

**COUNCIL MEETING**  
**PLANNING AND DEVELOPMENT SERVICES**

**REPORT TRAF-2025-01**  
**February 18, 2025**

**SUBJECT:** Updates to the Parking By-laws: Administrative Penalties, Parking Permits, Private Property Enforcement – Referred Part I

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**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2025-01** Updates to the Parking By-laws: Administrative Penalties, Parking Permits, Private Property Enforcement – Referred Part I; and further

THAT Welland City Council directs the City Clerk to amend By-law 89-2000, By-law 2019-134 and By-law 11027 as provided in APPENDIX I.

**RELATIONSHIP TO STRATEGIC PLAN**

This recommendation is aligned to Council’s strategic priority of ensuring “**Health and Wellbeing**” to promote personal health and well-being by offering an abundance of activities that meet the diverse needs and interests all while, advocating for improved health care throughout the city, and supporting the need for safety and security.

**EXECUTIVE SUMMARY:**

- The proposed amendments are necessary to permit the use of the Administrative Penalty System to enforce road occupancy permits.
- The Traffic and Parking By-law will be added to the list of designated by-laws within the Administrative Penalty By-law.
- Two (2) properties will be added to the by-law schedule for private property enforcement.

- Three (3) properties will be added to the to the by-law schedule for fire routes.
- Digital parking permits are now available. Updates to existing definitions and specific sections will add clarity to the by-laws.
- Remaining updates to the By-law 89-2000 and By-law 11027 are administrative.

## **BACKGROUND:**

On December 10, 2024 the Council of the City of Welland approved the following motion:

“THAT Welland City Council refers Report TRAF-2024-09: Updates to the Parking By-laws: Administrative Penalties, Parking Permits, Private Property and Fire Route Enforcement back to staff.”

The original report has been separated into two (2) parts. Part I will focus on the amendments to the parking by-laws and Part II will focus on the parking and storage of trailers.

## **DISCUSSION:**

The proposed amendments will designate the Traffic and Parking By-law to permit the use of administrative penalties for enforcement purposes. The proposed penalties will help with the enforcement of road occupancy permits.

A road occupancy permit is required for a variety of different reasons such as: parades, special events, placement of materials and construction within the right-of-way. Currently our only method of enforcement is through the POA Court system.

An amendment to Schedule “I” is required to include 111 Second Street and 563 Niagara Street to the City of Welland Municipal/ Private Property Schedule of By-law 89-2000. This will allow Parking Enforcement Officers to enter onto private lands at the request of the property owner to issue a penalty notice and/ or remove unauthorized vehicles.

An amendment to Schedule “VI” is required to include 70-102 Primeway Drive, 158 Primeway Drive and 165 Primeway Drive to the Fire Route Schedule for enforcement purposes.

Digital parking permits are now available City wide. The proposed updates to the parking permit definitions and the sections regulating parking permits will add clarity to the by-laws.

The remaining updates to the parking by-laws are administrative.

**FINANCIAL:**

As by-laws are added to the Administrative Penalty System an increase to fine revenue can be expected.

**ATTACHMENT:**

Appendix I – Proposed amendments to the parking by-laws

Appendix II - Schedule “XXXVI” – Set Fine Schedule

Appendix III – Authorization Letter (111 Second St)

Appendix IV – Authorization Letter (563 Niagara St)

## APPENDIX I

THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

DELETE the following from Section 1.1:

“parking permit” means a permit issued by the City of Welland or property owner, which indicates the permit number, expiry date and allows the holder of the permit to park at the designated parking lot or designated highway;

ADD the following to Section 1.1:

“parking permit” means a permit issued or approved by the City of Welland or a property owner, which allows parking within a designated parking lot or designated roadway.

ADD the following subsections:

- 4.7.7 Notwithstanding Sections 4.7.4, 4.7.5 and 4.7.6, persons using a parking lot where digital parking permits are available may obtain a digital parking permit in lieu of displaying a ticket dispensed by the parking ticket dispenser or in lieu of displaying a valid permit in the vehicle. Where a digital parking permit, approved by the City is obtained, the digital parking permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.
- 8.2.8 Notwithstanding Section 8.2.5, persons parking on-street where digital on-street parking permits are available, may obtain a digital permit in lieu of displaying a valid permit in the vehicle. Where a digital on-street parking permit, approved by the City is obtained, the digital on-street parking permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.
- 8.3.9 Notwithstanding Section 8.3.5, persons parking on-street where digital snow clearing exemption permits are available, may obtain a digital snow clearing exemption permit in lieu of displaying a valid parking permit in the vehicle. Where a digital snow clearing exemption permit, approved by the City is obtained, the digital permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.

DELETE the following from Part X – Offences and Penalties:

- 10.1 Any offence created by this By-law is not subject to the penalty provisions of the Provincial Offence Act, save and except for the following:
- a) park within accessible parking space without valid permit displayed (Section 3.4.1.1);
  - b) park vehicle exceeding 6.5 metres without authority (Section 3.9.1.f);
  - c) the offences and penalties as set out in Schedule XXXVI hereto, being offences and penalties under Part 1 of the Provincial Offences Act.
- 10.2 Any contravention of the offences set out herein, save and except for the exceptions as noted in Paragraph 10.1 above, shall be subject to the provisions set out in the Administrative Municipal Penalty By-law.
- 10.3 Any person who contravenes any of the provisions of the sections or subsections of this By-law set out in column 2 of Schedule “XXXVI” hereto, and wishes to make a payment pursuant to the By-law may pay the amount set out in column 3 of the said Schedule, such amount to be payable in lawful money of Canada, and all such penalties are exclusive of costs.

