

Memo



Date: July 6, 2010
File: BL 6550
To: City Manager
From: City Clerk
Subject: Amendments to City of Kelowna Municipal Ticket Information Bylaw

Recommendation:

THAT Council give reading consideration to Bylaw No. 10384, being amendment No. 76 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89;

AND THAT the policy of reducing the face value of the Bylaw Violation Notice penalty to "\$5.00 if paid by midnight of next day and to \$10 if paid with 7 days of date of issue" be restricted to expired parking meter or expired parking meter - dispenser and off street parking - failure to display valid permit only.

Purpose:

To increase the fine for certain Noise, Parks and Unsightly Premises bylaw infractions to help ensure compliance with these bylaws or as directed previously by Council.

Background:

Staff has reviewed current bylaw fine amounts with respect to the fine amount's impact on enforcement, and compared similar fine amounts in other local municipalities. Generally, current fine amounts in Kelowna are lower than in neighbouring municipalities.

Staff has also reviewed Vernon's Good Neighbour Bylaw. Many of the bylaw provisions are similar to current City of Kelowna bylaws; the main difference being fine amounts and that there is a convenience factor in having the regulations in one bylaw. Staff is working on bringing a Kelowna Good Neighbour Bylaw forward for Council's consideration.

Staff will be reviewing all fines and bringing forward a new Bylaw Adjudication fine bylaw and a new Municipal Ticket Information (MTI) Bylaw as part of the bylaw and policy changes being implemented with the new bylaw adjudication system.

Until then, staff is recommending the fine amounts for certain bylaw regulations be increased or added to the MTI Bylaw. The provisions below are areas where Council has either already provided direction or staff feel an increase is warranted to help ensure compliance with the bylaw.

Kelowna Noise and Disturbances Control Bylaw No. 6647:

1. Raise all noise provisions from \$100 to \$1000.

This would increase the fine amount for noise violations caused by loud parties, music, boats, animals, construction noise after hours (before 07:00 hrs or after 22:00 hrs) etc. to the \$1,000 maximum. Staff recommends increasing the fine amounts to ensure compliance with the noise bylaw.

Direction to raise the fines for noisy boats has been discussed previously by Council.

2. Raise the following fine:

- Participate in a fight or physical confrontation from \$150 to \$250.

This provision is used mainly by the RCMP, who has requested the fine be raised to \$250.

Parks and Public Spaces Bylaw No. 6819-91:

3. Raise the following fine:

- Possession of liquor in a park from \$100 to \$230.

Earlier this year the provincial government raised the fines for various liquor offences to \$230. At the moment, the RCMP is able to write a \$230 fine for possession of liquor in a park while City Bylaw Officers can only write a \$100 ticket. This discrepancy is known on the street and it is preferable from an enforcement perspective to have the fines the same amount.

4. Raise the following fines:

- Refuse to leave park or public space from \$100 to \$500;
- Enter park or public space when prohibited from \$100 to \$500;
- Be in a park while park is closed from \$50 to \$500.

These are similar regulations and it is recommended they have identical fines; the \$500 is similar to the fine amounts in other municipalities.

5. Add the following new fine:

- Cause damage to public property \$500.

This regulation was added to the Parks and Public Spaces Bylaw last year but no corresponding fine amount was added to the MTI bylaw.

Traffic Bylaw No. 8120:

6. Raise the following fine:

- Possession of open liquor on a highway, sidewalk, walkway or boulevard from \$100 to \$230.

For consistency with the provincial fine for the same offence (see above).

Unightly Premises Bylaw No. 8217:

7. Raise the following fine:

- Place graffiti on property from \$100 to \$1,000.

Council provided direction to staff to increase the fine to a maximum of \$1,000 during the March 29, 2010 Council meeting.

Bylaw Vehicle Notice Early Payment Reduction

Staff recommends that the policy of reducing the face value of the Bylaw Vehicle Notice penalty to "\$5.00 if paid by midnight of next day and to \$10 if paid with 7 days of date of issue" be restricted to expired parking meter or expired parking meter - dispenser and off street parking - failure to display valid permit only.

Currently this reduction is available for the above two offences as well as for overtime parking and parking outside a designated parking space. This change would assist in ensuring compliance with parking regulations in non-metered areas such as the around the hospital, while keeping the reduction option available in those parts of the downtown that have metered parking.

Internal Circulation:

Director, Corporate Services

Manager, Parks Services

Graffiti Eradication and Prevention Coordinator

Legal/Statutory Authority:

Council may, by bylaw, set a MTI fine amount to a maximum of \$1,000.

External Agency/Public Comments:

Staff has reviewed report with Kelowna Detachment, RCMP who is supportive of increases to the MTI fines.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

Community & Media Relations Comments:

Alternate Recommendation:

Submitted by:



Stephen Fleming
City Clerk

Approved for inclusion:  R. Mayne Director, Corporate Services

cc: Manager, Parks Services
Graffiti Eradication and Prevention Coordinator