



City of Richmond

Report to Committee

To: Community Safety Committee
From: Wayne G. Mercer
Supervisor, Parking Program
Re: **Parking Program - Delivery of Notices of Bylaw Violation**

To Community Safety - June 1, 2004.
Date: May 7, 2004

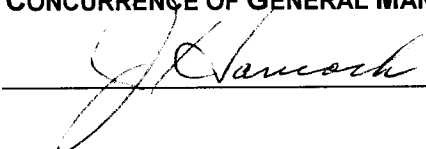
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Staff Recommendation

1. THAT each of following bylaws be given first, second, and third readings:
 - (a) Traffic Bylaw No. 5870 Amendment Bylaw No. 7724; and
 - (b) Parking (Off-Street) Regulation Bylaw No. 7403 Amendment Bylaw No. 7725.
2. THAT (i) the procedures for the processing of Notices, (ii) the comparable practices in other jurisdictions, (iii) the Financial Performance of the Parking Program, (iv) the standards for measuring Enforcement Program performance, and (v) the outline of Enforcement areas and scheduling (contained in the report Dated May 7, 2004 from the Parking Program Supervisor) be received for information.
3. THAT staff undertake various initiatives to advise the public of the provisions of the traffic and parking bylaws, and report to Council, through committee, on the actions taken.
4. THAT a copy of this report be referred to the Council / School Board Liaison Committee for information.

Wayne G. Mercer
Supervisor, Parking Program
(4601)

Att.

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
Transportation		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
REVIEWED BY TAG		YES	N/A	REVIEWED BY CAO	
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Staff Report

Origin

The decision was made by the City's administration on March 25, 2004 to temporarily restrict the issuance of safety & liability violations to those instances where the Notice of Bylaw Violation (Notice) can be served in person to the operator of the vehicle or left with an unoccupied vehicle. This was in response to complaints in the local media and the realization that the applicable Bylaws – Traffic Bylaw 5870 and Parking (Off-Street) Regulation 7403 – contain the specific requirement that, if a Notice has to be delivered by mail, it must be forwarded by registered mail in the former and certified mail in the latter.

In addition, e-mail was received from the City Clerk's office on April 7, 2004:

During discussion at the general Purposes Committee held April 5th, 2004, on the parking ticket situation, staff were also requested to include in the report going to the May Community Safety Committee meeting, information on how performance was measured; where revenue was being generated within the parking program; and a clearly defined description of the areas which were being enforced.

The following pages provide a detailed analysis of each of these issues with supporting documentation.

Analysis

EXECUTIVE SUMMARY

- The preferred method of delivery for Notices of Bylaw Violations is in person to the operator of the vehicle or left with an unoccupied vehicle. However, it is recommended that delivery by regular mail be used only as a last resort in school zones, bus zones or No Stopping zones where delivery in person or on the vehicle is impracticable or the safety of our enforcement officers is at risk. Delivery by regular mail is a widely accepted procedure in neighbouring jurisdictions in the Lower Mainland.
- Additional communications with residents and community groups will be undertaken to provide education on the purpose and scope of the City's enforcement efforts.
- The financial performance of the City's Parking program is meeting expected Budget targets for 2004 and is significantly ahead of comparable results for 2003.
- Enforcement staff performance will continue to be measured against a standard of professionalism, public relations, knowledge of the City's applicable bylaws and the daily average of violations issued.
- The enforcement of the City's traffic and safety bylaws will continue to be directed by the identification of problem areas, major safety & liability programs and prompt response to specific resident complaints.

