Agenda – Council – June 23, 2022

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 9, 2022

Item No. 3 Reducing the Number of Days a Vehicle can Remain Parked on a Street Without Moving

STANDING COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the following to Council:

1. That the draft amending by-law attached as Appendix A, which includes amendments to the provisions of the Winnipeg Parking By-law No.86/2016 concerning abandoned vehicles, be enacted, and that these amendments come into effect 30 days after enactment.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the forgoing.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 9, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 9, 2022, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

The following persons submitted communications with respect to the matter:

- Irwin Corobow submitted a communication dated June 4, 2022
- David Grant submitted a communication dated June 8, 2022
- Councillor Lukes, Waverley West Ward, submitted a communication dated June 9, 2022

STANDING COMMITTEE RECOMMENDATION:

On March 8, 2022, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Assiniboia Community Committee and directed the Winnipeg Public Service to report back on the matter within 90 days.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2022, the Assiniboia Community Committee passed the following motion:

WHEREAS Winnipeg continues to grow in density;

AND WHEREAS new developments contain less on-street parking than older developments;

AND WHEREAS public streets are not private parking lots;

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – June 9, 2022

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

AND WHEREAS abandoned vehicles on streets create safety hazards in winter conditions because snow cannot be efficiently removed from the streets;

AND WHEREAS Section 65(1) of the Winnipeg Parking By law No. 86/2016 states that an enforcement officer must not take a vehicle into their custody as an abandoned vehicle unless it is parked on the street and:

(a) meets one of the following conditions:

  (i) it is parked in contravention of section 22 (parking of unregistered vehicle);

  (ii) it is wrecked, wholly or partially dismantled, or wholly or partially stripped;

  (iii) it appears not to have been moved for a period of 21 days or more; and

(b) an enforcement officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at least 72 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time.

AND WHEREAS at times it can take up to a month to remove an abandoned vehicle from the street;

THEREFORE BE IT RESOLVED that Standing Policy Committee on Infrastructure Renewal and Public Works be requested to direct the Winnipeg Public Service to report back within 90 days on reducing the number of days a vehicle can remain parked on a street without moving in accordance with Section 65(1) of the Winnipeg Parking By law No. 86/2016, before it is taken into the custody of an enforcement officer.

ADMINISTRATIVE REPORT

Title: Amendment to Winnipeg Parking By-law 86/2016 – Reducing the Number of Days a Vehicle can Remain Parked on a Street Without Moving

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

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Topolniski	J. Berezowsky	N/A	M. Jack

EXECUTIVE SUMMARY

The Winnipeg Parking By-law 86/2016 regulates the parking and stopping of vehicles on public streets, parking in City parking facilities and designated accessible parking spaces, and the parking and storage of vehicles on residential property. Under sections 65(1) and (2), which addresses abandoned vehicles, the City may ticket and tow a vehicle from the street if the vehicle:

a) meets one of the following conditions:
   (i) it is parked in contravention of section 22 (parking of unregistered vehicle);
   (ii) it is wrecked, wholly or partially dismantled, or wholly or partially stripped;
   (iii) it appears not to have been moved for a period of 21 days or more; and

b) an enforcement officer has left a notice on the vehicle requiring the vehicle to be removed from the street by a specified time that is at least 72 hours after the time the notice is left on the vehicle, and the vehicle has not been removed by that time.

In response to a direction of the Standing Policy Committee on Infrastructure Renewal and Public Works (SPC-IRPW), the Winnipeg Parking Authority (WPA) has undertaken a review of this section of the Winnipeg Parking By-law to consider reducing the number of days a vehicle can remain parked on the street without moving.

Limiting the number of days that a vehicle can remain parked on a street helps to increase parking availability by ensuring on-street spaces are accessible for use by residents and visitors. This is particularly helpful in denser neighborhoods and new developments, which contain less on-street parking per capita than other areas of the City. It also helps to ensure a more effective snow clearing operation and helps to reduce costs associated with recurring snow removal. Furthermore, prohibiting the storage of wrecked or otherwise inoperable vehicles on city streets improves safety for local residents and helps to maintain the appearance of the streetscape.

