



**City of Richmond**

**Report to Committee**

**To:** Community Safety Committee To Community Safety - Dec 12, 2006  
**From:** Wayne G. Mercer **Date:** November 24, 2006  
 Manager, Community Bylaws **File:** 12-8060-20-8122/vol01  
**Re:** Establishment of Bylaw Dispute Adjudication System XR 8000-00

**Staff Recommendation**

1. THAT the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 be introduced and given first, second and third readings; and
2. THAT Council adopt the necessary Council Policy pursuant to Section 10 (2) of the *Local Government Bylaw Notice Enforcement Act*;
3. THAT Council endorse public education initiatives to be developed in consultation with the City's Communications Division prior to launch date of April 1, 2007;
4. THAT the 2007 Capital Budget be amended to include the Establishment of the Bylaw Adjudication System; and
5. THAT funding of \$42,500 through the Enterprise Fund be approved as the funding source for the Establishment of the Bylaw Adjudication System.

Wayne G. Mercer  
Manager, Community Bylaws  
(604.247.4601)

FOR ORIGINATING DEPARTMENT USE ONLY			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Budgets .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Customer Service .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Transportation .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Information Technology .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## Staff Report

### Origin

The City of Richmond received approval through a Provincial Order-In-Council to adopt and implement the new Local Government Bylaw Dispute Adjudication System, which replaces the existing procedure of pursuing legal options through the local Provincial Court system. An announcement was made on September 27, 2005 at the annual UBCM meetings that, during 2006, Richmond would be one of six additional communities adopting the system, which has been operating successfully in a pilot mode since mid-2004 in three North Shore municipalities.

### Analysis

At present, the City does not have any effective legal recourse to address disputed Notices of Bylaw Violation issued for infractions under various Sections of our Traffic Bylaw No. 5870 and Parking (Off-Street) Regulation Bylaw No. 7403. Although the City has continued to file Summons with the Provincial Court - Richmond for unpaid Notices and the recipients have continued to file corresponding Dispute Forms with the Court, the Court has not scheduled any appearances to hear these cases since January 30, 2006.

By way of background, the limit for Small Claims actions, which are heard in Provincial Court, was increased from \$10,000 to \$25,000 effective September 2005, which downloaded a significant caseload from the Supreme Court to the Provincial Court. Based on this additional workload for the Provincial Courts, their internal assessments placed 'parking infractions' well down the list of priorities. In fact, this was confirmed at a joint meeting in May 2006 with Court Services and the local Court Manager that, based on their present caseload, 'parking infractions' are not expected to be scheduled or heard for the foreseeable future. At the present rate, approximately \$3,500 per month in cases is being lodged with the Provincial Court with very little hope of resolution.

The attached Business Analysis of 515 parking violations heard in Provincial Court – Richmond between October 15, 2004 and the last sessions on January 30, 2006 highlight the ineffective and costly process of proceeding through Provincial Court. In summary, for every parking ticket that we pursued through Provincial Court, we lost an average of \$5.37 per ticket taking into account actual fines awarded, wages of attending Officers and the lost enforcement revenue due to Officers' time spent in Court.

We will address the issues raised in our Report to Committee on December 13, 2005, in order:

1. Pilot Program – North Shore

- Local Government Bylaw Notice Enforcement Act (Bill 65) was adopted by the Province in October, 2003

- Pilot project established in 2004 involving the City of North Vancouver, the District of North Vancouver and the District of West Vancouver
- Initial setup costs for the North Shore pilot program amounted to \$95,500 including significant savings of approximately 35% (due to their pilot status for the program and beta status for the software) on upgrades to software and hardware systems to be able to manage the adjudication system.
- Major objectives of adjudication system were:
  - a. *reduce time to disposition* – The North Shore pilot significantly reduced this time period and, given our present place on Provincial Court priorities, we foresee an even greater improvement. Our most recent cases heard were from October 2003 - a disposition period of 825 days – the pilot program averaged a disposition period of 91 days.
  - b. *improve the fine payment rate* – The pilot program saw an improvement in overall fines paid, a significant improvement in payments for tickets referred to collection and a 4% improvement in voluntary payment which would result in an increase in immediate revenue for Richmond of \$19,600 on an annual basis.

The City of North Vancouver saved \$5,000 in collection fees due to the more efficient and timely processing of cases. Collection fees paid by Richmond in 2005 for parking tickets amounted to slightly over \$35,000 and we would expect a savings of approximately \$7,500.
  - c. *reduce the ticket dispute rate* – Dispute rates are driven up by perception that Courts will be lenient on bylaw infractions - 2005 saw 9.6% of Richmond's tickets being disputed in Court. The North Shore pilot program saw a 94% reduction in their disputes and a corresponding reduction in the cost of staff time spent administering and attending Court appearances, which they estimated at \$10,000 per year. By the end of the pilot program, disputes amounted to 0.5% of tickets issued and applying this expectation in Richmond would amount to a savings of approximately \$14,000 per year in officer time and increased enforcement on the road.
  - d. *improve responsiveness to citizens' needs* – The overall impression from citizens during and after the pilot program was very positive based on more timely processing versus the Courts and general satisfaction with the speed and fairness of the process.

