



City of Richmond

Report to Committee

To: General Purposes Committee
From: Anthony Capuccinello Iraci
General Manager, Law and Legislative Services
Date: January 26, 2024
File: 12-8060-20-010226/Vol 01
Re: Regulation of Material on Highways and Public Places pursuant to Section 46 of the *Community Charter*

Staff Recommendation

1. That Regulation of Material on Highways Bylaw No. 10226, be introduced and given first, second and third readings;
2. That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227, be introduced and given first, second and third readings;
3. That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10228, be introduced and given first, second and third readings; and
4. That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229, be introduced and given first, second and third readings.

Anthony Capuccinello Iraci
General Manager, Law and Legislative Services
(604-247-4636)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Engineering	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
Public Works	<input checked="" type="checkbox"/>	
Facilities and Project Development	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

The implementation of the City's powers under subsections 46(2) and (3) of the *Community Charter* would aid the City in the prohibition, removal, and disposal of unauthorized material and structures being placed, dumped, or constructed on the City's roads, lanes and public spaces, including parks. A bylaw is required to enable the City's use of the powers granted by these legislative provisions. Pursuant to such a bylaw, City staff would have additional tools for ensuring that highways and other public places remain clear of unauthorized structures and dumped materials that may obstruct public use and enjoyment, and/or present safety, environmental, or liability risks.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

3.4 Ensure civic infrastructure, assets and resources are effectively maintained and continue to meet the needs of the community as it grows.

This report supports Council's Strategic Plan 2022-2026 Focus Area #4 Responsible Financial Management and Governance:

Responsible financial management and efficient use of public resources to meet the needs of the community.

Analysis

Under to Section 36 of the *Community Charter* the City has the authority to, by bylaw, regulate and prohibit all uses of or involving a highway or a part of a highway. Pursuant to Subsections 46(2) and (3) of the *Community Charter* the City has authority to, by bylaw, authorize the seizure of things unlawfully occupying a portion of a highway or public place. These legislative provisions are set out in Attachment 1 to this report.

Staff propose that *Regulation of Material on Highways Bylaw No. 10226* be adopted by Council to enable Staff to make use of these legislative tools in the regulation of unlawfully placed materials (including trash, construction materials, soil, fixtures/appliances, and equipment) or structures (including decks, patios, swimming pools, trailers, and buildings) on City highway (roads, lanes, etc) or other public places (park, public plaza, trails, etc) ("unauthorized material"), including the removal, seizure, and disposal of such unauthorized materials.

Current Powers

Under the City's current bylaws, the City has a variety of powers to prohibit, ticket, order the removal, or remove things left or constructed on various types of property. These existing provisions, along with other related City powers, are described in a summary set out in Attachment 2.

Though the existing City bylaws provide for a number of prohibitions against dumping or constructing on various types of City property, and provide for some rights of seizure, removal, and disposal, they do not apply to the same broad category of City controlled properties and public spaces as the proposed bylaw. Nor do they provide as broad rights of seizure, impoundment, disposal and sale, or the ability to issue orders to comply where the owner of the things, materials and/or structures can be identified. The proposed bylaw will significantly augment these existing powers.

Proposed Bylaw

If adopted, under the proposed bylaw the City will have additional broad powers with respect to:

- (a) prohibition and ticketing with respect to placing any unauthorized material on any highways or public spaces without City consent;
- (b) seizure, removal, impoundment, and disposal of unauthorized material, without notice to the owner; and
- (c) orders to remove unauthorized material.

If adopted, under the proposed bylaw the City may order compliance where there is an identifiable owner of the material and where the City determines that removal should be undertaken by the owner. In other circumstances, including without limitation where removal is required urgently to ensure safe and/or unobstructed public access to highways and public places, the City or a RCMP officer may, without notice to the owner, have unauthorized material seized and removed by the City or its contractors.

The proposed bylaw sets out claim periods where the owner of any seized unauthorized material may retrieve it for a fee. However if the material is waste/refuse or is perishable, or the impoundment would cause the City unreasonable expense or inconvenience, the City may dispose of it immediately. If following the expiration of the claim period the City elects to sell any impounded material, the owner will have one year to claim to profits minus the City's expenses.

The seizure and impoundment of registered vehicles will continue to be regulated by the City's Traffic Bylaw.

A summary of the proposed bylaw is set out in Attachment 3.

Financial Impact

None.

