

## **PARKING FINE REVIEW**

### **Introduction**

The Community Services' Community Standards Branch regularly reviews municipal bylaws to ensure legislation is current with industry and municipal standards, supportive of community and business needs and that bylaw offense and fine provisions are effective. A scan of Traffic Bylaw 5590 parking enforcement provisions was conducted with a focus on parking offenses where compliance, safety, or community needs were not being met. A small number of parking offences and their associated fine amounts were identified.

Community Standards Branch, as an enforcement area, is responsible for the administration and deployment of parking enforcement resources. As the enforcement agent for Transportation Services, parking enforcement provides foot patrol services to twenty one (21) commercial areas, seven-day-week vehicle patrol services for city wide parking concerns, festival and special event parking enforcement services, and supports a variety of school, college/university and twenty five (25) community programs to ensure safety and compliance.

### **Strategic Alignment**

The Community Standards Branch enforcement scan and review is separate from the current Transportation Services Comprehensive Parking Management strategy but will align with the broader organizational and legislative review and strategy. Administration will undertake a further review of all parking enforcement provisions to evaluate compliance, deterrence, administrative capacity, revenue and prosecution. In addition, a review of industry trends such as escalating fine amounts, early or late payment options will also be considered as part of the broader parking management strategy.

### **Fine Principles**

In consideration of reviewing and changing bylaw fine levels, Council has previously supported the principles of ensuring fines act as a sufficient deterrent; reflect the severity of the offence, and establishing a reasonable and fair punitive amount. There is little literature, jurisprudence, or standard methodology for determining acceptable fine amounts, however Council has considered comparators such as other municipalities, length of time since last increase, changes in complaint volumes, impacts of non-compliance, public input, and the inherent goal and value of bylaws to change behaviour.

### **Recommendations**

The Community Standards Branch has identified and reviewed six existing Traffic Bylaw #5590 offences suitable for fine amount increases. Each of the six areas has a number of supporting elements that justify a fine amount increase:

### **Section 18(1)(a) – Park a Heavy Vehicle in Residential Area**

This Section prohibits the parking of large commercial vehicles in residential neighbourhoods with a maximum gross weight of over 4500kg. The parking of large commercial vehicles along residential streets changes the characteristics of residential communities and decreases the aesthetic value of neighbourhoods. Additionally, large vehicles can cause unnecessary damage to roadway infrastructure, can cause sightline obstructions and can create safety hazards for children playing in the area.

A review of other larger municipalities revealed that fine amounts for similar offences are significantly higher, ranging from \$70 to \$200.

Administration is recommending an increase from \$50 to \$100.

### **Section 30 – Park in a No Park Zone**

This Section addresses vehicles parking in areas identified by signage as “No Parking on City Streets” to ensure the safe unobstructed movement of vehicles. Vehicles parked in this area can create motorist pick-up and drop-off hazards, impede the regular flow of traffic and increase the risk of accidents.

The number of offences has risen from 10,136 offences in 2006 to 16,741 offences in 2011. This increase represents a 60% increase in violations and supports the notion that the current fine amount is not acting as a suitable deterrent. Edmonton’s fine amount for this Section is low in comparison to other municipalities reviewed.

Administration is recommending an increase from \$50 to \$75.

### **Section 31 – Stop in No Stopping Zone**

This Section addresses vehicles parked in “No Stop Zones” that impede the regular flow of traffic during peak traffic hours creating barriers, slowing motorists, and significantly increasing the risk of traffic accidents. These restricted areas are predominately in commercial zones, along collector and arterial roadways and along busier residential streets. In comparison with other large municipalities, Edmonton’s existing fine amount for this offence is on the lower end of the scale with other major municipality fine amounts ranging to \$110.

Administration is recommending an increase from \$50 to \$75.

### **Section 32 – Park in Restricted Zone**

This Section prohibits the parking of vehicles in zones designated for the parking of taxis, tour buses, school buses, and police or other emergency vehicles. Vehicles parked

illegally in these areas reduce parking availability for these specialized vehicles impairing accessibility and use by operators, passengers and emergency services. The current fine amount of \$50 is not on par with other large municipalities, with fines ranging to \$110.

Administration met with the United Cabbies Association and Fire Rescue Services for input on the proposed increase. Both groups indicated support for the increase to ensure “Vehicle for Hire” drivers and emergency vehicles had free and open access to a limited number of designed areas for vehicles.

Administration is recommending an increase from \$50 to \$75.

### **Section 37 – Park without a Required Permit**

This Section addresses 25 residential communities participating in the restricted residential parking program. Neighbourhood residents can opt to enter into this program to alleviate parking congestion from non-residents attracted to nearby events or facilities in the area (e.g. Commonwealth Stadium, University, Nait, Rosedale, etc.). In these residential areas, residents must display a valid parking pass in their windshield at all times when on-street parking. Visitors may apply for and receive a temporary “permission to park” permit from Transportation Services. All other vehicles are unauthorized to park during parking restricted times and are subject to enforcement action.

A review of enforcement data since 2009 indicates that with increases in special patrols and an increase in service levels, no improvement in the violation numbers has occurred. The current fine amount of \$50 does not seem to be having sufficient deterrent value to encourage voluntary compliance or use of other modes of transport, such as, public bus, LRT, or Park and Ride.

To gauge community support on the current bylaw effectiveness, Administration through the Edmonton Federation of Community Leagues (EFCL), consulted with communities impacted by the proposed fine increase. The large majority of responses received by residents of Westmount, Garneau, Spruce Avenue, Parkdale, Cromdale, Boyle Street, and Belgravia were supportive of increasing this fine amount to deter illegal parking in restricted residential zones. Ottawa and Vancouver have imposed a fine for this offence at \$75 and \$100, respectively.

Administration is recommending an increase from \$50 to \$75.

### **Section 42(1) – Park at an Expired Meter**

This Section ensures the regular turnover of parked vehicles on city streets in commercial areas, encourages metered stall availability for business patrons, reduces all-day on street parkers, encourages other modes of transportation to commercial areas and supports the parking meter payment program.

Since 2006, Administration has seen a 65% increase in expired meter parking violations. This increase suggests that the existing fine amount of \$35 is not having the desired deterrent effect nor acting as a high enough punitive measure to correct over stay behaviour. While future pay and display options could resolve some of the concerns, the need to have orderly turnover of stalls in support of business communities is of major importance.

In an effort to support business patronage and encourage voluntary compliance, the City initiated a 'Plug or Leave' Program, a few years ago. Vehicle drivers who return to a metered parking stall at the time an officer is issuing a ticket have the option of plugging the meter or leaving immediately and the violation ticket will be cancelled on the spot. This program generates over 14,000 cancellations each year, represents 25% of the violations found by Bylaw staff under this offence section. The program is very well received by the public.

Calgary's fine is \$50, but they also use an early/late payment fine system to encourage voluntary payment with the fine amounts ranging from \$40 to \$75 for an expired meter offence.

Input from the Council of BRZ's was not yet gathered at the time this report was written; however, their comments will be included in the presentation to Council. Administration met with the Council of BRZ's and received general support from members in attendance to increase the line amount.

Administration is recommending an increase from \$35 to \$50.

### **Financial Implications**

Administration is forecasting a potential revenue increase from increased parking meter use and parking violations of up to \$2 million. This amount will be included in the 2013 budget.