

MANAGEMENT REPORT

Date: October 25, 2023
To: Infrastructure, Transportation and Safety Sub-committee
From: Chris Bantock, Deputy Clerk
Report Number: ITS23-030
Attachments: 1. Current and Proposed Set Fines
2. Draft 2023 Consolidated Offences Form

Title: Parking Enforcement Set Fines

Objective: To modernize set fine amounts for parking offences under the City's Traffic and Parking By-law.

Background: Set fines, as defined under the Provincial Offences Act, 1990, are the amount of fine set by the Chief Justice of the Ontario Court of Justice for an offence for the purpose of proceedings commenced under Part I or II. Under the Act, set fines related to parking infractions are identified as Part II offences. Furthermore, the Act then permits municipal by-laws to create an offence, subject to there being legislative authority to do so. The City's Traffic and Parking By-law contains all of the provisions which define an offence related to parking in the City of Stratford.

Analysis: When the Traffic and Parking By-law was approved in 2008, many of the current offences were defined and set fines identified. In the last fifteen years, various amendments have been made to the Traffic and Parking By-law, however, set fine offence amounts have mostly remained unchanged. More recently, Council has approved the following offences and set fine amounts under the Traffic and Parking By-law:

- August 8, 2022:
 - \$60 voluntary payment within 7 days and \$80 set fine for parking on a roadway or shoulder between 2:00 a.m. and 6:00 a.m.
 - \$60 voluntary payment within 7 days and \$80 set fine for parking in a manner that obstructs municipal snow clearing operations.
- July 24, 2023:

- \$60 voluntary payment within 7 days and \$80 set fine for parking an electric vehicle in an electric vehicle parking space when not connected to an electric vehicle charging station or not actively charging.
- \$100 voluntary payment within 7 days and \$120 set fine for parking in an electric vehicle parking space when the vehicle is not an electric vehicle.

Earlier this year, staff participated in a survey of parking fine data amongst 23 Ontario municipalities. Respondents to the survey included comparators for the City such as Collingwood, Grand Bend, Niagara on the Lake, St. Marys, St Thomas, and Woodstock. Findings from this study confirmed that, on average, Stratford's set fines for several parking infractions were low or out of date. Staff further noted specifically that St. Marys recently undertook a review of their parking fines in 2023, which resulted in most infractions seeing an increase to \$50 for early/voluntary payments and \$70 for set fines.

Taking into consideration Stratford's recently approved set fines and findings from the parking fine survey, staff prepared the attached chart of parking offenses showing current fine amounts, proposed fine amounts, and the average and maximum fine amounts when reported through the parking fine survey. To establish consistency between the City's current and proposed parking fine amounts, three ranges of amounts categorize the proposed fines: \$40-\$60, \$60-\$80, and \$100-\$120 (early-set fine). Based on the severity of the offense and what the current fine is, each offense was placed in one of these categories. Two exceptions to this include fines for parking in a fire route and parking in an accessible space. Following initial placement into a proposed fine category, staff further reviewed offenses which are frequently reported either by parking enforcement officers or by members of the public as areas of concern. These offenses were then bumped up to a higher fine category and are identified in the attached with an asterisk next to the short form wording.

As it currently stands, the City's set fine amounts for a significant number of current parking offenses do not meet averages set by other municipalities. As a result, there may be less incentive to abide by the City's Traffic and Parking By-law. By bringing set fines up to today's standards it is expected that parking violations will decrease, and payment of parking fees will increase. As the intent of staff is to review both set fines and fees for parking enforcement, a review of set fines was done first so as to not discourage patrons to pay for parking when applicable. Should parking fees have been reviewed first, payment would decline as it would likely exceed the cost of a parking ticket. Staff intend to conduct a review of parking fees in 2024 with potential implementation of any approved changes for the start of 2025.

Financial Implications:

Financial impact to current year operating budget:

Based on the timing of this report, it is not expected that the City would receive approval from the Ministry of the Attorney General before the end of the year.

Therefore, it is likely that there would be no impact to the current year operating budget.

Financial impact on future year operating budget:

Future year operating budgets would see an increase in fine revenue as a result of the recommended set fine rates being approved. Using ticket infraction data for the first six months of 2023, revenue under current rates was \$89,720. Revenue under this same period would project to be \$218,180 or an increase of 143%. The 2024 draft budget is being prepared using the increased fine rates and projected volumes, adjusted due to timing for part of the year.

Alignment with Strategic Priorities:

Not applicable: This report does not directly relate to any of the Strategic Priorities.

Alignment with One Planet Principles:

Not applicable: This report does not directly relate to any of the One Planet Principles.

Staff Recommendation: THAT Staff be directed to undertake an application utilizing the Draft 2023 Consolidated Offences Form to the Ministry of the Attorney General, pursuant to the Provincial Offences Act, for Part II set fines in the City of Stratford.

Prepared by: Chris Bantock, Deputy Clerk

Recommended by: Karmen Krueger, Director of Corporate Services | Treasurer
Joan Thomson, Chief Administrative Officer