

Staff Report 2021-0133

Meeting Date: April 20, 2021

Subject: Proposed Amendments to Traffic By-law 2015-058 for Enhanced Regulation and Enforcement

Submitted By: Laura Hall, Director, Corporate Services / Town Clerk

RECOMMENDATION

That a by-law be enacted to amend Traffic By-law 2015-058 to update regulation and enforcement powers and to update delegated authority for the administration of Traffic By-law 2015-058 as set out in Schedule “A” of Staff Report 2021-0133.

REPORT HIGHLIGHTS

- The *Municipal Act, 2001* allows a municipality to pass by-laws respecting highways (roads), including parking and traffic on highways (roads), which includes areas where private property passes through public roads (i.e. where a driveway intersects with a road)
- The Traffic By-law provides for the administration of various processes for permits, relating to road occupancy, actions or works to Town roads or right of ways and load weight restriction exemptions
- Currently, the administration of the Traffic By-law is delegated to the Director of Public Works. With recent changes to the organizational structure, the delegated authority should be updated to reflect the changes in departmental responsibilities
- A review of processes was completed and the criteria to issue Town Right of Way permits and the conditions to be imposed on those permits have become more robust over time
- The Traffic By-law does not currently reflect the Town’s practices in terms of issuing and enforcing Orders, performing inspections and investigations, and revoking, suspending, reinstating or refusing permits
- In order to align the Traffic By-law with the updates, changes are required to the delegated authority to administer the by-law processes, criteria, conditions and enforcement of permits in town right of ways, and general enforcement powers
- Attached as Schedule A to this Report sets out the details of the proposed amendments to the Traffic By-law

DISCUSSION

The purpose of this report is to recommend updates to the Traffic By-law regarding the administration for various processes for permits, relating to road occupancy, actions or works to Town roads or right of ways and load weight restriction exemptions.

The Traffic By-law

The *Municipal Act, 2001* allows a municipality to pass by-laws respecting highways (roads), including parking and traffic on highways (roads), which includes areas where private property passes through public roads (i.e. where a driveway intersects with a road).

The Town's Traffic By-law includes a variety of traffic and highway (roads) regulations including stopping and parking, fire routes, heavy truck and load weight restrictions, etc. Additionally, the Traffic By-law provides for the administration of various processes for permits, relating to road occupancy, actions or works to Town roads or right of ways and load weight restriction exemptions.

Currently, the administration of the Traffic By-law is delegated to the Director of Public Works. With recent changes to the organizational structure, the delegated authority should be updated to reflect the changes in departmental responsibilities (i.e. aspects of public works now report into the Town's Operations Department, etc.).

The Town's Service Centre (known as 'Service Caledon') provides the administration of various permits mentioned in this report. As a result, a review of processes was completed and the criteria to issue Town Right of Way permits and the conditions to be imposed on those permits have become more robust over time. Therefore, the Traffic By-law should be amended to reflect the updated practices.

In addition, enforcement powers were relatively narrow in the Traffic By-law and included certain enforcement options. The Traffic By-law should be updated to reflect the Town's current practices in terms of issuing and enforcing Orders, performing inspections and investigations, and revoking, suspending, reinstating or refusing permits.

Proposed Amendments

In order to align the Traffic By-law with the updates as outlined in this report, the following changes are being recommended:

Updating Sections 2 (Definitions):

- Definitions: updating delegated authority to administer the Traffic By-law

Updating Sections 80 and 81 (Permits in Town Right of Ways):

- Permits in Town Right of Ways: enhancing criteria, conditions, and enforcement

Adding Section 88 (General Permit and Enforcement Powers):

- General Permit and Enforcement Powers: delegation of authority to Directors who have issued permits to revoke, suspend or refuse permits based on criteria set out in the amendments and the general authority to add conditions to permits or as conditions of re-instatement;
- Addition of stop work order and remedial work order-making powers; and,
- Addition of certain offences such as the obstruction of enforcement officers during the course of an investigation.

Staff Report 2021-0133

All proposed amendments are minor in nature and are either clarifications of existing authorities or the addition of enforcement or permitting powers that exist as standard powers in other Town regulatory by-laws. For example, the remedial powers and order making sections proposed to be added are nearly identical to those powers granted to Town enforcement staff in the Animal Care and Control By-law 2019-043.

Staff recommend that the proposed amendments to the Traffic By-law 2015-058, as set out in Schedule “A” of this Staff Report be enacted and take effect immediately.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this Staff Report.

COUNCIL WORK PLAN

Good Governance- Update and standardize by-laws, including implementation, to meet the best practices of other municipalities

ATTACHMENTS

Schedule A: Proposed Amending By-law amending Traffic By-law 2015-058