- Two amendments have been proposed to the applicable Bylaws to address a number of operational and legal requirements including the extension of the voluntary payment period to twenty-eight (28) days.
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IMPACT

There were two immediate and significant impacts from the decision to temporarily suspend the practice of mailing Notices of Bylaw Violation:

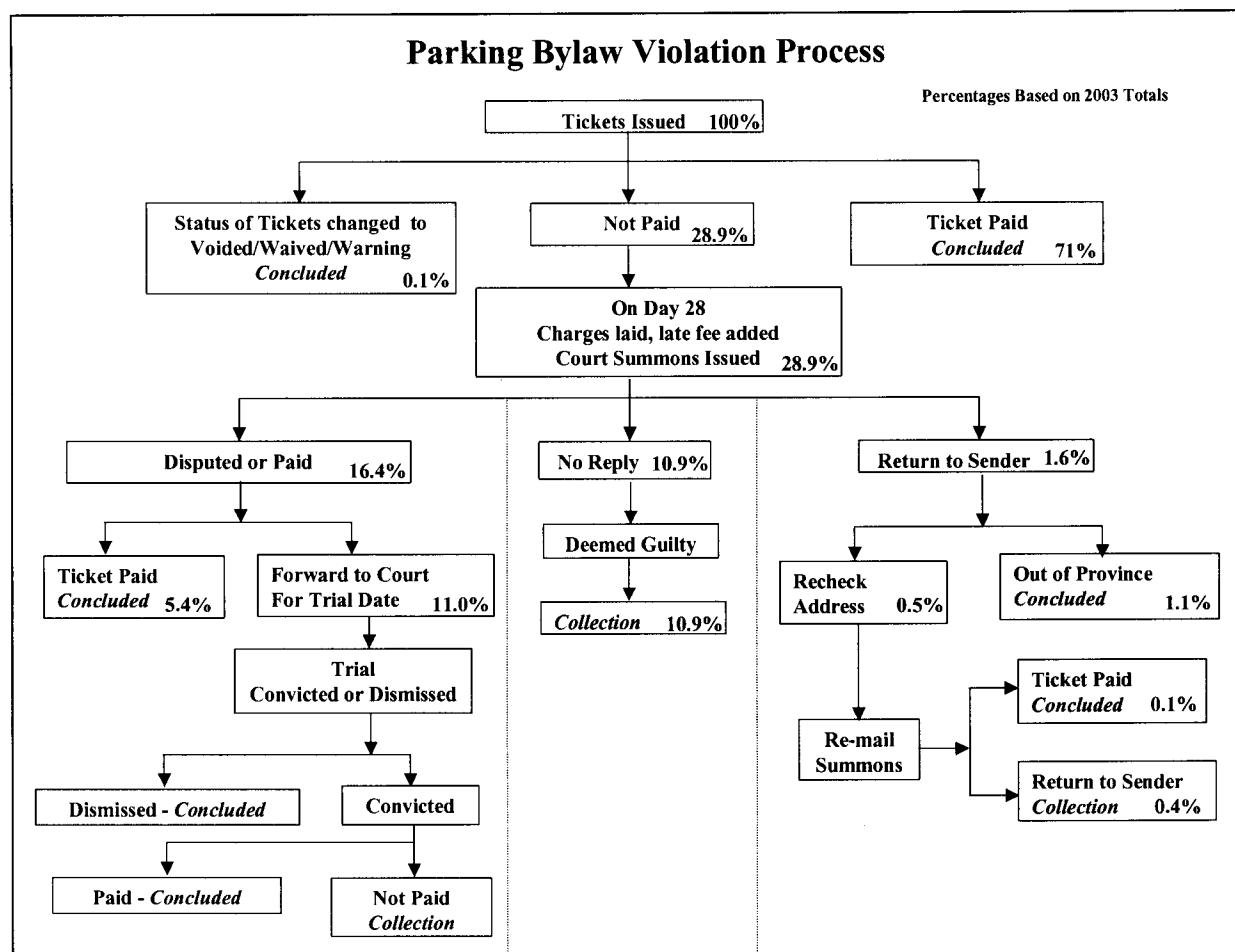
- The operational impact on the safety and liability component of the City's parking program. This mostly involves No Stopping infractions in school zones, in bus stops and along curbs where stopping is prohibited by signage, yellow curbs or the presence of a fire hydrant. The school zone enforcement covers traffic congestion for approximately 30 minutes on school day morning and an hour at the end of the school day. In practice, delivery in person makes up about 20% of school zone enforcement and the restriction put in place on March 25th effectively halts any effective enforcement in school zones. Without enforcement, the efforts of the City and its committees to safeguard the students running to and from vehicles are compromised. This also applies to the safety of our Bylaw enforcement Officers who are now experiencing instances where a violating vehicle will speed off knowing that, unless the Notice of Bylaw Violation can be delivered in person, there will be no consequence to the operator's actions.
- The financial impact on the City's parking program. Based on February 2004 figures, safety & liability issues comprised approximately 35% of the total Notices issued. Due to operational and Officer safety issues, delivery of Notices by mail made up approximately 12% of the total issued. Analysis over the same period indicates that the financial impact amounts to approximately \$3,200 per week in reduced revenue.

