

Reserved Parking for Electric Vehicle Charging By-law Amendments (All Wards)

That the Community Services Committee recommend to City Council:

Whereas on April 25, 2022 City Council approved correspondence CS-22-41 from the Oshawa Power and Utilities Corporation (“O.P.U.C”), requesting to provide one additional Electric Vehicle charging space for a total of two spaces on Simcoe Street South adjacent to 100 Simcoe Street South, and two Electric Vehicle charger spaces each on the north side of King Street West to the west of Prince Street and on the south side of King Street East to the west of Albert Street; and,

Whereas Council denied the request from the O.P.U.C. to provide two Electric Vehicle charging spaces along King Street West at the corner of Simcoe Street; and,

Whereas given the importance of investing in Electric Vehicle charging infrastructure in the downtown, the two Ward 4 Councillors be authorized to approve alternative locations for two other Electric Vehicle charging spaces in the downtown in the vicinity of the intersection of Bond Street and Simcoe Street; and,

Whereas the Ward 4 Councillors approved a fourth Electric Vehicle charging station site in the vicinity of Downtown Oshawa with City Staff and the O.P.U.C. for two spaces at 27 Simcoe Street North along the south side of Bond Street East, just east of Simcoe Street North; and,

Whereas to promote Electric Vehicle charging stations to residents and downtown visitors, the O.P.U.C. will cover Electric Vehicle charging costs until September 15, 2022; and,

Whereas, effective September 15, 2022, standard Electric Vehicle charging stations rates will apply and drivers will have to pay for the parking space and Electric Vehicle charging; and,

Whereas the *Reserved Parking for Electric Vehicle Charging Act, 2019*, S.O. 2019, c. 18 (Bill 123) (“*Reserved Parking for Electric Vehicle Charging Act, 2019*”) came into effect on January 1, 2021 which amended the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (“*Highway Traffic Act*”) to create parking offences for improperly parked vehicles in Electric Vehicle charging stations; and,

Whereas in order to enforce parking violations in Electric Vehicle charging stations by way of administrative monetary penalties, MLELS staff require amendments to the definition section, violation section and administrative penalties section of the City’s Traffic and Parking By-Law 79-99, as amended;

Therefore, be it resolved, that pursuant to CS-22-61, the Traffic and Parking By-Law 79-99 be amended to include definitions, violation and administrative penalties relating to reserved parking for Electric Vehicle charging as generally shown in Attachment 1 and that such by-law be in a form and content acceptable to Legal Services and the Commissioner of Community Services.



**By-law -2022  
of The Corporation of the City of Oshawa**

Being a by-law to further amend the City of Oshawa's By-law 79-99 ("Traffic and Parking By-law"), as amended, which regulates TRAFFIC and PARKING on HIGHWAYS, in PARKING LOTS and PARKADES, on MUNICIPAL PROPERTY under the jurisdiction of the CITY and on PRIVATE PROPERTY in the City of Oshawa.

**WHEREAS:**

1. Bill 123, *Reserved Parking for Electric Vehicle Charging Act, 2019*, S.O. 2019, c. 18 ("*Reserved Parking for Electric Vehicle Charging Act, 2019*") was passed on December 12, 2019 which amends the *Highway Traffic Act*, R.S.O. 1990, c. H.8 ("*Highway Traffic Act*") to prevent the misuse of charging stations by limiting the use of these parking stalls to electric vehicles that are actively charging and imposes fines for those who contravene the *Highway Traffic Act*; and,
2. Subsection 102.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles; and,
3. Ontario Regulation 333/07 of the *Municipal Act, 2001* applies to administrative penalties in respect of the parking, standing or stopping of vehicles; and,
4. Pursuant to Report CS-22-61 City Council directed that a by-law to further amend the Traffic and Parking By-law and its Schedules, be implemented to impose administrative penalties concerning the use of electric vehicle parking spaces.

**NOW THEREFORE** it is enacted as a By-law of The Corporation of the City of Oshawa as follows:

1. Section 2.0 of the Traffic and Parking By-law is amended by including the following definitions:

"(n.1) "ELECTRIC VEHICLE" means a vehicle displaying a currently validated permit under subsection 7 (7) of the *Highway Traffic Act* and is (a) a battery electric vehicle that runs only on a battery and an electric drive train, or (b) a plug in hybrid electric vehicle that runs on a battery and an electric drive train, and also uses an internal combustion engine.

(n.2) "ELECTRIC VEHICLE CHARGING STATION" means a publicly or privately owned parking space that provides access to equipment that supplies a source of electricity for charging ELECTRIC VEHICLES.

(n.3) "ELECTRIC VEHICLE PARKING SPACE" means a parking space designated for the use of ELECTRIC VEHICLES as indicated by an OFFICIAL SIGN.

2. Section 4.0 of the Traffic and Parking By-law is amended by including a new Subsection 4.52 as follows:

“4.52 No person shall park any VEHICLE or any part of a VEHICLE in an ELECTRIC VEHICLE PARKING SPACE unless such vehicle is an ELECTRIC VEHICLE and is connected to and actively charging at an ELECTRIC VEHICLE CHARGING STATION.”

3. Schedule XXIV – Administrative Penalties of the Traffic and Parking By-law is amended by including the following new row between rows 4.51 and 4.9:

<b>Section</b>	<b>Description of Offence</b>	<b>Tier One (1)</b>	<b>Tier Two (2)</b>	<b>Tier Three (3)</b>
4.52	Parking a VEHICLE in ELECTRIC VEHICLE PARKING SPACE where vehicle is not connected to and actively charging at an ELECTRIC VEHICLE CHARGING STATION.	\$40	\$60	\$80

4. This By-law shall come into full force and effect on the date of passage.

By-law passed this            day of            , 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk