

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Brent Larmer, Municipal Clerk, Director, Legislative Services, Legislative Services Division blarmer@cobourg.ca	Meeting Type: Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
Meeting Date:	May 9, 2022		
Report No.:	Legislative Services-025-22		
Submit comments to Council			

Subject/Title: Updates and overhaul of the Town of Cobourg Parking By-law in preparation of the Waterfront Parking Season and administrative updates including a Fire Route By-law.

RECOMMENDATION:

THAT Council receive the report for information purposes; and

FURTHER THAT Council authorize the preparation of a by-law to be endorsed and be presented to Council for adoption at a Regular Council Meeting to introduce a Parking By-law No. 000-2022, as attached to this Report as Attachment #1; and

FURTHER THAT Council authorize the preparation of a by-law to be endorsed and be presented to Council for adoption at a Regular Council Meeting to introduce a Fire Route By-law No. 000-2022, as attached to this Report as Attachment #2

1. STRATEGIC PLAN

Not Applicable

2. PUBLIC ENGAGEMENT

Staff has provided the public with notices circulated to all residents/addresses within the subject new paid parking area east of Victoria Park within the last year.

The DBIA board and all members also received a copy of the notice regarding proposed increased rates for downtown meters and lots by the Public Works Department.

A Public Meeting was held on February 7, 2022 to share a presentation that summarized and explained the proposed parking opportunities and rate increases.

3. PURPOSE

The purpose of this staff report is to present Council with a proposed draft parking by-law as a result of the direction from Council for implementation of parking rate increases and updates on parking infrastructure and permitting in the downtown and at the waterfront. As a result of the updates to the Parking By-law, this has resulted in an overhaul of the existing by-law as various areas needed to be updated in order to make the changes necessary to be implemented for the waterfront season for enforcement to begin.

4. ORIGIN AND LEGISLATION

The following is the portions of the *Municipal Act, 2001* as amended which provides Council with the authority to regulate parking within the municipality:

Section 63 of the *Municipal Act, 2001* authorizes that, where a municipality passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or Vehicle on a Highway, it may provide for the removal and impounding or restraining and immobilizing of any object or Vehicle placed, stopped, standing or parked on a Highway in contravention of the by-law.

Section 100 of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws to regulate or prohibit the parking or leaving of motor vehicles on private land used as a parking lot with or without the consent of the Owner.

Section 100.1 of the *Municipal Act, 2001* authorizes a municipality to regulate or prohibit the parking or leaving of Motor Vehicles on Private Property without the consent of the Owner of the land.

Section 102 of the *Municipal Act, 2001* provides that a municipality may require Owners and operators of public parking lots or facilities to provide designated parking spaces for Vehicles displaying a Accessible Parking Permit.

5. BACKGROUND

On November 15, 2021, Staff provided a parking rate increase proposal to Council in response to historical requests for an increase in parking revenue, investigate paid parking opportunities east of Victoria Park and in response to recommendations of the Waterfront Working Group and Parks and Recreation Advisory Committee Beach survey.

On December 6, 2021, Staff provided a recommendation to Council that all comments received during public consultation be forwarded to the Waterfront Working Group who were to meet in early January to discuss and summarize recommendations to Council at the January 24, 2022 Committee of the Whole meeting.

All received comments were circulated to the Waterfront Working Group on December 14, 2021 and the group met on January 6th, 2022 to discuss the comments.

On January 24, 2022, Staff provided an updated report to Council incorporating the recommendations that came from the January 6, 2022 Waterfront Working Group meeting. The updated report incorporated changes to address as many comments as possible that had been received to date.

The report also recommended a public meeting be held on February 7, 2022 to allow the opportunity to further explain the details of the proposed changes.

On February 24, 2022 Council approved the following resolution:

THAT Council direct Staff to implement the recommendations of the enclosed report; and FURTHER THAT Council approve the rate increases for 2022, 2023 and 2024; and,

FURTHER THAT Council direct Staff to bring forward a Staff Report on the next steps to implementing a Town of Cobourg Administrative Monetary Penalty System to be used for parking matter disputes within the Town of Cobourg.

As a result of the February 24, 2022, resolution, the Legislative Services Division, is now required to update and draft the various amendments to the Parking By-law to present to Council with the various changes that have been approved by Council. These updates and changes will allow for the By-law Enforcement Team to enforce the new provisions to achieve compliance on those updates that effect both the downtown and waterfront. As a result of the significant enforcement changes to the waterfront and downtown parking rules, an overhaul and update to the Town's Parking By-law was necessary as well as the opportunity to prepare for the forthcoming change to the Alternative Monetary Penalty System for dealing with parking by-law disputes.