PROCEDURES & BACKGROUND

1. Enforcement Procedures

During the normal course of the enforcement Officer's patrols and responses to specific complaints, they come upon vehicles which, by their location or action, are in contravention of sections of either the Traffic Bylaw 5870 or the Parking (Off-Street) Regulation 7403. The former applies to situations on the City's streets and the latter applies to situations on Municipal off-street property where there are public parking facilities. Once the Officer has assessed the situation, they possess the discretion to issue verbal or written warnings concerning the offence or to resort to a Notice that includes a monetary fine. Where a monetary fine is involved, the City also allows for voluntary payment within a prescribed period of time at a reduced amount. At present, for an infraction that carries a \$40.00 fine the customer can pay promptly within 14 days and reduce the amount due to \$20.00.

The processes for the issuance and handling of Notices and applicable fines and proposed time frames are contained in the following flow chart:



2. Delivering Notices of Bylaw Violation

The preferred method of delivery for Notices of Bylaw Violation is in person to the operator of the vehicle or left with an unoccupied vehicle. In the instance where the operator is present, the Officer can further assess the situation, provide additional background on the reason for the violation or discuss any extenuating circumstances that may affect their discretionary approach and result in only a verbal direction or a written warning.

However, there are instances where, due to time or safety limitations, the Officer will have to resort to the delivery of the Notice based on information gathered from ICBC records using the licence plate number. The process of searching the ICBC records for the name and address of the registered owner takes approximately 7 calendar days and then the Notice is mailed to the registered owner. The situations requiring this approach are:

- **School Zones** There is a significant amount of effort on the part of City officials, Richmond School District, individual school administration, members of individual Parent Advisory Committees, concerned parents and participating students in promoting alternative methods of commuting to school including bicycles, walking, groups, carpooling, remote drop areas, etc to promote a healthier lifestyle and to reduce the dependence on chauffeured delivery and pickup of the students at the front door of the school. The existing traffic congestion at schools over short periods of time at the beginning and end of the school day results in a very dangerous scenario. There are vehicles stopping in the roadway or on the edge of the roadway creating limited sightlines for drivers and students along with students usually running to and from the vehicles across potential traffic lanes. Due to the potential for injury, there are clear areas identified by regulatory signs or yellow curbs severely limiting the stopping or parking of vehicles within the immediate area of the schools. The enforcement of these stopping and parking bylaws falls to our Bylaw Officers but, due to the limited number of Officers, the number of individual schools to patrol and the volume of offending vehicles, the majority of Notices in school zones are delivered by mail.
- **Bus Zones** There are many drivers who deliver passengers to the bus stops or wait for passengers coming off buses or just find the wide-open space attractive for stopping along the curb. There are regulatory signs in place, which prohibit the stopping of vehicles in these zones. In these cases, the arrival of a patrol vehicle in the same bus zone in order to produce the Notice and then to exit the patrol vehicle to deliver it in person would only exacerbate a dangerous situation with two vehicles now stopped in the bus zone.
- **No Stopping Zones** Many locations exist where vehicles stopping, even at the curb, would create a dangerous restriction to the free and safe flow of traffic along Richmond's streets or at their intersections. There are regulatory signs or yellow-coloured curbs in place, which prohibit the stopping of vehicles in these zones. In these cases, the arrival of a patrol vehicle in the same no stopping zone in order to produce the Notice and then to exit the patrol vehicle to deliver it in person would only exacerbate a dangerous situation with two vehicles now stopped in the no stopping zone.
- **Officer Safety** There are also situations where the Officer has made their assessment, recorded the required information and issued the Notice but the operator of the vehicle has inadvertently or intentionally driven off before it could be served in person or, for the Officer to exit the patrol vehicle and approach the offending vehicle, it would jeopardize the safety of the Officer.

