

Date: January 05, 2010



TO: Board Members – Vancouver Park Board
FROM: General Manager – Vancouver Park Board
SUBJECT: 2010 Winter Games Parks Control By-law Enforcement

RECOMMENDATION

- A. THAT the Park Board support a collaborative approach to enforcement of City Bylaws and the Parks Control Bylaw during the 2010 Vancouver Olympic and Paralympic Games (the “Games”) as outlined in this report;**
- B. THAT the Park Board approve the proposed by-law as provided in Appendix A, in order to permit enforcement of the Parks Control By-law during the Games by way of a Municipal Ticket Information system;**
- C. THAT the General Manager instruct the Director of Legal Services to bring forward for enactment the proposed by-law, generally in accordance with Appendix A.**

POLICY

The creation of new by-laws regulating the use of park land and park facilities requires approval of the Park Board and enactment of the by-laws by the Board.

BACKGROUND

Park Board staff has been working collaboratively with City staff on the Games regulatory framework since 2006.

On December 3, 2009, City Council approved the 2010 Winter Games By-law that provides temporary relaxations and regulations as well as the operational plan for enforcement during the Games period.

This report has been reviewed and endorsed by the Director of Legal Services.

DISCUSSION

Games' Time Enforcement:

The Games are going to be a very intense and busy period for by-law enforcement staff. Due to limited staff resources, it will be necessary to prioritize the types of conduct we focus on to maximize the effectiveness of enforcement and minimize any negative impact on the enjoyment of the Games.

City staff has developed a by-law enforcement plan in keeping with the following priorities:

- a) Public safety issues, the goal being to ensure that restaurants and bars and clubs are not overcrowded, exits are not blocked, and that any other life safety issues are quickly addressed;
- b) Urban Domain issues, the goal being to ensure that the public can use city streets and sidewalks without obstruction and can enjoy festivities without undue interference by commercial interests; and that related transportation issues concerning vehicles for hire are addressed;
- c) Aesthetic issues, the goal being to minimize littering, graffiti and commercial signs, so Vancouver can present its best face to the world;

The expectation is that in parks, particularly in the downtown core, without enforcement activities, there would be significantly increased illegal advertising activities, vending and other similar activities.

Enforcement Plan:

The 2010 Bylaw Enforcement Working Group has determined that a collaborative approach to enforcement during the Games will enable maximum coverage of Games related sites, pedestrian and venue corridors, City lands, Parks and Private lands. It is recommended that the Park Rangers form part of the Bylaw Enforcement workforce and that they work with the Inspection Teams.

In addition to enforcing City and Park Board By-laws, these field staff would be ambassadors for Vancouver and assist visitors with wayfinding as well as provide information about Vancouver and its park network.

The day to day scheduling and operation of the enforcement teams during the Games will be carried out by the Bylaw Enforcement Functional Command Centre (FCC) at City hall.

Funding for by-law enforcement is part of an overall municipal services plan that the City is negotiating with its Games partners. Enhanced enforcement is subject to funding being in place.

Park Rangers hired specifically for enhanced enforcement during the Games, will be paid out of the Bylaw Enforcement Budget that is being funded by the Provincial Government.

All staff will be trained in the weeks leading up to the Games on the by-law provisions that will be enforced and on how to issue an MTI ticket (see below):

Municipal Ticket Information (MTI's)

This ticketing system is used in many other local municipalities such as Surrey, Richmond and Coquitlam. It is also used in Vancouver for prosecution of certain offences.

Most by-law offences in Vancouver, including offences pursuant to the Parks Control By-law, are prosecuted by way of a long form information. This means that after an investigation, a park board employee would send a report to the city prosecutor requesting approval of a charge. If that charge is approved, a document called an information would be typed up and sworn. That information must be personally served on the offender in order to compel the offender to attend court.

The MTI method streamlines the enforcement process and increases efficiencies for some offences. This is because the MTI is personally served on the offender at the time of the offence. The MTI is the charging document and the offender must take steps to dispute that charge or he will be deemed to have pled guilty.

In order to prosecute using MTIs, a by-law must be enacted by the Board designating the particular offences for which staff can issue MTIs. To prosecute offences under the Parks Control By-law using MTIs, the Park Board must pass a by-law that explicitly designates the by-law offences which may be enforced using MTIs, those city and park board staff authorized to issue MTIs and the amount of the fine for each designated offence.

A proposed form of by-law is attached to this report as Appendix A. Should the Board approve the recommendations in this report, it may then choose to enact the by-law at the same meeting after approval of the recommendations.

If an offender disputes the MTI, a trial will take place and the City Prosecutor, Park Ranger or other city inspector who observed the offence must testify in court. If an MTI is not disputed or is paid, the offender is deemed to have pled guilty and the fine is immediately payable to the City. The municipality must then collect the fine.

Tracking MTIs:

City staff currently uses a software program that has been temporarily modified to accommodate the MTI process and will be used during the Games to track the issuance of MITs issued under the Parks Control By-law.

