

MUNICIPALITY OF CHATHAM-KENT
INFRASTRUCTURE AND ENGINEERING SERVICES
ENGINEERING AND TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Mark Ceppi, Engineering Technician
Engineering and Transportation Division

DATE: January 27, 2010

SUBJECT: Amendments to Private Parking Enforcement Regulations and
Chatham Parking Permit Rates

RECOMMENDATIONS

It is recommended that:

1. Traffic and Parking By-law #245-2004 be amended to include the new regulations for the enforcement of parking on private property in the Municipality of Chatham-Kent, as per Appendix A.
2. A uniform Parking Permit rate of \$15.00 per month (excluding taxes) be implemented for all applicable Municipal Parking Lots located within the Community of Chatham.

BACKGROUND

Administration has recently reviewed the Municipality of Chatham-Kent Traffic and Parking By-law #245-2004 private property parking regulations and has determined that modifications are required to clarify who can provide enforcement on private property and what regulations are enforceable. There are currently two private parking lot operators that are using Traffic and Parking By-law #245-2004 to enforce parking on their property.

Administration has also received a letter (Appendix B) from the Historic Downtown Chatham Business Improvement Area (Chatham BIA) which requests an increase in the parking permit rate from \$10.00 to \$15.00 (per month) for permit spaces located within Municipal Parking Lots 5, 9, and 13. Further discussions between the Chatham BIA and administration have resulted in a proposal to create a uniform permit parking rate of

\$15.00 (per month) for all Municipal Parking Lots located within the Community of Chatham. Parking permit rates are regulated by Traffic and Parking By-law #245-2004.

COMMENTS

Private Parking Regulations

The Municipality of Chatham-Kent Traffic and Parking By-law #245-2004 Section 211 regulates enforcement of parking on private property. Section 211 (Appendix C) currently provides the following parking regulations for private property:

- parking without consent of the owner of the private parking lot,
- removal of a vehicle from private property by police officer,
- requirement of written complaint from property owner,
- requirement of signs posted to describe parking conditions on private property.

Other sections of the by-law which regulate designated Fire Routes and Disabled Parking Spaces may also be enforced on private property.

Private parking lot operators typically use their own security staff to enforce the parking conditions they have set for their lots. The employees are appointed by Municipal By-law and affirmed by the Justice of the Peace in order to write Parking Infraction Notices (tickets) under Traffic and Parking By-law #245-2004. Section 211 does not clearly regulate by-law enforcement officers that are employed by private parking lot operators. To address this, amendments to Traffic and Parking By-law #245-2004 have been proposed which will:

- define appointed enforcement officers that are employees of private parking lot operators,
- require Municipal authorization to use By-law #245-2004 regulations in a private parking lot,
- specify which parking regulations may be enforced in a private parking lot,
- specify conditions for enforcement officers operating in private parking lots.

The full description of the proposed amendments to Section 211 of Traffic and Parking By-law #245-2004 can be found in Appendix A.

The proposed amendment to Section 211 will require authorization from the Municipality for a private parking lot operator to use Traffic and Parking By-law #245-2004 parking regulations on their property. Approved operators will be responsible for purchasing customized Parking Infraction Notices (parking tickets) which will be based on the standard Municipal Parking Infraction Notice. The customized parking tickets will provide the contact information of the private parking lot operator and the parking infractions will be limited to:

1. Park on Private Property Without Permission (\$15.00)

2. Park in Fire Route (\$75.00)
3. Park in Handicap Space – Without Permit (\$300.00)

The Chatham-Kent Health Alliance (Chatham and Wallaceburg) and the Downtown Chatham Centre are currently the only private parking lot operators using Traffic and Parking By-law #245-2004 for parking enforcement.

Parking Permit Rates

The Municipality of Chatham-Kent Parking Program operates a total of thirteen Municipal Parking Lots within the Community of Chatham. The Parking Program offers parking permits to motorists that gives them a reserved parking space in the assigned parking lot and also provides exemptions from the regular applicable time limits and fees. These parking permits are offered in Municipal Parking Lot 5, 6, 7, 8, 9, 11 and 13. Appendix D illustrates the location of these Municipal Parking Lots.

