



CITY OF RICHMOND

REPORT TO COUNCIL

TO: Richmond City Council
FROM: Councillor Lyn Greenhill, Chair
Public Works & Transportation Committee
DATE: June 7th, 2000
FILE: 8060-20-7130
RE: **CITY OF RICHMOND TRAFFIC BYLAW AMENDMENTS**

The Public Works & Transportation Committee, at its meeting held on Wednesday, June 7th, 2000, considered the attached report, and recommends as follows:

COMMITTEE RECOMMENDATION

That Bylaw No. 7130, which amends Traffic Bylaw 5870 to add new definitions, new sub-sections and to delete out-dated and duplicate sub-sections be given first, second and third readings, as amended.

Councillor Lyn Greenhill, Chair
Public Works & Transportation Committee

Attach.

STAFF REPORT

ORIGIN

A number of amendments to Traffic Bylaw 5870 are proposed to address concerns raised by the Provincial Traffic Court and Bylaw Enforcement staff with regards to:

- The need to add and revise the definitions of various terms contained in the current bylaw;
- The need to deal with issues related to deficiency, clarity, and consistencies; and
- The response to legal challenges.

This report presents the various amendments with accompanying reasons for the proposed changes.

ANALYSIS

1. **Amendments Related to “Definitions”**

1.1 Definition of “Bus Stop”

Bus Stop – “means an area on a street marked for the stopping or parking of buses and limited to use for vehicles operated for public transport by TransLink, it's designate or successor.”

Reason - Tour buses often use bus stops to load and unload passengers. These vehicles interfere with scheduled buses operated by TransLink. This definition is consistent with those used in the other jurisdictions.

1.2 Definition of “Sidewalk Crossing”

Sidewalk Crossing – “means that portion of a sidewalk permanently improved or designed for the passage of vehicular traffic.”

Reason – This new definition provides clarification that a sidewalk crossing (driveway) is part of the sidewalk. A number of arguments have been made in court successfully on the part of the violators that a crossing is not a sidewalk. Without a clear definition of a sidewalk crossing the courts have dismissed the charges related to this bylaw infraction.

1.3 Definition of “Boulevards”

Boulevard – “means: where there is no curb and gutter, the area between the shoulder of the road and the adjacent property line; where there is curb and gutter the area from the back of the curb to the adjacent property line; and where there is curb and gutter and a sidewalk, the area from the back of the sidewalk to the adjacent property line.”

Reason – This amendment clarifies a similar definition found in the Motor Vehicle Act. The Act only indicates that a boulevard is defined as the area between the road edge to the adjacent property line and does not take into account the curb and gutter or the shoulder.

1.4 Definition of "Shoulder"

Shoulder - "means where there is no curb and gutter, the area between the edge of the road and a line two meters, fifty centimetres (2.5m) parallel to the edge of the road."

Reason – This definition clarifies the one found in the Motor Vehicle Act. The Act only defines a boulevard and does not take into account the shoulder.

1.5 Definition of "Commercial Vehicle"

Commercial Vehicle - "means a motor vehicle used for the transportation of persons, freight, or for artisan use that is:

- (a) a truck or truck tractor with a licensed gross vehicle weight of 5,000 kg or greater;
or
- (b) a bus with seating capacity greater than nine persons."

Reason – This definition is consistent with those contained in other municipal traffic bylaws. A new classification "Artisan," which is now commonly used by ICBC, will also be included.

1.6 Definition of "Parking"

Parking – "when prohibited 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, merchandise, goods or the discharging or taking on of passengers."

Reason – The intention of this new definition is to prevent long term occupation of "No Parking" zones. This definition is consistent with those used in jurisdictions.

2. **Amendments Related to Response to Legal Challenges**

2.1 Sections 12.4 (o) and 12.4 (p)

The word "actively" is added, i.e.:

12.4 (o) - "in a loading zone, when actively loading..."

12.4 (p) - "in a loading zone, for the purpose of, and while actively loading..."

Reason – This amendment addresses the problem of people using a loading zone for short-term parking and displacing legitimate users.

2.2 Section 12.15

The following is added to Section 12.15:

"where an area is subject to two or more parking limitations, the more restrictive regulation shall apply."

