

Extended Driveway Enforcement Program

Councillor Update- 2010 Program

Pre-Extended Driveway By-law Situation

- ✓ **Zoning provisions were unclear for residents & difficult for staff to enforce**
- ✓ **Residents were concerned when one house on street would pave the majority of their front yard & use the extended area for parking**
- ✓ **Residents were concerned with use of paved spaces for illegal parking; 2nd suite occupants; commercial vehicles; and/ or inoperable cars etc.**
- ✓ **Paving Contractors were encouraging residents to widen driveways to maximize their profit**
- ✓ **Town and Councillors were receiving constant complaints & responding to neighbour conflicts:**
 - “Neighbourhood looks like a parking lot”
 - “My neighbour is parking four cars across the front yard”
 - “Headlights from neighbour’s cars are shining in my windows”
 - ““There is no place to plant the street tree”
 - “Contractor has stored material on the road”
 - “My neighbour removed the street tree”



Enforcement Program History

- ✓ **Due to ongoing public concerns and complaints, a Resident Committee was formed with representatives from each Ward & at-large Committee members**
- ✓ **5 Resident Meetings were held across the Town + Committee Meetings + Statutory Public Notice Meetings + Council Meetings**
- ✓ **Extensive public input and consultation resulted in Council's approval of Extended Driveway By-law on June 27, 2006**
- ✓ **Current enforcement program follows Resident Committee recommendations for a phased implementation:**
 - Communication & Education Program commenced with By-law passing
 - Field Enforcement and Incentive Program implemented in 2007 with focus on new driveways & education
 - Full by-law enforcement commenced in 2008

Enforcement Program History (cont'd)

✓ Full Enforcement Program (2008)

- By-law Notices issued to resident/ property owners advising of by-law conformity requirements (Notices are recorded in AMANDA)
- New Driveways: Driveways must comply with By-law with removal of extended portions
- Pre-By-law Existing Driveways- Portion extended past maximum width cannot be used for parking
- Pre- By-law Existing Driveways + Complaints- Driveways to be brought into conformity if the total width of the driveway is 80% or more the width of the lot & the extended portion is continuing to be used for parking

Enforcement Program Objectives

- ✓ **To implement Council's 2006 By-law & Policy direction**
- ✓ **To establish definitive driveway standards for residents & contractors**
- ✓ **To return extended driveway portions exceeding by-law to soft landscaping over long term**
- ✓ **To reduce number of cars parked in front yards and to discourage commercial & derelict vehicle parking**
- ✓ **To reduce storm and surface water run-off**
- ✓ **To maintain attractive streetscapes & increase street tree planting opportunities**

Contractor Licencing

- ✓ Contractors required to attend an annual workshop on By-law requirements (new in 2010)
- ✓ Workshop is conducted in-house by staff and a written test now part of the new licencing & licencing renewal process
- ✓ Contractor Licencing requirements:
 - Liability Insurance
 - Workers Compensation
 - Written contract with resident
- ✓ List of Licenced Contractors available on Markham Web Site

By-Law Notices

- ✓ Residents have expressed concerns about receiving “By-law Notices” and the references to the maximum fines and other statutory wording
- ✓ “By-Law Notices” are only issued where contraventions of the By-law are found
- ✓ Because by-law violations are considered a Strict Liability Offence, “not knowing” the by-law requirement(s) is an acceptable defence to a charge
- ✓ By issuing “By-law Notices”, the Town avoids the “not knowing” defence; establishes a documented time period for by-law compliance and discloses to the resident/property owner, at the earliest date possible, the maximum fine under the *Planning Act* and set by the Province.

2010 Resources

- ✓ **2 Part-Time Officers- each working 24 hours per week**
- ✓ **Regular Licencing Officers enforce Contractor Licencing requirements**
- ✓ **Inquiry assistance at By-law Counter- site visits can be arranged**
- ✓ **Proactive matters identified by other field officers and by other Town Staff**

New- 2010 Extended Driveway Program

- ✓ Introduction of Contractor Workshops as part of annual Contractor Licencing renewal program
- ✓ Parking tickets now being issued for boulevard parking on portions outside of permitted driveway width with the removal of materials being placed along curb to facilitate driving up and over curb
- ✓ Review of driveways being constructed with Building Permits, Site Plan Control Agreements, etc. to ensure new driveways meet by-law requirements

Program Statistics (since by-law enactment)

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|---|---------------|
| Investigations (Complaints) | 4,936 |
| Investigations (Proactive) | 2,120 |
| Total Inspections Conducted ⁽¹⁾ | 15,453 |
| Formal Violation Notices Issued | 610 |
| Violations Found (to date) | 3,227 |
| Violations Now In-Compliance | 3,028 |
| Outstanding Matters | 199 |

(1) Represents the number of times an officer attended a location. Investigations undertaken by an officer are seldom completed in a single site visit. Average is 2.19 visits per investigation.