



City of Richmond

Report to Committee

To: Community Safety Committee

to Community Safety - Feb. 13, 2007
Date: January 23, 2007

From: Wayne G. Mercer
Manager, Community Bylaws

File: 12-8060-20-8195/8196

**Re: Bylaw Dispute Adjudication System -
Amendments to Related Bylaws No. 5870 and No. 7403**

Staff Recommendation

1. THAT the Traffic Bylaw No. 5870, Amendment Bylaw No. 8195 be introduced and given first, second and third readings; and
2. THAT the Parking (Off-Street) Regulation Bylaw No. 7403, Amendment Bylaw No. 8196 be introduced and given first, second and third readings.

Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

Att. 2

FOR ORIGINATING DEPARTMENT 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 <input checked="" type="checkbox"/> <i>GS</i>	NO <input type="checkbox"/>	REVIEWED BY CAO
			YES <input checked="" type="checkbox"/> <i>GD</i>
			NO <input type="checkbox"/>

Staff Report

Origin

On January 22, 2007, Council adopted the enabling Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, which establishes the Bylaw Dispute Adjudication System in Richmond effective April 1, 2007. In the covering report, it was noted that amendments would have to be made to the existing bylaws regulating parking both for on-street and off-street situations.

Analysis

With the establishment of the new Bylaw Dispute Adjudication System, many of the sections and schedules to the City's Traffic Bylaw No. 5870 (which regulates on-street parking) and Parking (Off-Street) Regulation Bylaw No. 7403 required amendment. These amendments comply with the replacement of Provincial Court action on disputed parking tickets with the more efficient and cost-effective adjudication of disputes through an independent Adjudicator.

The amendments will ensure that the revised bylaws are consistent with Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 and provide a clearer outline of the related infractions through the revamped schedules.

These recommended bylaw amendments would come into effect concurrently with the new Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 on April 1, 2007.

Financial Impact

The amendments incorporate the following:

- a \$5.00 per ticket increase to the early payment amount, which based on our expected ticket volume will result in an increase in Parking Program revenues of approximately \$90,000 per annum, and
- the addition of a late payment penalty of \$25.00 per ticket to cover a portion of the collection costs normally associated with these accounts, which based on our normal volume of payments on accounts under collection, will result in an increase in Parking Program revenue of \$31,000 per annum.

These expected increases have already been included in the Community Bylaws Operating Budget for 2007.

Conclusion

Staff recommends that Council:

- approve for adoption effective April 1, 2007, the necessary amendments to the City's Traffic Bylaw No. 5870, and
- approve for adoption effective April 1, 2007, the necessary amendments to the Parking (Off-Street) Regulation Bylaw No. 7403.



Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

WGM:wgm

Att: Traffic Bylaw No. 5870, Amendment Bylaw No. 8195
Parking (Off-Street) Regulation Bylaw No. 7403, Amendment Bylaw No. 8196



**Traffic Bylaw No. 5870,
Amendment Bylaw No. 8195**

The Council of the City of Richmond enacts as follows:

1. Traffic Bylaw No. 5870 is amended by deleting Sections 35 and 35A and substituting the following:

35. Fines

35.1 A violation of any of the provisions of this bylaw identified in Schedule I of this bylaw shall result in liability for penalties and late payment amounts established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*.

35A. Notice of Bylaw Violation Procedure

35A.1 A violation of any of the provisions of this bylaw identified in Schedule I of 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*

2. Traffic Bylaw No. 5870 is amended by deleting Section 36 and substituting the following:

36. Offence Act Procedures

36.1 A person who

- (a) violates or causes or allows any of the provisions of this bylaw to be violated;
- (b) fails to comply with any of the provisions of this bylaw;
- (c) neglects or refrains from doing anything required under the provisions of this bylaw; or

(d) makes a false or misleading statement to a **bylaw enforcement officer** respecting compliance with this bylaw;

is deemed to have committed a violation of or an offence under this bylaw.

36.2 Each day that a violation or offence under this bylaw is caused or allowed to continue constitutes a separate violation or offence.

36.3 A person deemed to have committed a violation or offence under this bylaw, other than those identified in Sections 35, 35A and Schedule I, is liable on summary conviction to the penalties provided for in the *Offence Act* RSBC 1996. c/ 338. and amendments thereto.

3. Traffic Bylaw No. 5870 is amended by deleting Schedule I, "Schedule of Voluntary Payment Fines" and substituting the attached Schedule I, "Designated Bylaw Contraventions".

