

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: June 2, 2006	Prepared by: Marty Hazell (905) 546-2424 Ext. 4588 Paul Buckle (905) 546-2424 Ext. 2597

**SUBJECT: Ontario Veteran Licence Plate Parking By-law Exemptions
(PED06157) (City Wide)**

RECOMMENDATION:

- (a) That the operators of vehicles displaying an Ontario veteran licence plate be exempted from paying parking fees in all municipal parking facilities and at all on-street parking meters on November 11th of each year.
- (b) That a By-law, in the form attached as "Appendix A to Report PED06157", be passed and enacted to amend the Municipal Parking Facilities By-law and the On-Street Parking By-law accordingly.
- (c) That correspondence be forwarded to the Ministry of Transportation Ontario requesting that consideration be given to the issuance of a separate and distinctive graphic licence plate to veterans who served in WWI, WWII or in Korea during the Korean War as a member of the Canadian Armed Forces or as a member of an allied force or in the Merchant Navy or Ferry Command, as distinguished by the Ontario veteran licence plate criteria.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**SUBJECT: Ontario Veteran Licence Plate Parking By-law Exemptions
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EXECUTIVE SUMMARY:

At its meeting of June 15, 2005, Council enacted By-law No. 05-157 to amend the Municipal Parking Facilities By-law and the On-Street Parking By-law such that Ontario veteran licence plate holders were exempted from the regulations requiring the payment of parking fees in municipal car parks and at on-street meters for the duration of 2005, being the “Year of the Veteran”. The resolution introducing the subject by-law, carried on May 25, 2005, was inspired by a similar resolution carried by the Council of the Town of Midland.

In a letter dated November 01, 2005, addressed to “Mayor Dilanni and City of Hamilton Council”, Mr. Ted McMeekin, M.P.P. for Ancaster-Dundas-Flamborough-Aldershot proposed that “a permanent exemption from parking fees on municipal parking areas be granted for all veterans who proudly display these unique licence plates”. The primary rationale offered by Mr. McMeekin was that “the average age of WWI vets is 103 years, the WWII vet 83 years and the Korean vets 73” (*sic*), and further that “a permanent parking fee exemption for those with veteran’s licence plates would be the right thing to do” (*sic*).

It should be made clear, however, that the issuance of Ontario veteran licence plates is not limited to the wartime veterans¹ described by Mr. McMeekin but, in fact, includes any person who has served, and who may still be serving, in the Canadian Armed Forces, both Regular Forces and Reserve Forces, for three years or more, or who has served in NATO operations or as a member of a United Nations Peacekeeping Force, either as a member of the Canadian Forces, or as a member of the Royal Canadian Mounted Police or as a member of any other Canadian police force or as a member of an allied force. It is estimated that there are over 9,700 active or retired Armed Forces personnel in the Hamilton area² who are eligible, or who will become eligible in the near future, to obtain an Ontario veteran licence plate. Consequently the potential revenue losses associated with a permanent, year round, parking fee exemption respecting Ontario veteran plate holders would be, in staff’s view, cost prohibitive.³

It should also be noted that the Province, when creating the graphic veteran licence plate, did not intend that municipalities would implement special parking privileges for veteran licence plate holders. Accordingly, the broadest possible definition of the word “veteran” was employed in developing the eligibility criteria attendant to the subject licence plate. Should the Province modify their veteran licence plate program such that the issuance of veteran licence plates is limited to wartime veterans or should the Province introduce a distinctive licence plate available only to wartime veterans, it would be feasible to revisit the matter and consider appropriate enhancements to the proposed parking fee exemption in favour of said wartime veterans.

¹ For the purposes of this document, “wartime veteran” means a veteran who served in WWI, WWII, or in Korea during the Korean War, as a member of the Canadian Forces; or, as a member of an allied force; or, in the Merchant Navy or Ferry Command.

² Statistics provided by Elaine Smallman of Veterans’ Affairs Canada and Sergeant Brock Burns of the Department of National Defence.

³ Revenue loss estimates range from \$20,000 to \$267,000 per annum, depending upon the assumptions applied to the variable factors in the cost equations.

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Also of importance, however, are the concerns expressed by the Hamilton Association of Business Improvement Areas (HABIA) respecting a long term general parking exemption being implemented in favour of all Ontario veteran plate holders. Their primary concern is that a permanent “free parking” privilege would likely result in the proliferation of such plates which would, in very little time, adversely affect the availability of customer parking. In a letter dated December 14, 2005, attached hereto as “Appendix B”, HABIA outlined the resolutions passed at their December 13, 2005 meeting supporting the original parking exemption, which expired on December 31, 2005, and recommending that “extending the free parking privilege only be considered if the Ministry of Transportation limits the issue of, or differentiates Ontario Veteran Plates issued to those veterans who served in WWI, WWII or in the Korean War” (*sic*).

