



Increase in Penalty Amounts for Stopping and Parking Violations

Date: June 10, 2019

To: General Government and Licensing Committee

From: General Manager, Transportation Services

Wards: All

SUMMARY

This report responds to a request from the General Government and Licensing Committee to review the administrative penalty amounts (penalty amounts) for stopping and parking violations that typically occur near schools, creating localized traffic congestion and safety concerns for parents and students. Parking violation notices issued through the City of Toronto's Administrative Penalty System are meant to promote greater compliance with the City's parking bylaws.

A number of factors may be considered when reviewing penalty amounts for stopping and parking violations. These include comparable violations, the impact of non-compliance, and penalty amounts in other jurisdictions. The penalty amounts discussed in this report are related to the most common stopping and parking violations that take place near schools. Proposed changes are based on existing penalty amounts for comparable violations that similarly address traffic congestion and road safety concerns, particularly for vulnerable road users. All penalty increases are proposed to come into effect at the beginning of the 2019-2020 school year on September 3, 2019.

The proposed changes are as follows:

- Increase the penalties from \$60 to \$100 for violations taking place at any prohibited time of day:
 - Stopping a motor vehicle in a School Bus Loading Zone;
 - Stopping a motor vehicle within nine metres of a School Crossing;
- Increase the penalties from \$60 to \$100 for violations taking place outside of rush hour periods for the following offences:
 - Stopping a motor vehicle during a prohibited time;
 - Standing a motor vehicle during a prohibited time;
- Introduce a new offence for stopping a motor vehicle on the boulevard and an associated penalty of \$150.

RECOMMENDATIONS

The General Manager, Transportation Services recommends that:

1. City Council increase the penalty amount from \$60 to \$100 for the "Stop – Non-School Bus in School Bus Loading Zone" offence in Section 950-400B(10) of City of Toronto Municipal Code Chapter 950, Traffic and Parking, with an implementation date of September 3, 2019.
2. City Council increase the penalty amount from \$60 to \$100 for the "Stop – Within 9 metres of School Crossing" offence in Section 950-400B(11) of City of Toronto Municipal Code Chapter 950, Traffic and Parking, with an implementation date of September 3, 2019.
3. City Council increase the penalty amount from \$60 to \$100 for the "Stop – Signed Highway – During Prohibited (Time/Day)" offence in Section 950-405D of City of Toronto Municipal Code Chapter 950, Traffic and Parking, with an implementation date of September 3, 2019.
4. City Council increase the penalty amount from \$60 to \$100 for the "Stand Vehicle – Signed Highway During Prohibited (Times/Days)" offence in Section 950-405G of City of Toronto Municipal Code Chapter 950, Traffic and Parking, with an implementation date of September 3, 2019.
5. City Council amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, to establish a new offence in Section 950-400B(1.1) for stopping any vehicle on or over a boulevard unless stopping is authorized under any other Municipal Code chapter or by-law, and establish an associated penalty amount of \$150.00, with an implementation date of September 3, 2019.
6. City Council amend City of Toronto Municipal Code Chapter 610, Penalties, Administration of, and Chapter 950, Traffic and Parking, generally as set out in Attachment 1 to the report (June 10, 2019) from the General Manager, Transportation Services.

FINANCIAL IMPACT

There may be a financial impact to Transportation Services resulting from the adoption of the recommendations in this report.

The new and increased penalties are intended to act as a deterrent to non-compliance; however, it is not possible to predict the impact of the higher penalty amounts. Any increase in enforcement measures by the Toronto Police Service to achieve a measurable improvement in compliance with the current regulations may also impact the total number of violations and associated penalties. The revenues and expenditures will be monitored and any necessary budget changes will be considered as part of the 2020 Operating Budget process.

Increase in Penalty Amounts for Stopping and Parking
Violations

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact statement.

DECISION HISTORY

General Government and Licensing Committee, at its meeting of April 23, 2019, requested City staff to consider the feasibility of increasing the penalty amounts for the following infractions, effective September 3, 2019:

- a. No stopping/stop vehicle signed Highway prohibited time/day to \$100;
- b. No parking on boulevards to \$100; and
- c. No stopping/parking in front of school zones to \$150.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL4.12>

City Council, at its meeting of June 26, 2018, designated Community Safety Zones around elementary schools in Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PW30.5>

City Council, at its meeting of July 12, 2016, endorsed in principle the proposed Road Safety Plan 2017-2021 and authorized the General Manager, Transportation Services to, "...request the Ontario Ministry of Transportation to allow the City of Toronto to implement 'School Safety Zones' which would double fines for speeding and other traffic infractions in school zones."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW14.1>

City Council, at its meeting of February 19, 2014, adopted revisions to rush hour stopping, standing, and parking offences, including the delineation of rush hour times for stopping and standing violations as beginning, ending, or contained within the time periods of 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m. City Council further deleted the violation for "No parking during rush hour times" and the associated \$150 fine, leaving all parking violations during prohibited times with a fine (and subsequent penalty) of \$50.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM48.33>