Conclusion

Regulation of Material on Highways Bylaw No. 10226, and the related bylaw amendments will enable the City to use the powers granted under subsection 46(2) and (3) of the *Community Charter* and be an added tool for City staff in ensuring that City highways and other public places are clear of unauthorized structures and materials that may, among other issues, obstruct public use and enjoyment, or present safety, environmental, or liability risks.



Jennifer Hayes
Staff Solicitor
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JH:jh

Attach: 1. Legislative Sections
2. Existing Bylaw Powers and Other Authorities
3. Summary of Proposed Bylaw

Legislative Sections

Community Charter, Section 36

General authority in relation to highways

36 (1) In addition to its authority in relation to highways as a service, a council may, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or part of a highway.

(2) The authority of a municipality in relation to highways under any provision of this Act is subject to the following:

- (a) traffic and parking on highways may only be regulated or prohibited in accordance with the *Motor Vehicle Act*, except as expressly provided in this Act;
- (b) authority in relation to traffic on Provincial arterial highways is subject to section 124 (13) of the *Motor Vehicle Act*;
- (c) extraordinary traffic on Provincial arterial highways may only be regulated or prohibited by bylaw adopted with the approval of the minister responsible for the *Transportation Act*;
- (d) the restrictions established by the *South Coast British Columbia Transportation Authority Act*;
- (e) authority in relation to all electrical transmission and distribution facilities and works that are on, over, under, along or across a highway is subject to the *Utilities Commission Act* and to all orders, certificates and approvals issued, granted or given under that Act.

(3) Authority in relation to highways that is provided to a municipality under this or another Act includes the power to restrict the common law right of passage by the public over a highway that is vested in the municipality, if this restriction is necessary to the exercise of the authority.

Community Charter, Section 46

Use of highways and public places

46 (1) Except as permitted by bylaw or another enactment, a person must not excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place.

(2) A council may, by bylaw,

- (a) authorize the seizure of things unlawfully occupying a portion of a highway or public place,
- (b) establish fees for such seizure that are payable by the owner of the thing, and
- (c) provide for the recovery of those fees from the owner of the thing, including by sale of the thing if the owner refuses to pay or cannot be identified after reasonable efforts.

(3) If a thing is seized under subsection (2), by a municipality, neither the municipality nor a person to whom the thing is disposed of is liable, in damages or otherwise, for or in respect of any claim that may arise in respect of the thing after its disposal in accordance with this Act.

Community Charter, Definitions

"**highway**" includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;

"public place" is not defined by the *Community Charter*, but is regularly interpreted to mean all parks, squares, and similar areas available to public use.

Existing Bylaw Powers and Other Authorities

Existing Bylaw Powers

- *Traffic Bylaw 5870*¹
 - Prohibits the obstruction of a highway by anything without a permit, and prohibits littering from a vehicle. The City may ticket offenders if they can be identified.
 - Impoundment and seizure rights for the City are limited to:
 - Vehicles unlawfully occupying a portion of a highway.
 - This right is used primarily for illegally parked vehicles and includes a prescribed process for impoundment, claim, and cost recovery. The proposed bylaw will not duplicate this power.
 - Containers and chattel (personal items, objects, fill, refuse, equipment, or machinery) placed on a street open to the passage of vehicles or boulevard without a permit.
- *Solid Waste & Recycling Regulation Bylaw 6803*²
 - Applies to any highway, park or other public place, or land owned or under the jurisdiction of the City.
 - Prohibits the leaving, dumping, or disposal of garbage, recyclable materials, yard and garden trimmings, food waste, materials excluded from the City's solid waste collection services (including but not limited to construction waste, soil, tires and automobile parts), or other discarded materials.
 - City may arrange for removal of these materials and remediation.
 - City may ticket offenders, if they can be identified, or order them to remove the material and claim the costs if they fail to comply with the order.
- *Public Parks and School Grounds Regulation Bylaw 8771*³
 - Applies to any public park, boulevard, greenway, trail, beach, public recreation building, dock, pier, heritage site, or facility under the custody, care, management or jurisdiction of the City and available for public access, and to any school ground, park, playground, or other places under the custody, care, management or jurisdiction of the school district.
 - Prohibits littering, disposing of household, commercial or yard waste. City may ticket offenders, if they can be identified.
 - Prohibits installing, erecting or constructing a tent, shelter, building structure, sign, ornament or object or depositing soil, wood, rock or other material, without authorization. Authorizes the City to remove such material at the offender's expense and the City may ticket offenders, if they can be identified.