3. Neighbouring Jurisdictions

When considering the proposed policy regarding the delivery of Notices of Bylaw Violation within the City's enforcement program, it is useful and informative to review comparable policies in neighbouring municipalities. We have conducted a review of policies and procedures with a representative number of municipalities to assess the currency of the proposed policy regarding the delivery of Notices by regular mail. The results show that most, if not all, of the

municipalities that we surveyed issued Notices to offending vehicles by regular mail. In fact, North Vancouver is taking this opportunity to address its own Bylaw, which requires registered mail, but their practice has been to forward Notices by regular mail. The high percentage of mailed Notices within Richmond's operations is a reflection of the fact that safety issues are a larger percentage of our program, than they are in Vancouver or White Rock, where pay parking is a more significant factor.

4. Communications & Education

There are a number of initiatives, by members of the Parking Program and as a matter of procedure, which go a long way in promoting awareness of the City's Bylaws, the prudent application of our enforcement programs and the positive results within the community. As a partial list, the following gives an outline of our efforts:

- members of the Parking program will continue to contribute as active participants in the Traffic Safety Advisory Committee which meets monthly along with its sub-committee set up to specifically deal with Traffic & Safety issues around our elementary and secondary schools which have become a major problem;
- a copy of this report will be sent to the Council/School Board Liaison Committee which is Chaired by Councillor Evelina Halsey-Brandt;
- in cases where mailing has been identified as the only effective delivery option, a complementary notice (copy attached) will be included in all future mailings of Notices to the registered owners;
- the Parking section of the City's website is being redesigned to provide information and resources in a more effective and intuitive manner; and
- we will be pursuing the inclusion of parking information and notices on the City's pages in the local newspapers.

5. Measuring Financial Performance

Based on the history of Richmond's enforcement program, the addition of pay parking in 2002 and continuing financial pressures, the financial performance of the Parking Program is reviewed monthly based on a comparison to the Budget established late in 2003 for the calendar year of 2004. Given the seasonal trends of parking programs, the substantial reduction in the number of on-street meters and the usage of various public venues, our financial performance to the end of March, 2004 is generally meeting the targets established in our Budget for 2004 and is substantially ahead of the figure of \$222,420 for the comparable period in 2003. The following outline shows these comparisons as of March 31, 2004:

Parking Program Financial Performance

	2004 Budget	% of Total	Actual to Mar 31	% of Budget
Special Events / Filming	\$ 5,000	0.4%	\$ 4,228	84.6%
Safety / Liability Violations	\$ 242,000	20.0%	\$ 46,215	19.1%
Timed / Pay Parking Violations	\$ 456,000	37.7%	\$ 100,347	22.0%
Monthly Permit Revenue	\$ 140,000	11.6%	\$ 35,214	25.2%
Metered Parking Revenue	\$ 419,000	34.6%	\$ 91,084	21.7%
Less PST & GST	-\$ 52,200		-\$ 11,956	
Total Program Revenue	\$ 1,209,800		\$ 265,131	21.9%

6. Measuring Enforcement Performance

The performance measurement of our enforcement team is done on a group as well as an individual basis. The group effort goes a long way towards meeting the financial goals of the Parking Program as a whole. We see the enforcement of existing safety issues within the applicable Bylaws, #5870 and #7403, either through regular patrols of the high traffic areas of the City or in response to concerns from residential areas, as a major factor in the maintenance of a safe and liveable City. Another importance factor in assessing performance of the group is the average number of Notices issued by an average Officer during a shift that they are on duty.

On an individual basis, we assess a number of factors to properly measure the performance of each of our Officers. One factor is the average number of Notices issued for each shift that they are on duty compared to the average for the group. More importantly, we receive many phone calls and visits to City Hall related to the issuance of Notices along with feedback regarding the deportment and attitude of the Officer involved. From these phone calls, personal visits and the small number of letters received, the supervisors and manager within the Parking Program get an excellent measure of the professionalism of the Officers, their customer service skills and their knowledge of the Bylaws that they enforce.