Delegation of Authority:

By-law inspectors from Community Services and Engineering Services will be working throughout the City during the Games. To ensure that there is an ability to effectively enforce either Park Board or City By-laws whether activities are occurring on street, private land or park, staff are proposing that during the Games period, the Park Board temporarily delegate authority to City inspection staff to enforce provisions of the Parks Control By-law. These staff would supplement and work in partnership with Park Rangers. Staff propose that as part of the overall enforcement strategy, both Park Rangers and City inspectors be authorized to issue MTIs for specific offences under the Parks Control By-law.

Attached in Appendix A is a table outlining the designated authorities and the relevant by-law provisions for issuing an MTI.

SUMMARY

It is recommended that Park Rangers be assigned to work with the By-law Enforcement Program for the Games. It is further recommended that the Park Board approve a new Ticket Offences Bylaw to allow for the issuance of MTIs for designated Parks Control By-law offences by designated city staff, including Park Rangers, during the Games period in order to streamline and expedite the Games time enforcement process.

Prepared by:
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**A By-law of the City of Vancouver
Board of Parks and Recreation
to designate enforcement of certain by-law offences by ticket**

THE CITY OF VANCOUVER BOARD OF PARKS AND RECREATION, in public meeting, enacts as follows:

**SECTION 1
INTERPRETATION**

Name of By-law

1.1 The name of this By-law, for citation, is the “Park Board Ticket Offences By-law”.

Definitions

1.2 In this By-law:

“Chief Building Official” means the individual appointed by Council for the City of Vancouver to be the Chief Building Official or a person duly authorized to carry out the powers and duties of the Chief Building Official including any landscape development specialist, electrical inspector, or building policy engineer authorized by Council or the Chief Building Official to enforce by-laws;

“Chief License Inspector” means the individual appointed by Council for the City of Vancouver to be the Chief License Inspector or a person duly authorized to carry out the powers and duties of the Chief License Inspector including any property use or other inspector authorized by Council or the Chief License Inspector to enforce by-laws;

“Park Ranger” means any individual appointed by the Park Board or by the General Manager of Parks and Recreation to carry out various duties including by-law enforcement; and

“Police Officer” means a peace officer or constable as provided under the *Police Act*, and employed by the Vancouver Police Board.

Severability

1.3 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

SECTION 2 REGULATION OF TICKET OFFENCES

Designation of by-laws

2.1 For the purpose of section 482.1(1)(a) of the Vancouver Charter, the Park Board designates the by-law named in the title to Table 1 which follows section 2.6.

Designation of by-law enforcement officers

2.2 For the purpose of section 482.1(1)(b) of the Vancouver Charter, the Park Board designates the persons listed in Column 1 of Table 1 as by-law enforcement officers.

Authorization of the use of any word or expression on a ticket

2.3 For the purpose of section 482.1(1)(c) of the Vancouver Charter, the Park Board designates the words or expressions listed in Column 2 of Table 1 as words or expressions to describe the offences under the by-law provisions listed in Column 3 opposite each such word or expression in Column 2.

Ticket offence fines

2.4 The Park Board sets the fine for contravention of each by-law provision in the amount listed in Column 4 of Table 1 opposite each such provision in Column 3.

Enforcement of ticket offences

2.5 A by-law enforcement officer referred to in Column 1 Table 1 may lay an information by means of a ticket for contravention of a by-law provision listed in Column 3 of that table.

Existing fines

2.6 Despite anything to the contrary in the Parks Control By-law, the fine set out in that by-law for contravention of a by-law provision listed in Column 3 of Table 1 does not apply if a by-law enforcement officer lays an information by means of a ticket under this By-law.

**Table 1
Parks Control By-law**

| <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
|-------------------------|--|-------------------|-----------------|
| Chief Building Official | Vending in a park without permit | Section 4(a)(i) | \$250.00 |
| Chief License Inspector | Performing in a park where prohibited | Section 8(g) | \$250.00 |
| Park Ranger | Distribution or posting of advertising or posters in a park without permit | Section 14(d) | \$250.00 |
| Police Officer | Driving a vehicle on footpath or promenade in a park | Section 14(g) | \$250.00 |
| | Failing to deposit litter in a litter container in a park | Section 14B | \$250.00 |
| | Parking vehicle in park without permission for more than 30 minutes between 10 p.m. and 6 a.m. | Section 14(k)(i) | \$250.00 |
| | Parking vehicle in park in contravention of posted parking restriction | Section 14(k)(ii) | \$250.00 |

**SECTION 3
ENACTMENT**

Force and effect

3. This By-law is to come into force and take effect on February 1, 2010 and to have no further force and effect after March 31, 2010.

ENACTED by the Board of Parks and Recreation this 18th day of January, 2010

Chair
Board of Parks and Recreation

General Manager
Board of Parks and Recreation