This report proposes an amendment to the Winnipeg Parking By-law, which would reduce the number of days set out under sections 65(1) and 65(2) from 21 to 10. The report also proposes an amendment to the definition of an abandoned vehicle to include a vehicle that is inoperable. This definition of “inoperable vehicle” would improve the City’s ability to ticket and tow abandoned vehicles by including two new criteria - vehicles with flat tires, and vehicles that

cannot legally be driven in accordance with the Highway Traffic Act – and by prohibiting owner/operators from parking such inoperable vehicles on public streets.

RECOMMENDATIONS

1. That Council enact the draft amending by-law attached as Appendix A, which includes amendments to the provisions of the Winnipeg Parking By-law No.86/2016 concerning abandoned vehicles, and that these amendments come into effect 30 days after enactment.

2. That the proper officers of the City be authorized to do all things necessary to implement the forgoing.

REASON FOR THE REPORT

On March 8, 2022, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Assiniboia Community Committee and directed the Winnipeg Public Service to report back within 90 days on reducing the number of days a vehicle can remain parked on a street without moving in accordance with Section 65(1) of the Winnipeg Parking By law No. 86/2016, before it is taken into the custody of an enforcement officer.

This report recommends several amendments to the *Winnipeg Parking By-law No. 86/2016*; only Council has the authority to enact bylaw amendments.

IMPLICATIONS OF THE RECOMMENDATIONS

The recommendations do not have any financial implications to the City.

The WPA will work with Corporate Communications to provide a public information plan prior to the implementation of the proposed bylaw changes.

HISTORY/DISCUSSION

Background

The Winnipeg Parking By-law 86/2016 came into force on September 1, 2016 and was the first significant update to parking regulations in the city since the passing of the Traffic By-law in 1977. The by-law regulates the parking and stopping of vehicles on public streets, parking in City lots and designated spaces, and the parking and storage of vehicles on private residential property. Sections 65(1) and 65(2) deal with abandoned vehicles, which are subject to a ticket and tow if the vehicle is parked on the street and meets one of the following conditions:

- the vehicle is parked in contravention of section 22 (parking of unregistered vehicle);
- the vehicle is wrecked, wholly or partially dismantled, or wholly or partially stripped;
- the vehicle appears not to have been moved for a period of 21 days or more.

In order to deem a vehicle abandoned, an enforcement officer must also leave a notice on the vehicle requiring it to be removed from the street by a specified time that is at least 72 hours after the time the notice is left. If the vehicle has not been removed by that time, an enforcement officer may issue a penalty notice to the vehicle owner and/or order that the vehicle be towed.

Other Canadian cities also manage on-street parking with abandoned vehicle time limits. For example, the City of Vancouver considers a vehicle abandoned if it is parked for more than 14 days on a street (other than the street of the vehicle's registered owner), the City of Toronto considers a vehicle abandoned if it has been parked for more than seven days in the same spot (a permit is required and entitles the vehicle owner to park in a designated area for no more than seven days), and both Calgary and Edmonton consider a vehicle abandoned if it is parked in one location for more than 72 consecutive hours.

This report proposes amendments to the Winnipeg Parking By-law to reduce the time a vehicle can remain parked on a street without moving from 21 days to 10 days, add a definition for "inoperable vehicle" to the abandoned vehicles provisions, and prohibit owners from parking inoperable vehicles on the street. These changes are intended to increase parking availability, support safer, more effective snow clearing operations, provide clarity to the public, and promote neighborhood cleanliness and beautification.

Increased Parking Availability

City streets are intended to support short-term parking needs, not long-term vehicle storage. Denser areas of the city, such as new developments and neighborhoods with multi-family dwellings, already face the challenges of limited on-street parking availability. Reducing the number of days that a vehicle can remain parked without moving will make spaces available to residents and visitors making regular trips rather than those seeking free access to long-term parking.

While a period of less than the proposed 10 days for deeming a vehicle abandoned may have the effect of encouraging owners to move their vehicles from the on-street spaces adjacent to their residences even more often, it should be noted that the abandoned vehicle clause is not meant to serve as the primary means of regulating occupancy and turnover. For that purpose, the WPA can implement time-limited and/or metered parking.

