City Council at its meeting of March 11, 2009 approved Economic Development and Planning Committee Report 09-006, as amended.

I draw your attention to Item 19 of this report, as follows;

19. Ontario Veteran License Plate Parking By-law Exemptions (PED06157(b))
   (City Wide) (Item 8.3)

   (a) That the report be referred to Committee of the Whole, for their consideration;

   (b) That Cliff Woodhead be approved as a delegation to address Committee of the Whole, at that meeting.

Should you have any questions, please do not hesitate to contact me.

Thank you.

Alexandra
Report to: Chair and Members Economic Development and Planning Committee
Submitted by: Tim McCabe
General Manager Planning and Economic Development Department

Date: February 9, 2009
Prepared by: Marty Hazell
(905) 546-2424 Ext. 4586
Paul Buckle
(905) 546-2424 Ext. 2597

SUBJECT: Ontario Veteran License Plate Parking By-law Exemptions (PED06157(b)) (City Wide)

**RECOMMENDATION:**

(a) That staff be authorized and directed to develop, implement and administer a Permit Parking Exemption Program respecting Ontario Veteran license plate holders who reside in the City of Hamilton and who honourably served in World War II 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 the Ferry Command.

(b) That, in accordance with recommendation (a), the subject Permit Parking Exemption Program shall provide that an Ontario Veteran license plate holder (hereinafter referred to as an Eligible Veteran) shall be entitled, subject to the terms and conditions set out in recommendation (c), to receive a renewable, vehicle specific, Parking Exemption Permit (hereinafter referred to as a Veteran’s Parking Permit) which, when suitably affixed to a vehicle registered to the Eligible Veteran, shall exempt the vehicle operator from the regulations requiring the payment of parking fees in municipal parking facilities and at on-street parking meters.

(c) That the existing parking regulations under the Municipal Parking Facilities By-law, being By-law No. 01-216, as amended, and the On-Street Parking By-law, being By-law No. 01-218, as amended, be further amended such:

(i) That a vehicle registered to an Eligible Veteran, properly displaying a Veteran's Parking Exemption Permit issued by the Parking and By-law Services Division, is exempted from the parking fee requirements in all municipal parking facilities and at all on-street parking meters on any day when such parking fee requirements would normally be in force and effect;
(ii) That, notwithstanding the display of a Veteran’s Parking Permit, all other parking and stopping regulations, including on-street meter time limit regulations, shall continue to remain in force and effect respecting any vehicle displaying said permit;

(iii) That each Veteran’s Parking Permit remains the property of the City and as such may be suspended or revoked in cases of abuse or misuse of the Veteran’s Parking Permit (such as counterfeiting or transferring the subject permit to a vehicle respecting which the permit had not been issued), at the discretion of the Director of Parking and By-law Services;

(iv) That Eligible Veterans are entitled to apply for or renew their permits for the balance of their lives;

(v) That in cases where an Eligible Veteran is no longer licensed to operate a motor vehicle, a person who is designated, in writing, as the primary care giver for said Eligible Veteran may apply for or renew the Veteran's Parking Permit on the Eligible Veteran’s behalf, with respect to a vehicle registered and insured in the name of the Eligible Veteran, and operated exclusively for the benefit of the Eligible Veteran;

(vi) That eligibility with respect to the service requirements set out in recommendations (a) and (b) shall be deemed to have been satisfied upon the presentation to the Director of Parking and By-law Services a bona fide copy of the applicant’s service record, proof of issuance of an Ontario Veteran license plate, and proof of residence; and,

(vii) That on November 11th of each year, and for the duration of that day, all vehicles exhibiting the Ontario Veteran license plate, regardless of whether or not said vehicles display a Veteran’s Parking Permit, shall be exempted from the parking fee requirements in all municipal parking facilities and at all on-street parking meters.

(d) That authority be delegated to the Director of Parking and By-law Services and his successor or designate to establish such policies and procedures, execute such agreements and otherwise take such actions and do such things as may be necessary or appropriate in his discretion to implement and administer the recommended Program.

(e) That a By-law, satisfactory to the City Solicitor, in the form attached as Appendix ‘A’ to Report PED06167(b), to amend By-laws No. 01-216 and No. 01-218 accordingly, be passed and enacted.