## 2. Recap of Adjudication System

- Notices of Bylaw Violation for parking / safety & liability infractions are issued and served in the normal manner.
- The existing informal screening process within the Division evolves to a crucial, structured system where the screener reviews the circumstances surrounding the alleged infraction, provides essential education to a potential disputant regarding options within the process, the additional fees involved, the consequences of the disputant's decisions, the actual adjudication hearing process, documents all

discussions with the recipient and, if necessary, cancels the Notice of Bylaw Violation under the screening criteria adopted by Council.

- Should the recipient decide to proceed with the adjudication process, Community Bylaws will establish the format chosen by the disputant (in person, by phone, by fax or in writing), provide possible adjudication appointment times based on 20 minutes per case and schedule the Adjudicator and issuing Officer (if necessary).
- Once the Adjudicator considers the evidence from the issuing Officer and the disputant, they are only charged with establishing whether the infraction did take place, confirming that all information surrounding the incident and the applicable Bylaw is correct and that the Notice was issued and served correctly.
- If the Adjudicator upholds the case, the full fine amount is payable (the Adjudicator has no authority to cancel or alter the fine payable) and the unsuccessful disputant also has to pay a fee of \$25.00 per Notice to offset the costs associated with the adjudication system.
- Should the Adjudicator find in favour of the disputant, no fines or fees are payable.
- Should the recipient of the Notice of Bylaw Violation choose not to dispute within 28 days and, the Notice of Bylaw Violation still remains unpaid 60 days from the date of delivery, an additional late payment fee of \$25.00 will be added to the amount owing to offset some of the collection fees.

### 3. Enabling Bylaw

- Attached is the proposed Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 which
  1. establishes the scope and application of the adjudication system in Richmond;
  2. outlines the relative fines, payment and dispute deadlines and any applicable adjudication or late payment fees;
  3. outlines the identity and function of the screening officers; and
  4. the designation of bylaw enforcement officers.

The wording and terminology within the bylaw is in keeping with the enabling Provincial legislation under the *Local Government Bylaw Notice Enforcement Act*.

- Also required are minor amendments to the City's Traffic Bylaw No. 5870 and Parking (Off-Street) Regulation Bylaw No. 7403 to increase the early payment amounts by \$5.00 each and to amend the wording to reflect the change from Provincial Court procedures to the new Bylaw Dispute Adjudication System. These amendments will be forwarded for Council's consideration and adoption prior to the official launch date of April 1, 2007 and to be effective at the same time.

#### 4. Screening Process – Positions & Policy

- Attached is the proposed Council Policy outlining the scope and discretion to be exercised by the Screening Officer in addressing recipients' concerns and providing Council direction regarding the reasons for the cancellation of Notices of Bylaw Violation. Section 10 (2) of the *Local Government Bylaw Notice Enforcement Act* contains the following:

“A screening officer, after reviewing a bylaw notice, may

(a) cancel the notice if, in the screening officer's opinion,

(i) the contravention did not occur as alleged,

(ii) the bylaw notice does not comply with section 4 (4) [*bylaw notice – required information*], or

(iii) a ground for cancellation authorized by the local government is satisfied,

(b) confirm the bylaw notice and refer it to an adjudicator unless the request for dispute adjudication is withdrawn, or

(c) if authorized by bylaw, enter into a compliance agreement with the person.”

- Within the proposed Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, the positions designated to conduct the screening process include the following positions:
  - a. Manager, Community Bylaws
  - b. Supervisor, Parking Program
  - c. Field Supervisor, Parking Program; and
  - d. Community Bylaw Assistants
- Neither the issuing bylaw enforcement officer nor any other active bylaw enforcement officer will be able to act as a screening officer within the City of Richmond's Dispute Adjudication System. This will ensure an impartial approach within the scope of the adopted Richmond City Council Policy.

#### 5. Operating Procedures

- *adjudication facilities* – The adjudication hearings will take place in a well-advertised, convenient and accessible public area within City Hall with public seating as well as convenient access to fax and speaker phones for alternate forms of the hearing process. The disputant is able to choose in advance to conduct the adjudication hearing in person, in writing, by e-mail, by fax or by telephone. We will be providing a laptop computer for the use of the contracted adjudicator.
- *hours of operation* – In order to balance the costs of conducting these hearings and the convenience for the disputants who may be occupied during normal business hours, we will be scheduling alternating hearing dates during regular City Hall hours of 8:15 am and 5:00 pm and during the evening hours from 6:00 pm to 9:00 pm.