Better Snow Clearing Support

Reducing the number of days that a vehicle can remain parked on the street is also expected to improve the City's snow clearing and ice control activities. In addition to the hazards that abandoned vehicles create for drivers on streets in the winter months, they can also drive up costs for snow clearing by forcing plows to return to streets where vehicles have been plowed around or windrowed in. By allowing enforcement officers to order tows in a timelier manner, the risk of abandoned vehicles impeding snow plows and causing significant delays in snow removal from residential areas will be reduced.

Consequently, reducing the number of days that a vehicle can remain parked on a street is also expected to reduce the number of complaints that are received for vehicles impeding snow clearing operations and abandoned vehicles. Due to substantial amounts of snow during the recent winter season, the number of complaints related to abandoned vehicles was significantly higher than in previous years. Over the last five years, the WPA has received an average of 425 abandoned vehicle complaints each winter. During the 2021/22 winter season, the WPA received 820 complaints. Not only was it cumbersome and time consuming to respond to the high number of complaints, but the actual removal of vehicles that were found to be in contravention posed significant challenges as they were snow-covered and surrounded by windrows. The proposed amendment is expected to alleviate many of these challenges and support safer, more effective and economical snow clearing operations in the years to come.

Hazard Reduction and Street Beautification
The Winnipeg Parking By-law also prohibits a vehicle from parking on a street if it is unregistered, wrecked, or wholly or partly stripped or wholly or partly dismantled; under this section, a vehicle that meets one of those conditions is considered to be an abandoned vehicle. Amending this section to include a definition for an inoperable vehicle will provide the City with more tools for enforcement, and may help to provide greater clarity to the public.

Inoperable vehicles, as defined under the amended by-law, would include any vehicles that are "wrecked, wholly or partially dismantled, or wholly or partially stripped" – as under the current by-law – but would also include two additional categories of vehicle: 1) vehicles with one or more flat tires, and 2) vehicles that suffer from any other defect or characteristic that prevent them from being driven on a highway in compliance with *The Highway Traffic Act.* The proposed amendment would also prohibit these inoperable vehicles from being parked on public streets, making them subject to ticketing and/or towing if they are not removed in a timely fashion.

If an inoperable vehicle is found by an enforcement officer, they may leave a notice on the vehicle requiring it to be removed from the street by a specified time that is at least 72 hours after the time the notice is left. If the enforcement officer returns and the vehicle has not been removed by that time, they may order that the vehicle be towed. Because the minimum 72-hour notice period would remain in place, owners would still have the opportunity to remove the vehicle themselves, thereby effectively showing that their vehicles were not inoperable or abandoned.

These changes will allow the WPA to better address concerns related to unsightly, derelict vehicles and potentially hazardous conditions on public streets, thereby promoting neighbourhood beatification and cleanliness. This will also harmonize the definition of an abandoned or inoperable vehicle under the Winnipeg Parking By-law with the definition of derelict vehicle under the Neighbourhood Liveability By-law and enable more timely removal of such vehicles.

FINANCIAL IMPACT

Financial Impact Statement

Date: May 9, 2022

Project Name:

Amendment to Winnipeg Parking By-law 86/2016 – Reducing the Number of Days a Vehicle can Remain Parked on a Street Without Moving

COMMENTS:

There are no financial implications associated with the recommendations contained in this report.

Lioubov Gavrilova-Crozier, Apr 27, 2022
Lioubov Gavrilova-Crozier, CPA, CA
Manager of Finance, WPA

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)
- Community Services Department - Community By-law Enforcement Services

OURWINNIPEG POLICY ALIGNMENT

The recommendations in this report will support the following OurWinnipeg directions:

- 01-2a Collaborate to Make Safe Communities- Direction 4: Promote Safety on Streets and Sidewalks
- 03-2 Vitality- Direction 6: Promote Cleanliness and Beautification

Enacting the proposed by-law amendments contained in Appendix A will clarify the definitions of abandoned and inoperable vehicles, and improve the timeliness of towing operations. This will support the prompt removal of unsightly and potentially hazardous elements from city streets while at the same time freeing up additional on-street parking spaces for legitimate users.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Public Works
Division: Winnipeg Parking Authority
Prepared by: Lisa Vermette
Date: May 9, 2022
File No: WPA-009-2022

Attachments:
Appendix A - Winnipeg Parking By-law Draft Amending By-law