

Town of Whitby

Staff Report

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Report Title: Proposed Amendments to the Traffic By-law 8059-24, as Amended

Report to: Committee of the Whole

Date of meeting: December 2, 2024

Report Number: LS 16-24

Department(s) Responsible:

Legal and Enforcement Services

Submitted by:

Francesco Santaguida, Commissioner,
Legal and Enforcement Services/Town
Solicitor

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Andre Gratton, Senior Manager,
Enforcement Services

1. Recommendation:

1. That Report LS 16-24 be received for information.
2. That a by-law be brought forward to Council on December 16, 2024 to authorize the proposed Traffic By-law amendments substantively as shown in Attachment 1 to this Report LS 16-24.

2. Highlights:

- Traffic By-law # 8059-24, as amended was adopted on March 18, 2024, as part of the implementation of the Town's new Administrative Penalty System ("APS")
- Following a transition period, the APS and subsequently the Traffic By-law came into effect on September 16, 2024, at which time the previous Traffic By-law # 1862-85 was repealed.

- An amending by-law is required to correct administrative errors, clarify permissions for Accessible Parking Permit holders and to enhance Accessibility provisions.

3. Background:

Overview of Traffic By-law # 8059-24, as amended

The Traffic By-law regulates traffic and parking on the Highways, Private and Municipal property within the Town of Whitby. The Traffic By-law is enforced by Town-appointed staff in the Enforcement Services Division. Enforcement of the Traffic By-law is mostly done on a complaint basis, except for health and safety matters, including vehicles illegally parked in fire routes, school zones, and accessible permit only parking spaces.

4. Discussion:

The new Traffic By-Law was created utilizing the best practices of the previous Traffic By-law #1862-85, as amended, the repeal and consolidation of the Town's Fire Route, Towing and Municipal Parking Lot By-laws and combined with new provisions to support the implementation of the APS.

Several Administrative Revisions are necessary for the proper functioning of the Traffic By-law

Minor administrative revisions are required to address the incorrect referencing of provisions and additionally, staff recommend including the corresponding municipal address to the municipal lot number identified in column 1 of Schedule "Y". Below details the administrative amendments required.

Section	Current Provision	Proposed Amendment
3.3 a)	Subsections 9.1 and 9.3 of this By-law with respect to metered parking provided Clauses 4.6 (j) and Subsection 6.2 of this By-law with respect to parking limits and Subsections 9.1 and 9.3 of this Bylaw with respect to metered parking provided that;	Subsections 9.1 and 9.3 of this By-law with respect to metered parking provided and clause 4.9 (i) *Reflects additional amendment noted below
3.3 b)	Section 9.16 of this By-law with respect to use of ticket machines providing that no such vehicle shall be parked for a period exceeding 24 consecutive hours.	Section 9.17 of this By-law with respect to use of ticket machines and fee requirements established in Column 3 of Schedule "Y"

Section	Current Provision	Proposed Amendment
4.9 i)	for a period longer than three (3) hours except where otherwise posted or where designated in Column 6 of Schedule "Y" to this By-law;	for a period longer than three (3) hours except where otherwise posted or where designated in Column 6 of Schedule "F" to this By-law;
4.15 b)	anytime or between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday, inclusive, on one or both sides of a highway or portion of a highway which is immediately adjacent to a school.	anytime or between the hours of 8:00 a.m. and 5:00 p.m. Monday to Friday, inclusive, on one or both sides of a highway or portion of a highway which is immediately adjacent to a school.
9.2	The erection, maintenance and operation of parking meters on the highways, at the sides and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "Y" to this By-law for the purpose of controlling and regulating parking during the days and hours set out in Column 4 of the said Schedule and the designation of parking spaces in connection with such meters, is hereby authorized.	The erection, maintenance and operation of parking meters on the highways, at the sides and between the limits set out respectively in Columns 1, 2 and 3 of Schedule "F" to this By-law for the purpose of controlling and regulating parking during the days and hours set out in Column 4 of the said Schedule and the designation of parking spaces in connection with such meters, is hereby authorized.
9.3	Notwithstanding the provisions of any other section of this By-law, where parking meters have been erected under the authority of Subsection 9.2 of this By-law, no person shall park any vehicle in a parking space on any highway, unless the parking meter controlling such parking space is used, and a fee is deposited therein, or by approved authorized means, in accordance with the rate set out in Column 4 of the said Schedule or for a longer period than set out in Column 5 of the said Schedule	Notwithstanding the provisions of any other section of this By-law, where parking meters have been erected under the authority of Subsection 9.2 of this By-law, no person shall park any vehicle in a parking space on any highway, unless the parking meter controlling such parking space is used, and a fee is deposited therein, or by approved authorized means, in accordance with the rate set out in Column 5 of the said Schedule or for a longer period than set out in Column 6 of the said Schedule
9.4	Where parking meters have been erected under the authority of Subsection 9.2 of this By-law, no person shall park any vehicle in a parking space on any highway at the side and between the limits set out respectively in Columns 1, 2	Where parking meters have been erected under the authority of Subsection 9.2 of this By-law, no person shall park any vehicle in a parking space on any highway at the side and between the limits set out respectively in Columns 1, 2