- *software upgrades* – Arrangements will be made to upgrade the existing parking ticket management software to provide the necessary enhancements to manage the new adjudication system. Quotations from the applicable supplier totals \$40,000. Once Council has approved the establishment of the bylaw adjudication system and the purchase of the necessary software upgrades, there will be a testing and implementation period of approximately 3 to 4 months before we can fully implement the new system. We will therefore plan to implement the new system effective April 1, 2007.
- *ticket stock* – We have managed our existing ticket stock to ensure that there is a nominal amount of wastage due to printing costs associated with required revisions in the text. Costs in this area will be in keeping with our normal budgeted operating expenses.

#### 6. Communications Plan

- Community Bylaws will work closely with the City's Production Centre and Communications staff to produce, in advance of the official launch:
  - information pamphlets to be provided when Notices of Bylaw Violation are issued on vehicles, in person or by mail explaining the new adjudication process and the options available
  - local media coverage and City Page insertions highlighting the advantages of the new adjudication process

#### 7. Training Plan

- Community Bylaws staff would be trained regarding the more formal screening process through the resources and cooperation of staff involved in the North Shore pilot program taking into account the specific Policy adopted by Richmond City Council.
- Specific software and hardware training would be provided as part of the budgeted upgrade to address process administration, adjudication and resource scheduling and improved real-time communication.

#### 8. Adjudication Contractor

- To ensure an independent hearing by the adjudicator, the contract for adjudication services is between Court Services in Victoria and a local adjudication provider on the basis of fees established by the Provincial Government. In the case of Richmond, the adjudication services will be provided by Hugh Gaffney & Associates based in Surrey. Community Bylaws Division will be administering the dispute adjudication system, scheduling hearings for those who wish to dispute their tickets, scheduling facilities and resources and arranging for an adjudicator to be provided by the contractor.

**Financial Impact**

While the transition to adopt the Bylaw Dispute Adjudication System involves a significant investment, the initial and on-going benefits provide an aggressive payback period. Within the future changes to the Traffic Bylaw No. 5870 and the Parking (Off-Street) Regulation Bylaw No. 7403 are increases to the early payment amount shown on each Notice of Bylaw Violation of \$5.00 each. These amounts have not been adjusted over the past 5 years for any CPI indexing and represent approximately 80% of the Notices issued by our Officers.

There would be no requirement for additional staffing to administer the new system. Staff time presently used to administer the Provincial Court process will be used to administer the new adjudication system. For the software upgrade, there is no operational budget expense impact for the first year due to warranty and approximately \$2,000 per year beyond.

The following charts outline the immediate and on-going costs and benefits of adopting the new Bylaw Dispute Adjudication System:

- **Transition Capital Costs**

	Cost	Annual Benefit
Required Software & Hardware Upgrades <ul style="list-style-type: none"> <li>• Notice issuance &amp; tracking</li> <li>• network &amp; Bill 65 components</li> <li>• adjudication scheduling</li> <li>• staff training</li> </ul>	\$ 40,000	
Laptop Computer for Adjudicator	\$ 2,500	
Proposed increase in early payment amount (\$5 / tkt x 19,000 tkts x 80% voluntary payment)		\$ 76,000
<b>Payback period for transition costs</b>	<b>7 months</b>	

- **On-Going Operational Costs & Benefits**

(based on Pilot Program experience outlined in Section 1 of the Analysis above and Richmond's Parking Program)

	Cost	Annual Benefit
Improvement in Fine Payment rate (4% of \$490,000)		\$ 19,600
Reduction in Collection Fees (20% of \$37,500)		\$ 7,500
Reduction in Notice Dispute Rate (savings in Officer time in Court & lost enforcement opportunities – see attached Provincial Court analysis)		\$ 14,000
Reduction in Mailing & Handling Costs		\$ 570
Pre-Hearing & Ticket Screening (2% x 19,000 tkts x .25 hrs x \$35 / hr)	\$ 3,325	
Dispute Scheduling (120 hearings x .25 hrs x \$35 / hr)	\$ 1,050	
Adjudicator Contract Costs (120 hearings @ 16 / day = 7.5 days) (7.5 days @ \$375 / day) + administration fee of 20%	\$ 2,815 \$ 563	
Security Officer (4 hrs / day x 7.5 days x \$16 / hr)	\$ 480	
Room Rental	Nil	
Dispute Fee for Unsuccessful Adjudication (90% x 120 hearings x \$25 fee)		\$ 2,700
<b>Totals</b>	\$ 8,233	\$ 44,370
<b>Annual Operating Benefit</b>	<b>\$ 36,137</b>	



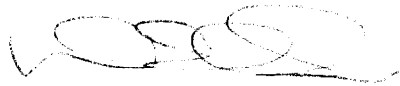
In summary, the initial costs involved in transition to the new Bylaw Dispute Adjudication System would be recovered in approximately 7 months based solely on the increased revenue from the revised early payment amount for Notices of Bylaw Violation. This payback period would be reduced further to approximately 4.5 months when we include the operating benefits in adopting the new system. Once the transition costs are covered, the positive impact on revenue for the Parking Program would be approximately \$112,000 per year.