(f) That the foregoing recommendations, if approved by City Council, be communicated to the Royal Canadian Legion, Ontario Provincial Command, the Hamilton Police Service and the Hamilton Association of Business Improvement Areas.
(g) That the item entitled, Licence plates for Veterans who served in World War II or in Korean War, referred back to staff for a further report by Council at its meeting of May 28, 2008, be identified as complete and removed from the Economic Development and Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY:

The proposal that Veterans be provided with some form of parking fee exemption has been the focus of significant staff attention and serious consideration at both Committee and Council since the issue was first brought to the attention of staff, Council and the public in 2005, the Year of the Veteran. In January of that year, the Town of Midland, Ontario enacted a by-law exempting vehicles exhibiting Ontario Veteran license plates from the penalty provisions of their parking regulations respecting expired parking meters and expired time in their municipal parking lots. Complicating what would have otherwise merely been a tourist-friendly but relatively innocuous gesture on the part of Midland’s Town Council, was their decision to publicize their political largess and urge all other municipalities in the Province to offer a similar exemption.

Since that time, the Economic Development and Planning Committee and the Council for the City of Hamilton have been struggling to strike a reasonable balance between honouring Canada’s Veterans and acknowledging the obligation faced by all municipal governments to operate in a fiscally responsible manner. Over the past four years no fewer than three parking fee exemption programs have been brought forward and in some cases implemented only to be later discarded, in an effort to resolve the dilemma created by attempting to reconcile small town charity with the realities of big city economics.

Most recently, at its meeting on May 28, 2008, Council referred item 12 of the Economic Development and Planning Committee Report 08-009 (Report PED06157(a)) back to the Economic Development and Planning Committee for further discussion and a further report from staff. This report, being the fourth proposal brought forward by staff to address this matter, is in satisfaction of that directive.

Staff is, essentially, bringing forward the same recommendation to benefit our Veterans as was proposed in 2008, in the belief that it is a fiscally responsible compromise that, at the least, limits the financial risks associated with any free parking program benefiting such an extensive segment of the constituency enjoying entitlement.
As a point of information, the order issued by the Director of Parking and By-law Services to temporarily suspend the parking fee regulations in municipal car parks and at on-street parking meters, as they might apply to vehicles exhibiting the Ontario Veteran license plates, pursuant to his delegated authority under By-law No. 01-216 and By-law No. 01-218, continues in effect and will remain in force until such time as this matter is resolved.

BACKGROUND:

On November 9, 2003, the Honourable Harindar Takhar, the Minister of Transportation at that time, announced the introduction of a graphic Veteran license plate as an opportunity to recognize Veterans and show them our gratitude (see the Government of Ontario news release: http://ogov.newswire.ca/ontario/GPOE/2003/11/09/c0086.html). A sample of the subject graphic plate is attached as Appendix ‘B’ to Report PED06157(b). Subsequently, on November 5, 2004, the Honourable Albina Guarnieri, then 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 Veteran’s license plate be exempted from certain enforceable regulations and that this resolution (Being Resolution No. 2005-7) be distributed to all municipalities and to the Association of Municipalities of Ontario for support. 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.

Subsequently, at its meeting of May 25, 2005, pre-empting the submission of a definitive report on the matter from staff, 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 (Item 7.4, Council Meeting Minutes).

Accordingly, 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 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 license plate is registered and affixed. By-law No. 05-157 came into force on the date of its
enactment and included a sunset clause which provided for its repeal, effective January 1, 2006.

In a letter dated November 01, 2005, addressed to Mayor DiIanni 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 license 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, and further that a permanent parking fee exemption for those with Veteran’s license plates would be the right thing to do. Council received the aforesaid correspondence on November 10, 2005, and referred the matter to staff, directing that a report on the matter, in consultation with the Hamilton Veterans’ Committee, be submitted to the Planning and Economic Development Committee.

In a letter dated December 14, 2005, attached as Appendix ‘B’ to Report PED06157(b), the Hamilton Association of Business Improvement Areas (HABIA) indicated their concerns respecting a long term general parking exemption being implemented in favour of Ontario Veteran plate holders and outlined the resolutions that were passed at their December 13, 2005 meeting supporting the original parking exemption which, at the time was to expire 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).

During the first and second quarter of 2006 the matter was subject to further study, in consultation with HABIA and the Hamilton Veterans’ Committee, and Report PED06157 was submitted to the Chair and Members of the Planning and Economic Development Committee at its meeting of June 20, 2006.