Section	Current Provision	Proposed Amendment
	and 3 of the said Schedule “Y” to this By-law during the days and hours set out in Column 4 of the said Schedule for a longer period than that set out in Column 6 of the said Schedule.	and 3 of the said Schedule “F” to this By-law during the days and hours set out in Column 4 of the said Schedule for a longer period than that set out in Column 6 of the said Schedule.
9.22	Any vehicle on which an Ontario Veteran Plate is attached in accordance with the requirements of the Highway Traffic Act is exempt from Subsections 9.16 of this By-law with respect to use of municipal parking lots.	Any vehicle on which an Ontario Veteran Plate is attached in accordance with the requirements of the Highway Traffic Act is exempt from Subsections 9.17 of this By-law with respect to use of municipal parking lots.
Schedule “X” Item 24	Column 2 - Section 4.9	Column 2 - Section 4.9 a)
Schedule “X” Item 37	Column 2 - Section 4.1	Column 2 - Section 4.10
Schedule “X” Item 45	Column 3 - Description Parked within 30m or Regional intersecting highway	Column 3 - Description Parked within 30m of Regional intersecting highway
Schedule “Y” Column 1, Row 1	Lot #1	Lot #1 135 Byron Street South
Schedule “Y” Column 1, Row 2	Lot #2	Lot #2 105 Byron Street North
Schedule “Y” Column 1, Row 3	Lot #3	Lot #3 121 Byron Street North
Schedule “Y” Column 1, Row 4	Lot #4	Delete Row – Land sold in 2017
Schedule “Y” Column 1, Row 5	Lot #5	Lot #5 215 Colborne Street East
Schedule “Y” Column 1, Row 6	Lot #6	Lot #6 138 Perry Street
Schedule “Y” Column 1, Row 7	Lot #7	Lot #7 306/312 Colborne Street West
Schedule “Y” Column 1, Row 8	Lot #9	Lot #9 3 Vipond Road

Revisions to the permissions for Accessible Parking permits are necessary to ensure that they are up to date and consistent with the Town's operational needs

The Town's Traffic By-law exempts a person with a valid/displayed Accessible Parking Permit from:

- the 3 hours maximum provision and allows permit holders to park for a maximum of 24 hours (excluding winter restrictions);
- parking meter fees; and
- fees for municipal lots.

The Traffic By-law is not intended to allow Accessible Parking Permit holders to park in municipal lots overnight. Overnight parking was also not permitted in the previous by-law. The Town's municipal lots need to be kept clear for winter and other maintenance. Due to an error in the language, the current provisions allow permit holders to park overnight in a municipal lot. It is recommended to amend section 3.3 b) to provide clarity that the Accessible Parking Permit holder is only exempt from the fee requirements as outlined in column 3 of Schedule "Y" – Municipal Parking Lots.

Additionally, staff recommend updating the definition of Accessible Parking Space in section 1.2.2 to referencing the provincial Integrated Accessibility Standards as follows:

"Accessible Parking Space" means a parking space provided under this By-law, in accordance with the Integrated Accessibility Standards, Ontario Regulation 191/11, as may be amended from time to time, and identified by an official sign for the exclusive use of a vehicle displaying an Accessible Parking Permit in accordance with the requirements of the Highway Traffic Act, R.S.O. 1990, c. H.8

5. Financial Considerations:

Not applicable

6. Communication and Public Engagement:

Not applicable

7. Input from Departments/Sources:

Not applicable

8. Strategic Priorities:**9. Attachments:**

Attachment 1 – Draft By-law XXXX-24 Proposed Traffic By-law Amendments