Agenda – Executive Policy Committee – July 5, 2023

Report – Standing Policy Committee on Public Works – June 26, 2023

Item No. 3 Amendments to the Winnipeg Parking By-law No. 86/2016

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2023, the Standing Policy Committee on Public Works concurred in the recommendation of the Winnipeg Public Service, as amended, and submitted the following to Council:

1. That a by-law be enacted to amend the Winnipeg Parking By-law No. 86/2016, a draft of which is attached as Revised Appendix A to this report.

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

Agenda – Executive Policy Committee – July 5, 2023

Report – Standing Policy Committee on Public Works – June 26, 2023

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2023, the Standing Policy Committee on Public Works concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendation 1, delete the words "Appendix A" and replace with "Revised Appendix A"

and submitted the matter to the Executive Policy Committee and Council.

The following persons submitted communications with respect to the matter:

- David Grant
- Mark Hofer, MH Holdings

On June 8, 2023, the Standing Policy Committee on Public Works laid the matter over to its June 26, 2023 meeting, and requested that the Office of the Chief Administrative Officer conduct a Council Seminar to review the suggested amendments to the Winnipeg Parking By-law No. 86/2016, listed in Appendix A.

ADMINISTRATIVE REPORT

Title: Amendments to the *Winnipeg Parking By-law No. 86/2016*

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

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Topolniski	J. Berezowsky	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

The Winnipeg Parking By-law No. 86/2016 lays out requirements related to parking on the street, in City-owned lots, and at the Millennium Library Parkade. In order to improve customer service, increase enforcement efficiency, and clarify the rules for drivers, this report recommends a number of amendments to the bylaw, including the following highlights:

- Adding or removing several definitions to clarify enforcement of the related provisions;
- Amending a number of special requirements and exemptions that apply specifically to large vehicles;
- Clarifying enforcement of vehicles that are on, in, or connected to other vehicles;
- Allowing buses to remain parked at a designated stop for more than one hour in order to accommodate Winnipeg Transit programs;
- Including virtual parking permits and digital applications as valid proof of payment;
- Eliminating the exemption from paid parking on holidays (including Sundays) at City-owned off-street lots and in the Millennium Library Parkade;
- Removing the list of holidays when paid parking does not apply and relying instead on a reference to *The Interpretation Act*;
- Amending the prohibition against parking or stopping where prohibited by a temporary traffic control device to support activities other than work taking place in the street;
- Clarifying the rules for parking or stopping on a roadway to make it clear that stopping in a position that is not parallel and directly adjacent to the curb, shoulder, or bike lane is prohibited;
- Clarifying that vehicles with an appropriate permit, such as an accessible vehicle with a ramp that deploys only on one side, are able to park facing against the flow of traffic;
- Allowing the Winnipeg Parking Authority (WPA) to refuse to issue or renew a permit to someone who owns a vehicle that has been repeatedly ticketed;
- Amending the contractor parking permit framework to support repeated visits to a work site;
- Clarifying the terms of a recreational vehicle permit; and
- Removing references to the *Voluntary Payment of Fines By-law*.

The WPA expects these amendments will increase clarity for vehicle owners and improve the City's ability to effectively enforce parking offences.

RECOMMENDATIONS

1. That Council enact a bylaw to amend the Winnipeg Parking By-law No. 86/2016, a draft of which is attached as Appendix A to this report.

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

REASON FOR THE REPORT

Only Council has the authority to enact the proposed amendments to the *Winnipeg Parking By-law*.

IMPLICATIONS OF THE RECOMMENDATIONS

The proposed changes to the definitions and explanatory language in the *Winnipeg Parking By-law* will increase clarity for vehicle owners and improve the WPA's ability to enforce parking offences.

Amendments related to the WPA's various parking permit programs, such as shifting to a zone-based residential parking permit and allowing certain permit holders to park on the same side of a block more than once per day, will provide more convenient access to on-street parking.

Changes to the WPA General Manager's authority to deny permit applications from vehicle owners with outstanding tickets and/or repeated offences will encourage greater compliance with the by-law.

Removing the exemption from paid parking at City-owned off-street lots and the Millennium Library Parkade will create a more level playing field for private sector parking providers, reduce traffic congestion during special events, and avoid lost parking revenue.