Having considered the foregoing, staff holds that it would, nevertheless, be feasible to exempt Ontario veteran licence plate holders from the payment of municipal parking fees each November 11th, as an acknowledgement of their service to our Country and to facilitate their participation in local Remembrance Day ceremonies. This gesture, as a token of the City’s esteem, could be implemented without the year round disruption of customer parking that a full-time exemption would create. The recommendation also precludes any substantial negative affect on the Hamilton Municipal Parking System (HMPS) operating budget, resulting, therefore, in no additional tax burden for the public.

Staff has discussed the “Remembrance Day” exemption with representatives of the Hamilton Veterans’ Committee, and with representatives of the Hamilton Association of Business Improvement Areas, and both organisations have indicated that they support the recommendation as a “reasonable compromise”.

BACKGROUND:

On November 9, 2003, the Honourable Harindar Takhar, Minister of Transportation announced the introduction of a graphic veteran licence plate as “an opportunity to recognize veterans and show them our gratitude”⁴. A sample of the subject graphic plate is attached hereto as “Appendix C”. Subsequently, on November 5, 2004, the Honourable Albina Guarnieri, the Minister of Veterans Affairs declared that 2005 would be designated as the “Year of the Veteran” in honour of those who served this country and in recognition of the 60th anniversary of the end of the Second World War.

On February 4, 2005, the City Clerk’s Office received correspondence dated January 31, 2005 from Heather Babcock, the Clerk for the Town of Midland, advising that Midland’s Town Council had passed a by-law exempting vehicles displaying veteran plates from the penalty provisions of their parking by-law respecting expired time at a meter or expired time in a municipal parking lot. Ms. Babcock further advised that Midland’s Council had resolved “that municipalities throughout the Province that administer and enforce parking policies, be urged to support a Veteran Recognition Program wherein vehicles displaying an Ontario veterans licence plate be exempted from certain enforceable regulations and that this resolution (No. 2005-7) be distributed

⁴ Government of Ontario news release; <http://ogov.newswire.ca/ontario/GPOE/2003/11/09/c0086.html>

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to all municipalities and to Association of Municipalities of Ontario for support”⁵. At its meeting of February 23, 2005, City of Hamilton Council referred said correspondence to staff for review and directed that a report be submitted to the Planning and Economic Development Committee.

At its meeting of May 25, 2005, Council carried a motion which stated that “effective forthwith and continuing until the close of 2005, all vehicles bearing a valid Ontario veteran licence plate shall be exempted from those regulations respecting the payment of parking fees at all on-street parking meters and in all municipally operated parking facilities throughout the City of Hamilton”⁶. Subsequently, at its meeting of June 15, 2005, Council enacted By-law No. 05-157, to amend By-law No. 01-216, being a By-law to Regulate Municipal Parking Facilities, and By-law No. 01-218, being a By-law to Regulate On-Street Parking, such that the provisions of each by-law requiring the payment of parking fees would not apply to “persons in respect of a parked vehicle to which a valid Ontario veteran licence plate is registered and affixed”. By-law No. 05-157, which came into force and effect on the date of its enactment, included a sunset clause which provided for its repeal on January 1, 2006.⁷

On November 10, 2005, Council received correspondence from Mr. Ted McMeekin MPP, proposing that “all veterans who proudly display these unique licence plates” i.e, veteran licence plates, be granted “a permanent exemption from parking fees on municipal parking areas”. Council referred the matter to staff and directed that a report on the matter, in consultation with the Hamilton Veterans Committee, be submitted to the Planning and Economic Development Committee. This report is in satisfaction of that directive.

ANALYSIS/RATIONALE:

John Lefebvre, the Manager of the Road Safety Marketing Office for the Ministry of Transportation (MTO) advises that the Ministry never intended that municipalities provide parking exemptions respecting vehicles displaying an Ontario veteran licence plate. Lefebvre maintains that the plate was developed solely “to honour veterans, following suit with some of the eastern provinces”. (Nova Scotia was the first province to issue a graphic veteran licence plate⁸). As a matter of information, the graphic Ontario veteran licence plate is only one of some forty-six graphic licence plates available from the MTO (please see “Appendix D”, attached hereto). The sheer number of graphic licence plate styles that are available, and range of interests they represent, unquestionably supports Lefebvre’s presentation of the Ministry’s position.