At its meeting of June 28, 2006, Council approved item 2.1 of the 10th report of the Planning and Economic Development Committee, and enacted By-law No. 06-186 providing that the parking fee exemptions in favour of Ontario Veteran license plate holders, previously repealed by the sunset clause in By-law No. 05-157, would be re-enacted in a revised form such that the operators of vehicles displaying said licence plates would be exempted from the fee payment provisions of the by-laws regulating parking in municipal parking lots and at on-street parking meters, on November 11th of each year. Council also directed that a letter be sent to the Province inquiring as to the feasibility of a separate graphic license plate being issued to Veterans of World War I, World War II and the Korean War.

On July 5, 2006 a letter signed by then Mayor Larry DiIanni was forwarded to the Honourable Donna Cansfield, at that time the Minister of Transportation Ontario, (MTO) requesting that consideration be given to the issuance of a separate and distinctive licence plate to wartime Veterans. Subsequently the Ministry advised that consideration respecting a distinctive plate reserved for wartime Veterans would not be undertaken except at the request of the Royal Canadian Legion, Ontario Provincial Command and, on April 16, 2006, staff were advised in a letter signed by Mr. David Gordon, the Assistant Executive Director of the Royal Canadian Legion, Ontario Provincial
Command, that the Legion would not be seeking the creation of a separate and distinctive wartime Veterans licence plate nor would the Legion request that the issuance of the Ontario Veteran licence plates be limited to wartime Veterans.

Upon notification from the MTO and the Royal Canadian Legion, Ontario Provincial Command, that no distinctive wartime Veterans license plate would be forthcoming in the foreseeable future, nor that any restriction on the issue of the existing Ontario Veteran license plates would be implemented, and in consideration of the general dissatisfaction with the one-day parking exemption that, under By-law 06-186, was to come into effect January 1, 2007, staff committed to study the matter further and submit a revised recommendation. In the interim, staff also agreed to defer enforcement of the regulations requiring the payment of parking fees respecting vehicles displaying the Ontario Veteran license plates under the Director’s limited delegated authority to temporarily suspend parking regulations, until such time as the Committee and Council were able to meaningfully debate further recommendations from staff.

At its meeting on February 15, 2007, Council passed the motion:

That failing the issue of a ‘War Time’ Veteran licence plate by the MTO, staff investigate the creation of a City of Hamilton permit parking program for War Time Veterans in consultation with the Hamilton Veterans Committee and the Hamilton Area Association of Business Improvement Areas. (Item 7.2 of the Minutes)

The Committee of the Whole, at its meeting of February 26, 2008, during the 2009 budget process further determined:

That staff be directed to investigate, in consultation with the Veterans Advisory Committee on the Implementation of a Veteran parking permit program whereby Veterans who honourably served in World War I, World War II, Korean War, or any Veteran who resides in the City of Hamilton may be issued an annual parking exemption permit at no charge, which provides for an exemption from the fee payment regulations at on-street parking meters and in municipal parking facilities and report back to the Economic Development and Planning Committee (Item 5 of the Minutes).

At its meeting on May 20, 2008, the Economic Development and Planning Committee approved staff Report PED06157(a) which provided for the development, implementation and administration of an enhanced Parking Exemption Program respecting Ontario Veteran license plate holders residing in Hamilton who honourably served in World War II 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 the Ferry Command. The subject parking exemption program exempted the aforesaid Veterans who displayed the City of Hamilton Parking Exemption Permit and an Ontario Veteran licence plate on their vehicles, from the payment of parking fees at any time and on any day, in any municipal parking lot and at any on-street parking meter.
The program recommended in Report PED06157(a) also continued the exemption from the payment of parking fees in municipal parking lots and at on-street parking meters, respecting any vehicle to which an Ontario Veteran license plate was affixed, on November 11th of each year, regardless of whether or not there was displayed on the vehicle a Parking Exemption Permit, to provide no charge parking for any Veteran having the subject license plate, who might be visiting the City on Remembrance Day. The proposed Parking Exemption Permit Program set out in Report PED06157(a) did not, however, provide for a parking fee payment exemption for any Veteran who resides in the City of Hamilton, since there exists no definition of Veteran under Department of National Defence or Canadian Forces regulations and, therefore, the definition developed by the Ministry of Transportation Ontario would seem to apply. Consequently, it was staff’s position at the time, that to provide a blanket exemption for any Veteran who resides in the City of Hamilton would be cost prohibitive.

