



*A People Place, A Change of Pace*  
**SHELBURNE**  
ONTARIO, CANADA

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**Meeting Date:** Monday, March 11, 2024

**To:** Members of Council

**From:** Jennifer Willoughby, Director of Legislative Services/Clerk

**Report:** LS2024-03

**Subject:** **Unauthorized Area Parking Bylaw**

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### Recommendation

BE IT RESOLVED THAT Council receives report LS 2024-03 for information;

AND THAT staff be directed to amend the clean yards bylaw to incorporate the action of damaging the surface or appearance of the front yard as a result of vehicle parking;

AND THAT staff be directed to hold a virtual public engagement session in April 2024; following which a bylaw will be brought forward for Council's consideration.

### Background

Staff continue to review and update municipal bylaws which includes reviewing bylaws of other municipalities.

In response to concerns and complaints regarding parking within front and side yards, a review of options to prohibit parking and implement fines has been completed. This report recommends a new unauthorized area parking bylaw, with fines, be implemented.

## Analysis

### **Zoning Bylaw #38-2007**

Staff have reviewed and continue to receive complaints regarding vehicles parking in their front or side yards. This type of violation is currently investigated under the Town's [Zoning Bylaw #38-2007](#). The zoning bylaw notes the following under section 3.15.6 (ii):

- No parking area in any Residential Zone shall be situated, in whole or in part, within those portions of any front yard or exterior side yard that are located a lesser distance from their respective front and side lot lines than the minimum distances for front yards and exterior side yards respectively that are required in the zone in which such parking is situate, or, except in the case of a mutual driveway, or where the parking area is in a garage or carport, within 0.5 metre of a side or rear lot line. No parking area shall occupy more than 50 per cent of the area of the yard in which it is situate.

The zoning bylaw currently does not have set fines or approved short form wording associated with it, in order to issue fines. The process of enforcement is issuing a Part 3 automatic summons to court through the Provincial Offences (POA) system. This process is time consuming, costly and may take up to a year to resolve through the POA system if compliance is not obtained.

### **Clean Yards Bylaw**

Currently the Town's [Clean Yards Bylaw #72-2021](#) does not identify damage to front or side yards as a result of motor vehicle parking.

Staff recommend amending the Clean Yards bylaw to allow for proactive enforcement of property damage as a result of vehicle parking to ensure properties are kept in a clean and clear, esthetically pleasing condition.

### **Unauthorized Area Parking Bylaw**

The creation of a new parking bylaw infraction to prohibit parking in front and side yards would streamline our enforcement processes and allow Municipal Law Enforcement Officers to respond in a more efficient manner.

Officers would have the ability to issue parking infraction notices instead of issuing Zoning Notices, in an effort to reduce property damage, address safety concerns and maintain neighbourhood aesthetics.

The proposed Bylaw would be enforced proactively by officers to ensure that vehicles are parked in permitted spaces. Research of other municipalities has determined that fines generally range from \$40 to \$100 per offence.

The set fine being recommended is \$100, which is the maximum fine permitted under the *Municipal Act* for parking contraventions. It's important to note that the recommended set fine is to act as a deterrent in order to gain compliance and is not intended to be revenue generating. The proposed set fine would offset the Town's direct and indirect costs associated with parking ticket issuance.

Enforcement of the bylaw would be effective as of the date of receiving approval for the set fine and short form wording from the Ministry of Attorney General (MAG).

Staff will provide a period of voluntary compliance to allow time for residents and their guests to make alternate parking arrangements. Once approval has been issued for set fines, proactive enforcement will commence.

A communications plan is being developed to support the implementation of the bylaw, including social media and printed material.

Staff are recommending a virtual public engagement session with residents to obtain feedback and general information. The date of the virtual public engagement session will be April 2024.

## Policies and Implications

N/A

## Financial Impact

The recommended penalty is \$100. No estimates of 2024 revenue have been estimated at this time.

## Consultation and Communications

The Cities of Brampton, Guelph, Hamilton and Sudbury and Towns of Oakville, Newmarket and Milton have introduced similar legislation with set fines ranging from \$40 to \$100.

## Council Priorities

Council's Priorities has three Pillars - Sustainable, Engaged and Livable. There are a total of 14 Priorities with the three Pillars.

This report aligns with the Sustainable and Engaged Pillars within the Priorities of:

SP2 Invest in critical infrastructure and services for the future.

EP3 Consultation and collaboration with community

## Supporting Documentation

N/A

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Respectfully Submitted and Prepared By:

Jennifer Willoughby, Director of Legislative Services/Clerk

Reviewed By:

Denyse Morrissey, CAO