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Item No. 14.1.6
Halifax Regional Council
January 15, 2019

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: December 1, 2018

SUBJECT: **Parking Fine Alternatives**

ORIGIN

At the February 1, 2017 Committee of the Whole meeting the following motion was passed:

THAT Halifax Regional Council direct staff to bring further information and consider options so as not to increase penalties under the Parking Meter By-law (P-500), and if necessary, recommend options that achieve a balanced budget in 2017/2018.

At the February 15, 2017 Committee of the Whole meeting, the following motions were passed:

- (a) THAT Committee of the Whole increase parking fines for “other” parking types only; not inclusive parking meter violations, as outlined in Option 1, Attachment D (Appendix A) of the staff report dated February 10, 2017.
- (b) THAT Halifax Regional Council direct staff to prepare a supplementary report with respect to parking fine alternatives for parking in front of a bus stop, crosswalk, parking on a sidewalk, blocking a driveway, fire-lane, parking in an accessible parking spot without a permit, within (5) meters of a crosswalk, parking in an intersection, and hydrants.

LEGISLATIVE AUTHORITY

Motor Vehicle Act, sections 292, 293 and 294.

Summary Proceedings Act and Summary Offense Ticket Regulations

Administrative Order One, the *Procedures of Council Administrative Order*, subsection 4(2) and section 142

- 4 (2) Notwithstanding subsection (1), any one or more of the rules of procedures contained herein except for section 5 and subsections 12(5) and 59(3) may be suspended by Council, Committee of the Whole, Community Council or a Standing Committee by the affirmative vote of two-thirds (2/3rds) of the Members present and voting.

142. After rising and reporting back to the Council, a motion arising out of matter discussed or debated at Committee of the Whole, shall be decided without amendment or debate.

Recommendation on page 2

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Suspend the rules of procedures under section 142 of Administrative Order One; and
2. Request the Province amend the *Summary Offence Ticket Regulations* to increase parking fines for “other” parking types only; not inclusive parking meter violations, as outlined in Option 1, Attachment D (Appendix A) of the staff report dated February 10, 2017, with the following amendment:

The requested increase to the fine amounts be amended so:

- (a) all Category A (parking) offences are increased from \$25.00 to \$50.00 (rather than \$45.00 as recommended by Committee of the Whole);
 - (b) all Category B (parking) offences are increased from \$50.00 to \$75.00 (rather than \$100.00 as recommended by Committee of the Whole); and
 - (c) all Category C (parking) offences are increased from \$100.00 to \$200.00 rather than \$150.00; and
3. Request the Mayor write a letter to the Province to request the required amendments to the *Summary Offence Ticket Regulations*.

BACKGROUND

On February 1, 2017, during the budget deliberations, Committee of the Whole (COW) directed staff to submit alternatives to the parking fine changes that were proposed as part of Planning and Development’s base budget. The resulting report¹, dated February 10, 2017 provided two alternatives for Council’s consideration. Those alternatives are attached to this report as Appendix A.

On February 15, 2017, COW chose alternative 1, which included the following changes:

- increase fines for parking during the winter parking ban and for parking which obstructs snow removal from \$50.00 to \$100.00;
- increase fines for parking in a fire lane and in an accessible parking spot from \$100.00 to \$150.00; and
- increase “Other” fines from \$25.00 to \$45.00 (The “Other” fine amounts in the earlier report were not inclusive of all parking violations that are located in the Summary Offense Ticket Regulations.)

COW also requested additional information be provided relative to fine alternatives for parking in front of a bus stop, crosswalk, parking on a sidewalk, blocking a driveway, fire-lane, parking in an accessible parking spot without a permit, within 5 meters of a crosswalk, parking in an intersection and within 5 metres of a fire hydrant.

The purpose of this report is to seek direction from Council concerning the procedure to increase the fine amounts for the Other Parking Violation types as well as provide the requested additional information concerning fine alternatives for the specific violation types identified above.