A telephone/email survey of 15 southern Ontario municipalities was undertaken by staff to ascertain the position taken by their respective Councils regarding this matter. As the following chart indicates, over 73% of the municipalities polled do not provide parking exemptions respecting vehicles bearing veteran licence plates.

⁵ Scott Vokey, Senior Policy Advisor with AMO advises that no action is being taken by AMO

⁶ Item 7.4, Council Motion, Council Meeting: May 25, 2005

⁷ The Manager of Hamilton Municipal Parking System has issued a “non-enforcement” directive respecting veteran licence plates until such time as Council resolves the matter.

⁸ Natalie Salat, “Road Show for Veterans”, Legion Magazine, November/December 2005, p. 73.

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Ontario Veteran Plate - Parking Fees Exemption Survey		
Municipality	Population⁹	Survey Results
Brampton	325,428	No Exemption
Brantford	86,417	No Exemption
Burlington	150,835	No Exemption
Guelph	106,170	No Exemption
Kingston	114,195	No Exemption
Kitchener	190,400	No Exemption
London	336,540	Exempted to the end of 2006 (No Exemption thereafter)
Markham	208,615	No Exemption
Mississauga	612,925	No Exemption
Niagara Falls	78,815	Exempted at street meters only (No Exemption in lots)
Oakville	144,738	No Exemption
Ottawa	774,070	No Exemption (Exemption expired Dec. 31, 2005)
St. Catharines	129,170	Exempted (Under review)
Toronto (City)	2,481,495	Unresolved (Parking Authority recommending No Exemption)
Waterloo	1,10,800	No Exemption

In that the Town of Midland seems to have been the first Ontario municipality to implement parking exemptions respecting vehicles displaying the Ontario veteran licence plate, staff would caution that it may well be ill-advised for larger urban municipalities to view Midland as an example to be emulated. Midland is a relatively small, tourist oriented, community of less than 17,000 permanent residents, having only seven streets with metered parking and only eight municipal parking lots¹⁰, none of which are regulated by parking meters. What might well be a practical and relatively inexpensive parking exemption program in Midland would not, in staff's opinion, be viable in Hamilton, given the demographic and economic differences between our respective municipalities.

With this dichotomy in mind, staff refers to a Board Memorandum issued by the Toronto Parking Authority advising "that the Toronto Parking Authority will not be extending free parking privileges to vehicles bearing veterans license plates in its off-street parking facilities beyond the calendar year 2005"¹¹. This same report also requests that Toronto City Council not extend the free parking privileges at "on-street metered and machined spaces" beyond the calendar year 2005. As of the drafting of this report; this issue remains unresolved by Toronto's City Council.

It is also interesting to note that Midland's own Parking Authority opposed the granting of a parking exemption respecting Ontario veteran plate holders. Mr. B. Lewis, at a December 21, 2004, ad hoc Committee meeting between the Authority and members of the Midland Town Council, expressed the Parking Authority's concerns respecting the implementation of Midland's proposed parking exemption program, citing the ethical

⁹ Based on Statistics Canada 2001 Census

¹⁰ <http://www.town.midland.on.ca/articles/Administration/Parking.pdf>

¹¹ Ian Maher, "Extension of Free Parking for Canadian Veterans", Toronto Parking Authority Board Memorandum, (File No. 5000-00), November 24, 2005

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issue of “providing preference to a select group or class of people ... making Veterans more special than any other worthy group”. Staff would suggest that, should veterans be granted a permanent special parking privilege in Hamilton, the City might be hard pressed to rationalize denying that same privilege to other worthy groups, including but not limited to police officers and fire fighters who are also required to place themselves in harm’s way on behalf of the citizenry.

Were the veteran licence plates not available to such a large number of people, due to the broad definition of the word “veteran” used by the MTO in its eligibility criteria, extending the general parking fee exemption indefinitely would probably present no insurmountable problems. However, since the Province currently makes no distinction between the veterans of the WWI, WWII and the Korean War, and a part-time Reserved Forces “veteran” who has accrued three years of paid service, the number of persons who will be entitled to the parking exemptions associated with the veteran licence plate, will continue to grow - not diminish - as more reservists join the Forces. Further, since the cost of obtaining the veteran license plate is only the \$5 payable to the Royal Canadian Legion to cover administrative costs associated with confirming an applicant’s service record, staff would suggest that the more attractive the parking exemption, the more rapidly the Ontario veteran plate holder population will expand to its full potential.

