

REPORT

Council

Meeting Date: May 1, 2025

FROM: Transportation and Engineering Department
Municipal Enforcement Services Department

DATE: April 15, 2025

SUBJECT: **By-law 2025-062 to Amend By-law 2024-002 (Municipal Right of Way By-law and Parking Lot Maintenance, Use and Protection By-law)**

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATIONS:

1. That By-law 2025-062, a by-law to amend By-law 2024-002 (Municipal Right of Way By-law), set out in Appendix A to this report be passed.
2. That By-law 2025-072 (Municipal Parking Lot Maintenance, Use and Protection By-law) and By-law 2025-073, a by-law to amend By-law 2021-038 (Administrative Penalties for Non-Parking Violations and Orders), set out in Appendices "B" and "C" respectively to this report be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The Municipal Right of Way (MRW) By-law was updated and passed by Council on November 18, 2024
- After the by-law update, staff reviewed and updated the associated procedures in February 2025
- In reviewing the procedures, several housekeeping amendments to the MRW By-law were identified
- By-law 2025-062, a by-law to amend By-law 2024-002 (Municipal Right of Way By-law) has been included with this report as Appendix A, which includes the following amendments:

- An update to Subsection 3.1 regarding boulevard gardens and walkways in the municipal right of way by adding reference to new schedules of regulations;
 - An update to the list of Town procedures under Subsection 5.2 of the MRW By-law;
 - An update to Subsection 2.2 u) to “discharge water directly onto a municipal right of way, except for the purpose of discharging water from a swimming pool;” by removing the words “or sump pump” to provide clarity;
 - The Boulevard Gardening Permit Procedure has been eliminated and Schedule A - Boulevard Garden Regulations is to be added to the MRW By-law; and
 - Schedule B – Regulations For Walkways in the MRW is to be added to the MRW By-law.
- Municipal Parking Lot regulations have been separated from the MRW By-law 2024-002 and the “Use of MRW Policy”
 - A new By-law 2025-72, Municipal Parking Lot Maintenance, Use and Protection By-law, is included in this report as Appendix B
 - An amendment to Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038 attached as Appendix C to this report is recommended to add the Parking Lot Maintenance, Use and Protection By-law as a designated by-law where administrative penalties may be used for enforcement
 - The “Use of MRW and Municipal Parking Lot Policy” has also been updated to the “Use of MRW Policy”. A report submitted by the Clerk’s Department is also on the May 1, 2025 Council agenda
 - A Corporate Procedure Updates – Q1 2025 Memo was provided to Council on February 13, 2025 advising the changes to the Town procedures that are associated with the MRW By-law

BACKGROUND:

The MRW By-law regulates the use of the MRW, including prohibitions, permit regulations and enforcement regulations. There are a number of existing Town procedures that support the MRW By-law outlining the requirements for specific use and activities within the MRW that is permitted by the Town. After the passing of the MRW By-law 2024-002 on November 18, 2024 by Council, staff reviewed and updated the procedures to align with the updated by-law and practices. The Use of MRW Policy has also been updated, and a new Municipal Parking Lot Maintenance, Use and Protection By-law has been created.

COMMENT/OPTIONS:

MRW By-law Amendments

The update of the MRW procedures was detailed in the Corporate Procedure Updates – Q1 2025 Memo provided to Council on February 13, 2025. The list of MRW procedures identified in Subsection 5.2 of the by-law is updated in the amended By-law 2025-062.

Under Subsection 2.2 of the current MRW By-law,

“No person shall, unless specifically authorized by this By-law or by a permit issued by the Town:”,

subsection u) states that,

“discharge water directly onto a municipal right of way, except for the purpose of discharging water from a swimming pool or a sump pump”.

As the installation of a sump pump requires a building permit and the discharge location is reviewed and approved under a development application in accordance with the Town’s Development Engineering Procedures and Guidelines, sump pumps discharging directly onto a MRW without the appropriate permit and/or approval is prohibited. To provide clarity, subsection 2.2 u) is updated to:

“discharge water directly onto a municipal right of way, except for the purpose of discharging water from a swimming pool”.

The Boulevard Gardening Permit Procedure is rescinded as the Town no longer issues permits for boulevard gardens. In the past, there were very few applications. There remains a need to regulate boulevard gardening to ensure the MRW is free of obstructions for the purpose of traffic safety, access and maintenance of the MRW, and compliance to the MRW By-law. To that end, the regulations that were in the Boulevard Gardening Permit Procedures are included as Schedule A of the Amending By-law 2025-062, and will be enforceable under the MRW By-law.

Walkways within the MRW are not prohibited under the MRW by-law, however, setting regulations for the installation of private walkways will help to avoid interference with public services and will ensure compliance with the MRW by-law. To regulate any misuse of walkways as additional parking space, the regulations include no parking of a vehicle on a walkway, no installation of a depressed curb for a walkway, and that a sodded separation between the walkway and driveway apron is required. The Regulations For Walkways within the MRW are included in the amending By-law 2025-062 as Schedule B, and are enforceable under the MRW by-law.

Municipal Parking Lots

The repealed MRW By-law 2009-072 regulated the use of MRW and Municipal Parking Lots. The MRW By-law 2024-002 approved by Council in November 2024 regulates the MRW and separated out the regulation of municipal parking lots. A new Parking Lot Maintenance, Use and Protection By-law 2025-072 has been created to regulate parking lots owned or leased by the Town. See Appendix B attached. While municipal parking lots require similar regulations as the MRW, there are differences in the management and regulations between the two items.

The Town's Legal Department recommends the separation of the two into two by-laws to provide clarity, from a legal point of view. An example of the differences is Region of Halton, and utility and telecommunication services have legislated rights to build their infrastructure within the Town's MRW, but do not have the same rights in municipal parking lots. Another example is an encroachment into the MRW, such as balconies of a building with a zero lot line setback may be permitted under a permanent encroachment agreement, but similar encroachments into municipal parking lots are unlikely to be permitted from a liability perspective and thus should be regulated differently.

Along with the new Municipal Parking Lot Maintenance, Use and Protection By-law 2025-072, an amendment to Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038 is attached as Appendix C to this report, and is needed to add the Parking Lot Maintenance, Use and Protection By-law as a designated by-law where administrative penalties may be used for enforcement, if the new Parking Lot Maintenance, Use and Protection By-law 2025-072 is passed.

CONSIDERATIONS:

(A) PUBLIC

The initiatives described in this report are all aimed at improving the regulation of Municipal Rights of Way and Municipal Parking Lots. Staff will provide ongoing communications and education programs.

(B) FINANCIAL

There are no additional costs associated with the by-law amendments and the new by-law.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The new by-law provides enforcement personnel with necessary supporting authority to pursue matters of non-compliance. Transportation and Engineering, Municipal Enforcement Services and Legal have been involved in the review of the by-law amendments and the new by-law.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses the corporate strategic goal for an:
Engaged Community through the provision of providing an effective licensing and enforcement framework to maintain community safety, protection and enjoyment.

(E) CLIMATE CHANGE/ACTION

There is no impact to climate change.

APPENDICES:

Appendix A - By-law 2025-062, a by-law to amend By-law 2024-002 (Municipal Right of Way By-law)

Appendix B - By-law 2025-72, Municipal Parking Lot Maintenance, Use and Protection By-law

Appendix C - By-law 2025-073, a by-law to amend By-law 2021-038 (Administrative Penalties for Non-Parking Violations and Orders)

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