7. Enforcement Areas & Scheduling

We have considered splitting Richmond into zones for the purpose of designating where Officers should patrol but to date have not implemented this practice for the simple reason there are differing opinions on whether it would be effective. The morning shifts starting at 7:00 am and 8:15 am are expected to conduct school patrols where there are ongoing problems with traffic congestion heightened by people stopping where prohibited to let off students. Certain schools are known to be more problematic than others and particular attention is paid to those locations. Similarly, vehicles stopping in bus zones is an issue during the morning rush hour as people are dropping off commuters and stopping where they actually or potentially impede safe bus or other vehicle movement. For both school and bus zones, the Officers watch and most often ticket

when there is a passenger dropped off or picked up. Later the Officers, often on foot, will patrol the metered zones on the streets to check for valid parking receipts being displayed; similar patrols are made through the City's off-street parking lots. Routine patrols will be made in timed parking areas and vehicles will be chalked with a view to returning later and ticketing vehicles parked longer than allowed by the signage. Throughout the day as parking complaints are received, Officers are dispatched to attend to these calls. They may relate to abandoned vehicles, cars parked to block driveways, unhitched trailers on the street and so on. Generally speaking, Officers do not patrol in residential areas except in response to a complaint from a resident. When school is dismissing for the day, patrols are resumed in these areas again to reduce traffic congestion and increase the safety for students. In the evening, Officers will respond to complaints, patrol areas where there are special events, check on-street and off-street meter locations and enforce timed parking restrictions.

Bylaw Amendments

The attached amendments to Traffic Bylaws 5870 and Parking (Off-Street) Regulation Bylaw 7403 address the following issues:

- amended to conform to the standard wording of Provincial Bill 65 – Local Government Bylaw Notice Enforcement Act which, following existing trials in some Municipalities, is expected to be proclaimed for the City of Richmond
- amended to provide, where necessary, for the delivery of Notices of Bylaw Violation by regular mail
- amended to provide for a period of twenty-eight (28) days from the issue date of the Notice for voluntary payment of the relative fine in keeping with imminent changes under Provincial Bill 65 – Local Government Bylaw Notice Enforcement Act

Financial Impact

The financial impact of adopting these staff recommendations would be a restoration of the historical revenue of approximately \$3,200 in weekly revenue, which has been lost during the temporary suspension of our mailing procedures for Notices of Bylaw Violations.

Conclusion

It is fair to say that, with experience, enforcement staff identify locations where there are most likely to be parking or safety issues and routinely patrol these locations. It has also been shown that their presence ensures people put money in the meters, don't park unless they have a permit, don't stay beyond the permitted time and don't stop or park in unsafe locations. These patrols

ensure a regular turnover in the City's on-street parking stalls and the safe and efficient flow of traffic. In the case of specific violations, where the enforcement staff is unable to deliver the Notice of Bylaw Violation in person to the operator or physically leave it with an unattended vehicle, the use of regular mail for delivery to the registered owner is a widely-accepted, efficient and cost-effective option.

A handwritten signature in black ink, appearing to read 'Wayne G. Mercer', with a stylized, cursive script.

Wayne G. Mercer
Supervisor, Parking Program
(4601)

WGM:wgm



Traffic Bylaw No. 5870, Amendment Bylaw No. 7724

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 5870 is amended by deleting subsections 35A.3 and 35A.4 and inserting the following:

35A.2 A “Notice of Bylaw Violation” may be delivered:

- (a) in person to the operator or registered owner of the vehicle;
- (b) by mailing a copy of the “Notice of Bylaw Violation” by regular mail to the actual or last known address for each registered owner of the vehicle; or
- (c) if the “Notice of Bylaw Violation” is in respect of a parking contravention, by leaving a copy of the “Notice of Bylaw Violation” on the vehicle involved.

35A.3 A “Notice of Bylaw Violation” delivered under clause (b) of subsection 35A.2 is presumed to have been received by each registered owner to whom it is addressed on the seventh (7th) day after mailing.