At its meeting on May 28, 2008, Council referred item 12 of the Economic Development and Planning Committee Report 08-009, i.e. staff Report PED06157(a), back to the Economic Development and Planning Committee for further discussion and a further report from staff. Various Councillors indicated that staff should consider the feasibility of extending the recommend program to include all Veterans, and requested that a more detailed cost analysis be provided respecting such an expanded program.

In compliance with Council’s direction, staff hereby submits Report PED06157(b) and again recommends that Veterans who honourably served in World War II and the Korean War, who reside in the City of Hamilton and who display upon their vehicles both the Ontario Veteran license plate and a City of Hamilton Veteran Parking Exemption Permit, be exempted from paying parking fees in municipal parking lots and at on-street parking meters. Staff still holds, however, that extending the program to include all Veterans as defined by the Ministry of Transportation, would be cost prohibitive, however, recognizing that the nature of any parking regulation, or any exemption there from, is at the absolute discretion of Council, staff also provides a more detailed cost analysis of the parking fee exemptions, as requested.

**ANALYSIS/RATIONALE:**

Much of the issue surrounding the provision of an exemption from the payment of parking fees in favour of Veterans is the scope of the definition of the word Veteran itself. Experience tells us that there is a tendency to construe Veteran as meaning someone who has seen combat and that this meaning is most often associated with Veterans of World War I, World War II and the Korean War, in many cases to the exclusion of other meanings and associations. The Canadian Armed Forces, the Ministry of Veteran’s Affairs (MVA) and Ministry of Transportation (MTO), however, do not hold to this narrower view of the word and the MTO, in particular, subscribes to a rather broad definition as discussed below.

When contemplating the provision of a special parking privilege to Veterans as a group, particularly when such privilege is associated with the issuance of the Ontario Veteran license plate, it should be acknowledged from the outset that the issuance of the subject license plates was not then, and is not today, limited to the Veterans of World War I,
World War II and the Korean war, as were described by Mr. McMeekin in 2005 but, in fact, includes any person who has three or more years of paid service in either the Regular or Reserve contingents of the Canadian Armed Forces, regardless of combat experience, 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.

Statistics provided in 2006 by Veteran’s Affairs Canada and the Department of National Defence, indicated that there were in the order of 9,700 active or retired Armed Forces personnel in the Hamilton area who were eligible or who would be eligible to obtain an Ontario Veteran license plate. A recent review of census data currently maintained by Statistics Canada indicates that the information provided to staff in 2006 respecting the Veteran population in Hamilton remains reasonably accurate to this day, giving due consideration to the fact that not all Veterans register with Veteran’s Affairs Canada and also the fact that the Department of National Defence and Canadian Forces is committed to increasing the number of their enlisted service personnel to 75,000 Regular Forces personnel and 35,000 Reserve Forces personnel.

It should also be noted that the Province, when creating the graphic Veteran license plate, did not contemplate that municipalities might implement special parking privileges for Veteran licence plate holders, and, accordingly, the broadest possible definition of the word Veteran was employed by the MTO in developing the eligibility criteria attendant to the subject licence plate. John Lefebvre, the Manager of the Road Safety Marketing Office for the 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. (According to Natalie Salat, in her 2005 article, Road Show for Veterans in the November/December edition of Legion Magazine, Nova Scotia was the first province to issue a graphic Veteran license plate). As a matter of information, the graphic Ontario Veteran license plate is only one of over forty-six graphic license plates available from the MTO and the sheer number of graphic license plate styles that are available, and the range of interests they represent, unquestionably supports Lefebvre’s presentation of the Ministry’s position.

Notwithstanding the intentions of the MTO, however, the Town of Midland did implement parking exemptions respecting vehicles displaying the Ontario Veteran license plate in January of 2005, and by reporting that fact to the Association of Municipalities of Ontario (AMO) may well have encouraged other municipalities in Ontario to enact similar legislation.

