

HALIFAX

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Item No. 11.1.3
Halifax Regional Council
August 18, 2020
September 22, 2020

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by



SUBMITTED BY: _____
Dave Reage, Acting Chief Administrative Officer

DATE: July 16, 2020

SUBJECT: **Parking Fine Increase**

ORIGIN

On February 1, 2020, during the budget presentation at the Budget Committee, staff requested to increase the P-500 Parking Meter By-Law fine amount from \$25 to \$35. On 12 February 2020 the Budget Committee approved the fine increase to coincide with the roll out of the new parking technology.

LEGISLATIVE AUTHORITY

Motor Vehicle Act, sections 292, 293 and 294.

Summary Proceedings Act and Summary Offense Ticket Regulations
By-law P-500, the Parking Meter By-law

RECOMMENDATION

It is recommended that, Halifax Regional Council

1. Adopt By-law P-508, set out as Attachment B to this report, the purpose of which is to:
 - (a) amend section 17 of By-law P-500, the Parking Meter By-law; and
 - (b) amend By-Law P-507 to correct a typo.
2. Direct the Municipal Clerk to delay publishing By-law P-508 until advised by the CAO to proceed with publication.

BACKGROUND

On February 1, 2017 the 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 report dated February 10, 2017 provided two alternatives for Council's consideration.

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. "Other" refers to those parking violations as outlined in Option 1, Attachment D of the staff report dated February 10, 2017).

On 15 January 2019 Regional Council asked Mayor Savage to write a letter to the province asking to increase the corresponding MVA fine amounts under the Summary Proceedings Act.

On February 1, 2020, during the budget presentation at the Budget Committee, staff had requested to increase the P-500 Parking Meter By-Law fine amount from \$25 to \$35. This included an early payment amount of \$30 if paid within 7 days from the date of issuance.

On 12 February 2020 the Budget Committee approved the fine increase and it is now included in Regional Council's approved recast budget for 2020-21

DISCUSSION

1. Recommended amendments to By-law P-500

The financial and operational benefits to approving the increased by-law fine amount, as soon as possible, is highlighted in the financial implications section of this report.

2. Discounted Parking Tickets if paid within 7 days of issuance

The present tickets in stock provide for the \$20 discounted amount and HRM will honour this on the payment of those tickets issued on this stock. Private property special constables will use up the current tickets with the \$20 discount, as they do not issue meter tickets, and the fine amount will still coincide with the fine amount on the ticket. Our current HRM staff will use the new parking tickets with the new parking meter fine of \$35 with \$5 discount if paid within 7 days of issuance.

3. Recommended amendment to By-law P-507

On review of By-law P-507 after it was passed by Council on November 26, 2019, it was discovered there was a typo. The correction is included with amending By-law P-508 as set out in Attachment B. It is intended that both By-law P-507 and By-law P-508 be published on the same date, therefore the changes will be in force at the same time.

FINANCIAL IMPLICATIONS

The projected increase in revenue due to the fine increase is approximately \$175,000; this number is based on 2019/20 estimates of ticket volumes, and an effective date of October 2020 for implementing the fine increase. The actual implementation date of the fine increase will coincide with the roll out of the new

technology. The associated expenses are expected to be minimal and will be managed through revenue and expenditure projections in TPW's cost centre(s) R954 (Parking Management) and A315 (Ticket Office).

RISK CONSIDERATION

COVID-19 has resulted in an impact to overall service delivery for the municipality. There is risk that the rollout of new parking technology may not proceed as planned in the Summer/Fall of 2020. There is also a risk that staff's financial impacts could be over/underestimated due to project delay or due to a change in public compliance behaviour. These risks are rated as low.

COMMUNITY ENGAGEMENT

None.

ENVIRONMENTAL IMPLICATIONS

There are no environmental risks associated with the recommendations in this Report.

ALTERNATIVES

There are no recommended alternatives to meet Regional Council's budget objectives at this time.

ATTACHMENTS

Appendix A: Showing Proposed Changes to By-law P-500
Appendix B: Amending By-law P-508

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.

