



## Infrastructure Services

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**Prepared for: Council-in-Committee**

**Report: IS-03-2024**

**Meeting Date: May 13, 2024**

### 1. Title

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Consolidated Traffic and Parking By-law 2000-89 Update

### 2. Recommendations

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**That:** Council receives Report IS-03-2024 Consolidated Traffic and Parking By-laws 2000-89 Update, and further

**That:** Council directs staff to prepare the necessary by-law to repeal and replace the existing Consolidated Traffic and Parking By-laws 2000-89, and further

**That:** Council approves the Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles within the Town of Fort Erie updates, and further

**That:** Council directs staff to prepare the necessary by-law to repeal and replace the existing Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles within the Town of Fort Erie.

### 3. Relation to Council's Corporate Strategic Plan

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Priority: Sustainable and managed growth

Initiative: n/a

### 4. List of Stakeholders

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Mayor and Council

Town of Fort Erie Residents and Ratepayers

Motoring Public

### 5. Purpose of Report

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The purpose of this report is to seek Council's approval to repeal the Consolidated Traffic By-law 2000-89 and replace with the updated version attached as Appendix 1 to this report. Also, to seek Council's approval to repeal the Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles within the Town of Fort Erie and replace with the updated version attached as Appendix 2 to this report.

## 6. Analysis

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In 2022, staff undertook a project, as identified and approved in the Supplementary One-Time new funding requests for 2022 from the General Level Rate Stabilization (GLRS) reserve to update the Consolidated Traffic By-laws 2000-89. Staff from the Engineering team completed a comprehensive inventory of all the regulatory signs on Town roads and update any missing or changed information in the schedules. Staff also reviewed the legal language within the by-law to ensure it was up-to-date with the current standards of practice and definitions.

Staff found many omissions and errors in the regulatory signs inventory, including several missing stop signs, changes to school zone areas that are no longer needed due to the closure of schools, changes to stopping and standing zones, including in and around old and new fire halls and updates to rural speed areas.

Once staff reviewed the traffic and parking by-laws, a review of the Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles within the Town of Fort Erie by the By-law Division was conducted to determine where the administrative penalties needed to be updated to coincide with the updated traffic and parking by-laws. A review of the administrative penalties had not been completed since 2019 and many of the penalties and fines were out-of-date.

Some notable updates include:

Establishment of consistent wording in the By-law and schedules so that staff and the public can easily read the rules established in the document.

Definitions were updated to reflect more modern and inclusive language and references to relevant legislation, including the Highway Traffic Act.

Schedules were updated with the addition of regulatory signs that have been added to the roadways, most notably the number of stop signs.

Language was updated to reflect the use of pay and display machines for paid parking and the collection of that revenue.

Schedule naming was updated to more accurately reflect the Niagara Region Traffic By-laws to be consistent in Niagara for enforcement and the motoring public.

Parking and No Parking schedules were updated on Jarvis Street to reflect the new configuration of parking since the reconstruction of the road.

Section 205.01.11 was updated to establish a consistent rule of no overnight parking on all Town roads between November 1<sup>st</sup> and March 31<sup>st</sup> between the hours of 2:00 am and 7:00 am to allow for winter operations.

No Parking in School Zones was updated to create consistency for times of the day for all school zones in the Town of Fort Erie.

Section 701.01 was added to allow the Director of Infrastructure or their designate to enact a "Driving Ban" during a Declared State of Emergency when deemed necessary to keep both emergency services and the motoring public safe. Section 35 Restricting common law right of

passage of the Municipal Act states “Without limiting sections 9, 10 and 11, a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway. 2006, c. 32, Sched. A, s. 18.”

During the 2022 Storm Elliott, it was noted that for the safety of the motoring public, a total driving ban would have assisted the emergency relief efforts by keeping cars off the road. Exemptions are given for vehicles operated by or on behalf of the Region, Town or any municipal or private utility (hydro) or emergency services while engaged in the performance of their duties and essential medical staff on their way to and from their place of practice.

## **7. Financial, Staffing and Accessibility (AODA) Implications**

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AODA standards were considered as part of this update.

Updates to the administrative fines have been established as part of this update to ensure that the Municipality can recover some costs for the administration of the by-law enforcement program, keep up with the industry standards and act as a deterrent for the public to commit the violations in the first place. Moving forward administrative penalties will be reviewed on an annual basis with the Fees and Charges By-law to ensure that industry standards and program needs are being met.

## **8. Policies Affecting Proposal**

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By-law 136-2023 adopted Councils 2023-2026 Corporate Strategic Plan for the Town of Fort Erie. This project and the recommendations provided conform to the priorities, goals and initiatives as described herein.

By-law 2000-89, being a By-law to Regulate Traffic and Parking on the Highways of the Town of Fort Erie.

The Highway Traffic Act, R.S.O. 1990, c. H.8 as amended.

By-law 54-2019 Being a By-law to Amend By-law No. 84-2014 To Establish a System for Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles within the Town of Fort Erie

Municipal Act, 2001, S.O. 2001, c. 25

## **9. Comments from Departments, Community and Corporate Partners**

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Relevant departments were consulted throughout the process to update and consolidate the Traffic and Parking By-laws.

## **10. Alternatives**

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Council can choose not to approve the updates in this report, however it is recommended that the proposed changes or amendments be approved to support compliance and enforcement efforts.

## **11. Communicating Results**

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The updated By-law will be added to the website for public access.

## **12. Conclusion**

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Staff recommends that Council approve the Consolidated Traffic By-law 2000-89 as written. This will help staff, in particular By-law staff, to enforce the by-laws in a fair and consistent manner. As population size continues to increase within the Town, it is within the Town's best interests to ensure that by-laws are in place and that staff can be consistent in the information given to the public and enforcement practices.

## **13. Report Approval**

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Prepared by:  
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Submitted by:  
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Director, Infrastructure Services

Approved by:  
Chris McQueen, MBA  
Chief Administrative Officer

## **14. Attachments**

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Appendix 1 – Updated Consolidated Traffic and Parking By-laws 2000-89  
Appendix 2 – Updated Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles within the Town of Fort Erie