A telephone/e-mail survey of 15 southern Ontario municipalities was undertaken by staff to ascertain the position taken by their respective Councils regarding this matter and, as the following chart indicates, 80% of the municipalities polled do not currently provide parking exemptions respecting vehicles bearing Veteran license plates.
Ontario Veteran Plate - Parking Fees Exemption Survey

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Population¹</th>
<th>Survey Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brampton</td>
<td>433,806</td>
<td>No Exemption</td>
</tr>
<tr>
<td>Brantford</td>
<td>90,192</td>
<td>No Exemption</td>
</tr>
<tr>
<td>Burlington</td>
<td>164,415</td>
<td>Exempted (Permit Program for WWII and Korean War Veterans)</td>
</tr>
<tr>
<td>Guelph</td>
<td>114,943</td>
<td>No Exemption</td>
</tr>
<tr>
<td>Kingston</td>
<td>117,207</td>
<td>No Exemption</td>
</tr>
<tr>
<td>Kitchener</td>
<td>204,668</td>
<td>No Exemption</td>
</tr>
<tr>
<td>London</td>
<td>352,395</td>
<td>No Exemption (Exemption expired Dec. 31, 2006)</td>
</tr>
<tr>
<td>Markham</td>
<td>261,573</td>
<td>No Exemption</td>
</tr>
<tr>
<td>Mississauga</td>
<td>668,549</td>
<td>No Exemption</td>
</tr>
<tr>
<td>Niagara Falls</td>
<td>82,184</td>
<td>Exempted at street meters only (No Exemption in lots)</td>
</tr>
<tr>
<td>Oakville</td>
<td>165,613</td>
<td>No Exemption</td>
</tr>
<tr>
<td>Ottawa</td>
<td>812,129</td>
<td>No Exemption (Exemption expired Dec. 31, 2005)</td>
</tr>
<tr>
<td>St. Catharines</td>
<td>131,989</td>
<td>Exempted (3 Hour Limit)</td>
</tr>
<tr>
<td>Toronto (City)</td>
<td>2,503,281</td>
<td>Unresolved (Parking Authority recommending No Exemption)²</td>
</tr>
<tr>
<td>Waterloo</td>
<td>97,475</td>
<td>No Exemption</td>
</tr>
</tbody>
</table>

¹ Based on Statistics Canada 2006 Census
² Referred to Executive Committee of Council as of December 8, 2008

For the purpose of further discussion, staff would reiterate the following significant points as were brought forward in previous reports:

- Midland, the original Ontario municipality to implement a no-charge parking program for Ontario Veteran license plate holders, is a small tourist community having a population of only 17,000 people and maintains only seven streets with metered parking and only eight municipal parking lots, none of which are regulated by parking meters. Consequently, Council should be aware that what is undoubtedly a relatively inexpensive parking exemption program in Midland may not be as inexpensive in Hamilton, given the demographic and economic differences between our respective municipalities. A review of the potential costs associated with the recommended parking exemption program is set out in the Financial Implications section of this report.

- 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 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, Council should be aware that 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, may also request the same parking privileges citing the same philosophic argument.
Ian Maher, of the Toronto Parking Authority issued a Board Memorandum on November 26 of 2005 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 (File No. 5000-00). 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 December 8, 2008, Toronto’s City Council has not formalized a parking program for Ontario Veteran license plate holders.

While, at present, the number of vehicles displaying the Ontario Veteran license plate in Hamilton seems relatively small, the number of persons who will be entitled to the parking exemptions associated with the Ontario Veteran license 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 implementation of an overly attractive parking exemption will promote the proliferation of Ontario Veteran license plates in a manner similar to the promulgation of Disabled Person Parking Permits.

Scott Vokey, Senior Policy Advisor with the Association of Municipalities of Ontario advises that no action would be taken on the matter by the AMO.

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 (See the Downtown Transportation Master Plan, July 2001, p. 41).

It is imperative that Council be aware that, should any extensive long term exemptions be implemented respecting vehicles displaying Ontario Veteran license plates, there is no reason to assume that only the Veteran to whom the license plate was issued would be operating the vehicle to which the plate is attached. Staff further advises 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.

Notwithstanding the forgoing concerns, staff does recommend a limited program that attempts to reflect the will expressed by a number of members of Council to implement a parking exemption program in favour of, at least, a contingent of Ontario Veteran license plate holders. Staff, however, is unable to recommend a program having an overly inclusive scope, since the potential losses associated with an overbroad eligibility criteria would render such a program fiscally untenable. Consequently, staff recommends a Parking Exemption Program that is limited to residents of the City of Hamilton who served in World War II and the Korean war and who have, affixed to their vehicle a valid Ontario Veteran license plate. Staff proposes that the vehicle specific
permits issued to these eligible Veterans be provided at no cost and that there be no restrictions as to who might operate the vehicle for the benefit of the eligible Veteran.

