



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Public Works and Transportation Committee

DATE: March 15, 2000

FROM: J. Richard McKenna
City Clerk

FILE: 8060-20-7094

RE: Parking Off-Street Regulation Bylaw No. 7094

STAFF RECOMMENDATION

That Parking (Off-Street) Regulation Bylaw No. 7094, be introduced and given first, second and third readings.

J. Richard McKenna
City Clerk

Sandra Tokarczyk
Manager, Property Use & Administration

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
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STAFF REPORT

ORIGIN

The purpose of this report is to present an entirely rewritten Parking (Off-Street) Bylaw, as part of the program of updating and standardizing all City bylaws towards the development of the "Municipal Code".

ANALYSIS

Although the current Parking (Off-Street) Bylaw is relatively recent, and has few amendments, it really has a 'genre' of several decades ago. The new version of this bylaw, which is attached, proposes little in the way of actual policy change to the manner in which off-street parking is regulated. However, the following administrative changes to the Parking (Off-Street) Regulation Bylaw have been made:

- (a) inconsistent language, structure and format have been corrected;
- (b) "old fashioned" language has been modernized and made user friendly, without sacrificing the legal integrity of the bylaw;
- (c) certain ambiguities regarding voluntary fine amounts for specific parking infractions have been clarified;
- (d) definitions have been updated and made consistent with other City bylaws;
- (e) the list of City-owned properties on which parking is regulated by the bylaw (shown on Schedule A) has been updated and revised to reflect current holdings; and
- (f) a table of contents has been developed to facilitate easier use of the bylaw.

FINANCIAL IMPACT

None.

CONCLUSION

This rewrite of the Parking (Off-Street) Regulation Bylaw was necessary to ensure that the City's regulations are adequate, updated and easily understood by the public, and are defensible and enforceable. As and when time permits, Council can anticipate the presentation of more major bylaw revisions in the future.

J. Richard McKenna
City Clerk

Sandra Tokarczyk
Manager, Property Use & Administration

JRM:fja



CITY OF RICHMOND

PARKING (OFF-STREET) REGULATION

BYLAW NO. 7094

EFFECTIVE DATE -

PARKING (OFF-STREET) REGULATION

BYLAW NO. 7094

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CITY OF RICHMOND

**PARKING (OFF-STREET) REGULATION
BYLAW NO. 7094**

The Council of the City of Richmond, enacts as follows:

PART ONE: GENERAL APPLICATION

- 1.1 The provisions of this bylaw, regulating the **parking** of **vehicles** apply, only:
- (a) to the properties shown in Schedule A, which is attached and forms a part of this bylaw; and
 - (b) between 800 hours and 2400 hours each day, except where otherwise indicated.
- 1.2 Notwithstanding the provisions of Section 1.1, the regulation of **parking** in the spaces designated for "Mayor" and "Police Vehicles" is effective at all times.
- 1.3 Where, in this bylaw, an area is subject to two or more **parking** limitations, the more restrictive regulation applies.

PART TWO: DESIGNATED AND RESERVED PARKING SPACES

- 2.1 **Authorization for, and Parking Prohibitions In, Designated and Reserved Parking Spaces**
- 2.1.1 The **Manager, Civic Building Operations** is authorized to establish designated or reserved parking spaces, in any of the areas designated in Schedule A, under any of the following categories:
- (a) "Mayor" – No person other than the Mayor or Acting Mayor of the **City** is permitted to **park a vehicle** in a space so designated.
 - (b) "Councillor" – No person other than a Councillor of the **City** is permitted to **park a vehicle** in a space so designated.
 - (c) "Staff Parking" – No person is permitted to **park** in a space so designated, unless a **temporary parking permit** or **staff parking permit** has been issued, and the person to whom such permit is issued complies with the provisions of subsection 5.2.1.
 - (d) "City Vehicles" – No person is permitted to **park a vehicle** in a space so designated unless the **vehicle** is owned or leased by the **City**.
 - (e) "Police Vehicles" – No person is permitted to **park a vehicle** in a space so designated unless the **vehicle** is operated by a member of the RCMP, while on duty.