Report Prepared by: Chelsea Berriman-Saulnier, Team Lead Support Admin, Parking Services 902-240-4927

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW P-500
RESPECTING PARKING METERS FOR THE REGULATION OF
PARKING OF VEHICLES LEFT STANDING IN THE
HALIFAX REGIONAL MUNICIPALITY**

BE IT ENACTED by the Council of the Halifax Regional Municipality pursuant to Section 153 of the Motor Vehicle Act as follows:

1. Short Title

This By-law shall be known as By-law P-500 and may be cited as the “Parking Meter By-law.”

2. Application

The public streets and highways in the Halifax Regional Municipality and parts thereof to which this By-law applies are those upon which, under Council authority, parking meters and pay stations, have from time to time been installed.

2A. Interpretation

In this By-law,

- (a) repealed.
- (b) "commercial motor vehicle" means a commercial motor vehicle as defined in the *Motor Vehicle Act*;
- (c) “electronic payment” means payment by means of a device to the Municipality or to a person contracted with the Municipality to accept payment;
- (d) “Municipality” means Halifax Regional Municipality;
- (e) “parking meter” means a mechanical or electronic device that indicates a period of time shall be purchased by payment during which parking is permitted in the parking space to which such meter relates;
- (f) “parking space” means a space for parking a vehicle controlled and regulated by a parking meter or pay station;
- (g) “pay parking zone” means an area of a roadway marked by signs that indicates a period of time to park shall be purchased from a pay station;
- (h) “pay station” means a mechanical or electronic device that indicates a period of time shall be purchased by payment during which parking is permitted in the pay parking zone to which such station relates, excluding a parking meter; and

(i) "Peace Officer" means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*.

3. Placing of Parking Meters and Pay Stations

(1) A parking meter installed in the Municipality shall be placed on the sidewalk, near the curb or edge of the roadway, and shall designate the parking space associated with it as hereinafter set forth.

(2) A pay station installed in the Municipality shall be placed in a roadway near the pay parking zone associated with it.

4. Parking Spaces

(1) The parking space provided with each parking meter shall be of sufficient size to be accessible and accommodate one standard passenger automobile. The placing of vehicles shall be as follows:

(a) when parking is parallel to the curb or edge of the roadway, the foremost part of the vehicle shall be placed within a space measured along the curb not more than 100 millimeters beyond the parking meter nor more than one meter in measurement to the rear of the parking meter;

(b) when the parking is established at an angle to the edge of the roadway, this shall be appropriately marked or signed, and unless otherwise indicated, a vehicle parked at an angle where parking meters have been installed shall be placed in contact with the curb immediately to the right of the parking meter which applies to the vehicle; and

(c) when two parking meters are supported by one standard, a vehicle shall be parked in the parking space in front of or to the rear of the standard.

(3) Repealed.

(3A) No part of the vehicle shall be parked beyond the standard, and the nearest part of the vehicle to the standard shall be no farther than one meter from it, measured parallel to the curb.

4A. Where a pay parking zone is established and a period of time is purchased at a pay station:

(a) a vehicle shall be parked parallel to the curb or edge of the roadway; or

(b) where appropriately marked and signed, a vehicle shall be parked at an angle to the curb or edge of a roadway.

5. Marking of Space

(1) Notwithstanding anything contained in this By-law, special limitations of a parking space may be marked and where so marked, such limitation shall govern the permissible location of a vehicle.

(2) It shall be an offence and a violation of the By-law for any driver to park or leave standing any vehicle beyond such line or marking, except as provided for in subsection 1 of this section.

(3) Not more than one motor vehicle shall be parked in each parking space described in Section 4 and subsection 5(1) above.

5A. Meter Number

A parking meter or pay station shall be identified by a number which shall be known as the meter number.

5B. Pay Parking Zone Number

Every Pay Parking Zone shall be identified by a unique set of alphanumeric characters which shall be known as the Pay Parking Zone number.