The financial impact to the 2007 Capital Budget is an additional \$42,500 for the Establishment of the Bylaw Adjudication System. Funding is available through the Enterprise Fund.

### Conclusion

Staff recommends that Council:

- approve for adoption effective April 1, 2007, the necessary enabling Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 to create the Bylaw Dispute Adjudication System for Richmond;
- approve for adoption effective April 1, 2007, the necessary Council Policy outlining the scope and discretion to be exercised by the Screening Officer pursuant to Section 10 (2) of the *Local Government Bylaw Notice Enforcement Act*; and
- endorse public education initiatives to be developed in consultation with the City's Communications Division; and
- approve the amendment of the 2007 Capital Budget to include the addition of \$42,500 for the necessary transition costs related to software upgrades and a laptop computer for the Establishment of the Bylaw Adjudication System.



Wayne G. Mercer  
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WGM:wgm

Att: Business Analysis – Provincial Court Appearances  
Costs for Software Upgrades  
Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122  
Council Policy re: Grounds for Cancellation for Notices of Bylaw Violation

**City of Richmond  
Business Analysis - Parking Violations  
Provincial Court Appearances**

Effective January 30, 2006

Richmond Provincial Court began scheduling and hearing outstanding parking violations on October 15, 2004 after a suspension of hearings that lasted approximately 18 months

The cases going to Court involve infractions that occurred in the beginning of 2003 and this has taxed the memories of the offenders as well as the Officers involved

The following analysis is based on the Officers' experiences and reports following approximately

**96 Court sessions since October 15, 2004**

	<u>Revenue</u>	<u>Expense</u>	
Face Value of 515 Violations scheduled	\$ 30,670.00		100%
Value of Violations Dismissed or Closed	\$ 15,855.00		52%
Amount Paid on Decision or Agreement	\$ 6,275.00	\$ 6,275.00	20%
Amount Unpaid on Decision - Sent for Collection	\$ 8,540.00		28%
Potential Revenue from Collection (assuming 100% success less applicable fees)	\$ 5,721.80	\$ 5,721.80	19%
Wages & benefits of Attending Officers (96 sessions @ 2.5 hrs / session x \$30.00 / hr)		\$ 7,200.00	
Lost Opportunity Costs - Officer not on Patrol (Ave Net Violation Rev / hr / Officer of \$31.50 x 2.5 hrs x 96 days)		\$ 7,560.00	
	<u>\$ 11,996.80</u>	<u>\$ 14,760.00</u>	
		<b><u>-\$ 2,763.20</u></b>	

**Loss experienced on 96 Provincial Court appearances  
Sixteen Months from Oct 15, 2004 to Jan 30, 2006**

**An average loss of \$5.37 per violation for every one of 515 scheduled through Provincial Court**

**City of Richmond**  
**Community Bylaws Division**

**Bylaw Dispute Adjudication System**  
**Software Upgrades**

<u>Quantity</u>	<u>Description</u>	<u>Unit</u>	<u>Upgrades for Adjudication System</u>
1	Upgrade for AutoISSUE Host System Client version with Citation Issuance Reporting package	\$ 4,500.00	\$ 4,500.00
1	Windows Network Version Upgrade	\$ 4,500.00	\$ 4,500.00
1	AutoPROCESS Configuration Upgrade re: Bill 65 Adjudication Requirements (incl Hearing Module)	\$ 25,000.00	\$ 25,000.00
1	AutoISSUE Training & Installation On-site Visit for 1 day	\$ 1,200.00	\$ 1,200.00
1	Administration for Bill 65 Software On-site Visit for 1 day	\$ 1,200.00	\$ 1,200.00
1	Installation & Testing On-site Visit for 1 day	\$ 1,200.00	\$ 1,200.00
	<b>Sub-Total for Software, Installation &amp; Training</b>		<b>\$ 37,600.00</b>
	<b>Total before Taxes</b>		<b>\$ 37,600.00</b>
	<b>TOTAL</b>		<b>\$ 37,600.00</b>



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**Notice of Bylaw Violation Dispute Adjudication  
Bylaw No. 8122**

The Council of the City of Richmond enacts as follows:

**PART ONE - APPLICATION**

- 1.1 This bylaw applies only to those contraventions included in the following bylaws as enacted by the City of Richmond:
- (a) Traffic Bylaw No. 5870, as amended;
  - (b) Parking (Off-Street) Regulation Bylaw No. 7403, as amended;
- and that are identified in Schedule A, attached hereto and forming part of this bylaw.
- 1.2 Nothing in this bylaw precludes or relieves a person from complying with the provisions of the *Motor Vehicle Act* and regulations or any other applicable local, provincial or federal enactment or regulation.