As a further matter for consideration, staff regrets to advise that there has been considerable concern expressed by many major Ontario municipalities with respect to ongoing abuses of the parking exemptions associated with the MTO “Accessible Parking Permit” program, particularly the use of Disabled Person Parking Permits by persons other than the permit holder. HABIA, acting on behalf of its member business operators, has pointed out that, should extensive long term exemptions be implemented respecting vehicles displaying Ontario veteran licence plates, there is no reason to assume that only the veteran to whom the licence plate was issued would be operating the vehicle to which the plate is attached. Staff concurs with this viewpoint and notes that since there is no reason at law to prohibit the use of said vehicle by persons other than the plate holder, and since no definitive method exists to confirm that the person operating a vehicle displaying such plates is the person to whom the plate was issued, the only conclusion that can be drawn is that the benefits associated with any veteran plate parking exemption will also be enjoyed by persons other than the veteran. As a point of interest, staff would also suggest that a significant number of the veteran’s described in Mr. McMeekin’s correspondence would very likely qualify for the MTO Disabled Person Parking Permit, in any event, and are, therefore, already entitled to free parking in unattended municipal parking lots and at on-street parking meters.

Finally, providing “free parking” to any large “special interest” group is contrary to the intent of the City’s Downtown Transportation Master Plan imperative to develop policies that “discourage motor vehicle use and encourage transit use [and] carpooling”¹². Notwithstanding the foregoing, however, staff holds that it would be not conflict with the Downtown Transportation Master Plan to extend “free parking” in municipal parking lots and at on street parking meters respecting vehicles displaying Ontario veteran licence plates on each Remembrance Day of every year.

¹² Downtown Transportation Master Plan, July 2001, p. 41.

ALTERNATIVES FOR CONSIDERATION:

Status Quo

Council might consider the feasibility of maintaining the status quo, whereby the parking exemptions set out in By-law No. 05-157 continue as repealed, and rely upon the Province's "Accessible Parking Permit" program to provide "no charge" parking for wartime veterans. This option would be in keeping with the Province's original intent respecting the introduction of the Ontario veteran licence plate and would have the least impact on the City's budget. Further, it precludes any possibility of abuse, it does not create a "special" class of persons having greater privileges than other worthy groups, and it is consistent with the Downtown Transportation Master Plan.

Short Term Extension of Exemption

A short term extension of the parking fee exemption respecting vehicles bearing Ontario veteran licence plates, perhaps until the end of 2006, might also be contemplated, with the recommended "Remembrance Day" exemption commencing in 2007. This alternative, given the confusion that seems to exist in the minds of many motorists respecting the current status of the parking fee exemption, would provide for a reasonable public education period and an easily remembered transition date from the year round exemption to the single day per year exemption, without encouraging the proliferation of the subject licence plates.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

Staff estimates that, if approved, the recommendation would result in HMPS revenue losses in the order of \$8,800 to \$16,500¹³ per annum. Staff also anticipates an expenditure of approximately \$1,800¹⁴ for public education (advertising costs), regardless of which provision is finally approved.

Staffing Implications

No staffing implications apply.

Legal Implications

Save and except the enactment of an appropriate municipal by-law to implement the recommended parking exemption, no legal implications obtain.

¹³ Assumes the average per hour cost for parking (\$1.14) for 50% of the potential plate holders for one to three hours of parking

¹⁴ One 2"x3" ad in the Spectator and the Brabant Publications for three weeks running and notification on the City's web site

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POLICIES AFFECTING PROPOSAL:

The staff recommendation supports the City's core values respecting fiscal accountability, responsibility and prudence and, further, seeks to strike a reasonable balance between the City's goal to attract and maintain businesses and its goal to promote heritage. The recommendation is also consistent with the Downtown Transportation Master Plan and facilitates the HMPS mission to manage the life cycle of the City's parking system supporting the residential and business communities, and the City's transportation and economic development initiatives.

RELEVANT CONSULTATION:

The Hamilton Association of Business Improvement Areas was consulted and, at their meeting of May 9th, 2006, indicated their support of the recommendation. The Hamilton Veterans Committee was also consulted and, in recent a letter to Councillor Morelli, the Committee indicated that they understand both the potential impact on the levy and the concerns expressed by area businesses and that they support the staff recommendation as a "reasonable compromise" pending such revisions to the Ontario veteran licence plate eligibility criteria as may be introduced by the Ministry in the future.