6. Large Vehicles

In the case of parallel parking, where the dimensions of a large vehicle are such that the vehicle extends into an adjacent parking space, the vehicle shall be considered to occupy all spaces so affected, and the driver shall be responsible for payment in all applicable parking meters or pay stations.

7. Indication of Time for Parking Meter

(1) Each parking meter installed shall have thereon an appropriate sign or display stating the parking time permitted in the individual parking space to which it relates.

(2) When in operation, each parking meter shall indicate by a receipt, digital display or notification to a remote device the period of time acquired by a payment during which parking is permitted in the parking space to which such parking meter relates.

(3) Upon the expiration of the period of time permitted for parking, the parking meter or remote device shall indicate that parking in such space is in violation of this By-law.

(4) Each parking meter shall bear thereon directions indicating the days and hours when payment is required and the period of time that may be purchased for parking.

(5) Each parking meter and remote device shall retain electronically, for at least 24 hours, the license plate number and the amount of time purchased for each transaction during which parking is permitted via electronic payment.

(6) The amount of time retained under subsection (5) of this section, may be accessed remotely or otherwise by a Peace Officer to determine if a vehicle has purchased an

amount of time to park at the parking meter or whether the amount of time purchased to park at the parking meter has expired.

8. Repealed.

8A. Indication of Time for Pay Station

(1) A sign in the pay parking zone shall indicate the hours and days when payment is required to park in the pay parking zone, and the maximum amount of time that a vehicle may be parked in the pay parking zone in a twenty-four hour period.

(2) The maximum time a vehicle may be parked under subsection (1) of this section shall include the total of any intervals of time that may be purchased.

(3) Parking is permitted in a pay parking zone when:

(a) the following is entered into the pay station or submitted through electronic payment;

(i) the license plate number of the vehicle parked in the pay parking zone,

(ii) the period of time to be purchased, and

(iii) the required fee for the time entered in sub clause (ii) is paid in full; and

(b) the maximum amount of time that a vehicle may be parked in the pay parking zone has not been exceeded.

(4) If any period of time is purchased under this section, the purchaser may request a receipt indicating the time when permitted parking will expire.

(5) Each operational pay station shall retain electronically, for at least 24 hours, the license plate number and the amount of time purchased for each transaction during which parking is permitted in the pay parking zone.

(6) The amount of time retained under subsection (5) of this section, may be accessed remotely or otherwise by a Peace Officer to determine if a vehicle has purchased an amount of time to park in the pay parking zone or whether the amount of time purchased to park in the pay parking zone has expired.

9. Payment

(1) When used in directions on a parking meter or pay station the required payment shall refer only to lawful money of Canada.

(2) Council may, by resolution, allow for electronic payment for parking.

(3) Where so indicated on the parking meter or pay station, payment shall be made by:

- (a) coin,
- (b) credit card, or
- (c) if subsection 2 applies, by electronic payment.

10. Parking Rates

The rate for parking meters and pay stations within the Municipality shall be set by the Council of the Municipality from time to time.

11. Parking in Excess of Time Allowed

(1) It shall be an offence and a violation of this By-law for the driver of a vehicle to park or leave the same standing in any parking space regulated by a parking meter or pay station for a period of time in excess of the maximum period allowed by the direction set forth on such parking meters or pay station regardless of the payment deposited or whether the word "expired" is visible in the observation window of the parking meter or where the meter has a digital display reading "00:00" or the time indicated on the receipt provided under section 8A has expired.

(2) When the driver of any vehicle has parked or left standing in any parking space for a period of time in excess of the maximum period of time allowed by the directions set forth on such parking meter or pay station it shall be a new and separate offence for each additional hour that an offence continues.

12. Repealed.

12A Commercial

(1) The driver of a commercial motor vehicle, may park or leave such commercial motor vehicle standing in any parking space for the purpose of loading or unloading goods, wares, merchandise, materials or passengers for any period of time not exceeding thirty minutes, without depositing any payment in the parking meter or pay station relating to such parking space.

