



City of Richmond

Report to Committee

To: Community Safety Committee

Date: January 12, 2005

From: Don Pearson
Manager, Community Bylaws

File:

Re: Municipal Ticket Information (M.T.I.) Review

Staff Recommendation

That the report (dated January 12, 2005, from the Manager of Community Bylaws) regarding Municipal Ticket Information (M.T.I.) Review, be received for information and that staff report by the end of March 2005 on any appropriate adjustments to the current fine amounts.

Don Pearson
Manager, Community Bylaws
(4269)

Attachments - 2

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER		
Law.....	Y	<input checked="" type="checkbox"/> N			
REVIEWED BY TAG	YES	NO	REVIEWED BY CAO	YES	NO
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Staff Report

Origin

At the June 15, 2004 meeting of the Community Safety Committee, the Committee referred the following resolution to staff of the Community Bylaws and Law Department for a report by October 2004.

“That a review of the appropriateness of all fine rates contained in Richmond’s Municipal Ticket Information Authorization Bylaw No. 7321 be undertaken and coordinated by the City’s Law and Bylaws Departments.

- (1) That staff identify any additional bylaw sections and fines that should be included in the Municipal Ticket Information Authorization Bylaw; and*
- (2) That these bylaw changes be prepared and presented to the Community Safety Committee prior to October, 2004 for consideration.”*

Analysis

Legislatively, there have been a number of recent changes with respect to bylaws with the introduction of the *Community Charter*; which was given Royal Assent on May 29, 2003 and came into force on January 1, 2004.

In particular:

- a bylaw may establish a fine not greater than prescribed by regulation (Note: B.C. Regulation 425/2003, The Bylaw Enforcement Ticket Regulation, Section 2, increased the maximum fine penalty to \$1,000.00).
- for a continuing offence, for each day the offence continues; again, a fine not greater than the amount prescribed by regulation may be established.
- a bylaw may establish differing fine amounts dependent upon whether a ticket is paid before or after the 30 day date, the date after which the ticket was originally served.

A key element of this review hinges on the term *“appropriateness”* of fine rates in the M.T.I. Utilization Bylaw. Staff, in offering this submission, reflected on the reasons why the Municipal Ticket Information (M.T.I.) was established.

- The M.T.I. is designed to be used in connection with a less serious range of bylaw infractions than those addressed by the long form information (where charges are taken before a Provincial Court). Prior to the adoption of the Community Charter the Chief Judge of the Province would approve the fine amounts under the M.T.I.

The Charter does not require the Chief Judge's approval and this responsibility now lies within the municipalities.

- While the City now has the right to set fine levels, the concepts established by the Chief Judge remain valid.
- In setting fine amounts, the Chief Judge found it important to strike a balance. The fine amount should be high enough to provide a level of deterrence; however, it should also not be so high as to discourage voluntary payment or be so high that it encourages people to dispute a charge. Determining this balance is, to a large degree, subjective.
- Since there are many possible circumstances in which an offence can be committed, the fine amounts should take into account the less serious circumstances in which an offence can occur. Conversely, if the circumstances surrounding a particular offence appear extreme enough to call for a higher fine amount (than approved by the M.T.I.), the municipality retains the option to proceed by way of long form information under the Offence Act.

Another aspect of this review is a comparison of this community with other communities within the local region, and in a wider context, the province of British Columbia. A comparison with other municipalities is helpful in determining the proper balance for appropriate MTI fine rates.

Information in "Attachment A", titled "*COMPARISON – Municipal Ticket Information Penalties*" compares some of the pertinent information in the Richmond MUNICIPAL TICKET INFORMATION AUTHORIZATION BYLAW NO. 7321 to the cities of New Westminster, North Vancouver, Surrey and Kelowna.

The following observations and comments, are offered by staff in light of the information provided.