DISCUSSION

Parking Meter and Other Parking Fines

Parking meter violations are set by the Municipality under By-law P-500. The ticket amount for a parking meter violation is \$25 for each hour of violation, with the payment reduced to \$20 for for each violation

¹ See report at <https://www.halifax.ca/city-hall/regional-council/february-15-2017-committee-whole>

where a payment is made within 7 days. Parking meter fines are not currently proposed to be changed and are separate from the Other Parking Violations that are discussed in this report.

Other Parking Violations are regulated under the provincial *Motor Vehicle Act* (MVA) with penalties for non-compliance regulated by the *Summary Proceedings Act* (SPA) and out of court fine amounts prescribed by the Summary Offence Ticket (SOT) Regulations. In the case of parking offences, the MVA categorizes various parking offences into three set Categories - A, B and C - with the SOT Regulations setting out corresponding ticket fines.

Procedure to Change Fines

The current Category A fine amount is \$25.00. Violations in this category which include:

- Stopping or parking where prohibited by sign;
- Stopping or parking at bus stop or taxi stand;
- Stopping or parking in passenger zone or loading zone when not loading or unloading;
- Stopping or parking on or within 5m of a crosswalk;
- Stopping or parking within 5 m of a fire hydrant;
- Stopping or parking in intersection;
- Stopping or parking on sidewalk; and
- Stopping or parking in front of driveway, etc.

The current Category B fine amount is \$50.00. The violations in this category are:

- Parking when less than 4.5m width of roadway remains for traffic;
- Parking when vehicle cannot be viewed clearly from 60m away;
- Parking in manner that might interfere with snow removal or winter maintenance;
- Failing to obey a parking sign;
- Parking within 150m of fire apparatus stopped in response to fire alarm; and
- Parking vehicle contrary to temporary regulations to cover emergency or special conditions.

The current Category C fine amount is \$100.00. The violations in this category are:

- Parked on left-hand roadway of divided highway;
- Stopped or parked in Fire Lane;
- Stopping or parking in accessible-parking zone without mobility disabled identification permit; and
- Stopping or parking on private property marked for the use by mobility-disabled person without mobility disabled identification permit.

Changes to the category under which a particular offence is listed would require an amendment to the MVA. Alternatively, changes to the fine amounts for each category require an amendment to the SOT Regulations which would require an agreement of the NS Department of Transportation & Infrastructure Renewal via a provincial Order in Council. While both approaches would have an impact province-wide and not just to HRM, staff advise that an amendment to the SOT Regulations may be more readily achieved than an amendment to the MVA.

The MVA and the New Traffic Safety Act

When a request for a legislative change is made by the Municipality, Regional Council typically passes a motion and the Mayor submits the request to provincial officials on Council's behalf. To date, Regional Council has not passed a motion endorsing COW's recommendation to request the needed legislative amendment.

This past October, the new *Traffic Safety Act*, replacing the MVA, was approved by the Province. The new Act will rely heavily on regulations so that changes may be made in the future in a timelier manner. One of those regulations will prescribe the penalties for offences under the *Act*. The legislation will not be proclaimed until the regulations are written, and the Province plans to engage stakeholders, including HRM, to gather feedback about the proposed changes. This process is expected to take up to two years. In the interim, the MVA will remain in effect, however, it is unlikely that it will be amended, due to its impending

replacement with the *Traffic Safety Act*.

