



Council Report
For the Meeting of February 11, 2016

To: Council
From: C. Coates, City Clerk
Subject: Bylaw Notice Adjudication Bylaw – 16-017

Date: January 29, 2016

RECOMMENDATION

That Council consider first, second and third readings of Bylaw No. 16-017

BACKGROUND

Attached for Council's initial consideration is a copy of the proposal Bylaw No. 16-017

The issue came before Council on January 14, 2016 when Council passed the following motion:


Parking Dispute Adjudication

That Council direct staff to prepare:

- Bylaw Notice Dispute Adjudication Bylaw,
- Administration Fees Bylaw, Amendment Bylaw (No. 3)

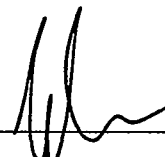
generally in accordance with draft bylaws attached as appendices B and C.

Respectfully submitted,


Chris Coates
City Clerk

Report accepted and recommended by the City Manager:

Date:


Feb. 1, 2016

NO. 16-017

BYLAW NOTICE ADJUDICATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish a bylaw notice dispute adjudication system and designate bylaw contraventions that are to be enforced by bylaw notice under the *Local Government Bylaw Notice Enforcement Act*.

Under its statutory powers, including sections 2, 4 and 14 of the *Local Government Bylaw Notice Enforcement Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Contents

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Schedule A - Designated Bylaws, Bylaw Contraventions and Penalties

Title

- 1 This Bylaw may be cited as the "Bylaw Notice Adjudication Bylaw."

Definitions

- 2 In this Bylaw:

"Act"

means the *Local Government Bylaw Notice Enforcement Act*;

"bylaw notice"

means a bylaw notice referred to in section 4 of the Act and issued under this Bylaw;

"City"

means the Corporation of the City of Victoria;

“Council”

means the Council of the Corporation of the City of Victoria;

“screening officer”

means a person designated and appointed under section 8 of this Bylaw to act as a Screening Officer I or Screening Officer II.

Schedules

- 3 The schedule attached to this Bylaw forms part of this Bylaw.

Bylaw contraventions

- 4 The bylaws and bylaw contraventions designated in Schedule A may be enforced by bylaw notice.

Penalty

- 5 (1) Subject to subsection (2), the penalty for a contravention referred to in section 4 is the penalty amount set out in column A of Schedule A.
- (2) If payment is received by the City within 14 days of the person receiving or being presumed to have received the bylaw notice, the penalty set out in column A is reduced by the discount amount set out in column B of Schedule A.

Paying or disputing notice

- 6 (1) A bylaw notice may be delivered
- (a) in person to the named person,
 - (b) by mailing a copy of the bylaw notice
 - (i) if the bylaw notice is in respect of a contravention involving a vehicle, to the address for each registered owner of the vehicle involved,
 - (ii) to the actual or last known address of the named person, or
 - (iii) if the named person is a corporation or a business, to the registered office or head office, or
 - (c) if the bylaw notice is in respect of a parking contravention, by leaving the bylaw notice on the vehicle involved.
- (2) A bylaw notice delivered under subsection (1)(b) is presumed to have been received by the person to whom it is addressed on the 7th day after mailing.

- (3) A bylaw notice delivered under subsection (1)(c) is presumed to have been received by each registered owner of the vehicle on the day it is left on the vehicle.
- (4) A person who receives a bylaw notice, or their authorized agent, must, within 14 days of the date on which the person received or is presumed to have received the bylaw notice
 - (a) pay the penalty, or
 - (b) request dispute adjudication
 by following the appropriate instructions on the bylaw notice.
- (5) A person may pay the indicated penalty after 14 days of receiving a bylaw notice, but no person may dispute a bylaw notice after 14 days of receiving the bylaw notice.

Bylaw notice dispute adjudication system and notice dispute fee

- 7 (1) A bylaw notice dispute adjudication system in accordance with Part 3 of the Act is hereby established in order to resolve disputes in relation to bylaw notices.
- (2) Every person who is unsuccessful in a dispute adjudication in relation to a bylaw notice under the dispute adjudication system established under this section shall pay an administrative fee of \$25.00, in addition to any other penalty amount imposed under this Bylaw.