¹ Pursuant to the City's right to regulate highways as a City service and to regulate and prohibit in relation to the use of highways. (s. 8(3(a)) and 36 of *Community Charter*)

² Pursuant to the City's right to regulate and prohibit in relation to a City service and public spaces. (s. 8(3(a)), 8(3(b)), and 62 of *Community Charter*)

³ Pursuant to the City's right to regulate and prohibit in relation to a City service and public spaces. (s. 8(3(a)), 8(3(b)), and 62 of *Community Charter*)

- *Unsightly Premises Regulation Bylaw 7162*⁴
 - Applies to the owner or occupier of private property and to activities by persons on public property (any property owned or leased by the City ordinarily accessible to the public, including parks, roads, boulevards, sidewalks, and dikes).
 - Prohibits the accumulation of rubbish, filth, discarded materials, or noxious, offensive or unwholesome matter or substances on or around that property.
 - City may ticket the offender, or order removal with respect to the owner or occupier of private property.

Other Authorities

- Common Law – Private Property Rights
 - The City may as the registered owner of real property exercise its rights to clear its land of materials placed there without permission, as such materials may constitute a trespass or nuisance.
 - However, the exercise of these rights does not have the same legislative liability protections as the seizure rights under the proposed bylaw.
- Subsection 46(1) of *Community Charter* – Court Injunction
 - Separate from the bylaw powers granted by subsection 46 (2) and (3), the City has the authority pursuant to subsection 46(1) of the *Community Charter* to see relief through court injunction against those who “excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place” without City approval or an applicable permit. The injunction could require removal of materials or the cessation of particular actions. The use of this power does not require a bylaw.
 - However, enforcement under this provision can require a considerable amount of time when time it is not necessarily available due to the immediate and urgent nature of the need for removal. Additionally, enforcement would require significant resources for investigative work and support for the court process required to obtain such injunctions.
 - The powers pursuant to the proposed bylaw would allow for the City to effect immediate seizure and removal or removal orders when deemed appropriate.

⁴ Pursuant to the City’s right to regulate and prohibit in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [nuisances, disturbances and other objectionable situations]. (s. 8(3(h)) and 64 of *Community Charter*)

Summary of Proposed Bylaw

- *Prohibition*
 - No one may place, leave, dump, install, or construct any material or structure on a highway or public space without prior written consent of the City.
- *Impoundment/Seizure and Sale*
 - Without notice to the owner, the City⁵ or a Police Officer may order the seizure, removal and impoundment of unauthorized material from a highway or public space by City staff or contractors.
 - The impounded/seized unauthorized material may be retrieved by the owner by paying the City's fees and expenses set out in the Consolidated Fees Bylaw.
 - If no one claims the unauthorized material within 14 days of seizure, the City may dispose of the material.
 - The City will have a right to sell seized materials, where the City determines that is a prudent method of disposal, if not claimed within 30 days; first through auction, or if not sold at auction then through private sale.
 - If there are any proceeds of sale in excess of the City expenses and any fees owing, they are be returned to the owner.
 - If the excess funds are not paid out, or claimed, within 1 year they will be forfeit to the City.
 - If the material is waste/refuse or is perishable, or if the impoundment would involve an unreasonable expense or inconvenience for the City, the City may dispose of the material without waiting the claim periods.
 - City expenses incurred in the removal and disposal, plus an administrative fee set out in the Consolidated Fees Bylaw, less any proceeds from the disposal/sale of the material (if any), are a debt to the City owed by the owner of the material.
- *Order to Comply*
 - Bylaw enforcement officers may order the owner of any unauthorized material to remove it.
 - If the order is not complied with, the City may remove and dispose of the unauthorized material at the owner's expense, with no compensation.
 - City expenses incurred in the removal and disposal plus an administrative fee set out in the Consolidated Fees Bylaw are a debt to the City.
 - Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227 introduces the applicable fees pursuant to this bylaw.
- *Liability Protection:* As provided for in the legislation, the bylaw can provide the city with liability protection against claim regarding anything seized, removed, impounded, or disposed of pursuant to the bylaw. This level of protection from financial and legal liability is not available to the City when we remove material which is trespassing on City property simply under our powers as the owner of the property.