(2) It shall be an offence and a violation of this By-law for the driver of a commercial motor vehicle:

- (a) to park or leave a commercial vehicle standing in any parking space for any period of time in excess of thirty minutes; or
- (b) notwithstanding subsection 1 of this section, to fail to comply with the direction set forth on the parking meter or pay station relating to such parking space.

13. Repealed.

13A Repealed.

13B. Unlawful to Park

(1) It shall be an offence and violation of this By-law for the driver of a vehicle to park or leave standing a vehicle in a parking space that is not part of a pay parking zone:

- (a) if a period of time for parking has not been purchased from a parking meter;
- (b) if the parking meter display window related to the parking space indicates that the time purchased has expired by showing the word "Expired" or the digits "00:00"; or
- (c) if the remote device indicates that the time purchased by electronic payment has expired.

(2) It shall be an offence and violation of this By-law for the driver of a vehicle to park or leave standing a vehicle in a pay parking zone:

- (a) if a period of time for parking has not been purchased from a pay station;
- (b) if the pay station related to the parking space in the pay parking zone indicates that the time purchased for parking has expired; or
- (c) if the remote device indicates that the time purchased by electronic payment has expired.

(3) Unless the vehicle is parked in excess of the maximum time allowed pursuant to Section 11, there is no violation of subsection (1) or (2) of this Section if:

- (a) the vehicle is parked pursuant to the provisions of Section 12A of the By-law; or
- (b) the phrase "Out of Order" is visible in the observation window of the parking meter or pay station relating to the parking space or pay parking zone where the vehicle is parked or left standing.

14. Unlawful to Deposit

It shall be an offence and a violation of this By-law for any person to deposit or cause to be deposited in any parking meter or pay station in the Municipality any device, slug, dice, metallic substance, or other substitute for the payment permitted to be deposited in accordance with this By-law.

15. Traffic Authority to be in Charge of Parking Meters and Pay Stations

The operation, maintenance, regulation and use of all parking meters and pay stations installed in the Municipality shall be under the authority of the Council of the Municipality and under the management, supervision, and direction of the Traffic Authority for the Municipality.

16. Enforcement

This By-law may be enforced by any Peace Officer.

17. Penalty

(1) A person who contravenes any section of this By-law is liable upon summary conviction to a penalty of not less than ~~twenty-five~~ **thirty-five** dollars (~~\$25~~**35**.00) and in default of payment, to imprisonment for a term not less than seven (7) days.

(2) A person who has violated this By-law and is given notice of the violation may pay ~~twenty-five~~ **thirty-five** dollars (~~\$25~~**35**.00) for each hour of violation to the Municipality, however, provided that such payment is made within a period of seven (7) days following the day on which the alleged violation was committed, then the said payment shall be reduced to ~~twenty~~ **thirty** dollars (~~\$20~~**30**.00) for each hour of violation and, in any case, such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for the violation or violations.

17A. Liability of owner and driver

(1) It is an offence to be the registered owner of a vehicle that is parked or left standing in violation of this By-law, whether or not the registered owner is the driver at the time of the violation.

(2) The owner of a motor vehicle shall incur the fine provided for any violation of this By-law unless at the time of such violation the motor vehicle was in the possession of some person other than the owner without the owner's consent, either expressed or implied, and the driver of a motor vehicle not being the owner shall also incur the penalties or other consequences provided for any such violation.

(3) The owner of a motor vehicle who incurs a fine under subsection (2) is not in any event liable to imprisonment.

Exemption from Parking Restrictions

17B. Council has adopted the *On-Street Parking Permits By-law* which exempts certain persons or vehicles from parking restrictions within the Municipality, including parking meters and pay stations, and provides for permits to be issued to those who are exempted.

18. By-law P-200 of the City of Dartmouth, as amended, and the Parking Meter By-law of the City of Halifax, as amended, are repealed.

Mayor

Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on December 16, 1997.