Parking permit rates currently range from \$10.00 to \$35.00 per month, excluding taxes. Administration is proposing a uniform parking permit rate of \$15.00 per month in the Community of Chatham. The current and proposed parking permit rates for the Community of Chatham are shown in Table 1.

Table 1: Chatham Monthly Permit Rates (Excluding Taxes)

Lot No.	Location	Permit Parking Spaces	Current Permit Rate	Proposed Permit Rate
1	14 Jeffery Street (Behind Library)	0	n/a	n/a
2	66 Thames Street (At Fifth Street Bridge)	0	n/a	n/a
3	12 Thames Street (At Third Street Bridge)	0	n/a	n/a
4	Wellington St. West (At Forsyth Street)	0	n/a	n/a
5*	174 King St. West (At Fourth Street)	13	\$10.00	\$15.00
6	148 Wellington St. West (At Queen Street)	4	\$35.00	\$15.00
7	2 William Street (At King Street)	25	\$15.00	\$15.00
8	224 Queen Street (North of Lorne Avenue)	10	\$15.00	\$15.00
9*	189 Wellington Street (Between Forsyth & Fourth Streets)	23	\$10.00	\$15.00
10	24 Second Street (Across from Civic Centre)	0	n/a	n/a
11	Colborne Street (West of William Street)	15	\$15.00	\$15.00

12	110 Wellington Street (At Centre Street)	0	n/a	n/a
13*	Fourth Street North of King Street West & Simcoe Lane	41	\$10.00	\$15.00
* Located within Chatham BIA				

COMMUNITY STRATEGIC PLAN

The recommendations in this report support the following objectives and strategic directions:

B: Economy – We are a prosperous community.

B3: Maintain and enhance new and existing infrastructure to support economic and smart growth opportunities.

Desired Outcomes/Proposed Activities

- Continue to support the development of our downtown areas as vibrant and attractive focal points in our communities.

The recommendations will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

A meeting took place in December 2009 between Legal Services, Customer Services, Building, Enforcement and Licensing Services and Engineering and Transportation Division staff to discuss deficiencies in Traffic and Parking By-law #245-2004 regulations for parking on private property. A private parking lot by-law from the City of Kitchener was used for comparison to our current by-law during these discussions. At the conclusion of this meeting, Legal Services supported the private parking regulation changes proposed in this report and, drafted the by-law amendment (Appendix A).

Multiple meetings between Chatham BIA and Chatham-Kent staff took place last fall to discuss parking issues in downtown Chatham. One of the topics discussed was parking permit rates for Municipal Parking Lots in the Community of Chatham. The Chatham BIA discussed the possibility of raising the current parking permit rates within the BIA to \$15.00 per month. Further discussions led to a proposal to create a uniform rate for all Municipal parking permit spaces within the Community of Chatham. A letter (Appendix B) was sent by the Chatham BIA to the Municipality that confirms its request to increase the Municipal permit parking rates within the BIA.

FINANCIAL IMPLICATIONS

Private parking lot operators who opt to use the amended Private Parking Regulations will be responsible for providing their own enforcement staff and purchase their own

Parking Infraction Notices (ticket books). Therefore, these proposed amendments will not create additional expenses for the Municipality. However, all Set Fine payments and other regular Parking Infraction revenue will be collected by the Municipality. The amount of revenue from an increase in private parking lot enforcement is unknown at this time.

Current Parking Permit Rates for applicable Municipal Parking Lots located in the Community of Chatham range from \$35.00 to 10.00 per month, excluding taxes. Using the current permit parking space occupancy data and applying a uniform monthly rate of \$15.00, parking space revenue is estimated to increase by \$300.00 per month, excluding taxes. This translates into an estimated total of \$3,600 per year of additional revenue which will be deposited into the Chatham Parking Permit Revenue Budget Accounts.

Prepared by:

Reviewed by:

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General Manager,
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Rob Browning
Chief Administrative Officer

c: Executive Director, Historic Downtown Chatham BIA
 Director, Legal Services
 Director, Building, Enforcement and Licensing
 Director, Customer Services
 Manager, Infrastructure and Transportation

Attachments: Appendix A – By-Law Amendment
 Appendix B – Chatham BIA Letter
 Appendix C – By-law 245-2004 Section 211
 Appendix D – Parking Map

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Regulations and Chatham Parking Permit Rates.doc

APPENDIX A

Section to be applied to that property.