⁵ Any City bylaw enforcement officers, the Fire Chief, the General Manager, Engineering & Public Works (or their designates)

- *Owner:* In the absence of proof to the contrary, the owner of the unauthorized material is deemed to be:
 - the person who placed the unauthorized material on the highway or public place; and
 - in respect of unimproved roads, the owner of the real property adjacent to where the unauthorized material was placed.

In the opinion of Staff this is a reasonable assumption as many circumstances encountered by City staff the materials left or constructed on unimproved roads are owned by the adjacent land owner (for example: decks, sheds, collections of construction or gardening materials) and thus in most circumstances dumped materials will be the property of the adjacent land owner. However, if there is clear evidence to the contrary in cases of dumping by persons other than the adjacent land owner (for example: litter, garbage, abandoned camps) removal of the material would be at the City's cost if the owner could not otherwise be determined.

- *Fees and Expenses as Debt:* all the fees and expenses payable by an owner under this bylaw, if they remain unpaid, may be added to the applicable property taxes.
- *Ticketing:* As an additional enforcement tool Notices of Bylaw Violation of up to the maximum amount of \$500 for each occurrence and municipal tickets of up to the maximum amount of \$1000 for each occurrence would apply to any unauthorized material being placed or constructed upon a highway or public place, and to the failure to comply with an order of removal.
 - Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229 introduces the applicable notices of bylaw violation pursuant to this bylaw.
 - Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10228 introduces the applicable MTIs pursuant to this bylaw.
- *Motor Vehicles:* The removal and impoundment of improperly parked registered/licensed motor vehicles on highways continues to be regulated under the City's Traffic Bylaw 5870 and excluded from this new bylaw. This bylaw would however apply to derelict and abandoned non-licensed vehicles left on City property or other public places.



Regulation of Material on Highways Bylaw No. 10226

WHEREAS Part 2, Division 5, Section 36 of the *Community Charter* confers upon the **City** authority to, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or a part of a highway;

AND WHEREAS Part 2, Division 5, Subsections 46(2) & (3) of the *Community Charter* confers upon the **City** authority to, by bylaw, authorize the seizure of things unlawfully occupying a portion of a highway or public place;

NOW THEREFORE, the Council of the City of Richmond enacts as follows:

PART ONE: GENERAL PROVISIONS

1.1 Prohibition

- 1.1.1 No person shall cause, or permit, any things, including without limitation any **material** or **structure**, to occupy or be placed, left, dumped, abandoned, disposed of, installed, or constructed upon a **highway** or other **public space**, without the prior written consent of the **City** (including, without limitation, by way of license agreement, and as may be permitted under *Traffic Bylaw No. 5870*).

1.2 Seizure, Removal and Impoundment

- 1.2.1 Without notice to, or consent of, the owner of any **unauthorized thing, material or structure**, a **bylaw enforcement officer**, the **Fire Chief**, a **Police Officer**, the **General Manager, Community Safety**, the **General Manager, Engineering & Public Works**, or their designates, may direct **City** staff, or the **City's** agents and contractors, to seize, remove, and impound, or to cause the seizure, removal, and impoundment of, any **unauthorized thing, material or structure** occupying a portion of a **highway** or **public space**. The impoundment shall be in such a place as directed by the person issuing the direction.
- 1.2.2 Any **unauthorized thing, material or structure** so removed, impounded, or seized under this bylaw pursuant to Section 1.2.1 may be recovered by the owner by paying to the **City** the fees, costs and expenses in the amount set out from time to time in the *Consolidated Fees Bylaw No. 8636*. If such charges remain unpaid on or before December 31st in the year in which the charges are incurred, they may form part of the taxes payable on the person's related real property, as taxes in arrears.