Vi Carmichael
Municipal Clerk

BY-LAW P-500

Notice of Motion:	November 4, 1997
First Reading:	November 18, 1997
Notice of Intent Publication:	November 22, 1997
Second Reading:	December 16, 1997
Third Reading:	December 16, 1997
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	December 27, 1997

Amendment # 1 (By-law P-501)

Notice of Motion:	October 21, 2003
First Reading:	October 28, 2003
Notice of Public Hearing Publication:	November 8, 2003
Second Reading:	November 25, 2003
Approval of Service Nova Scotia and Municipal Affairs:	N/A
Effective Date:	November 29, 2003

Amendment # 2 (By-law P-502)

Notice of Motion:	July 13, 2004
First Reading:	August 17, 2004
Notice of Public Hearing - Publication:	August 21, 2004
Second Reading:	September 7, 2004
Approval of Service Nova Scotia and Municipal Affairs:	N/A
Effective Date:	September 11, 2004

Amendment # 3 (By-law P-503)

Notice of Motion:	August 2, 2005
First Reading:	August 9, 2005
Notice of Public Hearing - Publication:	August 27, 2005
Second Reading:	September 13, 2005
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 17, 2005

Amendment # 4 (By-law P-504)

Notice of Motion:	August 8, 2006
First Reading:	September 5, 2006
Notice of Public Hearing - Publication:	September 16, 2006
Second Reading:	October 3, 2006
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 1, 2006

Amendment # 5 (By-law P-505)

Notice of Motion:	August 1, 2017
First Reading:	August 15, 2017
Notice of Public Hearing - Publication:	August 19, 2017
Second Reading:	September 5, 2017
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 23, 2017

Amendment # 6 (By-law P-506)

Notice of Motion:	August 14, 2018
First Reading:	September 11, 2018
Notice of Second Reading Publication:	September 15, 2018
Second Reading:	October 2, 2018
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 6, 2018

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW P-508
RESPECTING PARKING METERS FOR THE REGULATION OF PARKING OF VEHICLES LEFT
STANDING IN THE HALIFAX REGIONAL MUNICIPALITY**

BE IT ENACTED by the Council of the Halifax Regional Municipality pursuant to Section 153 of the Motor Vehicle Act, that the following By-laws are amended:

By-law P-500

1. Section 17 of By-law P-500, the *Parking Meter By-law*, is amended as follows:
 - (a) striking the words “twenty five” after the word “than” and before the word “dollars” in subsection (1);
 - (b) adding the word “thirty-five” after the word “than” and before the word “dollars” in subsection (1);
 - (c) striking the number “25” after the symbol “\$” and before the period punctuation and the numbers “.00” in subsection (1);
 - (d) adding the number “35” after the symbol “\$” and before the period punctuation and the numbers “.00” in subsection (1);
 - (e) striking the words “twenty five” after the word “pay” and before the word “dollars” in the second line of subsection (2);
 - (f) adding the word “thirty-five” after the word “pay” and before the word “dollars” in the second line of subsection (2);
 - (g) striking the number “25” after the symbol “\$” and before the period punctuation and the numbers “.00” in the second line of subsection (2);
 - (h) adding the number “35” after the symbol “\$” and before the period punctuation and the numbers “.00” in the second line of subsection (2);
 - (i) striking the word “twenty” after the words “reduced to” and before the word “dollars” in the fifth line of subsection (2);
 - (j) adding the word “thirty” after the words “reduced to” and before the word “dollars” in the fifth line of subsection (2);
 - (k) striking the number “20” after the symbol “\$” and before the period punctuation and the numbers “.00” in the fifth line of subsection (2); and
 - (l) adding the number “30” after the symbol “\$” and before the period punctuation and the numbers “.00” in the fifth line of subsection (2).

By-law P-507

2. By-law P-507, amending By-law P-500, the *Parking Meter By-law*, is amended by:

(a) striking the word “and” in quotation marks after the word “word” and before the words “at the end” in clause 7(c); and

(b) adding the word “or” in quotation marks after the word “word” and before the words “at the end” in clause 7(c).

Done and passed in Council this day of 2020.

Mayor

Municipal Clerk

I, Sheryll Murphy, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on , 2020.

Sheryll Murphy, Municipal Clerk