Reason - This section is used by most other jurisdictions. It establishes the hierarchy of parking restrictions when two or more prohibitions are in effect at the same location. An example of this would be if a vehicle were parked adjacent to a fire hydrant within a one-hour time zone.

2.3 Section 12.3

The words "sidewalk crossing" is added to Section 12.3:

"(a) upon a sidewalk, sidewalk crossing, boulevard, or centre median;"

Reason – This amendment is required to provide a counter argument that a sidewalk crossing is not part of a sidewalk.

2.4 Section 12.3

The following sub-section is added to the bylaw:

"Sub-section (u) – on a highway beside a curb painted yellow."

Reason – A recent court decision ruled that the yellow curb is not properly identified in the bylaw and is also not specifically mentioned as a traffic control device. It was also pointed out that the Division of the Motor Vehicle Act Regulations (18.01) is not a charge section and cannot be used as such.

2.5 Section 11.2

The words "Motor Vehicle Act Regulations" are added to Section 11.2:

"Every person shall obey the instructions, regulations or prohibitions contained in or upon any traffic control device erected or placed under the provisions of the Motor Vehicle Act, Motor Vehicle Act Regulations, and of this Bylaw."

Reason – The yellow curb regulation is found in the Motor Vehicle Act Regulations and Section 11.2 cites the Motor Vehicle Act and the Traffic Bylaw only. To give the yellow curb section force, the bylaw must refer back to the enabling Act or Regulation.

2.6 Section 12.4 (f) - Deleted

The following section of the bylaw will be deleted:

*"No person shall park a vehicle:
(f) within 15 metres (49.22 feet) of the nearest rail of a railway crossing."*

Reason – This violation is already found under the "No Stopping" section of the Traffic Bylaw. By definition, if a vehicle cannot stop within 15 metres of a rail crossing it cannot park there either. The "No Parking" section is therefore redundant.

3. **Amendments Related to Deficiency, Consistency, and Clarity**

3.1 Section 12.16

The following is added to Section 12.16:

"Where a block or a portion of a block is subject to a parking regulation with a time limit, no person shall move a vehicle from one location to another in the same block in an attempt to avoid the time limit."

Reason - This amendment counters parking violators who attempt to avoid time restrictions by moving ahead one stall or to another stall in the immediately area.

3.2 Section 12.8

The following amendment is made to Section 12.8:

“No person shall park any vehicle with a gross vehicle weight of 5000 kilograms (11,023.93 pounds) or greater, between the hours of 7:00 p.m. and 7:00 a.m. of the following day, on any highway.” (Note: previous time limits were 10:00 p.m. and 6:00 a.m.).

Reason - This amendment will bring the bylaw in line with those found in other municipalities. The revised section will also assist the bylaw officers by allowing them to address public complaints with regard to truck parking concerns in a more timely manner.

3.3 Sections 12.4 (j) and (k) - Deleted

The following sections of the bylaw will be deleted:

“No person shall park a vehicle:

- (j) on a highway at intersections where buses stop for the purposes of allowing passengers to enter or alight therefrom, at a lesser distance than 30 metres (98.43 feet) from the near boundary of the intersecting highway measured along that side of the highway where such bus stop is situated;*
- (k) where a bus stop is situated, at other than an intersection, within 16 metres (52.5 feet) of either side of the sign indicating the presence of such bus stop;”*

Reason - This charge is already found under the “No Stopping” section of the Traffic Bylaw. By definition if a vehicle cannot stop within a bus stop zone then that vehicle cannot be parked there either. The “No Parking” subsection is therefore redundant.

3.4 Section 12.4 (n) – Deleted

The following section of the bylaw will be deleted:

“No person shall park a vehicle:

- (n) within 5 metres (16.41 feet) of a fire hydrant measured from a point in the curb or edge of the roadway, which is closest to the fire hydrant.”*

Reason – This violation is already found under the “No Stopping” section of the Traffic Bylaw. By definition if a vehicle cannot stop within 5 metres of a fire hydrant then that vehicle cannot be parked there either. The “No Parking” sub-section is redundant.