Jurisdictional Scan

To help understand how HRM's fines compare to other jurisdictions, staff reviewed fines from fifteen Canadian municipalities² (Appendix B). That research indicates current fines in Halifax are generally lower than the average. For the specific offences identified in COW's motion, the following table provides a comparison of current and proposed fines to the jurisdictional average:

Table 1

Parking Violation	MVA Provision	Current Fine Amount (if paid within 60 days)	Proposed Fine Amount (if paid within 60 days)	Jurisdictional Average
Stopping or parking at bus stop or taxi stand	146 (2)	\$25.00	\$50.00	\$58.75
Stopping or parking on or within 5m of crosswalk	143(1)(b)	\$25.00	\$50.00	\$55.87
Stopping or parking on sidewalk	143(1)(i)	\$25.00	\$50.00	\$60.19
Stopping or parking in front of driveway	143(1)(h)	\$25.00	\$50.00	\$52.69
Stopping or parking in fire lane	150(2)	\$100.00	\$200.00	\$103.00
Stopping or parking in accessible-parking zone without mobility disabled identification permit	150(3)	\$100.00	\$200.00	\$214.38
Stopping or parking in intersection	143(1)(a)	\$25.00	\$50.00	\$52.20
Stopping or parking within 5 m of fire hydrant	143(1)(g)	\$25.00	\$50.00	\$62.69

Proposed Changes

Staff considered the previous motions and factored in the jurisdictional scan completed since COW's original consideration of this matter. Based on the outcome of the jurisdictional scan, staff recommend Regional Council consider a different fine structure from the one that was included in the February 20, 2017 staff report and which informed COW's resulting motion on this matter.

The differences between the previous COW motion and staff's current recommendation are shown below:

Table 2

Category of Offence	Current Fine Amount (if the fine is paid within 60 days)	COW Recommended Increase (if the fine is paid within 60 days)	COW Recommended Increase (if paid after 60 days including Province portion of \$36.60)	Staff Recommended Increase (if the fine is paid within 60 days)	Staff Recommended Increase (if paid after 60 days including Province portion of \$36.60)	Change (from COW proposal)
A (parking)	\$25.00	\$45.00*	\$81.60	\$50.00	\$86.60	+\$5.00
B (parking)	\$50.00	\$100.00**	\$136.60	\$75.00	\$111.60	-\$25.00
C (parking)	\$100.00	\$150.00	\$186.60	\$200.00	\$236.60	+\$50.00

² Halifax, Moncton, Fredericton, Charlottetown, St. John's, Quebec City, Montreal, Toronto, Ottawa, Winnipeg, Regina, Calgary, Edmonton, Vancouver, Victoria and Kingston.

* *Category A parking violations not included (February 2017):*

- Parking in a bicycle lane 143(2);
- Stopping or parking in passenger zone for longer than necessary for loading or unloading 144(3);
- Stopping or parking in passenger zone or loading or unloading when not loading or unloading 144(5).

***Category B parking violation not included (February 2017):*

- Parking within 150m of fire apparatus stopped in response to fire alarm 161(1).

Should Regional Council decide to adopt the fine structure recommended by staff, the rule under Administrative Order One preventing Council from amending a recommendation from Committee of the Whole (section 142) must be suspended. Should Council adopt the staff recommendation, the Mayor will submit a request to the province on Council's behalf for the requested changes to the Summary Offense Ticket Regulations.

Staff's recommended changes have been incorporated in Appendix B.

FINANCIAL IMPLICATIONS

The preparation of the request for the Province to amend the Summary Offence Ticket Regulations can be carried out within proposed Planning & Development and Government Relations & External Affairs 2018-19 budgets and existing resources.

In recent years - 2014-15, 2015-16 and 2016-17 - total annual parking fine revenues averaged \$3.9 million. However, in 2017-18, while transitioning from contracted to in-house parking compliance services, revenues dropped to \$2.8 million. By increasing the fine amounts as outlined in the staff recommendation, current revenues could increase by as much as 50% to 60%, after the new fines come into force.

RISK CONSIDERATION

Should the province accept the requested changes, there will be a province-wide impact to the fine amounts. If the province does not accept the proposed changes, the revenue stream will remain the same.

COMMUNITY ENGAGEMENT

Community engagement is not applicable to this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications have been identified.

