



STAFF REPORT ACTION REQUIRED

Consolidation of Parking Meter By-laws/Codes

Date:	September 25, 2013
To:	Public Works and Infrastructure Committee
From:	General Manager, Transportation Services
Wards:	All Wards
Reference Number:	P:\2013\Cluster B\TRA\Toronto and East York District\TOP\PW2013166te.top.doc

SUMMARY

The purpose of this report is to recommend the consolidation of parking meter By-laws/Codes of the seven former area municipalities into one Code chapter - City of Toronto Municipal Code Chapter 910 and one Schedule under Municipal Code Chapter 910 as part of the continuing process of consolidating and codifying the By-laws and Municipal Codes of the former area municipalities which deal generally with traffic and parking. Consolidation will result in a streamlined administrative and enforcement process, and will help to clarify the regulatory framework for the public. As parking machine By-laws were previously consolidated in Municipal Code Chapter 910, this will mean that all parking meter and machine By-laws will be found in the same Municipal Code Chapter, albeit in different schedules. No changes to the spirit or intent of the by-laws is included in this consolidation.

Staff of Legal Services and the Toronto Parking Authority have been consulted in preparation of this report.

RECOMMENDATIONS

The General Manager, Transportation Services, recommends that:

1. City Council consolidate and incorporate the various parking meter-related By-laws/Codes, including their respective schedules, of the former area municipalities into City of Toronto Municipal Code Chapter 910, Parking Machines.

2. City Council amend City of Toronto Municipal Code Chapter 910, Parking Machines, by changing the name of the Code Chapter to "Parking Machines and Meters", by adding to the text regulations relating to parking meters, and by adding a new Schedule III entitled "Parking Meters" to the Code Chapter.
3. City Council authorize the City Solicitor to submit any Bills required to amend Municipal Code Chapter 910, Parking Machines, generally as described in this report, and generally in the form of the draft Bill contained in Appendix A to this report, subject to any necessary refinements as may be identified by the General Manager, Transportation Services and the City Solicitor.
4. City Council authorize the General Manager, Transportation Services, to merge and update the various schedules of the existing parking meter-related By-laws/Codes to create a new Schedule III to City of Toronto Municipal Code Chapter 910 and authorize the City Solicitor to submit to Council directly, without the need for a further report, bills to enact the new Schedule.
5. City Council authorize the City Solicitor to amend any City By-laws or Code Chapters or sections therein which may contain reference to any By-law or Code Chapter or section which is to be superseded by the proposed amendments to City of Toronto Municipal Code Chapter 910 to correct and, where appropriate, eliminate such references.
6. City Council authorize the City Solicitor to amend the Municipal Code Chapter 910, including the proposed parking meter Schedule, to reflect any changes to the text and/or Schedules of the various former area municipalities' parking meter-related By-law and Code Chapters between the date that this report is adopted by City Council and the date the proposed amendments to Code Chapter 910 come into effect.
7. City Council authorize the City Solicitor, in consultation with the General Manager, Transportation Services, when they deem appropriate, to repeal the existing provisions relating to parking meters in the sections of the Code Chapters and By-laws of the former area municipalities, as set out in Appendix B to this report, and any others that may be identified that relate to and have been superseded or replaced by the new section of Municipal Code Chapter 910.
8. City Council authorize the City Solicitor, in consultation with the General Manager, Transportation Services, to amend the appropriate By-laws to establish a fixed fine of \$30.00 for all new offences created by Recommendation 3 above, except for bus parking at parking meter offences, which shall have a fixed fine of \$300.

9. City Council authorize and direct the City Solicitor, in consultation with the General Manager, Transportation Services, to make application to the Senior Regional Justice of the Ontario Court of Justice to establish set fines and that the amounts requested be equal to the fixed fine amount outlined in Recommendation 8 above.
10. City Council authorize and direct the appropriate City officials to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

Financial Impact

There are no financial impacts associated with the adoption of this report.

ISSUE BACKGROUND

The various parking meter-related by-laws of the former seven area municipalities remain in effect. Consolidation of traffic and parking regulations is an ongoing process. The traffic and parking Municipal Codes/Uniform Traffic By-laws were recently consolidated in Municipal Code Chapter 950, Traffic and Parking, and the various parking machine-related By-laws/Codes were previously consolidated in Municipal Code Chapter 910, Parking Machines. Transportation Services, in consultation with the Toronto Parking Authority, has reviewed the parking meter regulations of the former area municipalities and is proposing to consolidate them into Code Chapter 910, along with the regulations for parking machines.

COMMENTS

This report is a continuation of the process of consolidating and codifying the By-laws and Municipal Codes of the former area municipalities which deal generally with traffic and parking in the City of Toronto. Consolidation will result in a streamlined administrative and enforcement process, and will help to clarify the regulatory framework for the public. Having both parking meters and machines in the same Code Chapter will make it easier to reference paid parking regulations and locations.

This consolidation exercise has resulted in only very minor changes to provisions as found in the former Municipal Codes/By-laws of the former area municipalities (e.g., to simplify language, correct typographical errors, etc.) The current parking meter regulations and related regulatory signage now posted will remain in effect and no regulations as posted will be changed. The process for changing parking meter regulations by amending the Code Chapter and related Schedule will be the same as it was in the past.

Over time many of the parking meters within the amalgamated City of Toronto have been replaced by pay-and-display parking machines, so the existing parking meter Schedules/Codes of the former area municipalities no longer accurately reflect on-street operations. As part of the consolidation process, a review and clean-up has been done to remove from the proposed consolidated parking meter Schedule all parking meter locations that have been replaced with pay-and-display parking machines.

As parking machines were consolidated in Municipal Code Chapter 910, Parking Machines, the text of Chapter 910 was used as the model for the consolidation of parking meters. Prior to amalgamation, three of the former area municipalities, the former Cities of Toronto, Etobicoke and York, had moved their traffic and parking By-laws, including parking meter By-laws, to Code format. The other former area municipalities retained parking meter By-laws in varying formats that were not uniform. Code format uses "plain English", reflects Ontario statute citation and allows for various elements to be organized by subject matter.

City Council, at its meeting of September 21 and 22, 2011 adopted, as amended, the recommendations of the Government Management Committee that a fixed fine system for parking ticket offences, other than accessible parking offences, be implemented where a parking ticket proceeding results in a conviction after a defendant in court either pleads or is found guilty. The City Solicitor, in consultation with the General Manager, Transportation Services, will, therefore, make application to the Senior Regional Justice of the Ontario Court of Justice for set fines that are equal to the fixed fine for parking meter offences.

Once the proposed amendments to Municipal Code Chapter 910, including the consolidated Schedule, have been adopted by City Council with respect to consolidation of parking meter regulations, the City Solicitor will be required to make application to the Senior Regional Justice of Ontario for set fines and wordings for enforcement purposes. In view of this, and until set fines are received and the new by-law amendments are in force, the Parking Meter By-laws of the former area municipalities must remain in force and should be amended as necessary concurrent with the new Code Chapter 910 text and Schedule.

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SIGNATURE

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ATTACHMENTS

Attachment No. 1: Appendix A
Attachment No. 2: Appendix B