In addition, with the opportunity to update the Parking By-law, Staff are proposing that the Fire Routes section of the previous by-law be better managed and enforced across the municipality, and Staff have prepared a draft Fire Route By-law to be approved by Council.

6. ANALYSIS

Attached to this report is the proposed Town of Cobourg Parking By-law. The previous version of the Town's Parking By-law is also attached for Council and the public's reference. Staff did not provide a comparable track changes version of the By-law as the updates would have been hard to understand and most of the previous by-law has been amended and/or changed.

Below are some of the specific sections that have been included within the Parking By-law that were not included within the previous By-law:

- **Resident Waterfront Season Parking Pass;**
- **Resident Accessible Downtown Parking Permit;**
- **Snow Event Provision;**
- **Private Property Parking Non-Consent Provision;**
- **Resident Only Waterfront Parking Lot – Charles Street Lot;**
- **No Parking on Residential Streets for a period exceeding forty-eight (48) hours provision;**
- **Short Term Parking Exemption provisions;**
- **Previous By-law Amendments incorporated into the new Comprehensive Parking By-law;**
- **Schedules A to R updates with Council approved increases and infrastructure as well as housekeeping items; and**
- **Updates and recommendations from the Road Safety Committee updated and included in draft by-law.**

The newly drafted and proposed Parking By-law is easier to interpret and enforce and the charging provisions are clearer and more understandable. In addition, the By-law has been formatted into an Alternative Monetary Penalty System (AMPS) structure and will allow for Staff to be one step closer to the implementation into the new system that will be presented to Council at a later date in the summer season for approval.

Proposed Fire Route By-law:

In addition to the above changes, Staff have provided Council with a proposed Draft Fire Route By-law for consideration, which would remove the Fire Route portion of the Parking By-law into its own standalone By-law.

Fire Routes have many associated levels of authority under the Building Code, Fire Protection and Prevention Act, Fire Code and the Planning Act as follows:

The Ontario Building Code includes provisions for firefighting and specifies that buildings of a certain size be required to have access routes for fire department vehicles. It specifically defines minimum requirements for the location and design of fire routes.

The Fire Protection and Prevention Act provides municipalities with the authority to pass a by-law designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left unattended along a fire route at the expense and risk of the vehicle's owner. "Private road", in this context means any private road, lane, ramp or other means of vehicular access to or from a building or structure and may include part of a parking lot. The Act also provides the Fire Chief with broad Inspection Authority to ensure fire safety, including authority to order an owner or occupant of land to take measures to ensure fire safety.

The Fire Code defines requirements for Fire Department access to buildings and applies to fire access routes required to be constructed under the Building Code, by municipal by-law, or by the Fire Code. It provides for maintaining accesses free of obstructions, including fire access routes to facilitate access for fire fighting operations that are not obstructed by vehicles, gates, fences, building materials, vegetation, signs or any other form of obstruction. Fire access routes are to be maintained to be immediately ready for use at all times by Fire Department vehicles with approved signs displayed to indicate fire access routes. The Fire Code also provides special provisions for lumber yards and tire storage yards to provide fire access routes.

The Planning Act provides that as a condition to the approval of site plans, a municipality may require the owner of the land to provide to the satisfaction of and at no expense to the municipality, access driveways, including driveways for emergency vehicles.

The purpose of creating a standalone Fire Route By-law allows for a similar approach on the enforcement of Motor Vehicles in Fire Routes as in the Parking By-law, but makes the by-law easier to utilize for our Fire Department outside all of the other Parking offences. The new by-law also provides the delegated authority to the Chief Fire Official to establish Fire Routes and maintain the list of Fire Routes in a consistent and formal process. The new By-law also allows for Fire Routes to be better identified and make it mandatory to meet the requirements of the Cobourg Fire Department pursuant to the specific legislation and regulations at the cost of the property owner. It also provides for a provision to keep the Fire Routes clean and clear from snow and any other hazards.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no financial implications directly related to this Staff Report.

8. CONCLUSION

THAT Council authorize the preparation of a by-law to be endorsed and be presented to Council for adoption at a Regular Council Meeting to introduce a Parking By-law No. 000-2022, as attached to this Report as Attachment #1; and

FURTHER THAT Council authorize the preparation of a by-law to be endorsed and be presented to Council for adoption at a Regular Council Meeting to introduce a Fire Route By-law No. 000-2022, as attached to this Report as Attachment #2

Report Approval Details

Document Title:	Town of Cobourg Parking and Fire Route By-law - Legislative Services-025-22.docx
Attachments:	
Final Approval Date:	May 5, 2022

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Tracey Vaughan, Chief Administrative Officer was completed by workflow administrator Brent Larmer, Municipal Clerk / Director of Legislative Services

Tracey Vaughan, Chief Administrative Officer - May 5, 2022 - 5:20 PM