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For Information Only

Private Property Parking Control Officers Licensing By-Law

Recommendation

For Information Only

Summary

This report describes the current process of appointing officers to enforce the parking provisions of the CGS Traffic and Parking By-law on private property. The report recommends enacting a By-Law for the Licensing of Private Property Parking Control Officers (PPPCOs) that will replace the current process and allow for a more efficient and better managed process.

Background – Current Process

The City has the authority to appoint Private Property Parking Control Officers (PPPCOs) under the authority of the Police Services Act, R.S.O. 1990, CHAPTER P.15, Section 15. (1). In the current model, appointments are reviewed by staff and a By-Law is recommended to Council each time a PPPCO is added to or removed from the list of authorized officials. These By-Laws are shown on the Council Agenda as “A By-Law of the City of Greater Sudbury to Appoint Municipal Enforcement Officers to Enforce the Public and Private Property Sections, the Disabled Parking Sections and the Fire Routes Sections of By-law 2010-1 ” and described as “*updating the list of Parking Control Officers to enforce parking restrictions on public and private property*”. On average, ten such by-laws are presented each year.

Currently, the owner of the property or an agent of the owner makes a request through the Compliance and Enforcement Section, for the appointment of Private Property Parking Control Officers (PPPCOs) who will enforce parking regulations on their private property. In addition to requests from Health Sciences North and the three Post Secondary Institutions, many owners of multiple dwelling residential properties (ex. Bin Property Manager, Panoramic Properties, Zulich Enterprises Ltd.) and business owners (ex. Days Inn, Rainbow Mall, New Sudbury Centre) rely on PPPCOs to enforce parking on their properties.

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Once appointed, PPPCOs are authorized to issue Parking Infraction Notices (PINs) to owners of vehicles for parking on private property without the property owners consent, parking in fire routes or parking in accessible parking spaces without a permit, pursuant to the Traffic and Parking By-law, 2010-01 and the Provincial Offences Act. Approximately one-third of the parking related tickets issued in any given year are issued by PPPCO's for parking violations on private property.

Upon receipt and approval of a completed application, the fee of \$150, a Criminal Record Check, and authorization from the property owner, legal staff drafts a by-law for consideration by Council to appoint the individual as a PPPCO applicable only to the property(s) in the application. Once the by-law is passed by Council, the officers are provided training and documentation on the issuance of parking tickets.

In 2014, 115 applications for PPPCOs were processed with revenues of \$17,250.

Best Practices through Municipal Comparators

A survey was conducted of various municipalities for comparisons and best practices. Toronto, Ottawa, Oshawa, Waterloo, and Guelph all regulate PPPCOs through a By-Law. These By-Laws delegate the authority for making the appointments of PPPCO's to staff and include specific provisions for the issuance of the authority. In addition to obtaining police clearance letters, the applicant property owners must obtain insurance, sign a waiver to indemnify the City and each officer must successfully complete a training session. In addition the By-Laws require that the property owner must post and maintain signs visible to all motorists outlining the rules for use of the parking lot, which is confirmed by inspection by the City. These are all best practices that are recommended to be included in a by-law as improvements to the current process.

Advantages of PPPCO By-law

Enacting a by-law to license and regulate PPPCOs will ensure better education and information for both officers and the public, and will benefit the municipality through efficiencies of staff time and a reduction of liability.

The By-Law framework will provide consistent communication to property owners and agents about the process and expectations. PPPCO are made more accountable through the licensing process and ensure they are following instructions provided during their initial training.

A licensing by-law enacted by Council delegating the authority for staff to appoint PPPCOs will reduce time and resources required by staff, most notably when it comes to preparation of the appointment By-Law.

More importantly, it will enhance service as the application process has the potential to be shortened from the current four to six weeks from submission of the initial application to passage of the By-Law, to a decision being made within one week of submission of a complete application package.

Unlike CGS employees, there is no direct control or supervision by the City of the person who is appointed as a PPPCO. A licensing by-law will ensure the PPPCO waives liability to the City, maintains insurance and performs the work according to the standards and code of conduct of the PPPCO as set out in the By-Law.

Upon enactment of a licensing by-law, the current manual record keeping process will be replaced by an

electronic process which is currently in place for other licences issued by the City.

Delegation of Council Authority

Council of the municipalities of Toronto, Ottawa, Oshawa and Waterloo delegate the authority for appointing private property parking control officers to municipal staff. In this case, it is recommended that the authority be delegated to the Manager of Security, By-Law and Court Services. Similar to current licensing by-laws for items such as lotteries and gaming, the proposed by-law would contain an appeal provision for licensees or applicants who are not in agreement with the actions of the License Issuer, giving Council the final say on any actions staff takes in the delegation of authority, through the Hearing Committee.

Licensing Fees

This report proposes that the current fees for licensing PPPCOs in the amount of \$150.00 be maintained and added to the User Fee By-Law law to ensure annual inflationary costs are reviewed and adjusted as required. Similar to the CGS, most municipalities require an annual renewal of an appointment or license which practice is also recommended for continuation.

Conclusion

It is recommended that Council approve the By-law for the issuance of a license to applicants who meet the current requirements of a Private Property Parking Control Officer (PPPCO).