Minutes – Executive Policy Committee – November 8, 2017

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – October 31, 2017

Item No. 1 Amendments to the Winnipeg Parking By-law

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 amendments to the Winnipeg Parking By-law No. 86/2016 and Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016, as outlined in Appendix A, be enacted (draft amending by-law attached as Appendix A to this report).

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

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – October 31, 2017

DECISION MAKING HISTORY:

Moved by Councillor Morantz,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 31, 2017, 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.

ADMINISTRATIVE REPORT

Title: **Amendments to the Winnipeg Parking By-law**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
C. Stewart	R. Topolniski	n/a	D. McNeil

EXECUTIVE SUMMARY

In September 2016, the *Winnipeg Parking By-law* came into force. In the time since, opportunities for clarification and improvements of some provisions of the by-law have been identified.

Additionally, the need to provide a mechanism for Council to approve pilot projects in relation to enforcement of by-law provisions for a limited period of time without a formal amendment to the by-law has been identified.

This report and the attached amending by-law addresses the above noted needs.

RECOMMENDATIONS

1. That Council enact amendments to the *Winnipeg Parking By-law and Municipal By-law Enforcement Act (MBEA) Enabling By-law* (draft amending by-law attached as Appendix A to this report); and

2. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Amendments to by-laws require Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

The proposed amendments to the by-laws will provide greater ease for the public in understanding the specific regulations contained within the by-law.

The granting of authority to Council to create pilot projects without the need to amend the by-law will allow the Agency to respond to changes in circumstances around the management of parking and develop and evaluate the impact of potential solutions without having to amend the by-law each time.

HISTORY

MBEA Enabling By-law

The amendments to the MBEA Enabling By-law are technical in nature and ensure that each specific offence relating to parking in contravention of posted signage in the Winnipeg Parking By-law has a specific fine associated with it rather than a single blanket offence.

Winnipeg Parking By-law

The *Winnipeg Parking By-law* was approved by Council on July 13, 2016 and came into force on September 1, 2016. As the new by-law was the first significant update to parking regulations since the passing of the *Traffic By-law* in 1977, the Agency expected that there may be a need for further amendments after the by-law came into force and was in operation for some time. In the year since the coming into force of the by-law, the Agency identified a small number of provisions in the by-law that require amendment to provide greater clarity to the public.

s.9(3) – this provision clarifies the meaning of “work on a street” as it relates to the exemptions to parking regulations for vehicles carrying out work on a street.

s.10 – division of this section into two sub-sections ensures that there is a separate specific offence in relation to rush hour parking prohibitions. The MBEA Enabling By-law already provided for a higher fine for violating rush hour parking prohibitions.

s.64 – the provisions relating to the removal of vehicles in the existing by-law were not consistent in their wording, leading to potential confusion. Reference to the provisions of *The Highway Traffic Act* that dealing with removal of vehicles ensures standardization of meaning between the By-law and the Act

s.65 – the new provision provides further clarity as to when enforcement staff can remove a vehicle that is apparently abandoned under s.64. Essentially, a vehicle can be removed if it is illegally parked, is wholly or partially dismantled or appears not to have been moved for 21 days. In addition, before towing it away, an enforcement officer must leave a notice on the vehicle requiring that it be removed and give the owner 72 hours to remove it

Pilot Projects

On occasion, the Winnipeg Parking Authority receives requests to adjust enforcement practices to address a specific concern. Typically the request is for enforcement practices to be adjusted for a specific group or location. Ideally, in order to assess the effectiveness of the requested change, a pilot project would be conducted.

Under the current *Winnipeg Parking By-law*, adjustments to enforcement, even for a pilot project would require a formal amendment to specific sections of the bylaw for the duration of the pilot project. Should the pilot prove unsuccessful – or create unintended problems – a further

amendment would then be required to repeal the provisions that allowed the pilot project. The need to make by-law changes will typically involve delays in implementing a pilot project. Additional delays can be expected if the pilot project requires signage changes. Currently, any changes to regulatory signage require the approval of the provincial Highway Traffic Board prior to usage – a process that typically takes months to complete.

As the current legislative and regulatory environment imposes significant delays in implementing a pilot project, making the by-law provisions subject to Council-approved pilot projects was considered the solution that allowed the most flexibility in responding to such requests. The proposed amendment places a one year time limit on any such approved pilot project to ensure that formal amendments to the by-law are brought forward or the pilot project is ended if it has proven unsuccessful.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 31, 2017

Project Name:

Amendments to the Winnipeg Parking By-law

First Year of Program **2017**

	2017	2018	2019	2020	2021
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	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: There is no financial impact anticipated due to approval of this report.

original signed by

Grant Heather, CPA, CGA
Manager of Finance

CONSULTATION

Legal Services

OURWINNIPEG POLICY ALIGNMENT

Not applicable

SUBMITTED BY

Department: Winnipeg Parking Authority
Division:
Prepared by: Colin Stewart, Policy Analyst
Date: October 4, 2017

Appendix A: Amending By-law