4. This bylaw is cited as "**Traffic Bylaw No. 5870 Amendment Bylaw No. 8195**".

5. This bylaw comes into force and takes effect on April 1, 2007.

FIRST READING

SECOND READING

THIRD READING

LEGAL REQUIREMENTS SATISFIED

ADOPTED



MAYOR

CORPORATE OFFICER

SCHEDULE I to BYLAW NO. 5870

Designated Bylaw Contraventions

I1 Bylaw	I2 Description of Contravention	I3 Section
Traffic Bylaw No. 5870 (1992)	Parking over 48 hours	12.4 (d)
	Parking over 3 hours between 8 am and 6 pm	12.4 (l)
	Overtime parking	12.4 (r)
	Park without valid proof of payment	12A.2
Traffic Bylaw No. 5870 (1992)	Stopping within 16 metres of a bus stop sign in mid block	12.3 (m)
	Stopping on a bridge	12.3 (n)
	Stopping within 5 metres of a fire hydrant	12.3 (o)
	Stopping so as to obstruct a traffic sign	12.3 (r)
	Stopping within 15 metres of a railway crossing	12.3 (s)
	Stopping in a construction zone	12.3 (t)
	Stopping beside a yellow curb	12.3 (u)
	Parking in a lane	12.4 (a)
	Parking on a roadway where it is practicable to park off the roadway	12.4 (b)
	No parking zone	12.4 (c)
	Parking abutting a centre median	12.4 (e)
	Parking on the roadway side of a vehicle already stopped or parked	12.4 (g)
	Parking vehicle to display for sale	12.4 (h)(i)
	Parking vehicle for repairs on street	12.4 (h)(ii)
	Parking vehicle to sell from vehicle	12.4 (h)(iii)
	Parking opposite or adjacent to excavation so as to obstruct traffic	12.4 (i)
	Parking abutting elementary school between 8 am and 5 pm	12.4 (m)
Parking in loading zone over 5 minutes for passenger	12.4 (o)	

I1 Bylaw	I2 Description of Contravention	I3 Section
Traffic Bylaw No. 5870 (1992)	Parking in loading zone over 30 minutes for materials Parking so as to obstruct a traffic sign Parking on school grounds or in City parks between 3 am and 6 am Parking with expired plates or no plates Parking in a construction zone Moving a vehicle within a block to avoid time limits Stopping or parking other than on the right side of the roadway in the direction of traffic Stopping other than parallel to the curb or edge of the roadway Parking beyond 30 cm from front of vehicle to adjacent curb Parking not in a marked stall Parking with vehicle or the load thereon extending into traffic Parking at an angle other than 45 degrees or as indicated by lines or signs Parking beyond 30 cm from front of vehicle to adjacent curb Parking without displaying a valid parking permit Overweight vehicle on a weight limited roadway	12.4 (p) 12.4 (q) 12.4 (s) 12.4 (t) 12.4 (u) 12.4A 12.5 12.5 12.5 12.6 12.7 12.7 12.7 12B.6 15.2
Traffic Bylaw No. 5870 (1992)	Parking a commercial vehicle during prohibited hours Parking a commercial vehicle over 3 hours from 7 am to 7 pm Parking a commercial vehicle abutting property used for residence, church, school or public park Parking an unattached trailer Parking in a disabled parking space without specified hanger	12.8 12.9 12.10 12.11 12.13



**Parking (Off-Street) Regulation Bylaw No. 7403,
Amendment Bylaw No. 8196**

The Council of the City of Richmond enacts as follows:

1. Parking (Off-Street) Regulation Bylaw No. 7403 is amended by deleting Section 9.2 and Section 9.3 and substituting the following:

9.2 Fines

- 9.2.1 A violation of any of the provisions in this bylaw identified in Schedule “B” of this bylaw shall result in liability for penalties and late payment amounts established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*.

9.3 Notice of Bylaw Violation Procedure

- 9.3.1 A violation of any of the provisions in this bylaw identified in Schedule “B” of 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*.

2. Parking (Off-Street) Regulation Bylaw No. 7403 is amended by deleting Section 9.5 and substituting the following:

9.5 Offence Act Procedures

- 9.5.1 A person who
 - (a) violates or who causes or allows any of the provisions of this bylaw to be violated;
 - (b) fails to comply with any of the provisions of this bylaw;
 - (c) neglects or refrains from doing anything required under this bylaw; or

(d) makes a false or misleading statement to a bylaw enforcement officer respecting compliance with this bylaw

is deemed to have committed a violation of or an offence under this bylaw.

9.5.2 Each day that a violation or offence under this bylaw is caused or allowed to continue constitutes a separate violation or offence.

9.5.3 A person deemed to have committed a violation or offence under this bylaw, other than those identified in Schedule "B" to this bylaw, is liable on summary conviction to the penalties provided for in the *Offence Act* RSBC 1996 c. 338 and amendments thereto.

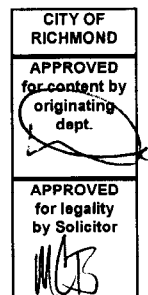
- 3. Parking (Off-Street) Regulation Bylaw No. 7403 is amended by deleting Schedule B, "Schedule of Voluntary Payment Fines" and substituting the attached Schedule B, "Designated Bylaw Contraventions".
- 4. This bylaw is cited as "**Parking (Off-Street) Regulation Bylaw No. 7403, Amendment Bylaw No. 8196**".
- 5. This bylaw comes into force and takes effect on April 1, 2007.

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER

SCHEDULE B to BYLAW NO. 7403

Designated Bylaw Contraventions

B1 Bylaw	B2 Description of Contravention	B3 Section
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)	Parking beyond posted time limit	2.1.1 (i)
	Parking without valid proof of payment	5.1.2
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)	Parking in a reserved parking space without an authorized parking permit	2.1.1 (f)
	Parking in loading zone over 5 minutes for passenger	2.1.1 (g)(i)
	Parking in loading zone over 30 minutes for materials	2.1.1 (g)(ii)
	Stopping or parking a vehicle where prohibited	3.2.1 (c)
	Parking outside of designated lines	3.2.1 (d)
	Parking in an area not designated for parking	3.3.1 (b)(i)
	Parking with expired plates or no plates	3.3.1 (b)(ii)
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)	Parking without displaying a valid parking permit	5.1.2 (c)
Parking (Off-Street) Regulation Bylaw No. 7403 (2002)	Parking in a disabled parking space without specified hanger	2.1.1 (h)(i)