**PART TWO - INTERPRETATION**

- 2.1 In this Bylaw, unless the context otherwise requires:

<b>ACT</b>	means the <i>Local Government Bylaw Notice Enforcement Act, SBC 2003, c 60</i> .
<b>CITY</b>	means City of Richmond.
<b>DAY</b>	means a calendar day;
<b>EARLY PAYMENT OPTION</b>	means an amount that reflects a discount deducted from the <b>Penalty</b> as described in section 6 of the <b>Act</b> and identified in Column A6 of Schedule "A".
<b>LATE PAYMENT AMOUNT</b>	means the amount due when a surcharge is added to the <b>Penalty</b> as described in section 6 of the <b>Act</b> and identified in Column A7 of Schedule "A".

**NOTICE OF BYLAW VIOLATION**

means a Bylaw Notice as issued by a City of Richmond Bylaw Enforcement Officer pursuant to this bylaw and section 4 of the **Act**.

**PENALTY**

means the amount that the recipient is liable to pay in respect of a contravention of the related bylaw as identified in Column A5 of Schedule “A”.

**RECEIPT OR RECEIVED**

in relation to a **Notice of Bylaw Violation**, includes the date that, under the **Act**, a **Notice of Bylaw Violation** is presumed to have been received by the person to whom it is addressed.

- 2.2 The terms in this bylaw, that are not defined in section 2.1, have the same meaning as the terms defined in the **Act**.

**PART THREE – BYLAW CONTRAVENTIONS****3.1 Bylaw Contraventions**

- 3.1.1 The bylaw contraventions designated in Schedule “A”, as attached to and forming part of this bylaw, may be dealt with by **Notice of Bylaw Violation**.

**PART FOUR – PENALTIES****4.1 Penalties**

- 4.1.1 The amount due for a bylaw contravention referred to in section 3 is:
- (a) subject to paragraphs b), c) and d) herein, the **Penalty** amount set out in Column A5 of Schedule “A”, for the related contravention described in Column A1, A2 and A3;
  - (b) if payment is received by the **City** within 28 calendar **days** from the date of receipt of the **Notice of Bylaw Violation** in accordance with the **Act**, the **Early Payment Option** set out in Column A5 of Schedule “A”, for the related contravention described in Column A1, A2 and A3;
  - (c) if payment is received more than 60 **days** from the date of delivery of the **Notice of Bylaw Violation** in accordance with the **Act**, the **Late Payment Amount** set out in Column A4 of Schedule “A”, for the related contravention described in Column A1, A2 and A3; or
  - (d) if paid under a compliance agreement, subject to a reduction as provided under Column A8 of Schedule “A”, for the related contravention described in Column A1, A2 and A3.

## PART FIVE – PERIOD FOR PAYING OR DISPUTING NOTICE OF BYLAW VIOLATION

### 5.1 Period for Paying or Disputing Notice of Bylaw Violation

- 5.1.1 A person who receives a **Notice of Bylaw Violation** may, within 28 **days** from the date of **receipt** of the **Notice of Bylaw Violation** in accordance with the **Act**,
- (a) pay the applicable amount of the **Early Payment Option** established in section 4.1(b) of this bylaw by:
    - (i) completing the payment portion of the **Notice of Bylaw Violation**, indicating the **Early Payment Option** and delivering, with payment in full of that amount, either in person during regular office hours or by mail, to the City Hall;
    - (ii) making payment in the amount of the **Early Payment Option** through the on-line payment section of the **City's** web site;
    - (iii) making payment in the amount of the **Early Payment Option** through the telephone payment system established by the **City**;  
or
  - (b) request dispute adjudication by completing the adjudication section on the reverse of the **Notice of Bylaw Violation**, and delivering either in person during regular office hours or by mail, to the City Hall.
- 5.1.2 After 28 **days** of having **received** a **Notice of Bylaw Violation**, a person may not request adjudication and, if the person has taken no action under section 5.1, must pay the **Penalty** or the **Late Payment Amount** established in section 4.1.
- 5.1.2 If, within 21 **days** of having **received** a subsequent notice from the **City** indicating the amount owing pursuant to a **Notice of Bylaw Violation** that was not delivered personally, a person may advise the **City**, in writing, that they did not receive the original **Notice of Bylaw Violation** and the time periods established under sections 4 and 5 of this bylaw do not begin until the day after the date that the second copy of the **Notice of Bylaw Violation** is issued to the person.
- 5.1.3 A person is conclusively deemed to have received a second copy of a **Notice of Bylaw Violation**.