City Council, at its meeting of February 6, 2012, created new offences and directed an application to the Senior Regional Justice of the Ontario Court of Justice for associated set fine amounts of \$150 for stopping, standing, or parking where prohibited during the rush hour period.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PW11.2>

COMMENTS

The City of Toronto implemented an Administrative Penalty System (APS) for parking violations on August 28, 2017. The APS allows City Council to set the administrative penalty amount (penalty amount) for all parking violations. Establishing penalty amounts for parking violations is one of many strategies utilized by the City of Toronto to address traffic congestion and improve road safety through increased compliance. Penalty amounts are generally set in tiers related to the impact of the violation, with penalty amounts for stopping violations the most severe, and amounts for parking violations the least severe. In addition, the City currently has in place a higher penalty amount for stopping and standing violations that begin, end, and are entirely contained within weekday rush hour periods (6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m.)

The City's parking bylaws that apply near schools are designed to prioritize pedestrian safety, accommodate school buses, and sometimes allow for student pick up and drop off by parents and caregivers. While it is motorists' responsibility to obey the City's parking bylaws, these laws are often disregarded. Non-compliance with parking bylaws near schools results in decreased access for school buses and other traffic. It can also pose a risk to students and staff entering and leaving schools. Relaxed parking restrictions are regularly in place outside of school times, such as allowing parking in evenings or when school is not in session. Exact parking bylaws are specific to every school and the urban context in which the laws are applied. The 2018 volume of parking violation notices issued to motorists and the associated revenue for select violations is listed in Attachment 2. A subset of violations that have occurred in the vicinity of schools is not available.

Penalties for Stopping and Standing Violations

The current penalty amounts for stopping and standing a vehicle during a prohibited time are \$60 for violations outside of the rush hour period, and \$150 for prohibitions that begin, end, and are entirely contained within the rush hour period. The former fine was set prior to 2012, and the latter set that year. Penalties are not automatically adjusted for inflation. A summary of penalty and fine amounts for stopping violations in Ontario municipalities is included in Attachment 3. There is currently little difference between the non-rush hour penalty amounts for general stopping and standing prohibitions (\$60), and the associated penalty for parking on street during a prohibited time (\$50). The latter amount was set by the Judiciary at the request of City Council in 2014, and was reduced from \$150 to \$50 for violations in rush hour periods. Given the recent approval of this penalty amount, no change is recommended; however, to better reflect the increased impact of stopping or standing a vehicle, this report is recommending that penalty amounts be set based on the formulas in the table below:

Parking Penalty Amount	Standing and Stopping Penalty Amount (Non-Rush Hour)	Standing and Stopping Penalty Amount (Rush Hour)
Amount (currently \$50)	Parking Penalty x 2 (\$100)	Parking Penalty x 3 (\$150)

In comparison to other Ontario municipalities, the proposed penalty amount of \$100 for general stopping prohibitions (non-rush hour) matches the current amount for the City of Brampton. Changes to penalty amounts are required to follow this formula and ensure consistency with general stopping prohibitions and specific school-based stopping prohibitions, such as stopping a non-school bus in a School Bus Loading Zone, or stopping within nine metres of a School Crossing. Failing to align these penalty amounts could encourage increased violations on areas of the street where penalty amounts are lower.

At this time, only a single penalty amount is recommended for violations of the two school-specific prohibitions. This recommendation is based on the existing School Bus Loading Zone prohibitions which are not contained entirely within the rush hour period, as they generally extend from morning to early evening, including the period between rush hours. Similarly, the existing prohibition for stopping within nine metres of a School Crossing is not time-based whatsoever and there was a lack of tickets issued in 2018 for this offence. A further review of Chapter 950 and associated signage requirements would be necessary to assess whether an increased penalty amount for rush hour violations of these two offences would be feasible and cost-effective.

In addition, the current penalty for stopping on a sidewalk or footpath, creating a potential conflict with pedestrians and subsequent safety issues, is \$150 [§950-400B(1)], regardless of time of day; however, this prohibition does not address motorists who pull off the road and stop on the boulevard. This is the area between a curb or edge of the travel portion of the road and a sidewalk, which is typically composed of grass and trees and where pedestrians (particularly children) may be walking or playing. To increase pedestrian safety, particularly around schools, it is recommended that a new violation of stopping on a boulevard be created, and that the penalty amount be the same as for stopping on a sidewalk. A summary of the proposed changes is included in the table below.

Parking Violation	Current Penalty	Proposed Penalty (Non-Rush Hour)	Proposed Penalty (Rush Hour)
Stop – Signed Highway – During Prohibited (Time/Day) [§950-405D]	\$60	\$100	N/A - Existing Penalty of \$150 [§950-405D.1]
Stand Vehicle – Signed Highway During Prohibited (Times/Days) [§950-405G]	\$60	\$100	N/A - Existing Penalty of \$150 [§950-405G.1]
Stop – Non-School Bus in School Bus Loading Zone [§950-400B(10)]	\$60	\$100	

Parking Violation	Current Penalty	Proposed Penalty (Non-Rush Hour)	Proposed Penalty (Rush Hour)
Stop – Within 9 metres of School Crossing [§950-400B(11)]	\$60	\$100	
New: Stop – (on/over) (Boulevard) [New § 950-400B(1.1)]	N/A	\$150	

Penalties for Violations in School Zones

The Traffic and Parking bylaw (Chapter 950 of the Municipal Code) currently includes two categories for identifying sensitive areas in the vicinity of schools:

- School Speed Zones (150m along a street from the edge of the school property), which set the maximum travel speed for the area at 40 kilometres per hour; and
- Community Safety Zones (set at the discretion of City Council and currently designated at all elementary schools), which automatically double the fines for speeding infractions that occur in those areas.

