



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:

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

JAN 08 2007

SECOND READING

JAN 08 2007

THIRD READING

JAN 08 2007

ADOPTED

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 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)	Period of Time from Receipt (inclusive) 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	n/a No	29 to 60 days \$ 40.00	1 to 28 days \$ 25.00	61 days or more \$ 65.00	n/a 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 (i) 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)	2	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
		Stopping within 16 metres of a bus stop sign in mid block	12.3 (m)	No	\$ 60.00	\$ 35.00	\$ 85.00	n/a
		Stopping on a bridge	12.3 (n)					
		Stopping within 5 metres of a fire hydrant	12.3 (o)					
		Stopping so as to obstruct a traffic sign	12.3 (r)					
		Stopping within 15 metres of a railway crossing	12.3 (s)					
		Stopping in a construction zone	12.3 (t)					
		Stopping beside a yellow curb	12.3 (u)					
		Parking in a lane	12.4 (a)					
		Parking on a roadway where it is practicable to park off the roadway	12.4 (b)					
		No parking zone	12.4 (c)					
		Parking abutting a centre median	12.4 (e)					
		Parking on the roadway side of a vehicle already stopped or parked	12.4 (g)					
		Parking vehicle to display for sale	12.4 (h)(i)					
		Parking vehicle for repairs on street	12.4 (h)(ii)					
		Parking vehicle to sell from vehicle	12.4 (h)(iii)					
		Parking opposite or adjacent to excavation so as to obstruct traffic	12.4 (i)					
		Parking abutting elementary school between 8 am and 5 pm	12.4 (m)					
		Parking in loading zone over 5 minutes for passenger	12.4 (o)					

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)	Parking in loading zone over 30 minutes for materials	12.4 (p)	No	\$ 60.00	\$ 35.00	\$ 85.00	n/a
	Parking so as to obstruct a traffic sign	12.4 (q)					
	Parking on school grounds or in City parks between 3 am and 6 am	12.4 (s)					
	Parking with expired plates or no plates	12.4 (t)					
	Parking in a construction zone	12.4 (u)					
	Moving a vehicle within a block to avoid time limits	12.4A					
	Stopping or parking other than on the right side of the roadway in the direction of traffic	12.5					
	Stopping other than parallel to the curb or edge of the roadway	12.5					
	Parking beyond 30 cm from front of vehicle to adjacent curb	12.5					
	Parking not in a marked stall	12.6					
	Parking with vehicle or the load thereon extending into traffic	12.7					
	Parking at an angle other than 45 degrees or as indicated by lines or signs	12.7					
	Parking beyond 30 cm from front of vehicle to adjacent curb	12.7					
	Parking without displaying a valid parking permit	12B.6					
	Overweight vehicle on a weight limited roadway	15.2					

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
	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)					

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
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