## **PART SIX – BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM**

### **6.1 Bylaw Notice Dispute Adjudication System**

- 6.1.1 The bylaw notice dispute adjudication system is established in accordance with section 14 of the **Act** to resolve disputes in relation to **Notices of Bylaw Violation**.
- 6.1.2 The civic address of the bylaw notice dispute adjudication system is 6911 No. 3 Road, Richmond, B.C., V6Y 2C1.
- 6.1.3 All processes, procedures, hearings and determinations will be in accordance with the **Act**. In the event of an inconsistency between the **Act** and this bylaw, the **Act** shall apply to the extent of the inconsistency, but this bylaw shall not be deemed inconsistent if a person who complies with the bylaw does not, by this, contravene the **Act**.
- 6.1.4 A person who is unsuccessful in a dispute adjudication in relation to a **Notice of Bylaw Violation** or a compliance agreement must pay the **City** an additional fee of \$25.00 as permitted under section 23 (2) of the **Act** for the purpose of the **City** recovering a portion of the costs of administering the bylaw notice dispute adjudication system.

## **PART SEVEN – SCREENING OFFICERS**

### **7.1 Screening Officers**

- 7.1.1 Pursuant to section 10 of the **Act**, the position of screening officer is established to review the circumstances surrounding a **Notice of Bylaw Violation** before dispute adjudication in respect of the **Notice of Bylaw Violation** may be scheduled.
- 7.1.2 The following are designated titles of persons that, pursuant to the terms set out in section 8.1 of this bylaw, are appointed as screening officers:
- (a) Manager, Community Bylaws;
  - (b) Supervisor, Parking Program;
  - (c) Field Supervisor, Parking Program; and
  - (d) Community Bylaw Assistants.

## PART EIGHT – POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

### 8.1 Powers, Duties and Functions of Screening Officers

8.1.1 The powers, duties and functions of screening officers are as set out in the **Act**, and include the following powers:

- (a) Where requested by the person against whom a contravention is alleged:
  - (i) communicate information respecting the nature of the contravention,
  - (ii) provide a copy or reference to the bylaw contravened,
  - (iii) outline the facts on which the contravention allegation is based,
  - (iv) confirm the penalty for a contravention,
  - (v) where permitted, provide the opportunity to enter into a compliance agreement,
  - (vi) provide the opportunity to proceed to the bylaw notice dispute adjudication system, and
  - (vii) confirm the fee or fees payable in relation to late payments or the bylaw notice dispute adjudication system.
- (b) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the **Act**:
  - (i) the person against whom a contravention is alleged or their representative,
  - (ii) the bylaw enforcement officer issuing the **Notice of Bylaw Violation**,
  - (iii) the complainant or their representative, or
  - (iv) the City's staff and records regarding the disputant's history of bylaw compliance.
- (c) Where permitted, to prepare and enter into compliance agreements under the **Act** with persons who dispute a **Notice of Bylaw Violation**, including the establishment of terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and ultimate compliance with the bylaw;
- (d) To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in Column A5 of Schedule "A" as attached to this bylaw; and
- (e) To cancel **Notices of Bylaw Violation** in accordance with the **Act** or adopted **City** policy.



- (f) The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in Column A4 of Schedule “A” as attached to this bylaw.
- (g) The maximum duration of any compliance agreement is one year.

## **PART NINE – BYLAW ENFORCEMENT OFFICERS**

### **9.1 Bylaw Enforcement Officers**

- 9.1.1 Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the **Act**:
  - (a) members of the Royal Canadian Mounted Police;
  - (b) bylaw enforcement officers as appointed by the **City** under Section 36 of the *Police Act*;
  - (c) local assistants to the Fire Commissioner under Section 6 of the *Fire Services Act*; or
  - (d) bylaw enforcement officers, licensing inspectors, building inspectors, animal control officers, public health officers, or other persons acting in another capacity on behalf of the **City**, for the purpose of enforcement of one or more of its bylaws.

## **PART TEN – FORM OF NOTICE OF BYLAW VIOLATION**

### **10.1 Form of Notice of Bylaw Violation**

- 10.1.1 The **City** may from time to time provide for the form or forms of the **Notice of Bylaw Violation**.

