

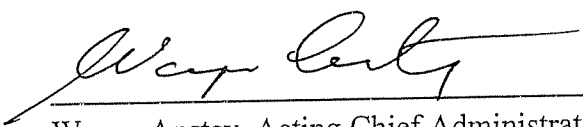
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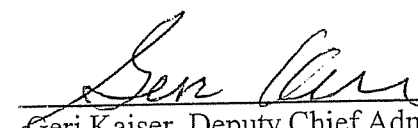


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
August 8, 2006  
September 5, 2006  
September 12, 2006

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Wayne Anstey, Acting Chief Administrative Officer

  
Geri Kaiser, Deputy Chief Administrative Officer - Corporate Services & Strategy

**DATE:** July 31, 2006

**SUBJECT:** Parking Fine Increases

**ORIGIN**

The provincial government proclaimed legislation, Bill 115 The Justice Administration Amendment (2002) Act, that amended the Summary Proceedings Act and the Motor Vehicle Act, effective July 1, 2006. As part of the amendments, the minimum fines for parking offences enforceable under the Motor Vehicle Act, have increased from \$15 to \$25 (see attached schedule 1).

**RECOMMENDATION**

It is recommended that :

1. Regional Council approve in principle formal adoption of the amendment outlined in appendix A to section 17 of By-law number P-500, the Parking Meter By-law, a parking meter fine increase from \$20 to \$25 effective immediately, with an early payment terms of \$20, if paid within 7 days from the date of issuance effective October 1, 2006.
2. Regional Council to approve the continued acceptance of the present discounted amount of \$15.00 on the payment of out of court settlement if received within 7 days of the issuance of the parking ticket in respect of parking tickets paid before October 1, 2006 as per the discussion section of this report.

## **BACKGROUND**

In the spring of 2002 the Justice Administration Act amended the Motor Vehicle Act and the Summary Proceedings Act to establish categories of offences and a scale of minimum/maximum fines for each category. The minimum fine for a category A offence was established as \$25. Parking infractions as well as parking meter violations are now considered Category A offences. Until July 1, 2006 most parking fines set out in the Nova Scotia Motor Vehicle Act were \$15. Staff over the past couple of years have been following up with the province as to the proclamation date of the new legislation as HRM parking fines at \$15 are considerably lower than the parking fines of other Atlantic Canada Municipalities outside Nova Scotia, which are set at rates between \$25 and \$30 dollars.

## **DISCUSSION**

Through the process of drafting Category A offenses, the province have included HRM's parking meter By-law P-500 and parking meter fines in this category, which now have a minimum fine of \$25. As a result of this, HRM's By-law P-500 as it stands, does not conform with the amended legislation. As the minimum fine is prescribed by provincial law, the courts have no ability to award a lesser amount and the tickets should state the new amounts as soon as updated tickets can be stocked. It is projected that re-stocking will take approximately 4 -6 weeks. The present tickets in stock provide for the \$15.00 discounted amount and it seems preferable for HRM to honour this on the payment of those tickets. It is important to have the By-law fines match the provincial minimum as soon as possible to reduce the possibility of a large number of people challenging the tickets in the hope that the discrepancy will result in an acquittal. Hence the recommendation #2 to extend this early payment fine option to October 1, 2006.

## **BUDGET IMPLICATIONS**

The 2006-07 fiscal budget includes approximately \$750,000 in parking fine increases, which assumed estimates of ticket volumes from past years and an effective date of July 1, 2006. Any shortfall that might occur as a result of the delay will be addressed through other adjustments to actual expenditures and/or revenues in Finance's accounts.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

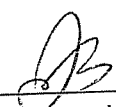
Staff feel there are no feasible alternatives.

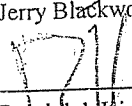
ATTACHMENTS


Schedule 1: Parking Fine Increases

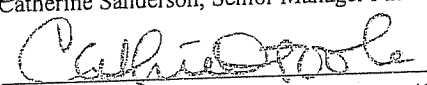
Appendix A: Amended By-law P-502

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:   
Jerry Blackwood, Operations Manager, Revenue 490-6470

Legal Review:   
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Financial Review:   
Catherine Sanderson, Senior Manager Financial Services 490-1562

