate regional and non-regional streets or portions of them as snow routes in order to assist in efficient and effective snow clearing operations. When the Director determines that a street or a portion of a street is no longer required to be designated as a snow route, he or she may remove its designation in compliance with subsection 8(1).

Annual Snow Route Parking Bans

4 No person may stop, stand or park a vehicle, and the owner of a vehicle must not permit it to be stopped, stood or parked, on a snow route between the hours of 2:00 p.m. and 7:00 a.m. on any day during the months of December, January and February.

Declared Snow Route Parking Bans

5(1) When he or she considers it necessary for effective snow clearing operations, the Director is authorized, in compliance with subsection 8(2), to declare a Snow Route Parking Ban which prohibits stopping, standing or parking vehicles on snow routes between the hours of 12:00 midnight and 7:00 a.m. on the dates specified in the declaration.

5(2) No person may stop, stand or park a vehicle, and the owner of a vehicle must not permit it to be stopped, stood or parked, in contravention of a Snow Route Parking Ban declared pursuant to subsection (1).

Residential Parking Bans

6(1) For the purposes of this By-law, in order to assist in the efficient and effective snow clearing operations, the Director must, in compliance with subsection 8(1), assign every street or portion of a street in the City to a snow clearing zone and may reassign previously-assigned streets or portions of streets to different zones.

6(2) When he or she considers it necessary for effective snow clearing operations, the Director is authorized, in compliance with subsection 8(2), to declare a Residential Parking Ban which prohibits stopping, standing or parking a vehicle in one or more of the snow clearing zones at a time or times and on a date or dates specified in the declaration.

6(3) No person may stop, stand or park a vehicle, and the owner of a vehicle must not permit it to be stopped, stood or parked, in contravention of a Residential Parking Ban declared pursuant to subsection (2).

Snow Emergency Parking Bans

7(1) When the Mayor of the City of Winnipeg, or another member of the Council of the City of Winnipeg designated for this purpose by the Mayor, considers that

(a) a transportation emergency caused by snowfall or drifting snow has occurred or is imminent; and

(b) a prohibition on stopping, standing, or parking vehicles on snow routes is necessary for effective snow clearing operations or the maintenance of emergency and other essential services,

He or she may, in compliance with subsection 7(1), declare a Snow Emergency Parking Ban which prohibits stopping, standing or parking a vehicle on snow routes in the City of Winnipeg on dates and times specified in the declaration.

7(2) A Snow Emergency Parking Ban declared under subsection (1) may be extended by the person authorized to declare the Snow Emergency Parking Ban in compliance with subsection 8(2).

7(3) Where a Snow Emergency Parking Ban has been declared under subsection (1), an enforcement officer or any person given this authority by the Director may take any action or measure necessary to remove vehicles stopped, standing or parked on a snow route.

Mechanisms for designations of snow routes, declarations and assignment of streets to zones

8(1) The designation of a snow route under section 3 or the assignment of a street or portion of a street to a zone under subsection 6(1) takes effect at the point when all of the following actions have been taken:

(a) the authorized person has signed the designation or assignment;

(b) the City Clerk has been notified in writing of the designation or assignment;

(c) the designation or assignment has been posted on the City of Winnipeg website;

(d) lists or maps of snow routes and snow clearing zones on the City of Winnipeg website have been updated to show the new designation or assignment.

8(2) A parking ban declared under sections 5 or 6 takes effect at the point when all of the following actions have been taken:

(a) the authorized person has signed the declaration;

(b) the City Clerk has been notified in writing of the declaration;

(c) the declaration has been posted on the City of Winnipeg website;

(d) the authorized person has released a communiqué to the media that

(i) states that a parking ban has been declared; and

(ii) provides details of the parking ban.

8(3) For the purposes of this section

(a) "designation" includes the removal of the designation of a street or portion of a street as a snow route;

(b) "assignment" includes the re-assignment of a street or portion of a street to another zone; and

(c) "declaration" includes the extension of a Snow Emergency Parking Ban under subsection 7(2).

Towing of vehicles parked in contravention of bans

9(1) Where an enforcement officer has reasonable and probable grounds to believe that an unattended vehicle is stopped, standing or parked

(a) on a street designated as a snow route and marked as such by snow route signs erected on the street; and

(b) in contravention of a parking ban created by section 4 (Annual snow route parking bans) or declared under section 5 (Declared snow route parking bans);

the enforcement officer may cause the vehicle to be taken to and stored in a suitable place under subsection 243(2) of *The Highway Traffic Act*. Subsection 243(3) of *The Highway Traffic Act* applies to the costs of the moving and storage of the vehicle.

9(2) A vehicle that is standing or parked in violation of a parking ban imposed under section 6 (Residential Parking Ban) is hereby determined to be in a position that causes it to interfere with the removal of snow from a street by a person authorized by the City of Winnipeg to remove the snow. A peace officer or an enforcement officer is authorized to move such a vehicle or cause it to be moved to a place where it will not interfere with the removal of snow from the street pursuant to subsection 243(1) of *The Highway Traffic Act*.

Public notification

10 The Director must ensure that the following information is posted on the City of Winnipeg website and is communicated to individuals who telephone the City of Winnipeg seeking this information:

(a) the streets or portions of streets currently designated as snow routes under section 3;

(b) the snow clearing zone into which a street or portion of a street has been assigned under subsection 6(1);

(c) the existence of snow route parking bans under sections 4 or 5;

(d) the existing of a residential parking ban declared under section 6.

Consequential amendments

10(1) The Snow Emergency By-law No 6548/95 is hereby repealed.

10(2) Sections 29, 29.1 and 29.2 of the Traffic By-law No. 1573/77 are repealed.

10(3) The Voluntary Payment of Fines By-law No. 789/74 is amended by striking out the following:

Parking/stopping on snow emergency route	*200*	*100*
Park/stop on snow route 02:00 TO 06:00 (December to February)	*100*	*50*
Park/stop on snow route (overnight parking ban)	*100*	*50*
Park/stop on non-snow route (residential parking ban)	*100*	*50*

and substituting the following:

Stand/stop/park on snow route 2:00 to 7:00 (Annual Snow Route Parking Ban, December to February)	*100*	*50*
Stand/stop/park on snow route 12:00 to 7:00 (Declared Snow Route Parking Ban)	*100*	*50*
Stand/stop/park in residential zone subject to parking ban (Residential Parking Ban)	*150*	*75*

Coming into force

11 This By-law comes into force on July 1, 2011.

DONE AND PASSED, this day of , 2011.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Public Works

Approved as to form:

_____
For Director of Legal Services and
City Solicitor