35A.4 A “Notice of Bylaw Violation” delivered under clause (c) of subsection 35A.2 is presumed to have been received by each registered owner on the day it is left.

35A.5 An operator or registered owner who receives a “Notice of Bylaw Violation” must, within the period specified in Schedule I to this Bylaw:

- (a) voluntarily pay the applicable fine specified in Schedule I to this Bylaw and indicated on the “Notice of Bylaw Violation”, whereupon the person is deemed to have pleaded guilty to the offence described; or
- (b) dispute the “Notice of Bylaw Violation” upon receipt of a subsequent Court Summons by completing and signing the Notice of Dispute form enclosed with the Court Summons and submitting it to the City as indicated on the form.

2. Schedule I to Bylaw No. 5870 is amended by:

- (a) deleting all references to “14 days” and substituting “28 days”; and
- (b) inserting the word “court” before the word “summons” wherever it appears.

3. This Bylaw is cited as **“Traffic Bylaw No. 5870, Amendment Bylaw No. 7724”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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

MAYOR

CITY CLERK



**Parking (Off-Street) Regulation Bylaw 7403,
Amendment Bylaw No. 7725**

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 7403 is amended by deleting subsection 9.3.2, 9.3.3 and 9.3.4 and substituting the following:
 - 9.3.2 A “Notice of Bylaw Violation” may be delivered:
 - (a) in person to the operator or registered owner of the vehicle;
 - (b) by mailing a copy of the “Notice of Bylaw Violation” by regular mail to the actual or last known address for each registered owner of the vehicle; or
 - (c) if the “Notice of Bylaw Violation” is in respect of a parking contravention, by leaving a copy of the “Notice of Bylaw Violation” on the vehicle involved.
 - 9.3.3 A “Notice of Bylaw Violation” delivered under clause (b) of subsection 9.3.2 is presumed to have been received by each registered owner to whom it is addressed on the seventh (7th) day after mailing.
 - 9.3.4 A “Notice of Bylaw Violation” delivered under clause (c) of subsection 9.3.2 is presumed to have been received by each registered owner on the day it is left.
 - 9.3.5 An operator or registered owner who receives a “Notice of Bylaw Violation” must, within the period specified Schedule B to this Bylaw:
 - (a) voluntarily pay the applicable fine specified in Schedule B to this Bylaw and indicated on the “Notice of Bylaw Violation”, whereupon the person is deemed to have pleaded guilty to the offence described; or
 - (b) dispute the “Notice of Bylaw Violation” upon receipt of a subsequent Court Summons by completing and signing the Notice of Dispute form enclosed with the Court Summons and submitting it to the City as indicated on the form.
2. Bylaw No. 7403 is amended by deleting Schedule B and replacing it with the following:

SCHEDULE B to BYLAW NO. 7403
SCHEDULE OF VOLUNTARY PAYMENT FINES

Level I OVER-TIME PARKING - OFFENCES

Bylaw Subsections: 9.2.1(c) & (e)

The fines payable for the above parking violations shall be in the following amounts:

- a) If the fine is paid within 28 days of the date of the violation, the sum of \$20.00.
- b) If the fine is paid later than 28 days from the date of the violation, but prior to issuance of a Court Summons, the sum of \$40.00.

Level II OTHER OFFENCES

Bylaw Subsections: 9.2.1(a) & (d)

- a) If the fine is paid within 28 days of the date of the violation, the sum of \$30.00.
- b) If the fine is paid later than 28 days from the date of the violation, but prior to issuance of a Court Summons, the sum of \$60.00.

Level III PARKING FOR PERSONS WITH DISABILITIES

Bylaw Subsections: 9.2.1(b)

- a) If the fine is paid within 28 days of the date of the violation, the sum of \$50.00.
- b) If the fine is paid later than 28 days from the date of the violation, but prior to issuance of a Court Summons, the sum of \$100.00.

3. This Bylaw is cited as **“Parking (Off-Street) Regulation Bylaw No. 7403, Amendment Bylaw No. 7725”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CITY CLERK

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