ALTERNATIVES

1. Regional Council could request that the Province amend the fines as recommended by Committee of the Whole on February 15, 2017. Staff does not recommend this alternative as an amendment to both the *Motor Vehicle Act* and the Summary Offense Ticket Regulations would be required.
2. Regional Council could request the Province to amend the *Motor Vehicle Act* to permit the municipality to create a by-law for all parking violations. This is not recommended as this provision exists in the new *Traffic Safety Act*, which will replace the *Motor Vehicle Act* once it is proclaimed. The Municipality will provide input on this matter as the corresponding regulations for the *Traffic Safety Act* are developed, though the legislation does not allow the establishment of offences and penalties to exceed any limit prescribed by the regulations.

ATTACHMENTS

Appendix A: Attachment D of COW Report February 15, 2017
Appendix B: Parking Violations Jurisdictional Scan Summary

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Appendix A: Attachment D of COW Report February 15, 2017– Parking Fine Alternatives

Parking Fine Alternatives

On February 1, 2017, Planning and Development presented a draft budget that meets Council’s preliminary fiscal direction. That proposed budget included an increase to parking violation fines, including meter violations.

Subsequently the Committee directed staff to bring further information and consider options so as not to increase penalties under the Parking Meter By-law (P-500), and if necessary, recommend options that achieve a balanced budget in 2017/2018.

Service implications and/or impact on Priority

Two options are offered for Halifax Regional Council’s consideration:

- 1. **Increase parking fines for “other” parking types only; not inclusive of parking meter violations.**
 Parking fines would increase across “other” ranges of parking types only to include:

Parking Violation Type	Current fine	Proposed fine
Winter Ban / Obstructing snow Violations	\$50	\$100
Fire Lane / Accessible Parking Violations	\$100	\$150
“Other” parking violations	\$25	\$45

Parking Meter violations would be reviewed at a later date and would coincide with parking technology improvements that would begin implementation within the upcoming fiscal year.

- 2. **Increase parking fines for all parking types.**
 Parking fines would increase across all ranges of parking types to include:

Parking Violation Type	Current fine	Proposed fine
Parking Meter Tickets (By-law P-500)	\$25	\$30
Winter Ban / Obstructing snow Violations	\$50	\$100
Fire Lane / Accessible Parking Violations	\$100	\$150
“Other” parking violations	\$25	\$45

The three-year average (2014-2016) collection rate for parking tickets issued is 83% per calendar year. The two proposed options incorporate parking fine projections with this collection rate considered. Therefore, ratification of one of the proposed options for increases to parking fine violations will meet the \$1,535,000 revenue target built into Planning & Development’s base budget for 2017/2018 and 2018/2019.

OTHER PARKING VIOLATIONS

Parking Violation	Fine Amount Effective July 1, 2006	Proposed Parking Increase
No Parking Zone	\$25.00	\$45.00
Parked in Bus Stop	\$25.00	\$45.00
Parked in Loading Zone	\$25.00	\$45.00
Parked During Winter Ban	\$25.00	\$45.00
Parked Overtime Specified	\$50.00	\$100.00
On Crosswalk	\$25.00	\$45.00
Within 5m of Hydrant	\$25.00	\$45.00
Within 10m Stop Sign	\$25.00	\$45.00
Less than 7.5m of Corner	\$25.00	\$45.00
Private Property	\$25.00	\$45.00
Wrong Side of Street	\$25.00	\$45.00
On Highway over 24hrs	\$25.00	\$45.00
150mm of curb	\$25.00	\$45.00
On Sidewalk	\$25.00	\$45.00
Blocking Driveway	\$25.00	\$45.00
For Sale on Highway	\$25.00	\$45.00
Vehicle Left Running	\$25.00	\$45.00
Double Parked	\$25.00	\$45.00
No Stopping Sign	\$25.00	\$45.00
Leaving under 3m for Traffic	\$25.00	\$45.00
Obstructing Snow Removal	\$50.00	\$100.00
Fire Lane	\$100.00	\$150.00
Accessible Parking	\$100.00	\$150.00
Accessible Parking Private Property	\$100.00	\$150.00
Within 5m of Crosswalk	\$25.00	\$45.00
Street Cleaning	\$25.00	\$45.00
Illegally Parked by a Bus or Taxi	\$25.00	\$45.00
Parked Commercial Vehicle over 2hr	\$25.00	\$45.00
Creating Obstruction at Excavation	\$25.00	\$45.00
Parked on Left Hand Side of Divided Hwy	\$100.00	\$150.00
Parked on Highway without Clear Width	\$25.00	\$45.00
Brakes Not Set	\$25.00	\$45.00
Parked in an Intersection	\$25.00	\$45.00
Within 5m Fire Station Driveway	\$25.00	\$45.00
Loading over 30 min	\$25.00	\$45.00
Leaving less Than 3m in an Alley	\$25.00	\$45.00
Within 15m of Nearest Railway Crossing	\$25.00	\$45.00
Displaying Advertising	\$25.00	\$45.00
Obstructing View at Crest of Grade	\$25.00	\$45.00
Wheels Not Cut	\$25.00	\$45.00
Parallel with Edge of Roadway	\$25.00	\$45.00

