



City of Richmond

Report to Committee

To: Community Safety Committee
From: Wayne G. Mercer
Manager, Community Bylaws
Re: **Bylaw Dispute System / Municipal Ticketing**
Date: December 1, 2005
File:

Staff Recommendation

THAT the Community Safety Committee receive the attached report for information purposes.

Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

FOR ORIGINATING DIVISION USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> DW	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/> DW	NO <input type="checkbox"/>

Staff Report

Origin

The following referral arose from the Community Safety Committee meeting on November 15, 2005:

“That staff report to the next Community Safety Committee meeting on Tuesday, December 13th, 2005, with information on (i) where the bylaw dispute system would take place; and (ii) when the system would be put into operation.

The question on the motion was not called, as Cllr. McNulty voiced concern that tickets were still being issued through the mail to individuals who were caught parking in ‘no parking’ zones in order to drop off or pick up passengers. As a result, staff were also requested to report on this issue at the December 13th, 2005 meeting, and staff were requested to place the matter of ‘municipal ticketing’ on the agenda for this meeting.”

Findings of Fact

To address the issues, in order:

Bylaw Dispute System

The City of Richmond has received approval through a Provincial Order-In-Council to adopt and implement the new Local Government Bylaw Dispute Adjudication System, which replaces the existing procedure of pursuing legal options through the Provincial Court system. An announcement was made on September 27, 2005 at the annual UBCM meetings that Richmond would one of six additional communities adopting the system, which has been operating successfully in a pilot mode since mid 2004 in the three north shore municipalities.

- i) The location requirements under the new system generally call for a public venue. This could be a room within City Hall or any other Municipal building – the pilot program was located within the Council Chambers of the City of North Vancouver. The location must be accessible to the general public and include all necessary facilities for the adjudication hearings to be efficiently conducted in person, by telephone or in writing. Hours must be conveniently scheduled during the day as is the case with the Courts.
- ii) The launch of the new adjudication system in the City of Richmond will most likely be in the Spring of 2006. In preparation, we need to prepare for Council’s review and adoption:
 - a. a full assessment of the experience in the pilot program along with the positive business case and operational budgets for implementing the program in Richmond,

- b. the necessary enabling bylaws and amendments to existing bylaws to facilitate the issuing of bylaw infraction notices, the outline of the bylaw adjudication system and the establishment of a bylaw dispute registry,
- c. the identification of the position to conduct the screening process that is crucial to the system and establish screening policies and procedures,
- d. the establishment of basic operating procedures covering hearing facilities, hours of operation, ticket stock and communications format,
- e. a communications plan to educate the residents of Richmond as well as Council and staff at City Hall
- f. training program for enforcement officers, screening officers, registry and finance staff, and
- g. coordination with the Court Services Branch for the contracting of independent adjudicators

Municipal Ticketing

Further to Council's consideration and adoption in June, 2004, Section 35A of the Traffic Bylaw No. 5870 and Section 9.3 of the Parking (Off-Street) Regulation Bylaw No. 7403 contain the same wording regarding the delivery of Notices of Bylaw Violations:

"A 'Notice of Bylaw Violation' may be delivered.....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."

"A 'Notice of Bylaw Violation' delivered [*under the above section*] is presumed to have been received by each registered owner to whom it is addressed on the seventh (7th) day after mailing."

The wording for both of these sections was taken almost directly from Provincial Bill 65 – Local Government Bylaw Notice Enforcement Act that regulates the format and service of bylaw infraction notices. This statute has now been proclaimed for the City of Richmond in conjunction with the new Local Government Bylaw Dispute Adjudication System, as outlined above.

As outlined in our accompanying Report in June, 2004, the preferred method of service for a Notice of Bylaw Violation is in person to the driver of the vehicle. However, there are a limited number of situations where the Officer has no choice but to serve the Notice by regular mail. This happens in School Zones, where a large number of violations occur in a short period of time; in Bus Zones, in No Stopping Zones or at a Fire Hydrant, where stopping the offending vehicle for any period of time would only exacerbate a potentially dangerous situation or where the offending driver attempts to drive away before the Officer has the opportunity to serve the Notice in person and to attempt otherwise would put the Officer's safety at risk.

Conclusion

In summary;

- the Bylaw Dispute Adjudication System will be fully operational, with adjudication hearing being held in Richmond City Hall, in the early part of 2006, and
- there is, under exceptional circumstances, the ability to serve Notices of Bylaw Violation by regular mail to the registered owner of the offending vehicle.



Wayne G. Mercer
Manager, Community Bylaws
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