- Richmond's penalties are consistently within the top of the range of each type of infraction, with few exceptions. From the comparison, Richmond's penalties appear to be reasonably current and effectively set at appropriate levels.
- An opportunity to incorporate new penalties in relation to Pet Regulations under the Business Regulation Bylaw No. 7538 is conveniently timed. The Community Bylaws staff has taken over the inspections of pet stores and has taken over animal control issues from the SPCA. Staff will be proposing pet regulation penalties, as described in "Attachment B" of this memo. This initiative will be subject of a separate report to Committee. The proposal is offered as a safeguard to offset any future problems rather than to address any current problems, as the present status of the pet store situation in the community is of a compliant nature.
- Staff are also reviewing a number of initiatives under the Animal, Bird and Bee Keeping Bylaw and Dog Licensing Bylaw including those related to the inspection of Pet Stores. Other amendments to these bylaws relate to fine levels

for unlicensed dogs, dogs off-leash, the payment schedule for animals housed in the animal shelter and the amount of the licences for dogs.

Financial Impact

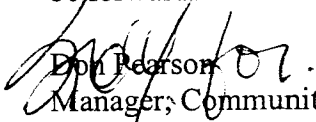
None

Conclusion

The submission of this report was delayed, initially, while the fine levels for offences under the Fireworks Regulation Bylaw were under review and then pending the resolution of the animal control responsibilities and the contract with the SPCA.

Reviews of this nature are an excellent opportunity to examine trends in other municipalities to ensure our enforcement practices, while remaining unique to Richmond, are consistent with what is occurring in other locations. It is our view, however, that changes to the Municipal Ticket Authorization Bylaw should be submitted with supporting detail to Council on a individual basis.

Reports covering the pet regulations and changes to the Animal, Bird and Beekeeping Bylaw will be forwarded to the Community Safety Committee scheduled for March 15, 2005.


Don Pearson
Manager, Community Bylaws
(4269)

DP:dp

Attachments - 2

COMPARISON - Municipal Ticket Information Penalties (i.e. Fines)

Animal, Bird & Beekeeping (Schedule B1)						
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna	
Animal confined in an enclosed space	\$100	\$100	n/a	n/a	n/a	
More than 2 dogs	\$100 - in a multiple-family dwelling	n/a	n/a	\$75	\$75	
More than 3 dogs	\$100 - in a one-family or two-family dwelling	\$100	\$50	n/a	n/a	
Leaving excrement	\$75	\$100	\$50	\$50	\$75	
Dog off leash	\$75	\$100	n/a	\$75	\$75	
Dangerous dog	\$200	\$250 - dangerous/vicious dog not muzzled	\$100 - unmuzzled dog	\$150	\$200	
Unconfined dog	\$100	n/a	n/a (\$100 - vicious dog)	n/a	\$75	
Dog at large	\$75	\$100	\$50	\$75	\$75	

Business Licence/Regulation (Schedule B2 & B3)						
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna	
No business licence	\$100	\$100	\$100	\$100	\$100	
No business licence displayed	\$50	n/a	n/a	\$50	\$50	

Commercial Vehicle Licencing (Schedule B4)						
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna	
Fail to obtain licence plate	\$50	\$75	\$25	n/a	\$50	

Dog Licencing (Schedule B5)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
No dog licence	\$100	\$100	\$50	\$50	\$75
Dog without tag	\$100	\$100	\$50	\$50	\$50

Fire Prevention (Schedule B6)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Open burning	\$50	\$100	n/a	\$100	n/a
Burning without permit	\$50	n/a	\$50	\$100	\$100

Firecracker and Fireworks Regulation (Schedule B7)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Selling firecrackers	\$1000	\$100	\$100	n/a	\$100
Selling to under 18/19	\$1000	n/a	\$100	\$100	\$50
Discharging or possessing firecrackers	\$100	\$50	\$100	\$100	\$50
Possessing fireworks under 18	\$100	n/a	n/a	\$100	n/a

Public Health Protection (Schedule B8)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Barking dog	\$100	\$150	\$150	\$100	\$100
Making noise which disturbs	\$100	\$100	\$150	\$100	\$100
Permitting noise which disturbs	\$100	\$100	\$150	\$100	\$100
Equipment noise which disturbs	\$100	\$100	\$150	\$100 - stereo	\$100
Animal noise which disturbs	\$100	Not specific	\$150	\$100	\$100
Vehicle noise which disturbs	\$100	\$100	\$150	\$100	\$100 - motor boat
Machinery noise which disturbs	\$100	n/a	\$600 / \$300 - construction - if paid in 2 working days	\$100 - construction	\$100 - construction
Smoking regulation prohibition signage failure to post	\$100	n/a	n/a	\$100	\$50