- (f) “Reserved Parking” – No person is permitted to **park a vehicle** in a space so designated unless that person has been issued a **parking permit** authorizing the person to **park** in that space.
- (g) “Loading Zone” – No person is permitted to **park a vehicle** in a space so designated, except:
 - (i) when loading or unloading passengers, for a period of time not exceeding 5 minutes; or
 - (ii) for the purposes of loading or unloading materials for a period of time not exceeding 30 minutes,for, or on behalf of, the **City**.
- (h) “Parking for Persons with Disabilities” – No person is permitted to **park** in a space so designated unless:
 - (i) the **vehicle** displays a valid placard issued by the Social Planning & Research Council of British Columbia (SPARC), indicating that the **vehicle** is operated by, or on behalf of, a person with disabilities; or
 - (ii) such person has been issued a **temporary parking permit** because of physical incapacity or injury.
- (i) “Time Limited Parking” – No person is permitted to **park a vehicle** in a space so designated, for any greater consecutive period of time than that indicated, unless that person has been issued either a **temporary parking permit** or **visitor parking permit**.

2.2 Parking Exceptions for Persons with Disabilities

- 2.2.1 A **vehicle** displaying a valid placard issued by the Social Planning & Research Council of British Columbia (SPARC) indicating that the **vehicle** is operated by or transporting a person with disabilities is not limited to the designated parking time indicated for the area in which the **vehicle** is **parked**.

PART THREE: TRAFFIC CONTROL DEVICES

3.1 Authorization for Traffic Control Devices

- 3.1.1. The **Manager, Civic Building Operations**, is authorized to place **traffic control devices** which:
 - (a) regulate the movement, speed or manner of operation of **vehicles**; and
 - (b) establish **parking** and **stopping** restrictionsin the areas designated in Schedule A.

- 3.1.2. The existence of a **traffic control device** which regulates **parking** or otherwise controls traffic, is prima facie evidence that such device was duly erected and maintained by the **Manager, Civic Building Operations**.

3.2 Traffic Control Devices - Prohibitions

- 3.2.1. A person must not:

- (a) move, remove, deface or alter, or obstruct the view of, or otherwise interfere with any **traffic control device**;
- (b) drive, walk on or over, any newly painted lines which are indicated by flags, traffic cones or other warning devices;
- (c) **stop, stand** or **park** a **vehicle** anywhere in contravention of a **traffic control device** which indicates that **stopping, standing** or **parking** is prohibited or restricted, except where otherwise directed by a **bylaw enforcement officer**, a **police officer**, or a person contracted by the **City** for traffic regulation purposes; or
- (d) **park** a **vehicle** anywhere on a parking lot, other than between the lines or markings indicating the limits of a single **parking stall**, where **parking stalls** have been marked on such parking lot, except where a **vehicle** is larger than a **parking stall**, in which case such **vehicle** must not occupy nor encroach on more than two **parking stalls**.

3.3 Miscellaneous Parking Prohibitions

- 3.3.1. A person must not:

- (a) remove, obliterate, or otherwise interfere with any markings made by a **bylaw enforcement officer** to determine length of time a **vehicle** remains **parked** in one location;
- (b) **stop, stand** or **park** a **vehicle**:
 - (i) in an area that is not designated a parking area; or
 - (ii) which does not have proper and valid number plates.

PART FOUR: OVERNIGHT PARKING

4.1 Exceptions to General Overnight Parking Prohibition

- 4.1.1. **Overnight parking** of **privately owned vehicles** is prohibited in all areas designated in Schedule A, with the following exceptions:

- (a) a **vehicle** operated by:
 - (i) a **police officer**, or
 - (ii) a civilian staff member of the Royal Canadian Mounted Policewho is on duty;

- (b) a **vehicle** which is in a space designated as “Staff Parking” in accordance with clause (c) of sub-section 2.1.1, provided such **vehicle** is operated by:
 - (i) a **police officer**, or
 - (ii) a staff member of the **City**who is on duty;
- (c) a **vehicle**, the **parking** of which is specifically authorized by the **Manager, Property Use & Administration**; or
- (d) a **vehicle** which is **parked** in a parking lot designated for “Public Parking”, in which **overnight parking** is authorized and which is signed to specifically permit **overnight parking**.

PART FIVE: PARKING PERMITS

5.1 Authorization to Issue Parking Permits

5.1.1. The **Manager, Property Use & Administration**, is authorized:

- (a) to issue **parking permits** under such conditions as considered necessary for the proper and orderly administration of **parking**; and
- (b) to revoke or reinstate **parking permits** issued under this Part.

5.2 Parking Permit Requirements and Restrictions

5.2.1. A person to whom a **parking permit** has been issued must:

- (a) comply with any conditions established for that **parking permit**; and
- (b) where the **parking permit** is in the form of an identification card, attach such card to the rear-view mirror of the **vehicle**; or
- (c) where the **parking permit** is in the form of a decal, prominently display such decal on the dash or front windshield of the **vehicle**.