## **PART ELEVEN - SCHEDULES**

### **11.1 Schedules**

- 11.1.1 The following schedules are attached to and form part of this bylaw:

**Schedule A – Designated Bylaw Contraventions and Corresponding Penalties**

## PART TWELVE – BYLAW CITATION AND EFFECT

12.1 This Bylaw is cited as “**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122**”.

12.2 This bylaw has force and effect as of April 1, 2007.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE A to BYLAW NO. 8122**  
**Designated Bylaw Contraventions and Corresponding Penalties**

A1 Bylaw	1 2	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
		<b>Period of Time from Receipt (inclusive)</b>		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Traffic Bylaw No. 5870 (1992)		Parking over 48 hours Parking over 3 hours between 8 am and 6 pm Overtime parking Park without valid proof of payment	12.4 (d) 12.4 (l) 12.4 (r) 12A.2	No	\$ 40.00	\$ 25.00	\$ 65.00	n/a
Traffic Bylaw No. 5870 (1992)		Stopping on a sidewalk, boulevard or median Stopping in an intersection Stopping within 6 metres of a property line at an intersection Stopping within 1.5 metres of a sidewalk crossing, private road or lane Stopping within 6 metres of a stop sign or control signal Stopping so as to obstruct traffic Stopping on the roadway with no curb No stopping zone Stopping on a crosswalk Stopping within 6 metres of a crosswalk Stopping within a bus stop at an intersection	12.3 (a) 12.3 (b) 12.3 (c) 12.3 (d) 12.3 (e) 12.3 (f) 12.3 (g) 12.3 (h) 12.3 (j) 12.3 (k) 12.3 (l)	No	\$ 60.00	\$ 35.00	\$ 85.00	n/a

A1 Bylaw	1 A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
Traffic Bylaw No. 5870 (1992)	<p>Period of Time from Receipt (inclusive)</p> <p>Stopping within 16 metres of a bus stop sign in mid block</p> <p>Stopping on a bridge</p> <p>Stopping within 5 metres of a fire hydrant</p> <p>Stopping so as to obstruct a traffic sign</p> <p>Stopping within 15 metres of a railway crossing</p> <p>Stopping in a construction zone</p> <p>Stopping beside a yellow curb</p> <p>Parking in a lane</p> <p>Parking on a roadway where it is practicable to park off the roadway</p> <p>No parking zone</p> <p>Parking abutting a centre median</p> <p>Parking on the roadway side of a vehicle already stopped or parked</p> <p>Parking vehicle to display for sale</p> <p>Parking vehicle for repairs on street</p> <p>Parking vehicle to sell from vehicle</p> <p>Parking opposite or adjacent to excavation so as to obstruct traffic</p> <p>Parking abutting elementary school between 8 am and 5 pm</p> <p>Parking in loading zone over 5 minutes for passenger</p>	<p>12.3 (m)</p> <p>12.3 (n)</p> <p>12.3 (o)</p> <p>12.3 (r)</p> <p>12.3 (s)</p> <p>12.3 (t)</p> <p>12.3 (u)</p> <p>12.4 (a)</p> <p>12.4 (b)</p> <p>12.4 (c)</p> <p>12.4 (e)</p> <p>12.4 (g)</p> <p>12.4 (h)(i)</p> <p>12.4 (h)(ii)</p> <p>12.4 (h)(iii)</p> <p>12.4 (i)</p> <p>12.4 (m)</p> <p>12.4 (o)</p>	<p>n/a</p> <p>No</p>	<p>29 to 60 days</p> <p>\$ 60.00</p>	<p>1 to 28 days</p> <p>\$ 35.00</p>	<p>61 days or more</p> <p>\$ 85.00</p>	<p>n/a</p> <p>n/a</p>

A1 Bylaw	1 A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
Traffic Bylaw No. 5870 (1992)	<p>Parking in loading zone over 30 minutes for materials</p> <p>Parking so as to obstruct a traffic sign</p> <p>Parking on school grounds or in City parks between 3 am and 6 am</p> <p>Parking with expired plates or no plates</p> <p>Parking in a construction zone</p> <p>Moving a vehicle within a block to avoid time limits</p> <p>Stopping or parking other than on the right side of the roadway in the direction of traffic</p> <p>Stopping other than parallel to the curb or edge of the roadway</p> <p>Parking beyond 30 cm from front of vehicle to adjacent curb</p> <p>Parking not in a marked stall</p> <p>Parking with vehicle or the load thereon extending into traffic</p> <p>Parking at an angle other than 45 degrees or as indicated by lines or signs</p> <p>Parking beyond 30 cm from front of vehicle to adjacent curb</p> <p>Parking without displaying a valid parking permit</p> <p>Overweight vehicle on a weight limited roadway</p>	<p>12.4 (p)</p> <p>12.4 (q)</p> <p>12.4 (s)</p> <p>12.4 (t)</p> <p>12.4 (u)</p> <p>12.4A</p> <p>12.5</p> <p>12.5</p> <p>12.5</p> <p>12.6</p> <p>12.7</p> <p>12.7</p> <p>12.7</p> <p>12B.6</p> <p>15.2</p>	No	\$ 60.00	\$ 35.00	\$ 85.00	n/a