The concerns expressed by HABIA respecting a parking exemption permit program can be addressed by enforcement, on complaint, of the time limit regulations as they apply to on-street parking meters to ensure appropriate parking turn over while Veterans finding it necessary to park beyond the on-street meter time limits will find no such time limit restriction in the City’s parking lots. It is staff’s view that a Limited Eligibility Parking Exemption Permit Program, properly administered, represents a reasonable expenditure of resources given the apparent good will of the community as it is balanced with the current economic climate.

Essentially, staff is recommending that a line be drawn insofar as eligibility is concerned and that, if only for the sake of clarity and in order to include the most senior of the Country’s service men and women residing in the City, the line be drawn with the conclusion of the Korean War, as the last global conflict of the last century past. Staff would stipulate, however, Council certainly might direct that the scope of the program be extended to include a broader scope of Canada’s service men and women should the Councillors elect to expend the necessary recourses.

**ALTERNATIVES FOR CONSIDERATION:**

**No Exemption**

This option would be in keeping with the Province’s original intent respecting the introduction of the Ontario Veteran license plate and has no impact on the City’s budget. It is consistent with the City’s Downtown Transportation Master Plan and it avoids any risk of escalating costs. Further, this option obviously precludes any possibility of abuse and does not create a special class of persons having greater privileges, by virtue of vocation, than persons belonging to other, arguably, equally worthy groups.

**Remembrance Day Exemption**

Council might consider approving the parking exemption set out in Report PED06157, whereby all owners of vehicles to which a valid Ontario Veteran license plate is affixed are exempted from paying parking fees in municipal car parks and at on-street parking meters on November 11, of each year, and rely upon the Province’s Accessible Parking Permit Program to provide no charge parking for wartime Veterans having a mobility impairment for the balance of the year. This option would have little discernable impact on the City’s budget and provides for ease of access to Remembrance Day services for Veterans who reside in Hamilton as well as Veterans who might visit the City to attend services or to reacquaint themselves with their comrades.
Fully Inclusive Parking Exemption Permit Program

The option to provide a no cost Parking Exemption Permit to all Hamilton residents eligible to obtain an Ontario Veteran license plate, while the most attractive option from the perspective of honouring those who have served, or who continue to serve, in our Country’s Armed Forces is also, in staff’s view, the least fiscally responsible. The potential impact on the City’s budget could easily run in the hundreds of thousands of dollars each year and there is no reason to assume that such costs will not trend upward, potentially exceeding a million dollars per year. As the charts included in the Financial Implications section will show, even a minor uptake in permits will result in significant revenue losses and, therefore, staff recommends against implementing a program having such an overbroad eligibility criteria.

Fixed Funding Parking Exemption Permit Program

As a final option, staff suggests that Council give serious consideration to the advantages of a Parking Exemption Program that operates from a Fixed Fund, established in advance of each year, and that a predetermined number of permits be issued, as funding allows, on either a First Come, First Served basis with a waiting list provision or perhaps, more fairly, that a Seniority System including a waiting list provision be established in consultation with the Veteran’s Advisory Committee, perhaps including a representative from each of the City’s local Canadian Legion associations. Each year the Seniority List might be updated, with new members migrating from the waiting list to the eligible list.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

Staff estimates that, regardless of which option is finally approved, there will be an expenditure of approximately $2,000 for public education, in the form of advertising costs for one 2x3 ad in the Hamilton Spectator, a smaller advertisement to run in the Brabant Publications for up to three weeks, and notification on the City’s web site. This cost can be absorbed in the Parking and By-law Services Advertising/Public Education budget line.

Approval of No Exemption will result in NO financial implications beyond the aforementioned public education costs.

Approval of the Remembrance Day Exemption will result in NO financial implications beyond the aforementioned public education costs.

Approval of any Permit Parking Program will include but not be limited to such expenditures as: permit printing costs; mailing costs for issuance of notifications and the delivery of permits; and data entry and maintenance costs for the database program. Staff estimates that such costs for supplies and services would be in the order of $45,000, per year, which costs should be added to any revenue losses accrued.
For the purpose of calculating potential losses respecting larger scale Parking Exemption Permit Programs, staff averaged the cost of parking per hour across the City, (including in the calculations both on-street meters and off-street parking lot fees). As the charts below indicate, four potential user groups were considered as percentages of the two Hamilton Veteran populations and the costs for each group were considered on the basis of one, two, three and five hours of parking per week, over a 48 week per year period (assuming four weeks where normally paid for parking was not required).