- 1.2.3 Any **unauthorized thing, material or structure** seized under this bylaw may not be disposed by the **City** unless no person has within a fourteen (14) calendar day period following removal/seizure:
- (a) appeared who has established a claim to the **unauthorized thing, material or structure**;
 - (b) paid to the **City** the costs set out under section 1.3.2 above; and
 - (c) taken custody of it.
- 1.2.4 If the **unauthorized thing, material or structure** is not claimed by its owner within 30 calendar days of the date of removal/seizure, the **unauthorized thing, material or structure** maybe sold by the **City** at public auction, if applicable, or otherwise disposed of at the direction of the **General Manager, Finance and Corporate Services**. If the **unauthorized thing, material or structure** is put up for sale by public auction and is not sold, it may be sold by the **City** by private sale or otherwise disposed of at the discretion of the **General Manager, Finance and Corporate Service**.
- 1.2.5 Notwithstanding Section 1.2.3 and 1.2.4 above, if, in the opinion of the **General Manager, Finance and Corporate Services**, the **General Manager, Engineering and Public Works**, or the **General Manager, Community Safety**:
- (a) the **unauthorized thing, material or structure** is waste or refuse;
 - (b) the **unauthorized thing, material or structure** is perishable; or
 - (c) the impoundment of an **unauthorized thing, material or structure** involves unreasonable expense or inconvenience,
- the **City** may dispose of the **unauthorized thing, material or structure** at any time and in any manner.
- 1.2.6 The expenses incurred in the seizure, removal, impoundment, and disposal of any **unauthorized thing, material or structure** under Sections 1.2.4 or 1.2.5 of this bylaw, plus an administrative fee as set out from time to time in the ***Consolidated Fees Bylaw No. 8636***, less the proceeds, if any, of the disposal are recoverable as a debt due to the **City**, or its contractors and authorized agents, from the owner of the **unauthorized thing, material or structure**. If such charges remain unpaid on or before December 31st in the year in which the charges are incurred, they may form part of the taxes payable on the person's related property, as taxes in arrears.
- 1.2.7 If upon the sale of any **unauthorized thing, material or structure** the proceeds exceed the expenses incurred in the seizure, removal and disposal, the balance of the proceeds of the sale will be held in trust by the **City** for the owner thereof. If such monies have been held by the **City** for a period of one (1) year and no lawful claim

has been made therefore, the monies shall be forfeited to the **City** and shall be transferred to the general revenue of the **City** and shall form part thereof.

- 1.2.8 In the exercise of the authority set out in this Section 1.2 no compensation shall be paid to the owner of the **unauthorized thing, material or structure**, or any other person, for the loss or damage resulting from the seizure, removal, impoundment, or disposal.

1.3 Order to Comply (Removal)

- 1.3.1 A **bylaw enforcement officer** may order the owner of any **unauthorized thing, material or structure** to remove or clear such **unauthorized thing, material or structure** from any **highway** or **public space**, subject to the directions set out in the **order to comply**.
- 1.3.2 A **bylaw enforcement officer** may enter, at all reasonable times, upon any real property to determine whether the provisions of this bylaw or the directions of an **order to comply** are being complied with.
- 1.3.3 If the owner of the **unauthorized thing, material or structure** fails to remove or clear the **unauthorized thing, material or structure** from the **highway** or **public space** as directed in an **order to comply**, **City** staff, or a contractor engaged by the **City**, may seize, remove or clear and dispose of the **unauthorized thing, material or structure** at the expense of the owner. In the exercise of this authority no compensation shall be paid to the owner of the **unauthorized thing, material or structure** or any other person for the loss or damage resulting from the seizure, removal, clearing, or disposal.
- 1.3.4 If the owner fails to remove or clear the **unauthorized thing, material or structure** from a **highway** or **public space**, as directed in an **order to comply**, to which access is required through adjacent real property, **City** staff, or a contractor engaged by the **City**, may enter on such real property adjacent to the **highway** or **public space** to, at reasonable times and in a reasonable manner, to seize, remove or clear the **unauthorized thing, material or structure** at the expense of the owner. In the exercise of this authority no compensation shall be paid to the owner of the **unauthorized thing, material or structure** or any other person for the loss or damage resulting from the seizure, removal, clearing, or disposal.
- 1.3.5 Where **unauthorized thing, material or structure** has been seized, removed or cleared in accordance with subsection 1.3.3 or 1.3.4 the costs incurred for such seizure, removal, or clearance, and disposal by the **City** of such **unauthorized thing, material or structure**, plus an administrative fee as set out from time to time in the *Consolidated Fees Bylaw No. 8636*, are recoverable as a debt due to the **City**, or its contractors and authorized agents, from the owner. If such charges remain unpaid on or before December 31st in the year in which the charges are incurred, they may form part of the taxes payable on the owner's related property, as taxes in arrears.