Report Approved by:   
Cathie O'Toole, Acting Director, Finance 490-6308

Schedule 1: Parking Fine Increases

| <b>Parking Violation</b>                | <b>Old Fine Amount<br/>Prior to July 1, 2006</b> | <b>New Fine Amount<br/>Effective July 1, 2006</b> |
|---|--|---|
| No Parking Zone                         | \$15.00  | \$25.00   |
| Parked in Bus Stop                      | \$15.00  | \$25.00   |
| Parked in loading zone                  | \$15.00  | \$25.00   |
| Parked During Winter Ban                | \$15.00  | \$25.00   |
| Parked overtime specified               | \$15.00  | \$50.00   |
| On crosswalk                            | \$15.00  | \$25.00   |
| Within 5m of hydrant                    | \$15.00  | \$25.00   |
| Within 10m stop sign                    | \$15.00  | \$25.00   |
| Less than 7.5m of corner                | \$15.00  | \$25.00   |
| Private property                        | \$15.00  | \$25.00   |
| Wrong side of street                    | \$15.00  | \$25.00   |
| On highway over 24 hrs.                 | \$15.00  | \$25.00   |
| 150mm of curb                           | \$15.00  | \$25.00   |
| On sidewalk                             | \$15.00  | \$25.00   |
| Blocking driveway                       | \$15.00  | \$25.00   |
| For sale on highway                     | \$15.00  | \$25.00   |
| Vehicle left running                    | \$15.00  | \$25.00   |
| Double parked                           | \$15.00  | \$25.00   |
| No stopping sign                        | \$15.00  | \$25.00   |
| Leaving under 3m for traffic            | \$15.00  | \$50.00   |
| Obstructing snow removal                | \$15.00  | \$100.00  |
| Fire lane                               | \$75.00  | \$100.00  |
| Accessible parking                      | \$75.00  | \$100.00  |
| Accessible parking private property     | \$15.00  | \$25.00   |
| Within 5m of crosswalk                  | \$15.00  | \$25.00   |
| Street cleaning                         | \$15.00  | \$25.00   |
| Illegally parked by a bus or taxi       | \$15.00  | \$25.00   |
| Parked commercial vehicle over 2hr.     | \$15.00  | \$25.00   |
| Creating obstruction at excavation      | \$15.00  | \$25.00   |
| Parked on left hand side of divided hwy | \$15.00  | \$100.00  |
| Parked on highway without clear width   | \$15.00  | \$25.00   |
| Brakes not set                          | \$15.00  | \$25.00   |
| Parked in an intersection               | \$15.00  | \$25.00   |
| Within 5m fire station driveway         | \$15.00  | \$25.00   |
| Loading over 30 minutes                 | \$15.00  | \$25.00   |
| Leaving less than 3m in an alley        | \$15.00  | \$25.00   |
| Within 15m of nearest railway crossing  | \$15.00  | \$25.00   |
| Displaying advertising                  | \$15.00  | \$25.00   |
| Obstructing view at crest of grade      | \$15.00  | \$25.00   |
| Wheels not cut                          | \$15.00  | \$25.00   |
| Parallel with edge of roadway           | \$15.00  | \$25.00   |

Schedule 1: Parking Fine Increases  
(con't)

|                                  |         |         |
|----------------------------------|---------|---------|
| <b><u>Meter By-law P-500</u></b> |         |         |
| Meter violation                  | \$20.00 | \$25.00 |
| Meter Feeding                    | \$20.00 | \$25.00 |
| Overtime at meter                | \$20.00 | \$25.00 |

Appendix A

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER P-502**

**RESPECTING PARKING CARDS, PARKING METER RATES  
AND “OUT OF ORDER” PARKING METERS**

Section is repealed and the following substituted:

**17. Penalty**

(1) A person who contravenes any section of this By-law is liable upon summary conviction to a penalty of not less than twenty five dollars (\$25.00) and in default of payment, to imprisonment for a term not less than seven (7) days.

(2) A person who is alleged to have violated this By-law and is given notice of the alleged violation may pay twenty five dollars (\$25.00) for each hour of violation to the Halifax Regional Municipality, however, provided that such payment is made within a period of seven (7) days following the day on which the alleged violation was committed, then the said payment shall be reduced to twenty dollars (\$20.00) for each hour of violation and, in any case, such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for the violation or violations.

Appendix A

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER P-504**

**RESPECTING PARKING CARDS, PARKING METER RATES  
AND "OUT OF ORDER" PARKING METERS**

Section 17 is repealed and the following substituted:

**17. Penalty**

(1) A person who contravenes any section of this By-law is liable upon summary conviction to a penalty of not less than twenty five dollars (\$25.00) and in default of payment, to imprisonment for a term not less than seven (7) days.

(2) A person who is alleged to have violated this By-law and is given notice of the alleged violation may pay twenty five dollars (\$25.00) for each hour of violation to the Halifax Regional Municipality, however, provided that such payment is made within a period of seven (7) days following the day on which the alleged violation was committed, then the said payment shall be reduced to twenty dollars (\$20 00) for each hour of violation and, in any case, such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for the violation or violations.