Approval of the recommended Limited Eligibility Parking Exemption Permit Program will incur costs in the form of lost revenue, which cannot be accurately predicted at this time since permit uptake levels and permit usage cannot be reliably anticipated. The table below shows the estimated revenue losses associated with the various usage scenarios.

<table>
<thead>
<tr>
<th>% of Use</th>
<th>3061 Veterans</th>
<th>1 Hr. Per Week</th>
<th>2 Hr. Per Week</th>
<th>3 Hr. Per Week</th>
<th>5 Hr. Per Week</th>
<th>Annual Cost @ 48 Weeks Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
<td>153</td>
<td>$1.14</td>
<td>$2.28</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$8,372</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10%</td>
<td>306</td>
<td>$1.14</td>
<td>$2.28</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$16,744</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25%</td>
<td>765</td>
<td>$1.14</td>
<td>$2.28</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$41,860</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50%</td>
<td>1530</td>
<td>$1.14</td>
<td>$2.26</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$83,721</td>
</tr>
</tbody>
</table>

Note: Five hours per week is less than one day per week

It should be noted that at the upper end of this Limited Eligibility chart, the Hamilton Municipal Parking System surplus is all but expended. Staff, therefore, proposes that, should the limited eligibility program be approved, such losses as accrue each year must be included in each successive year’s budget estimates and offset against any surplus normally reported by the Division.

Approval of an All Inclusive or Fully Inclusive Parking Exemption Permit Program will also incur costs in the form of lost revenue, which cannot be accurately predicted at this time since permit uptake levels and permit usage cannot be reliably anticipated.
The table below shows the estimated revenue losses associated with the various usage scenarios.

<table>
<thead>
<tr>
<th>% of Use</th>
<th>9700 Veterans</th>
<th>1 Hr. Per Week</th>
<th>2 Hr. Per Week</th>
<th>3 Hr. Per Week</th>
<th>5 Hr. Per Week 1</th>
<th>Annual Cost @ 48 Weeks Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
<td>495</td>
<td>$1.14</td>
<td>$2.28</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$26,539</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$54,172</td>
<td>$81,259</td>
</tr>
<tr>
<td>10%</td>
<td>970</td>
<td>$1.14</td>
<td>$2.28</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$135,432</td>
</tr>
<tr>
<td>25%</td>
<td>2425</td>
<td>$1.14</td>
<td>$2.28</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$265,392</td>
</tr>
<tr>
<td>50%</td>
<td>4850</td>
<td>$1.14</td>
<td>$2.26</td>
<td>$3.42</td>
<td>$5.70</td>
<td>$1,326,960</td>
</tr>
</tbody>
</table>

1 Note: Five hours per week is less than one day per week

**Staffing Implications**

No staffing implications apply respecting the No Exemption and the Remembrance Day Exemption options.

Should Council approve the Limited Eligibility Parking Exemption Permit Program for World War II and Korean War Veterans, there will likely be no significant staffing implications beyond the approval of overtime to accommodate the initial implementation of the program. It is staff's view that such a program could be accommodated by existing staff and that, consequently, the staffing costs associated with a limited program would represent brown dollars, i.e. dollars already spent.

Should Council approve an Inclusive Eligibility Parking Exemption Permit Program to benefit all Veterans residing in the City, there will likely be a need to eventually approve the addition of at least 1 FTE (depending upon the rapidity with which the program grows), at an overall cost in the order of $75,000 per year per FTE, and an initial one-time start up cost of approximately $6,000. The assumption that the program will grow is based upon staff's experience with the Private Property Enforcement Program, the Reserved Permit Parking Program and the Disabled Person Parking Program all coming into effect after 1975 and continuing to date.
Should Council approve a Fixed Fund Parking Exemption Permit Program, the likelihood of there being staffing implications is directly related to the size of the fund and the number of permits to be made available. Staff would not expect staffing implications to be attendant to a fund set at something less than $75,000.

**Legal Implications**

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

**POLICIES AFFECTING PROPOSAL:**

The staff recommendation 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 in the City. The recommendation, while not consistent with the Downtown Transportation Master Plan, does not significantly impede the Hamilton Municipal Parking System (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 has been consulted since 2005, throughout the process of developing a viable Parking Exemption Program. The Hamilton Veterans’ Committee was also consulted over the past four years and have consistently indicated their support of the previous staff recommendations.