Public Parks and School Grounds Regulation (Schedule B9)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Loitering to take up a temporary abode overnight	\$50	n/a	n/a	\$50	\$100
Removing, harvesting, picking or damaging plant life or vegetation	\$100	\$100	n/a	\$100	n/a
Golfing	\$50	\$50	n/a	n/a	n/a
Entering or remaining in a public park or school ground between 1:00 pm and 5:00 am where prohibited by sign/after hours/dark	\$50	\$50	n/a	\$50	\$50

Signs (Schedule B10)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Displaying sign without permit	\$100	\$100	n/a	\$100	\$100
Displaying a sign on Public Property	\$100	n/a	n/a	n/a	\$100
Failure to remove abandoned sign	\$100	n/a	n/a	n/a	\$100
Displaying a portable sign	\$100	n/a	n/a	n/a	\$100

Solid Waste & Recycling Regulation (Schedule B11)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Depositing or Dumping Garbage	\$100	(\$100 - Unsanitary rubbish & Parks Regulation)	\$100	\$100	\$100
Tampering or removal of garbage/recyclable materials left for collection by another person on another property	\$100	n/a	n/a	n/a	\$50
Placement of garbage container/recycling receptacle out for collection on a property other than the property from which it came	\$100	n/a	n/a	n/a	\$50

Unsanitary Premises Regulation (Schedule B12)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Placing graffiti on wall, fences, or elsewhere on or adjacent to a public place	\$100	\$100	n/a	\$100	\$100

Vehicle for Hire Regulation (Schedule B13)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Failure to display a Chauffeur's permit	\$50	\$50	n/a	n/a	n/a
Failure to retain or make daily records available for inspection	\$100	n/a	n/a	n/a	\$100
Overcharging for towing from a scene of an accident	\$100	n/a	n/a	n/a	\$100 – Offering tow services at an accident scene

Water Restriction (Schedule B14)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Watering contrary to Stage 1 Restrictions	\$100	Recent GVRD Water Response Plan recommendations being considered	Recent GVRD Water Response Plan recommendations being considered	Recent GVRD Water Response Plan recommendations being considered	Not comparable / different regional district
Watering contrary to Stage 2 Restrictions	\$200				
Watering contrary to Stage 3 Restrictions	\$500				
Watering contrary to Stage 4 Restrictions	\$1000				

Zoning and Development (Schedule B15)					
Bylaw Item	Richmond	New Westminster	North Vancouver	Surrey	Kelowna
Parking or storing large commercial vehicle	\$100	\$100	n/a	\$100	\$100

PROPOSED MUNICIPAL TICKET INFORMATION PENALTIES
PET STORE REGULATION

Offence	Bylaw Section	Fine
Pet Establishment / Cage not maintained	12.2.1 (a)	\$100
Inadequate Cage	12.2.2 (a)	\$100
No segregation area	12.3.1	\$100
Fail to segregate ill / injured animal	12.3.1	\$100
Name of Veterinarian not posted	12.4.1 (a)	\$100
Fail to have ill/injured animal treated Properly by Veterinarian	12.4.1 (b)	\$100
Improper euthanasia/disposal of animal	12.4.1 (b)	\$100
Fail to keep/maintain Pet Establishment Register	12.5.1 (a)	\$100
Fail to produce Pet Establishment Register	12.5.1 (b)	\$100
Inadequate Record in Pet Establishment Record	12.5.3	\$100
Fail to provide information to Purchaser	12.6.1	\$100
Fail to post notice describing Reptile	12.7.1 (a)	\$100
Confine incompatible species together	12.8.1 (a)	\$200
Separate or deliver animal prior to weaning	12.8.1 (b)	\$100
Sell, offer for sale or display a Prohibited animal	12.8.1 (c) (i)	\$300
Sell or offer for sale a dyed animal	12.8.1 (c) (iii)	\$100