HISTORY/DISCUSSION

Adding and Removing Definitions

This report recommends adding or removing several definitions to improve clarity for vehicle owners and keep the bylaw up-to-date with related provincial legislation.

- Amending the definition of a 'large vehicle' will improve the Winnipeg Parking Authority (WPA)'s ability to address complaints related to different vehicle types, including vehicles longer than 6.7m (22ft) parked on city streets.

- Deleting the definition of 'Special purpose vehicle', which is no longer defined in *The Highway Traffic Act*, and any references to this term will bring the bylaw into better alignment with provincial legislation.
- Adding a definition of 'shoulder' (taken from *The Off-Road Vehicle Act)* will improve enforcement of sections 17(1)(c) and (d) concerning the position and direction of parked or stopped vehicles.

Amending Requirements and Exemptions for Large Vehicles

There are a number of provisions in the bylaw that apply specifically to large vehicles, or from which large vehicles are excluded. This report recommends the following amendments concerning large vehicles:

- When an order lifting on-street parking time restrictions has been issued, all vehicles except large vehicles are also exempt from the requirement to pay. This report recommends removing the payment exemption for large vehicles. The Winnipeg Parking Authority (WPA) would instead allow the owners of large vehicles to apply for any applicable permits exempting them from on-street time and payment restrictions (e.g. a contractor permit).
- Section 14(3) requires drivers of large vehicles to pay double the parking fee that would apply to any other vehicle. However, there is no way to enter a double payment for the same vehicle using the PayByPhone mobile payment application or the model of paystation currently used by the WPA. This report recommends removing the requirement for extra parking fees for large vehicles.
- In order to facilitate parking for a particular event, section 63(1) allows the General Manager of the WPA to issue an order that exempts all vehicles, except for large vehicles, from on-street parking time limits. This report recommends removing the exception so as to broaden the City's ability to support these events appropriately.

Clarifying enforcement of Vehicles that are on, in, or Connected to Other Vehicles

Section 2(3) describes the application of the *Winnipeg Parking By-law* to vehicles that are placed in or on, or are towed by, another vehicle (e.g. trailers). WPA staff are often required to explain this provision to vehicle owners who have difficulty understanding which vehicle is subject to the by-law. This report recommends amending the wording of the section to improve clarity.

Exempting Various Parking Permit Holders from the Prohibition Against Parking on the Same Side of a Block with Time-Limited Parking More than Once per Day

Section 12(6) of the *Winnipeg Parking By-law* prohibits a vehicle from being parked more than once per day on the same side of a block where parking time limits are in effect. This report recommends adding an exemption from this prohibition to the following parking permits:

- contractor parking permit;
- social service provider parking permit;
- residential parking permit;

- visitor's residential parking permit;
- recreational vehicle permit;
- temporary exemption permit; and
- mobile vendor parking permit.

Section 12(6) is not typically enforced for vehicles with these permits, and maintaining this prohibition in the bylaw would undermine the intent of the various permit programs.

Allowing Winnipeg Transit Buses to Remain Parked at a Designated Stop for More than One Hour

Under section 13(2) of the *Winnipeg Parking By-law*, buses are exempt from the one-hour on-street parking limit that applies to other large vehicles, provided they are parked in a designated space marked by a traffic control device. For clarity, this report recommends adding explicit language to extend the exemption to a Winnipeg Transit bus parked at any designated bus stop. This change will support Winnipeg Transit's 'Ideas in Motion' public engagement bus and the Travel Training program whereby a bus is parked at a designated on-street location so that passengers have an opportunity to practice using the ramp and other accessibility features.

Including Virtual Parking Permits and Digital Applications as Valid Proof of Payment

Sections 14(1) and 14(2) of the *Winnipeg Parking By-law* provide a list of the acceptable ways in which a driver can show they have paid for on-street parking. This report recommends adding virtual parking permits and digital applications that use payment means other than a credit card so the WPA will be appropriately positioned to respond to emerging technologies such as prepaid debit cards, Apple Pay, Google Pay, etc.