211.05.02 An enforcing officer may enforce the provisions of Sections 211.01, 215.07 and 219.03 on specified private property on the following conditions:

- (a) The property is clearly marked by signs erected thereon which prohibit unauthorized parking on the specified private property, and
- (b) The owner has authorized and directed the Municipality to enforce the provisions of Sections 211.01, 215.07 and 219.03 on the specified private property for the time or period of time indicated by the owner.

2. Schedule "L" (Municipal Parking Lot Permits) of By-law 245-2004, be and the same, is hereby amended by deleting therefrom;

COLUMN 1	COLUMN 2	COLUMN 3
<u>MUNICIPAL PARKING LOT</u>	<u>LOCATION</u>	<u>RATE (GST NOT INCLUDED)</u>
Municipal Parking Lot #5	170/174 King Street West	\$10.00 per month
Municipal Parking Lot #6	SE corner Queen Street and Wellington Street West	\$35.00 per month
Municipal Parking Lot #9	187/189 Wellington Street West – North Side	\$10.00 per month
Municipal Parking Lot #13	Simcoe Lane	\$10.00 per month

APPENDIX A

3. Schedule "L" (Municipal Parking Lot Permits) of By-law 245-2004, be and the same, is hereby amended by adding thereto and inserting therein;

COLUMN 1	COLUMN 2	COLUMN 3
<u>MUNICIPAL PARKING LOT</u>	<u>LOCATION</u>	<u>RATE (GST NOT INCLUDED)</u>
Municipal Parking Lot #5	170/174 King Street West	\$15.00 per month
Municipal Parking Lot #6	SE corner Queen Street and Wellington Street West	\$15.00 per month
Municipal Parking Lot #9	187/189 Wellington Street West – North Side	\$15.00 per month
Municipal Parking Lot #13	Simcoe Lane	\$15.00 per month

4. By-law 245-2004 of the Corporation of the Municipality of Chatham-Kent as heretofore amended from time to time is hereby ratified and confirmed in all respects save and except as amended hereby.

THIS By-Law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this day of , 2010.

Mayor – Randy R. Hope

Clerk – Elinor Mifflin

APPENDIX B



Business Improvement Area – Promotion and Development
237 King St. W., Chatham ON N7M 1E6
Ph: 519-352-8387 Fx: 519-352-7732
Email: bia@bellnet.ca

Municipality of Chatham Kent
Civic Centre
315 King St. W.
Chatham, ON
N7M 5K8

Dear Mayor Hope and Members of Council,

The Historic Downtown Chatham BIA would like to request a revision to the permit parking rates in designated areas. The executive board has developed a sub-committee to implement an overall parking strategy for the downtown core. In the past two years we have seen 29 new businesses open, as well as many substantial construction projects. This has put a strain on the available parking. It is the intent of the sub-committee to work with staff and administration to develop a long-term plan. The permit parking has not been reviewed since its inception and has different rates and standards that have been implemented in an inconsistent manner. We feel the rates in **municipal lots # 5, 9 and 13** should be raised to \$15.00 / month, since this is already the rate assigned to the majority of remaining permit parking spaces.

The executive board feels this will be the beginning of a more comprehensive approach to the parking as well as a way to increase the parking reserve to create more available parking in the long run.

Should you have any questions or concerns, please feel free to contact me. Thank you for your consideration in this matter.

