TO: Mayor and Council

FROM: Terry Willing, Acting Commissioner, Community Development Services

RESOURCE STAFF: Kim Leonard, Manager, Licensing and Enforcement Division
Greg McLean, Supervisor, By-Law Enforcement and Animal Control

DATE OF MEETING: 2010-03-02

SUBJECT: Issuance of Parking Tickets on Private Property owned by St. Paul’s Anglican Church at 137 Queen Street

EXECUTIVE SUMMARY:
A representative of St. Paul’s Anglican Church has requested authority to issue City of Kingston parking tickets for unauthorized parking in the church’s parking lot located at 137 Queen Street.

RECOMMENDATION:
THAT a by-law be presented to amend By-Law No. 99-166, “A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or Local Board”, to appoint The Rev. Kris Michaelson, Al Thompson and Jim Anderson for the purpose of issuing parking violation tickets and to enforce the provisions of By-law 99-166 on the property at 137 Queen Street and,

THAT this approval is subject to the applicant entering into an agreement in a form satisfactory to the City Solicitor to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER
Terry Willing, Acting Commissioner of Community Development Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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<tr>
<th>Commissioner</th>
<th>Department</th>
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<tr>
<td>Beach</td>
<td>Sustainability &amp; Growth</td>
<td>N/R</td>
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<td>Leger</td>
<td>Corporate Services</td>
<td>N/R</td>
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<td>Jim Keech</td>
<td>Utilities Kingston</td>
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OPTIONS/DISCUSSION:
The Municipal Act enables Council to authorize such a request. It has been an existing policy for many years for the City to grant this type of authorization to property owners to issue tickets on their own property to assist them in controlling traffic and parking concerns on private property. Currently, the City of Kingston has authorized approximately thirty-eight private landowners with similar authority. The applicant has agreed to indemnify the City and provide proof of insurance. The applicant has agreed to use City parking infraction notices and to issue the notices in accordance with City of Kingston parking policies. The City would retain all revenue.

Allowing the property owner to issue parking tickets provides him/her an alternative to towing a vehicle, or if towing becomes necessary, the issuance of a ticket further legitimizes such an action.

Persons authorized under this by-law receive training before being supplied with City of Kingston parking tickets for their designated private properties. Ticketing activity on private property is monitored by Licensing & Enforcement staff to ensure that the appointee is in compliance with the relevant requirements in the Provincial Offences Act, and with municipal by-laws and divisional policies.

A City of Kingston parking ticket issued on private property can be contested in the same manner as a ticket issued on public property, including administrative and/or judicial review.

This authorization may be withdrawn at any point in the future by repealing the amendment, should it ever prove to become a burden to the City, financially or otherwise.

EXISTING POLICY/BY LAW:
By-law 99-166 regulates the parking of vehicles on private property and on property owned or occupied by the City of Kingston.

NOTICE PROVISIONS:
N/A

ACCESSIBILITY CONSIDERATIONS:
N/A

FINANCIAL CONSIDERATIONS:
There may be a minor increase in ticket revenue.

CONTACTS:
Kim Leonard, Manager, Licensing & Enforcement, (613) 546-4291, ext. 3222
Greg McLean, Supervisor, By-Law Enforcement & Animal Control, (613) 546-4291, ext. 1336

OTHER CITY OF KINGSTON STAFF CONSULTED:
Legal Services

EXHIBITS ATTACHED:
Exhibit “A” – Draft By-Law Amendment
BY-LAW NO. 2010-XXX

A BY-LAW TO AMEND BY-LAW 99-166 “A BY-LAW TO PROHIBIT THE PARKING OR LEAVING OF MOTOR VEHICLES ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR OCCUPANT OF THE PROPERTY, OR ON PROPERTY OWNED OR OCCUPIED BY THE CITY OF KINGSTON OR ANY LOCAL BOARD THEREOF, WITHOUT THE CONSENT OF THE CITY OF KINGSTON OR THE LOCAL BOARD” to appoint for the purpose of issuing parking violation tickets and to enforce the provisions of By-law 99-166 on the property of St. Paul’s Anglican Church at 137 Queen Street.

THEREFORE the Council of the Corporation of the City of Kingston enacts as follows:

1. THAT By-Law 99-166, “A by-law to prohibit the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property, or on property owned or occupied by the City of Kingston or any board thereof, without the consent of the City of Kingston or the local board”, as amended, is hereby further amended by adding under Sec. 11:

The following is a list of all Properties and Officials who have hereby been authorized to enforce this by-law:

ADD:

St. Paul’s Anglican Church at 137 Queen Street

The Rev. Kris Michaelson
Al Thompson
Jim Anderson

2. THAT this by-law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS: __________________________

GIVEN THIRD READING AND FINALLY PASSED: __________________________

CITY CLERK ________________________ MAYOR ________________________