**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
- Cultural heritage is somewhat supported and enhanced. The quality of life for certain Veterans is enhanced by mitigating, to some degree, what might be a barrier to their participation in certain activities.
- 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

MBH/PDB/dmt
Attachments. (3)
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 10 of the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, confers upon the councils of all municipalities the power, among other things, to enact by-laws to provide any service or thing that the municipality considers necessary or desirable for the public.

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 subsections, namely;

   “(3) The provisions respecting the payment of fees in 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.

   (4) The provisions respecting the payment of fees in 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 apply, at any time, to persons in respect of a parked vehicle to which both a valid Ontario veteran license plate is registered and affixed and a valid Veteran’s Parking Permit is registered and affixed.
(i) For the purposes of this subsection;

(a) “Veteran’s Parking Permit” means a vehicle specific permit issued by the Hamilton Municipal Parking System to a Veteran of World War II or a Veteran of the Korean War who resides in the City of Hamilton and who has affixed to a vehicle registered in their name and to their municipal address an Ontario veteran license plate.

(b) “Eligible Veteran” means a person who honourably served in World War II or the Korean War and who has registered and affixed to their vehicle an Ontario veteran license plate.

(ii) Notwithstanding the display of a Veteran’s Parking Permit, all other parking and stopping regulations, including on-street meter time limit regulations, shall continue to remain in force and effect respecting any vehicle displaying said permit.

(iii) Every Veteran’s Parking Permit remains the property of the City and as such may be suspended or revoked, without notice, at the absolute discretion of the Director of Parking and By-law Services.

(iv) An Eligible Veteran is entitled to apply for or renew their Veteran’s Parking Permit for so long as they reside in the City of Hamilton.

(v) In cases where an Eligible Veteran is no longer licensed to operate a motor vehicle, any person who is designated, in writing, as a primary care giver for said Eligible Veteran may apply for or renew the Veteran’s Parking Permit on the Eligible Veteran’s behalf, with respect to a vehicle registered and insured in the name of the Eligible Veteran, and operated exclusively for the benefit of the Eligible Veteran.

(vi) Eligibility with respect to the service requirements set out in Subsection 4(i)(b) shall be deemed to have been satisfied upon the presentation to the Director of Parking and By-law Services a bona fide copy of the applicant’s service record, proof of issuance of an Ontario veteran license plate, and proof of residence.

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 respecting the payment of fees in 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."
The provisions respecting the payment of fees in clauses 8(5)(b) and 8(5)(c) of this by-law shall not apply, at any time, to persons in respect of a parked vehicle to which both a valid Ontario veteran license plate is registered and affixed and a valid Veteran’s Parking Permit is registered and affixed.

(i) For the purposes of this subsection;

(a) “Veteran’s Parking Permit” means a vehicle specific permit issued by the Hamilton Municipal Parking System to a Veteran of World War II or a Veteran of the Korean War who resides in the City of Hamilton and who has affixed to a vehicle registered in their name and to their municipal address an Ontario veteran license plate.

(b) “Eligible Veteran” means a person who honourably served in World War II or the Korean War and who has registered and affixed to their vehicle an Ontario veteran license plate.

(ii) Notwithstanding the display of a Veteran’s Parking Permit, all other parking and stopping regulations, including on-street meter time limit regulations, shall continue to remain in force and effect respecting any vehicle displaying said permit.

(iii) Every Veteran’s Parking Permit remains the property of the City and as such may be suspended or revoked, without notice, at the absolute discretion of the Director of Parking and By-law Services.

(iv) An Eligible Veteran is entitled to apply for or renew their Veteran’s Parking Permit for so long as they reside in the City of Hamilton.

(v) In cases where an Eligible Veteran is no longer licensed to operate a motor vehicle, a person who is designated, in writing, as a primary care giver for said Eligible Veteran may apply for or renew the Veteran’s Parking Permit on the Eligible Veteran’s behalf, with respect to a vehicle registered and insured in the name of the Eligible Veteran, and operated exclusively for the benefit of the Eligible Veteran.

(vi) Eligibility with respect to the service requirements set out in Subsection 4(i)(b) shall be deemed to have been satisfied upon the presentation to the Director of Parking and By-law Services a bona fide copy of the applicant’s service record, proof of issuance of an Ontario veteran license plate, and proof of residence.
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                , 2009

_________________________________ ____________ ____________________
MAYOR       CLERK
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,

[Signature]

Councillor McHattie
Chairman
Hamilton Association of Business Improvement Areas