Sincerely,

Janice Wieringa
Executive Director
Historic Downtown Chatham BIA

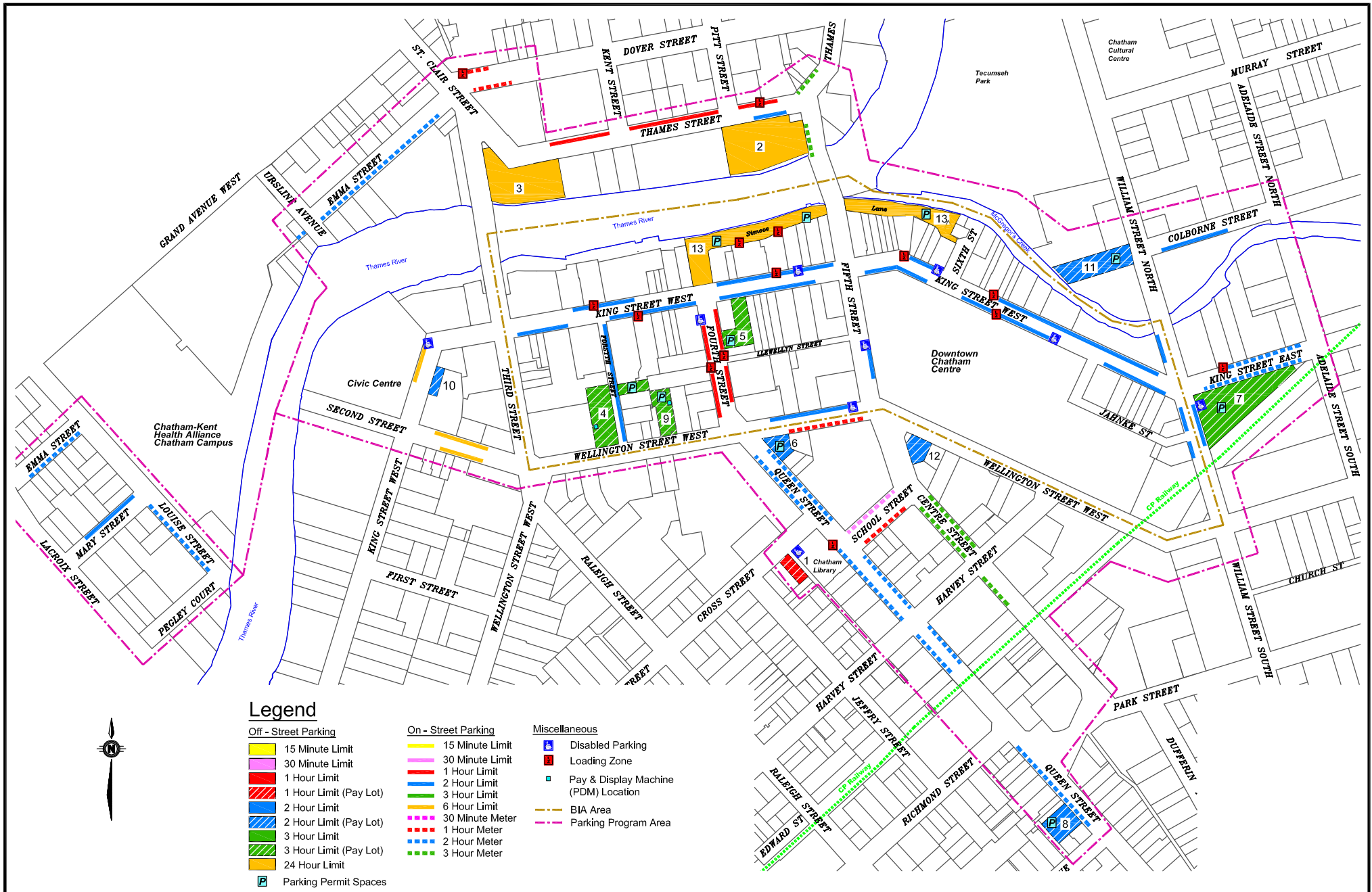
APPENDIX C

**Municipality of Chatham-Kent
Traffic and Parking By-law #245-2004**

Excerpt of Section 211 from By-law #245-2004:

Parking on Private Property Prohibited

- 211.01** No person shall park any motor vehicle or permit such vehicle to remain parked on private property without the consent of the owner or occupant of such property.
- 211.02** Any motor vehicle which is parked or left in contravention of this section may be removed or impounded by a police officer or provincial offences officer and all costs and charges for removing or impounding the vehicle shall be paid by the owner thereof and shall be a lien on the vehicle, which may be enforced in the manner provided by *The Mechanics Lien Act* and subject to section 211.04 of this by-law.
- 211.03** The owner or operator of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under this by-law except upon the written complaint of the owner or occupant of the property given to a police officer or provincial offences officer appointed for the carrying out of the provisions of this by-law.
- 211.04** Where the owner or occupant of property affected by this section has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such posted conditions or prohibition shall be deemed to have been parked or left on the property without the owner's or occupant's consent.



Municipality of
CHATHAM-KENT
 Engineering and Transportation Division

Parking Program Inventory Map
 Community of Chatham

Date: 2009-11-15