Eliminating the Exemption from Paid Parking on Holidays (including Sundays) at Off-Street Lots and in the Millennium Library Parkade

Section 14(4) of the *Winnipeg Parking By-law* exempts all vehicles from paid parking requirements on holidays (including Sundays), as determined by *The Interpretation Act*. This exemption applies to all on-street parking spaces as well as City-owned lots and the Millennium Library Parkade. While maintaining the exemption for on-street spaces provides benefits to drivers and local businesses by incentivizing visits to locations where paid parking is in effect, there are a number of undesirable impacts associated with complimentary off-street parking.

The provision of complimentary off-street parking subsidized by the City may cause undue financial harm to private sector parking providers located in the vicinity of City-owned lots and the Millennium Library Parkade. This is less of an issue with on-street spaces since these two goods are not direct substitutes for one another, as on-street spaces in paid parking areas have time limits to reflect their intended use for short-term parking. Furthermore, offering complimentary parking on holidays when special events are taking place Downtown or at the Forks can lead to significant traffic congestion around the Millennium Library Parkade or Lot 117 as drivers queue on the street waiting to park free of charge. Finally, providing complimentary off-street parking at City-owned lots and the Millennium Library Parkade on holidays (including Sundays) reduces municipal parking revenue by an estimated $130,000, annually.

Removing the List of Holidays When Paid Parking Does Not Apply

Section 14(4) of the *Parking By-law* includes a footnote with a list of holidays on which all vehicles are exempt from any posted paid parking requirements. The exemption applies to the holidays listed by name in *The Interpretation Act* as well as any holiday declared by a proclamation of the Governor General or Lieutenant Governor of Manitoba. The addition of a new federal holiday by means other than proclamation has led to some confusion over when the paid parking exemption applies. This report recommends maintaining the current holidays for the exemption, but removing the list from the *Parking By-law* and relying instead on the reference to *The Interpretation Act*.

Amending the Prohibition Against Parking or Stopping Where Prohibited by a Temporary Traffic Control Device

Section 15(1) of the *Winnipeg Parking By-law* contains a prohibition against parking where parking is prohibited by a temporary traffic control device (i.e. a sign) during specified hours to accommodate work within the street. In practice, however, these temporary traffic control devices may be erected for a number of reasons other than work in the street, and the prohibition may not always be limited to set hours. For example, temporary traffic control devices have been erected for film shoots, parades, maintenance of trees and other infrastructure on City property adjacent to the street, and the Manitoba Marathon. These temporary signs are not accommodating work taking place within the street and they often lack specified hours. This report recommends rewording the prohibition to more accurately support all potential uses of temporary traffic control devices.

Clarifying the Rules for Parking or Stopping on a Roadway

Section 17(1) of the *Winnipeg Parking By-law* prohibits vehicles from parking on a roadway in any position that is not parallel and directly adjacent to the curb, shoulder, or bike lane. This report recommends amending the section to make it clear that the prohibition also applies to vehicles that are stopped, regardless of whether they meet the definition of ‘parked’.

Allowing Vehicles with an Appropriate Permit to Park Facing Against the Flow of Traffic

Section 124.2(1) of *The Highway Traffic* Act allows a driver with an appropriate permit (i.e. a disability parking permit) to stop or park their vehicle on the left side of a highway if it is necessary for them to enter or exit the vehicle. However, section 17(2) of the *Winnipeg Parking By-law* prohibits vehicles from parking or stopping if they are facing against the flow of traffic. This report recommends adding language to clarify that the exemption in *The Highway Traffic Act* includes vehicles displaying a valid disability permit.

Allowing the WPA to Revoke or Refuse to Issue a Permit to Someone Who Owns a Vehicle that has Outstanding Parking Fines or has been Repeatedly Ticketed for Parking Offences

In order to encourage the prompt payment of fines for parking offences, section 35(1)(a) of the *Winnipeg Parking Bylaw* allows the General Manager to refuse to issue a parking permit to any applicant who has outstanding fines for which the City is entitled to undertake collection proceedings (e.g. if the fines are for parking tickets that are past the deadline for review by a City screening officer).

In order to prevent drivers with outstanding fines from circumventing this restriction by having someone else apply for a permit on their behalf (for example, another member of their household who is also eligible for a residential parking permit), this report recommends allowing the General Manager to refuse to issue a permit on the basis of outstanding fines owed not only by the permit applicant, but by the owner of the vehicle to which the permit would apply as well.