5.2.2. Failure to comply with any conditions established for a **parking permit** renders such permit subject to immediate revocation without notice.

5.2.3. Only a **parking permit** issued under the authority of the **Manager, Property Use & Administration**, is valid.

PART SIX: REMOVAL OF A VEHICLE

6.1 Where a **vehicle** is **standing** or **parked** in violation of the provisions of Part 2 or Part 3, or in a position that could cause or causes it to interfere with an emergency vehicle, or a City vehicle used in connection with emergency maintenance or repairs, a **bylaw enforcement officer** or **police officer** may:

- (a) move or cause the **vehicle** be moved, or require the driver or person in charge of the **vehicle** to move it to a position determined by the Officer; or
- (b) move the **vehicle** or take the **vehicle** into their custody and cause it to be taken to be stored in a safe and otherwise suitable place.

6.2 All costs and charges for the removal, care or storage of a **vehicle** under this Part must be paid by the **owner** of such **vehicle**, and are a lien on such **vehicle** in favour of the owner or operator of any repair shop, garage, or storage place in which the **vehicle** is stored, and such liens may be enforced in accordance with the *Warehouse Lien Act* and the *Repairers Lien Act*.

PART SEVEN: INTERPRETATION

7.1 In this bylaw, unless the context otherwise requires:

BYLAW ENFORCEMENT OFFICER	means a bylaw enforcement officer of the City .
CITY	means the City of Richmond.
COUNCIL	means the Council of the City .
MANAGER, CIVIC BUILDING OPERATIONS	means the current Manager, Civic Building Operations of the Engineering and Public Works Division of the City ; or, in his absence, a manager within that division.
MANAGER, PROPERTY USE & ADMINISTRATION	means the Manager, Property Use & Administration of the Urban Development Division of the City ; or, in his absence, a Manager within that division.
OVERNIGHT PARKING	means the continuous standing of a vehicle for a period of three hours or more, between 2400 hours and 0800 hours each day, whether the vehicle is occupied or not.
OVER-TIME PARKING	means parking for a longer period of time than indicated on any traffic control device for the space in which the vehicle in question is parked .
OWNER	as applied to a vehicle , means: <ul style="list-style-type: none"> (a) the person who holds the legal title to the vehicle, and in whose name the vehicle is registered; or (b) a person who is a conditional vendee, a lessee or a mortgagor, and is entitled to be, and is, in possession of a vehicle.

PARK/PARKED/PARKING means the **standing** of a **vehicle**, whether occupied or not, other than up to 5 minutes for the purpose of, and while actually engaged in, loading or unloading of property, goods, or the discharging or taking on of passengers, or in compliance with the directions of:

(a) a **police officer**, a **bylaw enforcement officer**, or a person contracted by the **City** for traffic regulation purposes, or

(b) a **traffic control device**.

PARKING PERMIT

means an annual, or otherwise time-limited identification card or decal issued under the direction of the **Manager, Property Use & Administration**, in any of the following categories, which authorizes **parking** which would otherwise not be permitted:

(a) **temporary parking permit** which:

(i) authorizes a temporary employee of the **City** to **park**; or

(ii) a regular employee of the **City** to **park** temporarily

in a "Reserved Parking" area.

(b) **staff parking permit** which authorizes a **vehicle** to be **parked** in an area designated as "Staff Parking"; and

(c) **visitor parking permit** which authorizes a **privately owned vehicle** to **park** in a public parking area for a greater period of time than indicated or designated.

PARKING STALL

means a portion of a parking lot indicated by markings, as a parking place for one **vehicle**;

POLICE OFFICER

means a member of the Royal Canadian Mounted Police.

PRIVATELY OWNED VEHICLE

means any **vehicle** except the following:

- (a) city or provincial utility service vehicles;
- (b) service vehicles of a public utility corporation;
- (c) tow trucks;
- (d) parking enforcement vehicles; and
- (e) police and emergency vehicles

while being used for their intended purpose.

STOP or STAND

means:

- (a) when required, a complete cessation from movement, and
- (b) when prohibited, the stopping or standing of a **vehicle**, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of:
 - (i) a **police officer**, a **bylaw enforcement officer**, a person contracted by the **City** for traffic regulation purposes; or
 - (ii) a **traffic-control device**.

TRAFFIC CONTROL DEVICE

means a sign, line, meter, marking, space, barrier, or device; painted, placed or erected; to guide, regulate, warn, direct, restrict, control or prohibit **parking**, which is installed by authority of the **Manager, Civic Building Operations**.