ADD the following to Part X - Offences and Penalties:

**PART X**

**OFFENCES AND PENALTIES**

- 10.1 Any offence created by this By-law is not subject to the penalty provisions of the Provincial Offences Act.
- 10.2 Any contravention of the offences set out herein, shall be subject to the provisions set out in the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended.
- 10.3 Every person who contravenes any provision of this by-law is guilty of an offence and shall be subject to the provisions set out in the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended.
- 10.4 Every offence under this By-law is designated as a continuing offence.

- 10.5 An Officer who finds that a Person has contravened a provision of this By-law may issue a penalty notice pursuant to the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended.
- 10.6 Every person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Penalty By-law 2014-64, as amended or the Administrative Penalty By-law for Non-parking Related Offences By-law 2019-134, as amended, be liable to pay to the City an administrative penalty in accordance with the penalties set out in Schedule “XXXV” and Schedule “XXXVI”

DELETE the following from PART XI – Application, Administration and Enforcement:

11.1 Enforcement

This by-law shall be enforced by the Police Force and by any officer appointed for the enforcing or carrying out of the provisions of this by-law.

11.3 Application of By-law

This by-law applies to all highways and parts of highways under the jurisdiction of the City of Welland.

ADD the following to PART XI – Application, Administration and Enforcement:

11.1 Enforcement & Application of By-law

This by-law shall be enforced by the Police Force, an officer appointed for the enforcing or carrying out of the provisions of this by-law and this by-law shall apply to all highways and parts of highways under the jurisdiction of the City of Welland.

11.3 Right of Access

An Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter upon any land for the purpose of carrying out an inspection to determine whether or not this By-law is being contravened.

ADD the following to Schedule "I" – Municipal/Private Property Schedule:

SKETCH No.	LOCATION	COMMON NAME
No Sketch	111 Second Street	St John the Baptist Church
No Sketch	563 Niagara Street	Tim Hortons

ADD the following to Schedule "VI" – Fire Routes:

NO.	STREET ADDRESS	COMMON NAME	SKETCH DATE
A-82	70-102 Primeway Drive	Smart Centres	No Sketch
A-83	158 Primeway Drive	Canadian Tire	No Sketch
A-84	165 Primeway Drive	Rona	No Sketch

DELETE Schedule "XXXVI" – Set Fines – Part I Offences and replace with Schedule "XXXVI" attached to this report as Appendix "II".

THAT Welland City Council directs the City Clerk to amend By-law 2019-134, as amended, as follows:

ADD the following to Schedule "A":

DESIGNATED BY-LAW	BY-LAW NUMBER
Traffic and Parking By-law	89-2000, as amended

THAT Welland City Council directs the City Clerk to amend By-law 11027, as amended, as follows:

DELETE the following from Section 1:

- (h) "parking permit" means a permit issued by Niagara College, which indicates the permit number, expiry date and the designated parking lot and/or a ticket obtained from a parking ticket dispenser;

ADD the following to Section 1:

- (h) "parking permit" means a permit issued or approved by Niagara College which allows parking within a designated parking lot.

DELETE the following from Section 2:

2. Permit Parking

Where permit parking is permitted under the authority of this by-law as shown in Schedule A, no person shall park a vehicle or permit a vehicle to remain parked unless:

- (a) A valid parking permit is displayed; and
- (b) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or
- (c) on the driver's side of the dashboard of the vehicle; or
- (d) attached to the rear view mirror.

ADD the following to Section 2:

2. Permit Parking

Where permit parking is permitted under the authority of this by-law as shown in Schedule A, no person shall park a vehicle or permit a vehicle to remain parked unless a valid parking permit is obtained; and when required:

- (a) affixed to the sun visor on the driver's side of the vehicle with the visor turned down; or
- (b) on the driver's side of the dashboard of the vehicle; or
- (c) attached to the rear-view mirror.

Where a digital parking permit, approved by Niagara College is obtained, the digital permit is only valid for the vehicle identified by the licence plate provided. Only one (1) licence plate can be valid at one time.



**APPENDIX II**

**Schedule "XXXVI"**

**THE CORPORATION OF THE CITY OF WELLAND**

**BY-LAW 89-2000**

**SET FINE SCHEDULE**

**BY-LAW 89-2000, BEING A BY-LAW REGULATING  
TRAFFIC AND PARKING WITHIN THE CITY OF  
WELLAND**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Penalty</b>
1.	Social Event on roadway without valid permit	Sec. 8.1 (a)	\$500.00
2.	Construction or material on roadway without valid permit	Sec. 8.1 (b)	\$500.00
3.	Fail to carry out event/ construction/ placement of material to the satisfaction of the City	8.1.7	\$500.00