School Speed Zones and Community Safety Zones are not currently designated for increased penalties related to issues other than excess speed. An examination of Chapter 950 would be required to assess whether it could be further amended to set different penalties for parking, standing, and stopping violations that occur in these areas, including a potential doubling of the penalty.

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ATTACHMENTS

Attachment 1 - Municipal Code Amendments

Attachment 2 - Offence Volumes and Revenue for 2018

Attachment 3 - Penalty and Fine Amounts for Stopping and Parking Violations in Ontario Municipalities

Attachment 1 - Municipal Code Amendments

AMENDMENTS TO MUNICIPAL CODE CHAPTER 610, PENALTIES, ADMINISTRATION OF

Deletion from Schedule A, Table 10: Chapter 950, Traffic and Parking:

Column 1 Designated Part of Chapter	Column 2 Short Form Wording	Column 3 Penalty Amount
§950-400B(10)	Stop – Non-School Bus in School Bus Loading Zone	\$60.00
§950-400B(11)	Stop – Within 9 metres of School Crossing	\$60.00
§950-405D	Stop – Signed Highway – During Prohibited (Time/Day)	\$60.00
§950-405G	Stand Vehicle – Signed Highway During Prohibited (Times/Days)	\$60.00

Addition to Schedule A, Table 10: Chapter 950, Traffic and Parking:

Column 1 Designated Part of Chapter	Column 2 Short Form Wording	Column 3 Penalty Amount
§950-400B(1.1)	Stop - (on/over)(Boulevard)	\$150.00
§950-400B(10)	Stop – Non-School Bus in School Bus Loading Zone	\$100.00
§950-400B(11)	Stop – Within 9 metres of School Crossing	\$100.00
§950-405D	Stop – Signed Highway – During Prohibited (Time/Day)	\$100.00
§950-405G	Stand Vehicle – Signed Highway During Prohibited (Times/Days)	\$100.00

AMENDMENTS TO MUNICIPAL CODE CHAPTER 950, TRAFFIC AND PARKING

Additions to § 950-400B: No person shall on any highway stop any vehicle:

(1.1) On or over a boulevard unless stopping is authorized under any other Municipal Code chapter or by-law;

Attachment 2 - Offence Volumes and Revenue for 2018

Offence	Number of Tickets Issued	Total Revenue Received
Stop – Signed Highway – During Prohibited (Time/Day) [§950-405D]	103,531	\$5,173,907.00
Stand Vehicle – Signed Highway During Prohibited (Times/Days) [§950-405G]	73,122	\$3,677,434.00
Park – Signed Highway During Prohibited (Day/Time) [§950-405A]	338,500	\$15,095,393.00
Stop – Non-School Bus in School Bus Loading Zone [§950-400B(10)]	758	\$37,895.00
Stop – Within 9 metres of School Crossing [§950-400B(11)]	0	N/A
Stop – (on/over) (Sidewalk/Footpath) [§950-400B(1)]	13,072	\$1,580,669.17

Attachment 3 - Penalty and Fine Amounts for Stopping and Parking Violations in Ontario Municipalities

Municipality	Penalty/Fine Amount (No Stopping)	Penalty/Fine Amount (No Parking)
Aurora	\$50	-
Brampton	\$100	\$35
Brantford	\$50	-
Burlington	\$62	-
Cambridge	\$45	-
East Gwillimbury	\$30	-
Grimsby	\$50	\$30
Guelph	\$60	-
Halton Hills	\$50	-
Hamilton	\$75	\$33
Kingston	\$30	\$25
Kitchener	\$45	Moving to APS in June
London	\$60	\$35
Markham	\$40	\$55 (\$110 in a School Zone)
Midland	\$20	-
Milton	\$40	-
Mississauga	\$45	\$40
Newmarket	N/A	\$50
Niagara Falls	\$50	\$25
Niagara-on-the-Lake	\$50	\$30
Oakville	\$50	\$40
Oshawa	\$45 (\$60 in a school zone)	\$30

Municipality	Penalty/Fine Amount (No Stopping)	Penalty/Fine Amount (No Parking)
Owen Sound	\$20	\$30 (Grey County)
Peterborough	\$30	\$25
Pickering	-	\$38
Sarnia	\$30	\$30
Sault Ste. Marie	\$15	-
Stratford	\$20	-
Sudbury	\$40	\$30
Toronto	\$60	\$50
Waterloo	-	Moving to APS in June
Welland	\$45	\$25
Windsor	\$40	\$30