VEHICLE

means the interpretation given in the *Motor Vehicle Act*, and includes motor vehicle and motorcycle, as defined in that *Act*.

PART EIGHT: VIOLATIONS & PENALTIES**8.1 Liability of Vehicle Owner**

8.1.1 The **owner** of a **vehicle** is liable for any violation of this bylaw:

- (a) except for the offences specified in clause (a) of sub-section 3.3.1 or in Section 8.4; and
- (b) notwithstanding that at the time of the violation, the **vehicle** is unattended, or is not in the possession of any other person.

8.1.2 On a prosecution of the **owner** of a **vehicle**, the burden of proving:

- (a) that the person in charge of the **vehicle** was not a person entrusted with the possession of that **vehicle** by the **owner**; or
- (b) that the registered owner is not the **owner**;

is on the accused.

8.2 Voluntary Fines

8.2.1 Every person who violates the provisions of:

- (a) clauses (a), (b), (c), (d), (e), (f) and (g) of subsection 2.1.1 is liable for the fine specified in Level II of Schedule B;

- (b) clause (h) of subsection 2.1.1 is liable for the fine specified in Level III of Schedule B; and
- (c) clause (i) of subsection 2.1.1 is liable for the fine specified in Level I of Schedule B

which is attached and forms a part of this bylaw.

8.3 Notice of Bylaw Violation Procedures

- 8.3.1 Notice of an alleged offence is to be given in the form of a "Notice of Bylaw Violation".
- 8.3.2 A **bylaw enforcement officer** or **police officer** must sign the "Notice of Bylaw Violation" and indicate the alleged offence as printed on the notice, or if the general description of the alleged offence is not printed on the notice, such offence must be written in the space provided for that purpose.
- 8.3.3 A Notice of Bylaw Violation may be delivered by a **bylaw enforcement officer, police officer**, certified mail, or left by a **bylaw enforcement officer** or **police officer** on the **vehicle** in respect of which the offence is alleged.
- 8.3.4 Where a Notice of Bylaw Violation indicates the pecuniary penalty for the commission of the offence charged, a person to whom a notice is delivered, or on whose **vehicle** a notice has been left, may deliver the penalty specified in accordance with the instructions indicated on the Notice, whereupon the person shall be deemed to have pleaded guilty to the offence described in the notice and to have paid the penalty imposed for the commission of the offence.

8.4 Tampering with Notice of Bylaw Violation

- 8.4.1 No person other than the **owner** or operator of a **vehicle** is permitted to remove any notice placed on, or affixed to, such **vehicle** by a **bylaw enforcement officer, a police officer**, or a person contracted by the **City** for traffic enforcement duties, who is enforcing or administering this bylaw.
- 8.4.2 Once any notice has been placed on, or affixed to, a **vehicle** by a **bylaw enforcement officer, a police officer**, or a person contracted by the **City** for traffic enforcement duties, it is unlawful for any person to alter such notice in any manner that it may be used or acted upon by any person as if the alteration was genuine.

8.5 Offence Act Procedures

- 8.5.1 Notwithstanding the provisions of Section 8.3, any person who:
 - (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
 - (b) fails to comply with any of the provisions of this, or any other bylaw or applicable statute; or

(c) neglects or refrains from doing anything required under the provisions of this bylaw; or

(d) makes any false or misleading statement,

is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

PART NINE: PREVIOUS BYLAW REPEAL

9.1 Richmond "Public Off-Street Parking Bylaw No. 6784", and Amendment Bylaw No. 7059 are repealed.

9.2 Municipal Hall Parking Lot Regulation Bylaw No. 3058 (adopted September, 1974) and Amendment Bylaw No. 3152 (adopted July, 1975) are hereby repealed.

PART TEN: SEVERABILITY AND CITATION

10.1 If any part, section, subsection, clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

10.2 This bylaw is cited as "**Parking (Off-Street) Regulation Bylaw No. 7094**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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