1.4 Ownership of Unauthorized thing, material or structure

1.4.1 In the absence of proof to the contrary:

- (a) the person who placed the **unauthorized thing, material or structure** on the **highway** or **public space**; and
- (b) in respect of **unauthorized thing, material or structure** placed upon unimproved **highways**, the owner or occupant of the real property adjacent to where such **unauthorized thing, material or structure** was placed on the **highway**,

shall be deemed to be the owner of such **unauthorized thing, material or structure** for the purposes of this bylaw.

1.5 Vehicles

1.5.1 Notwithstanding anything contained in this bylaw, the impoundment, seizure, sale in respect of any vehicle having a registered owner set out in the records of the Superintendent of Motor Vehicles unlawfully occupying any portion of a **highway** normally open to the use of the public for the passage of vehicles, shall be subject to the provisions of *Traffic Bylaw No. 5870*.

PART TWO: OFFENCES, PENALTIES AND ENFORCEMENT

- 2.1 (a) A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended or replaced from time to time; and
 - (b) A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*, as they may be amended or replaced from time to time.
- 2.2 Any person who gives false information required under this bylaw is deemed to have committed an infraction of, or an offence against, this bylaw, and is liable on summary conviction to a penalty of not more than \$10,000 in addition to the costs of the prosecution, and each day that such violation is caused or allowed to continue constitutes a separate offence.
- 2.3 Any person who contravenes or violates any provision of this bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required to be done under this bylaw, commits an offence and upon conviction shall be liable to a fine of not less than One Thousand Dollars (\$1,000.00) and not more than Fifty Thousand Dollars (\$50,000.00), in addition to the

costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

PART THREE: INTERPRETATION

3.1 In this bylaw, unless the context requires otherwise:

BYLAW ENFORCEMENT OFFICER	means an employee of the City with the job position or title of bylaw enforcement officer, or acting in another capacity on behalf of the City for the purpose of the enforcement of one of more of the City's bylaws, including without limitation a building inspector and a licensing inspector.
CITY	means the City of Richmond.
COMMUNITY CHARTER	means <i>Community Charter</i> , SBC 2003, c. 26, as amended or replaced from time to time.
CONSOLIDATED FEES BYLAW NO. 8636	means the City's <i>Consolidated Fees Bylaw No. 8636</i> , as amended or replaced from time to time.
COUNCIL	means the Council of the City .
FIRE CHIEF	has the meaning set out in the City's <i>Fire Protection and Life Safety Bylaw No. 8306</i> , as amended or replaced from time to time.
GENERAL MANAGER, COMMUNITY SAFETY	means the City's General Manager of Community Safety, and his/her designate(s).
GENERAL MANAGER, FINANCE AND CORPORATE SERVICES	means the City's General Manager of Finance and Corporate Services and his/her designate(s).
GENERAL MANAGER, ENGINEERING AND PUBLIC WORKS	means the City's General Manager of Engineering and Public Works and his/her designate(s).
HIGHWAY	means any street, road, lane, bridge, viaduct, and any other way open to public use, other than a private right of way on private property, whether or not it is improved. For greater certainty, highway includes land or improvement that: <ul style="list-style-type: none"> (i) becomes or has become highway by any of the means set out in the definition of "highway" in the <i>Transportation Act</i> and are within the control

of or under the jurisdiction of the **City**, including without limitation all such **highways** dedicated to the **City** upon a deposit of a subdivision or road dedication plan pursuant to the *Land Title Act* whether or not such **highway** is improved or open for public use;

(ii) becomes or has become **highway** by **City** bylaw or gazette; and

(iii) are secured for public use as road by way of statutory right of way in favour of the **City**.

LAND TITLE ACT

means *Land Title Act*, RSBC 1996, c. 250, as amended or replaced from time to time

MATERIAL

means any solid or semi-solid material, including, but not limited to, any chattels, trash, refuse, waste material, construction material, soil, discarded residential, commercial or industrial fixtures and appliances, metal scraps, lumber, yard cuttings, agricultural products, and agricultural equipment.

POLICE OFFICER

has the meaning set out in the **City's** *Municipal Ticket Information Authorization Bylaw No. 7321*, as amended and replaced from time to time.

PUBLIC SPACE

means any park, public plaza, public square, or other place which the public has access to as a right or by invitation, express or implied, and which is owned by, or within the control, of the **City**, including without limitation any such place secured by way of statutory right of way in favour of the **City**.

STRUCTURE

means any temporary or permanent structure, construction, or building, including without limitation any septic tank, deck, patio, swimming pool, trailer, storage unit, shed, house, warehouse, greenhouse, fixture, piping, and infrastructure.