Similarly, section 35(1)(b) allows the General Manager of the WPA to refuse to issue or renew a permit if the vehicle to which it would apply has been repeatedly stopped or parked in contravention of a City bylaw (i.e. if it has been the subject of multiple tickets). This report recommends expanding this power to include other vehicles owned by the same person, so as to prevent repeat offenders from simply applying for a permit with a secondary vehicle.

Giving the General Manager of the WPA Discretion Over the Minimum Timeline for Reapplication After a Permit has Been Revoked

Section 35(5) of the bylaw bars a person from receiving a parking permit for one year after they have had a similar permit revoked. This report recommends amending the section to give the General Manager of the WPA authority to refuse a permit for *up to* one year, in order to allow for some discretion in cases where the issue that led to the permit revocation may not be serious enough to warrant a full-year ban.

Amending the Contractor Parking Permit Framework

Section 38(4) of the *Winnipeg Parking By-law* allows a vehicle with a valid contractor parking permit to park on any given block where on-street time limits are in effect for a maximum of 72 hours in a year. This annual cap does not support contractors who may need to return to a job site multiple times. Instead, this report recommends amending the time limit to 48 consecutive hours. At that point, the holder of a contractor parking permit would need to move their vehicle from the block. This will provide a better balance between supporting contractors on the site and ensuring there is still adequate turnover of parking spaces to accommodate other local residents and businesses.

Amending the Terms of a Residential Parking Permit to Allow for Parking Within a Designated Area as Opposed to a Specific Street

Section 40(1) of the *Winnipeg Parking By-law* enables the General Manager of the WPA to issue a residential parking permit that allows a vehicle to park on a specific street or segment of a street without being bound by the posted time limits. In order to improve convenience for permit holders, this report recommends adding language that will enable the WPA to issue residential parking permits for an area that may include streets adjacent to the permit holder's residence.

Clarifying the Terms of a Recreational Vehicle Parking Permit

In accordance with sections 43(1), 43(2), and 43(3) of the *Winnipeg Parking By-law*, the General Manager of the WPA may issue a recreational vehicle parking permit that exempts a vehicle from certain on-street parking time limits. The by-law also sets out a limit of four permits that an applicant may be issued within a single year and a maximum period of three days at a time for which a permit may be valid.

The WPA will sell up to four permits per applicant per year, with each permit being valid for up to four 'activation' periods. Each activation period lasts for three days and may be started at the

request of the permit holder. This report recommends amending the language in these sections to clarify the current practice and to give the General Manager of the WPA the ability to refuse permit applications when appropriate.

Removing Reference to the *Voluntary Payment of Fines By-law*

Sections 72(1), 72(2), and 72(3) describe amendments to the *Voluntary Payment of Fines By-law No. 789/74*, which has been repealed. This report recommends deleting these sections from the *Winnipeg Parking By-law* as they are no longer applicable.

FINANCIAL IMPACT

Financial Impact Statement **Date:** April 28, 2023

Project Name:

Amendments to the Winnipeg Parking By-law No. 86/2016

COMMENTS:

There are no financial implications associated with the recommendations contained in this report. Future financial impacts, if any, will be included in WPA's operating budgets as part of the regular budgeting process.

Joseph Camia, Apr 28, 2023
Joseph Camia, CPA, CGA
Manager of Finance, WPA

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)
- Winnipeg Transit (as to the amendment of sections of the *Winnipeg Parking By-law* affecting busses)

OURWINNIPEG POLICY ALIGNMENT

Ongoing improvements to the *Winnipeg Parking By-law* will support the regulatory component of OurWinnipeg 2045 policy 4.10: Transportation Safety - "design, construct, maintain, and regulate an integrated and sustainable transportation system and related infrastructure that

optimize safe, connected and reliable mobility, and minimize severe injuries and fatalities for all road users." (p.28)

The proposed amendments are also aligned with the following policies of the Complete Communities Direction Strategy 2.0 (a secondary plan to OurWinnipeg 2045):

7.8 Support the development and implementation of progressive, data driven parking supply management as outlined in the forthcoming On-street Parking Strategy (p.45).

4.5 Develop strategies to manage on-street parking supply in commercial areas that encourage short-term use (p.130).

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Public Works
Division: Winnipeg Parking Authority
Prepared by: L. Patterson/L. Vermette/D. Locke
Date: May 8, 2023
File No: 005-2023

Attachment:

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