3.5 Section 12.3 (p) and (q) – Deleted

The following section of the bylaw will be deleted:

“No person shall stop or stand a vehicle:

- (o) in a loading zone, when loading or unloading passengers, for a period of time not to exceed five minutes;*
- (p) in a loading zone, for the purpose of loading or unloading materials, for a period of time not to exceed 30 minutes;”*

Reason – This action is already cited in section 12.4 as a parking offence. There is no sign type in the *Manual of Uniform Traffic Control Devices* for “No Stopping Loading Zone.” This sub-section is therefore redundant.

FINANCIAL IMPACT

None.

CONCLUSION

The proposed amendments to Traffic Bylaw 5870 are required to bring the Bylaw up-to-date and work towards establishing uniformity with similar bylaws used in other jurisdictions within the Greater Vancouver Regional District. These amendments will also address various deficiencies and inconsistencies in the current Bylaw identified by both the courts and Bylaw Enforcement personnel.

D. Newton
Traffic Technician I

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CITY OF RICHMOND
BYLAW 7130
AMENDMENT TO TRAFFIC BYLAW NO. 5870

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Traffic Bylaw No. 5870 is amended by adding the following definitions to Subsection 1.2:

Bus Stop “means an area on a street marked for the stopping or parking of buses and limited to use for vehicles operated for the public transport by TransLink, its designate or successor.”

Sidewalk Crossing “means that portion of a sidewalk permanently improved or designed for the passage of vehicular traffic.”

Boulevard “means:

- (a) where there is no curb and gutter, the area between the shoulder of the road and the adjacent property line;*
- (b) where there is curb and gutter, the area from the back of the curb to the adjacent property line; and*
- (c) where there is curb and gutter and a sidewalk, the area from the back of the sidewalk to the adjacent property line.”*

Shoulder “means where there is no curb and gutter, the area between the edge of the road and a line two metres, fifty centimetres (2.5 m.) parallel to the edge of the road.”

Parking “when prohibited, 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, merchandise, goods or the discharging or taking on of passengers.”

2. Subsection 1.2 of Traffic Bylaw No. 5870 is amended by deleting the existing definition of “Commercial Vehicle” and by substituting the following:

Commercial Vehicle – “means a motor vehicle used for the transportation of persons, freight, or for artisan use that is:

- (a) a truck or truck tractor with a licensed gross vehicle weight of 5,000 kg or greater; or*
- (b) a bus with seating capacity greater than nine persons.”*

3. Traffic Bylaw No. 5870 is amended by deleting clause (o) of Subsection 12.4 and by substituting the following:

“(o) in a loading zone, when actively loading or unloading passengers, for a period of time exceeding 5 minutes;”
4. Traffic Bylaw No. 5870 is amended by deleting clause (p) of Subsection 12.4 and by substituting the following:

“(p) in a loading zone, for the purposes of and while actively loading or unloading materials, for a period of time exceeding 30 minutes;”
5. Traffic Bylaw No. 5870 is amended by adding the following as Subsection 12.15:

“Where an area is subject to two or more parking limitations, the more restrictive regulation shall apply.”
6. Traffic Bylaw No. 5870 is amended by adding the following as Subsection 12.3 (u):

“(u) on a highway beside a curb painted yellow.”
7. Traffic Bylaw No. 5870 is amended by deleting the clause (a) of Subsection 12.3 and by substituting the following:

“(a) upon a sidewalk, sidewalk crossing, boulevard, or centre median;”
8. Traffic Bylaw No. 5870 is amended by deleting Subsection 12.8 and by substituting the following:

“A person must not park any vehicle with a gross vehicle weight of 5000 kilograms (11,023.93 pounds) or greater, between the hours of 7:00 p.m. and 7:00 a.m. of the following day, on any highway.”
9. Traffic Bylaw No. 5870 is amended by deleting Subsection 11.2 and by substituting the following:

“Every person must obey the instructions, regulations or prohibitions contained in or upon any traffic control device erected or placed under the provisions of the Motor Vehicle Act, Motor Vehicle Act Regulations and of this Bylaw.”
10. Traffic Bylaw No. 5870 is amended by deleting the following:
 - (a) clauses (p) and (q) of Subsection 12.3; and
 - (c) clause (f), (j), (k), and (n) of Subsection 12.4.
11. This Bylaw is to be cited as **“Richmond Traffic Bylaw No. 5870, Amendment Bylaw No. 7130.”**

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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

MAYOR

CITY CLERK