TRAFFIC BYLAW NO. 5870

means the **City's** *Traffic Bylaw No. 5870*, as amended or replaced from time to time.

TRANSPORTATION ACT

means *Transportation Act*, SBC 2004, c. 44, as amended or replaced from time to time.

**UNAUTHORIZED THING,
MATERIAL OR STRUCTURE**

means any thing, including without limitation any **material** or **structure** placed, left, dumped, abandoned, disposed of, installed, or constructed upon a portion of a **highway** or **public space** without the **City's** consent.

- 3.2 References in this bylaw to enactments, bylaws of the **City**, include those enactments, bylaws, and plans as they may be amended or replaced from time to time.

PART FOUR: SEVERABILITY AND CITATION

- 4.1 If any section, subsection, paragraph, clause or phrase 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.
- 4.2 This Bylaw is cited as "**Regulation of Material on Highways Bylaw No. 10226**".

PART FIVE: FEES BYLAW

- 5.1 The *Consolidated Fees Bylaw No. 8636*, as may be amended from time to time, applies to this bylaw.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR_____
CORPORATE OFFICE

CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>[Signature]</i>



**CONSOLIDATED FEES BYLAW NO. 8636,
AMENDMENT BYLAW NO. 10227**

The Council of the City of Richmond enacts as follows:

1. The **Consolidated Fees Bylaw No. 8636**, as amended, is further amended by adding the Schedule A to this Bylaw following the SCHEDULE – RCMP DOCUMENTATION FEES Table as a new “SCHEDULE - REGULATION OF MATERIAL ON HIGHWAYS” to Consolidated Fees Bylaw No. 8636.
2. This Bylaw is cited as “**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER

SCHEDULE - REGULATION OF MATERIAL ON HIGHWAYS**Regulation of Material on Highways Bylaw No. 10226****Section 1.2.5**

Description	Fee
Administrative charges for cost recovery	20% of actual costs
Costs of removal or clearance and disposal	Actual Cost

Regulation of Material on Highways Bylaw No. 10226**Section 1.3.2**

Description	Fee
Administrative charges for cost recovery	20% of actual costs
Costs of removal, impoundment or seizure	Actual Cost

Regulation of Material on Highways Bylaw No. 10226**Section 1.3.6**

Description	Fee
Administrative charges for cost recovery	20% of actual costs
Costs of removal and disposal	Actual Cost less proceeds (if any)



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 10228**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by:

(a) inserting the following as new section 10 in Schedule A to Bylaw 7321:

“10. Regulation of Material on Highways
Bylaw No. 10226

- Bylaw Enforcement Officer

- Fire Inspector

- Police Officer”

(b) inserting Schedule A attached hereto as new Schedule B 10 to Bylaw 7321.

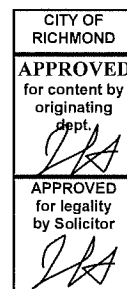
2. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10228**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER

SCHEDULE B 10**REGULATION OF MATERIAL ON HIGHWAYS BYLAW NO. 10226**

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Cause or permit material or structure to be placed, left, dumped, abandoned, disposed of, installed or constructed upon highway or public space without written City consent	1.1	\$1000
Failure to meet the conditions and/or deadlines specified in an Order to Comply	1.2.3	\$1000



**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,
Amendment Bylaw No. 10229**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following to the list in Section 1.1 in alphabetical order:

“Regulation of Material on Highways Bylaw No. 10226, as amended;”.

2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding the content of the table in Schedule A, attached to and forming part of this bylaw, as new “Schedule – Regulation of Material on Highways Bylaw No. 10226” in Bylaw No. 8122 in alphabetical order.

3. This Bylaw is cited as “**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division 
APPROVED for legality by Solicitor 

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 10229

Schedule – Regulation of Material on Highways Bylaw No. 10226 Designated Bylaw Contraventions and Corresponding Penalties							
A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
Regulation of Material on Highways Bylaw No. 10226	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Cause or permit material or structure to be placed, left, dumped, abandoned, disposed of, installed or constructed upon highway or public space without written City consent	1.1	No	\$450.00	\$400.00	\$500.00	n/a
	Failure to meet the conditions and/or deadlines specified in an Order to Comply	1.2.3	No	\$450.00	\$400.00	\$500.00	n/a