Appendix B: Parking Violations Jurisdictional Scan Summary

Parking Violation (Category A, Current Fine Amount \$25)	MVA Provision	Proposed Fine Amount ¹	Jurisdictional Scan Average
Parked Commercial Vehicle over 2 hours Parking commercial vehicle on highway for longer than 2 consecutive hours	155(2)	\$50.00	\$46.67
Parked While Displaying Advertising Parking vehicle on highway for displaying advertising	159(2)	\$50.00	\$49.67
Parked Overtime Specified Failing to obey parking sign	151	\$50.00	\$50.38
Parked with Brakes Not Set Failing to set brakes and stop motor of parked vehicle	160(1)	\$50.00	\$52.00
Parked with Wheels Not Cut Failing to turn front wheels to curb when parked on grade	160(1)	\$50.00	\$52.00
Parked While Vehicle Left Running Failing to set brakes and stop motor of parked vehicle	160(1)	\$50.00	\$52.50
Parked Blocking Driveway Stopping or parking in front of driveway	143(1)(h)	\$50.00	\$52.69
Parking 150 mm of curb Stopping or parking vehicle other than parallel or with curb-side wheels more than 150 mm from edge of roadway	156(1)	\$50.00	\$52.92
Parked in Loading Zone Stopping or parking in passenger zone or loading zone when not loading or unloading	144(5)	\$50.00	\$54.29
Parked Less than 7.5m of corner Stopping or parking within 7.5 m of intersection of curb lines	143(1)(d)	\$50.00	\$54.82
Double Parked Stopping or parking on roadway side of other stopped or parked vehicle	143(1)(k)	\$50.00	\$54.82
Parked Within 10m Stop Sign Stopping or parking within 10 m of traffic sign or signal (specify)	143(1)(e)	\$50.00	\$55.30
Parked Within 5m of Crosswalk Stopping or parking on or within 5 m of crosswalk	143(1)(b)	\$50.00	\$55.87
Parked on Private Property Parking on private property without consent of owner	149(1)	\$50.00	\$55.91

¹ Amount of fine if paid within 60 days.

