

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by



SUBMITTED BY: _____
Bruce Zvaniga, P.Eng., Director of Transportation & Public Works

DATE: July 25, 2017

SUBJECT: Large Vehicle Parking in Residential Neighbourhoods

INFORMATION REPORT

ORIGIN

October 4, 2016, meeting of Halifax Regional Council, agenda Item 14.5.3.

Motion:

That Halifax Regional Council request a staff report to analyze possible parking restrictions in residential neighbourhoods for large vehicles which match at least one of the following criteria:

- Taller than 2.2 m (7 feet 3 inches);
- Longer than 6.4 m (21 feet);
- Heavier than 3,000 kg;
- Not primarily designed to move people;
- Seats 10 or more passengers.

LEGISLATIVE AUTHORITY

Section 151 and subsections 152 (1) and (3) of the *Motor Vehicle Act* provide the Traffic Authority with powers to regulate parking on public streets, as follows

- 151 The traffic authority is hereby authorized to erect and maintain signs prohibiting or restricting the parking or leaving standing of vehicles upon sections of the highway, and it shall be an offence for the driver of a vehicle to fail to comply with the directions set forth on those signs.
- 152 (1) The traffic authority may make regulations prohibiting or restricting the parking or leaving standing of vehicles upon any highway or part thereof within the limits of the city or incorporated town for which the traffic authority is appointed.
- (3) Such regulations may prohibit or restrict the parking or leaving standing of vehicles except in accordance with a sign or device on a parking meter.

Sections 153 and 154 of the *Motor Vehicle Act* allows Regional Council, by by-law, to restrict, or regulate parking on public streets, as follows

- 153 (1) Notwithstanding Section 152, the council of a city, town or municipality may by by-law prohibit or restrict the parking or leaving standing of vehicles except in accordance with a sign or device on a parking meter.
- 154 A council of a city, town or municipality may make a by-law exempting persons or vehicles from parking restrictions within the city, town or municipality and providing for permits to be issued to those who are exempted

Sections 194 and 196 of the *Motor Vehicle Act* allows Council to restrict commercial vehicles by weight on certain street, as follows:

- 194 (3) Local authorities may also, by resolution, prohibit or regulate the operation of trucks or other commercial vehicles at all times or between specified hours, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.
- (4) Local authorities may by by-law limit the operation of trucks or other commercial vehicles, by class, weight or otherwise, to certain designated highways at all times or between specified hours and may prohibit or regulate the operation of these trucks or other commercial vehicles upon any highway and at any time not so designated except for purposes specified in the by-law.
- (5) Where a local authority has designated highways pursuant to subsection (4), it shall cause appropriate signs to be placed on the designated highways.
- (6) This Section shall not apply to any main travelled or through highway passing through a city or town unless permission has first been obtained from the Minister.
- (7) The Minister may determine what constitutes a main travelled or through highway and may designate any highway as a main travelled highway or a through highway
- 196 The provisions of Sections 194 and 195 do not apply to trucks having a registered weight of three thousand kilograms or less.

The *Halifax Regional Municipality Charter* provides that:

- 319 (2) For the purpose of the *Motor Vehicle Act*, the Council is a local authority.
- 321 (3) A traffic authority has, within the Municipality, the powers of a traffic authority of a city or town pursuant to the *Motor Vehicle Act*.
- (8) The traffic authority for the Municipality has, with respect to highways in the Municipality, excluding those for which the Provincial Traffic Authority has authority, the powers conferred upon a traffic authority by or pursuant to the *Motor Vehicle Act*.

The *Halifax Regional Municipality Charter*, subsection 235 (4) and (5), include:

- 235 (4) A land use by-law may
 - (i) require and regulate the establishment and location of off-street parking and loading facilities.

- (5) Where a municipal planning strategy so provides, a land-use by-law may
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates, and other items and require outdoor storage sites to be screened by landscaping or structures.

BACKGROUND

At the October 4, 2016 meeting of Halifax Regional Council, a motion was passed requesting a staff report to analyze possible parking restrictions in residential neighborhoods for large vehicles which match at least one of the following criteria:

- Taller than 2.2 m (7 feet 3 inches)
- Longer than 6.4 m (21 feet)
- Heavier than 3,000 kg
- Not primarily designed to move people
- Seats 10 or more passengers

DISCUSSION

It was unclear from the Regional Council motion whether the intent was to restrict, within residential areas, the parking of commercial vehicles on-street, off-street, or both and whether that would apply to any or all of urban, suburban and rural areas.