Screening officers

- 8 (1) The positions of Screening Officer I and Screening Officer II are hereby established.
- (2) Council hereby designates all persons employed by the City as a Customer Service Ambassador, Public Service Centre Representative, Parking Services Clerk, and Parking Ambassador, as persons that may be appointed as a Screening Officer I, and hereby appoints them as Screening Officers I.
- (3) Council hereby designates all persons employed by the City as a Manager-Parking Services, Supervisor – Parking Services, Manager-Revenue, Director of Finance, and Director of Citizen Engagement and Strategic Planning, and Parking Review Representative as persons that may be appointed as Screening Officer II, and hereby appoints them as Screening Officers II.
- (4) Every Screening Officer I and Screening Officer II has the power to review disputed bylaw notices, including the power to cancel a bylaw notice if in the opinion of the screening officer
 - (a) the contravention did not occur as alleged,
 - (b) the bylaw notice does not comply with section 4(4) of the Act, or

- (c) cancellation is otherwise in accordance with the City's policies and procedures established from time to time by the Manager of Parking Services with respect to the cancellation of a bylaw notice.

Severability

- 9 If any provision of this Bylaw is found to be invalid by a Court of competent jurisdiction it may be severed from the Bylaw and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Effective date

- 10 This Bylaw comes into force on March 1, 2016.

READ A FIRST TIME the	day of	2016
READ A SECOND TIME the	day of	2016
READ A THIRD TIME the	day of	2016
ADOPTED on the	day of	2016

CORPORATE ADMINISTRATOR

MAYOR

SCHEDULE A**DESIGNATED BYLAWS, BYLAW CONTRAVENTIONS AND PENALTIES**

Bylaw and Bylaw Section	Description	A Penalty	B Discount
Streets and Traffic Bylaw No. 09-079			
48	Stopping where prohibited	60	30
49	Parking where prohibited	40	20
50	Parking in City lane	40	20
51	Parking in limited time zone	40	20
53	Parking in a residential zone	60	30
54	Parking without a residential permit	60	30
55	Parking in a truck loading zone	60	30
56	Parking in a hotel zone	40	20
57	Parking in a general loading zone	40	20
58	Parking in school loading zone	40	20
59	Parking in a church loading zone	40	20
60	Parking in a handicapped persons loading zone	150	75
61	Parking in a taxi stand	40	20
62	Parking in a bus zone	80	40
63	Parking in a shuttle bus zone	40	20
65	Parking in a safety zone	60	30
66	Improper parking in an angle parking zone	40	20
67	Parking in a reserved parking area	40	20
68	Parking in a special parking zone	40	20

69	Parking in a compact parking spot	40	20
70	Parking in a passenger zone	40	20
71	Parking in a metered zone	40	20
75	Trailer parking in metered zone	40	20
76	Parking in a temporarily reserved zone	40	20
77	Improper objects inserted in pay station	350	175
78	Parking in ticket controlled parking zone	40	20
79	Parking in a sightseeing stand	100	50
80	Parking in horsedrawn sightseeing stand	100	50
81	Parking in a tourist parking zone	40	20
82	Unloading merchandize or freight	40	20
83	Prohibited parking at night	60	30
84	Sleeping in a parked vehicle overnight	40	20
85	Parking with inadequate space between vehicles	40	20
86	Parking on a one way street	40	20
87(2)(b), (c), (e) to (k), (n), (o)	Miscellaneous stopping, standing and parking prohibitions	40	20
87(2)(d),(l), (m)	Miscellaneous stopping, standing and parking prohibitions	60	30
88	Parking in relation to a curb	40	20
90	Parking adjacent to yellow curb lines	60	30
95	Parking commercial vehicles in residential zones	40	20
96	Parking trailer left on street	40	20
102(1)	Prohibited items on street and sidewalk	102.50	51.25
110	Parking, stopping, standing on sidewalk	60	30
117	Chalk on vehicle	102.50	51.25