MAYOR

CITY CLERK

SCHEDULE A to BYLAW NO. 7094**AREAS GOVERNED OR INCLUDED IN BYLAW NO. 7094**

Page 1 of 2

1. **Minoru Park**, Lot A, Plan 5323, Section 8, Block 4 North, Range 6 West.
2. **Minoru Lakes and Bowling Green area**, Lot 26, Plan 24068, Section 8, Block 4 North, Range 6 West.
3. **City Hall and Public Safety Building and Grounds**, Lot A, Plan 38670, Section 8, Block 4 North, Range 6 West.
4. **Brighthouse Park**, Lot 1, Plan 12593, Section 17, Block 4 North, Range 6 West.
5. **Hugh Boyd Park, West Richmond Community Centre, and The Richmond Pitch and Putt Golf Course**, Part of Lot 4 Plan 24055, Section 26 Block 4 North, Range 7 West; Lot 2 Section 26 B4N R7W Plan 21269; Lot 61 Plan 46200 Section 26 B4N R7W.
6. **Steveston Community Centre and Park**, Lot 1, Section 11, Block 3 North, Range 7 West, Plan 68610; Lot 12, Block 8, Section 11, Block 3 North, Range 7 West, Plan 943; Lot A of Block 8, Section 11, Block 3 North, Range 7 West, Plan 5368; Lot 9 of Block 8, Section 11, Block 3 North, Range 7 West, Plan 943; W 1/2 of Lot 8, Block 8, Section 11, Block 3 North, Range 7 West, Plan 943; E 1/2 of Lot 8, Block 8, Section 11, Block 3 North, Range 7 West, Plan 943; Lot A, Section 11, Block 3 North, Range 7 West, Plan 4245; Lot B of Block 5, Section 11, Block 3 North, Range 7 West, Plan 4245; Lot 139, Section 2, Block 3 North, Range 7 West, Plan 42625; Lot 2, Sections 2 and 11, Block 3 North, Range 7 West, Plan 13722; described as the 2973.6m² portion of park dedicated on Plan 13722.
7. **South Arm Community Centre, Pool and Park**, Lots 1 & 2, Section 34, Block 4 North, Range 6 West, Plan 12915; Lot C, Section 34, Block 4 North, Range 6 West, Plan 15654.
8. **King George Park and the East Richmond Community Centre**, Lot 50, Section 31, Block 5 North, Range 5 West, Plan 35908; Lot A, Section 31, Block 5 North, Range 7 West, Plan 11696.
9. **Garry Point Park**, Lot A, Section 9, Block 3 North, Range 7 West, Plan 17350.
10. **McDonald Beach**, District Lot 309, Sections 11/12 B5N R7W, Plan 7020.
11. **Richmond Nature Park**, 5991 Jacombs Road and 11851 Westminster Highway.
12. **Thompson Community Centre**, Lot 2, Section 12, Block 4 North, Range 7 West, Plan 11626.
13. **City Building**, Lot 55, Section 5, Block 4 North, Range 6 West, Plan 35949.
14. **City Centre Parking Lot**, Lot 4, Section 5, Block 4 North, Range 6 West, Plan 19859.

SCHEDULE A to BYLAW 7094**AREAS GOVERNED OR INCLUDED IN BYLAW NO. 7094****Page 2 of 2**

15. **Steveston Parking Lot**, Lots 14, 15, 16, 17, all of Block 2, Section 10, Block 3 North, Range 7 West, Plan 249; and undeveloped thirty three feet (33 ft.) wide lane to the east of the easterly property lines of Lots 15 and 16, Block 2, Section 10, Block 3 North, Range 7 West, Plan 249.
16. **Britannia Shipyards**, Lot I, Sections 11 & 12, Block 3N, Range 7W, Plan 70037 S & E, Plan 72772, 77126 & NWP 87861.
17. **Hamilton Community Centre**, Lot C, Section 1 B4N R4W, Plan 7643.
18. **Cambie Community Centre**, Lot A, Section 31 B5N RW, Plan 12768; Lot G, Section 31 B5N R5W, Plan 7550.

**SCHEDULE B to BYLAW NO. 7094
SCHEDULE OF VOLUNTARY PAYMENT FINES**

Level I OVER-TIME PARKING - OFFENCES

Bylaw Subsection

8.2.1(c)

- a) \$20 - provided the fine is paid within 34 days of the date of the violation.
- b) \$40 - provided the fine is paid later than 34 days from the date of the violation, but prior to issuance of a summons.

Level II OTHER OFFENCES

Bylaw Subsection

8.2.1(a)

- a) \$30 - provided the fine is paid within 34 days of the date of the violation.
- b) \$60 - provided the fine is paid later than 34 days from the date of the violation, but prior to issuance of a summons.

Level III PARKING FOR PERSONS WITH DISABILITIES

Bylaw Subsection

8.2.1(b)

- a) \$50 - provided the fine is paid within 34 days of the date of the violation.
- b) \$100 - provided the fine is paid later than 34 days from the date of the violation, but prior to issuance of a summons.