On Street

Subsection 155(2) of the *Motor Vehicle Act* already makes it an offence to park a vehicle heavier than 3,000 kg for longer than two hours. Subsection 155(2) states that

It shall be an offence for any driver of a commercial motor vehicle having a registered weight of 3,000 kilograms, to park or leave standing the vehicle on a highway within the limits of any city or incorporated town for a period of time longer than two consecutive hours in any one day.

This provision is aimed at limiting the parking of commercial vehicles to two hours and not the longer-term storage of commercial vehicles. The Municipality could not pass legislation contrary to this provision in the Act, nor is that deemed by staff to be necessary. That said, the *Motor Vehicle Act* does allow restrictions to be imposed for vehicles using a highway with a registered weight over three thousand kilograms. Section 194 of the Act allows Council, by resolution, to impose limitations as to the weight of commercial vehicle on designated highways that are not a main travelled or through highway. Section 193 also allows Council, by by-law, to limit the operation of commercial vehicles by weight or otherwise to certain designated highways at all times or between specified hours, providing that the highway is not a main travelled or through highway. In either case, the Minister must approve the restriction for it to apply to a main travelled or through highway and signs must be erected on the highways identifying the limitations.

Off Street

Some Halifax Regional Municipality Land Use By-laws place a limit on the number of commercial vehicles that can be parked on a single lot within certain zones (typically residential) and a limit on the size of any commercial vehicle that can be parked. Of the existing twenty-one land use by-laws, five are silent on this issue (Downtown Halifax, Halifax Mainland, Lawrencetown, Musquodoboit Harbour/Dutch Settlement and

Sackville Drive). The following table summarizes the sixteen by-laws that contain provisions to limit commercial vehicle parking.

Plan Area	Commercial Vehicles Allowed per Lot (Residential Zones)	Maximum Weight of Commercial Vehicles	Parking prohibited within three metres of front lot line?
Beaverbank/Hammonds Pt/Up Sackville	1	4500 kg	No
Bedford	1	Not specified	No
Cole Harbour/Westphal	1	4500 kg	Yes
Dartmouth (excl Downtown)	1	4500 kg	Yes
Downtown Dartmouth	1	4500 kg	Yes
Eastern Passage/Cow Bay	1	4500 kg	Yes
Eastern Shore (East)	0 / 1*	Not specified	Yes
Eastern Shore (West)	0 / 1*	Not specified	Yes
N Preston/Lk Major/Lk Loon/E Preston	1	Not specified	No
Prospect	1	3048 kg	No
Chebucto Peninsula	1	3048 kg	Yes
St. Margaret's Bay	1	4500 kg	No
Shubenacadie Lakes	1	4500 kg	Yes
Lake Echo/Porter's Lake	2	12,700 kg	No
Sackville (excl. Sackville Dr.)	1	4500 kg	Yes
Timberlea/Lakeside/Beechville	1	4500 kg	Yes

* some residential zones permit no commercial vehicles, others permit one

By-law enforcement staff receive complaints of commercial motor vehicles parking in residential neighbourhoods due to safety for children and the noise created by starting up early in the morning or running for extended amounts of time specifically in the winter. Some of these large vehicles are daunting on small lots such as semi's and townhouse lots.

Issues do arise in areas where the land use bylaw is silent on the parking of large commercial vehicles, specifically Halifax Mainland and Halifax Peninsula. Staff routinely receive reports of dump trucks, tractor trailers, snowplows and large shuttle buses being parked in residential driveways.

A scan of urban jurisdictions across Canada shows a similar result as the Halifax Regional Municipality land use by-laws. About half of the municipalities have a by-law that imposes a limit of one commercial vehicle, provided it is below a certain registered weight (typically 3000 – 4500 kg) in residential zones. The other municipalities have no provision whatsoever. A few municipalities in the Greater Toronto Area (York, Vaughn and Brampton) permit only the parking of vehicles registered for personal use in residential zones.

Staff believe that the restrictions suggested in the Regional Council motion are appropriate for off-street parking of commercial vehicles in all areas of the Municipality and will work with Planning & Development staff to enact the needed policies and regulations through the next Regional Plan and upcoming by-law reviews including the Regional Centre Plan. The parking of commercial vehicles that are currently permitted in the zone would continue to be permitted as a non-conforming use. While the Council motion did not make a distinction between commercial and personal-use vehicles, staff will use the term "large commercial vehicle" to retain consistency with existing practice and to avoid excluding vehicles such as campers and motorhomes.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken.

ATTACHMENTS

There are no attachments.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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