A1 Bylaw	1 2	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
		Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Traffic Bylaw No. 5870 (1992)		Remove, obliterate or otherwise interfere with any markings made by a Bylaw Enforcement Officer	35.B.1	No	\$ 60.00	\$ 35.00	\$ 85.00	n/a
Traffic Bylaw No. 5870 (1992)		Parking a commercial vehicle during prohibited hours	12.8	No	\$ 100.00	\$ 55.00	\$ 125.00	n/a
		Parking a commercial vehicle over 3 hours from 7 am to 7 pm	12.9					
		Parking a commercial vehicle abutting property used for residence, church, school or public park	12.10					
		Parking an unattached trailer	12.11					
		Parking in a disabled parking space without specified hanger	12.13					
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)		Parking beyond posted time limit	2.1.1 (i)	No	\$ 40.00	\$ 25.00	\$ 65.00	n/a
		Parking without valid proof of payment	5.1.2					
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)		Parking in a reserved parking space without an authorized parking permit	2.1.1 (f)	No	\$ 60.00	\$ 35.00	\$ 85.00	n/a
		Parking in loading zone over 5 minutes for passenger	2.1.1 (g)(i)					
		Parking in loading zone over 30 minutes for materials	2.1.1 (g)(ii)					
		Stopping or parking a vehicle where prohibited	3.2.1 (c)					
		Parking outside of designated lines	3.2.1 (d)					
		Parking in an area not designated for parking	3.3.1 (b)(i)					
		Parking with expired plates or no plates	3.3.1 (b)(ii)					

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	2	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)		Parking without displaying a valid parking permit	5.1.2 (c)	No	\$ 60.00	\$ 35.00	\$ 85.00	n/a
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)		Parking in a disabled parking space without specified hanger	2.1.1 (h)(i)	No	\$ 100.00	\$ 55.00	\$ 125.00	n/a



**1.0 Purpose:**

WHEREAS effective April 1, 2007, the City of Richmond will adopt Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 designating certain contraventions of Traffic Bylaw No. 5870, as amended, and Parking (Off-Street) Regulation Bylaw No. 7403, as amended, that may be dealt with by Notice of Bylaw Violation; and

WHEREAS effective April 1, 2007, the City of Richmond will establish a position of Screening Officer who must review all disputed Notices of Bylaw Violation before dispute adjudication, in respect of the Notice of Bylaw Violation, may be scheduled; and

WHEREAS effective April 1, 2007, the Screening Officer will have the power to cancel a Notice of Bylaw Violation on a basis authorized by the City of Richmond pursuant to Section 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the City of Richmond finds it expedient to provide grounds for cancellation of a Notice of Bylaw Violation in certain circumstances.

NOW THEREFORE effective April 1, 2007, the City of Richmond resolves to authorize the Screening Officer to cancel Notices of Bylaw Violation in the described circumstances set out in this policy.

**2.0 Policy No. \_\_\_\_\_:**

2.1 The Screening Officer is authorized to cancel a Notice of Bylaw Violation where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available.

- (a) Identity cannot be proven. For example:
  - (i) The Notice of Bylaw Violation was issued to the wrong person or company, as driver or registered owner of the vehicle; or
  - (ii) The vehicle involved in the contravention had been stolen.
- (b) An exception specified in the Bylaw or a related enactment is identified.
- (c) There is poor likelihood of success at adjudication for the City. For example:
  - (i) The evidence is inadequate to show a contravention; or





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Adopted by Council: ☼

Policy ☼

File Ref:  
12-8060-20-8122

Screening Officer Policy  
Notice of Bylaw Violation – Grounds for Cancellation

- (ii) The Bylaw Enforcement Officer relied on incorrect information in issuing the Notice of Bylaw Violation; or
  - (iii) The Notice of Bylaw Violation was not completed properly; or
  - (iv) The Bylaw provision quoted is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety. For example:
- (i) The contravention was the result of a documented medical emergency.
- (e) The Notice of Bylaw Violation is one of a number of Notices of Bylaw Violation arising out of the same incident; in which case, the Screening Officer may cancel all but the most appropriate Notice of Bylaw Violation.
- (f) It is not in the public interest to proceed to adjudication for one of the following reasons:
- (i) The person who received the Notice of Bylaw Violation was permitted or entitled to take the action but the issuing Bylaw Enforcement Officer was not aware of this permission or entitlement. The permission or entitlement must be presented in writing by the responsible authority.
  - (ii) The person who received the Notice of Bylaw Violation was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed.
  - (iii) The relevant section of the applicable Bylaw has changed since the Notice of Bylaw Violation was issued and now authorizes the contravention.
- (g) The person who received the Notice of Bylaw Violation exercised due diligence in their efforts to comply with the Bylaw. For example;
- (i) As a result of mechanical problems, the person could not comply with the Bylaw; or
  - (ii) The installed regulatory sign indicating the Bylaw requirement was not visible.