CITY STRATEGIC COMMITMENT:

By evaluating the "**Triple Bottom Line**", (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. Yes No

Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens - cultural heritage is supported and enhanced.

Environmental Well-Being is enhanced. Yes No

Economic Well-Being is enhanced. Yes No

Does the option you are recommending create value across all three bottom lines?

Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

Yes No

The staff recommendation also speaks to the City's goal to create "A great City in which to live" by supporting Council's commitment to promote the development of culture and heritage throughout the City. Further, the recommendation enhances the quality of life for veterans, at least to some degree, by removing what might otherwise be a barrier to their participation in Remembrance Day activities without having a significantly negative effect on the City's budget.

MBH/PDB/kag
Attach. (4)

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend By-law No. 01-216, as amended,
Being a By-law to Regulate Municipal Parking Facilities
and By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 11(1)1 of the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the Highway Traffic Act;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-216 to regulate Municipal Parking Facilities

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate On-street Parking;

AND WHEREAS it is necessary to amend By-laws No. 01-216 and No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-216, as amended, is hereby further amended by adding to Section 8 thereof the following subsection, namely;

“(3) The provisions of subsections 6(2) and 11(6) of this by-law and clauses 8(1)(a), 8(1)(b), 8(1)(c) and 8(1)(d) of this by-law shall not, on November 11th of any year, apply to persons in respect of a parked vehicle to which a valid Ontario veteran license plate is registered and affixed.”

2. By-law No. 01-218, as amended, is hereby further amended by adding to Section 8 thereof the following subsection, namely;

“(8) The provisions of clauses 8(5)(b) and 8(5)(c) of this by-law shall not, on November 11th of any year, apply to persons in respect of a parked vehicle to which a valid Ontario veteran license plate is registered and affixed.”

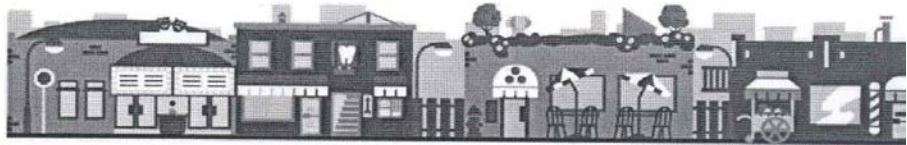
3. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-216 and By-law No. 01-218, each as amended and including all Schedules thereto, if any, are hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2006

MAYOR

CLERK

HABIA



Hamilton Association of B.I.A.'s.

Barton Village
Concession Street
Downtown Hamilton
Downtown Stoney
Creek
Dundas
International Village
King St. W
Main St. Esplanade
Ottawa St.
Waterdown
Westdale Village

Councillor
Brian McHattie

Director of
Downtowns:
Ron Marini

Staff Advisor
Hazel Milsome

City of Hamilton
71 Main St. West
Hamilton, Ontario
L8P 4Y5
546-2755
hilsome@hamilton.ca

December 14, 2005

Marty Hazell
Manager
Hamilton Municipal Parking System
80 Main Street West
Hamilton, Ontario
L8P 1H6

Dear Marty:

Re: **Veteran License Plates**

Thank you for attending the H.A.B.I.A. meeting on December 13 to explain the free parking privilege for veterans. As you know our membership recognizes the importance of honoring veterans and their service, especially in 2005 as it marks the 60th anniversary of the end of the Second World War. H.A.B.I.A. members support the many initiatives that keep alive the memory of those who sacrificed so much for our country.

H.A.B.I.A., at its meeting held December 13 approved the following resolutions:

- a) That City Council be advised that H.A.B.I.A. supports the free parking privilege afforded to vehicles bearing veteran license plates that expires December 31, 2005 ("Year of the Veteran");
- b) That extending the free parking privilege *only* be considered if the Ministry of Transportation limits the issue of or differentiates Ontario Veteran Plates issued to those veterans who served in WWI, WWII or in the Korean War".

Please contact me if you require clarification on the above.






Yours truly,

Councillor McHattie
Chairman
Hamilton Association of Business Improvement Areas






















APPENDIX C to Report PED06157



Other Available MTO Graphic Licence Plates

 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 7RULES YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>
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Other Available MTO Graphic Licence Plates

 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM PROUD to SERVE YOURS TO DISCOVER</p>
 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>
 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM LACROSSE OUR GAME EBI YOURS TO DISCOVER</p>
 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO GOTEAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>
 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO GOTEAM YOURS TO DISCOVER</p>
 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>	 <p>ONTARIO 000SAM YOURS TO DISCOVER</p>
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