No Parking Zone	143(1)(c)	\$50.00	\$56.08
Stopping or parking between safety zone and adjacent curb or within 10 m of safety zone			
Parked Parallel with Edge of Roadway			
Stopping or parking vehicle other than parallel or with curb-side wheels more than 150 mm from edge of roadway	156(1)	\$50.00	\$56.14
Parked Leaving under 3 metres for Traffic			
Stopping or parking in business or residence area when less than 3 m width of roadway remains for traffic	148(1)	\$50.00	\$56.57
Parked in Loading Zone			
topping or parking in loading zone for longer than 30 minutes	144(4)	\$50.00	\$56.67
Parked Obstructing View at Crest of Grade			
Stopping or parking on crest of grade where view obstructed	143(1)(n)	\$50.00	\$56.67
Parked Within 15m of Nearest Railway Crossing			
Stopping or parking within 15 m of railway crossing	143(1)(m)	\$50.00	\$56.88
Parked in an Intersection			
Stopping or parking in intersection	143(1)(a)	\$50.00	\$57.20
Illegally Parked by a Bus or Taxi			
Stopping or parking at bus stop or taxi stand	146(2)	\$50.00	\$57.27
Parked in Bus Stop			
Stopping or parking at bus stop or taxi stand	146(2)	\$50.00	\$58.75
Parked Within 5m Fire Station Driveway			
Stopping or parking within 5 m of fire station driveway	143(1)(f)	\$50.00	\$59.44
Parked on Sidewalk			
Stopping or parking on sidewalk	143(1)(i)	\$50.00	\$60.19
Parked Leaving Less Than 3m in an Alley			
Parking in alley when less than 3 m width of roadway remains for traffic	148(2)	\$50.00	\$60.83
Parked on Wrong Side of Street			
Stopping or parking vehicle in direction other than direction of traffic	156(1)	\$50.00	\$61.18
Parked Creating Obstruction Excavation			
Stopping or parking where traffic would be obstructed	143(1)(j)	\$50.00	\$62.09
Parked Where No Stopping Sign			
Stopping or parking where prohibited by sign	143(1)(l)	\$50.00	\$62.33
Parked Within 5m of Hydrant			
Stopping or parking within 5 m of fire hydrant	143(1)(g)	\$50.00	\$62.69

Parked for Sale on Highway Parking vehicle on highway for displaying advertising	159(1)	\$50.00	\$69.22
Parked When Street Cleaning Stopping or parking where prohibited by sign	143(1)(l)	\$50.00	\$74.44
Parked for Loading over 30 minutes Stopping or parking in loading zone for longer than 30 minutes	144(4)	\$50.00	\$74.44
Parked on Highway over 24 hours Parking vehicle on highway for longer than 24 hours	155(1)	\$50.00	\$88.33
Other Category A Violations (in MVA)			
Parking in a bicycle lane	143(2)	\$50.00	n/a
Stopping or parking in passenger zone for longer than necessary for loading or unloading	144(3)	\$50.00	n/a
Stopping or parking in passenger zone or loading or unloading when not loading or unloading	144(5)	\$50.00	n/a
Parking Violation (Category B, Current Fine Amount \$50)	MVA Provision	Proposed Fine Amount	Jurisdictional Scan Average
Parked on highway without clear width Parking when less than 4.5 m width of roadway remains for traffic	138(1)	\$75.00	\$54.17
Parked During Winter Ban Failing to comply with temporary regulations to cover emergencies or special conditions	202	\$75.00	\$65.42
Parking That Obstructs Snow Removal Parking in manner that might interfere with snow removal or winter maintenance	139(1)	\$75.00	\$74.44
Parking within 150m of fire apparatus stopped in response to fire alarm	161(1)	\$75.00	n/a
Parking when vehicle cannot be viewed clearly from 60km away	138(1)	\$75.00	n/a
Failing to obey a parking sign	151	\$75.00	n/a
Parking Violation (Category C, Current Fine Amount \$100)	MVA Provision	Proposed Fine Amount	Jurisdictional Scan Average
Parked on Left Hand Side of Divided Highway Parking on left-hand roadway of divided highway	112(1)(a)	\$200.00	\$62.78
Parked in Fire Lane Stopping or parking in fire lane	150(2)	\$200.00	\$103.00

Parked in Accessible Parking	150(3)	\$200.00	\$214.38
Stopping or parking in accessible-parking zone without mobility-disabled identification permit			
Parked in Accessible Parking on Private Property			
Stopping or parking on private property marked for use by mobility-disabled person without mobility-disabled identification permit	150(4)	\$200.00	\$218.00