

NO: R209

COUNCIL DATE: November 4, 2019

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **October 31, 2019**

FROM: **General Manager, Corporate Services** FILE: **3900-20-13007**
Acting General Manager, Engineering

SUBJECT: **Amendments to the Highway and Traffic By-law, 1997, No. 13007 and Surrey**
Bylaw Notice Enforcement Bylaw, 2016, No. 18691

RECOMMENDATION

The Corporate Services Department and the Engineering Department recommend that Council:

1. Receive this report for information;
2. Approve proposed amendments to the *Highway and Traffic By-law, 1997, No. 13007*, as amended (the "Highway and Traffic By-law"), as documented in Appendix "I" of this report which restricts the parking and occupying of "Large Vehicles", including campers and recreational vehicles, on highways;
3. Approve proposed amendments to the *Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691*, as amended (the "Bylaw Notice Enforcement Bylaw"), as documented in Appendix "II" of this report to allow bylaw contravention notices to be written for violations of the new Highway and Traffic By-law provisions; and
4. Authorize the City Clerk to bring forward the necessary amendment bylaw for the required readings.

INTENT

The purpose of this report is twofold:

1. To provide clarity surrounding the proposed amendments to the Highway and Traffic By-law to restrict the parking of Large Vehicles on highways as presented at the Regular Council meeting of October 21, 2019; and
2. To propose a more simplified approach to this bylaw amendment as contained in this report for Council's consideration.

DISCUSSION

At the October 21, 2019 Regular Council meeting, Council received Corporate Report No. R198; 2019, attached to this report as Appendix “III”. Council referred this report back to staff for clarification.

Public Complaints Surrounding Large Vehicles in Public Places

Questions were raised as to the impetus for the bylaw amendment and if the City historically has received complaints from the public regarding Large Vehicles being parked and occupied on City streets.

The issue pertaining to parking and occupying Large Vehicles on City streets has adversely impacted a number of municipalities within the region due to a high number of public complaints. In response, these municipalities have imposed bylaws within their respective jurisdictions that generally restrict the parking of these vehicles to a certain number of hours each day, prohibiting the parking of these vehicles overnight, and/or prohibiting the vehicles from being occupied while parked.

The current Surrey Highway and Traffic By-law permits Large Vehicles to park on City roads for a maximum of 72 hours continuously with no restrictions.

Given the noted bylaw restrictions that have been implemented in adjacent municipalities, and the growing impact of this situation within the region, there is a strong likelihood that the City will receive an increase in these types of complaints on a more regular basis moving forward. The City presently has no means of effectively dealing with complaints of parked/occupied Large Vehicles when they are parked for less than 72 hours. Accordingly, staff is recommending that the City proactively amend its bylaw to ensure that the City has the legislative means and authority to effectively respond to Surrey customer complaints and achieve an acceptable resolution in a shorter timeframe.

So far in 2019, the City has received a total of 27 complaints of Large Vehicles parked on City streets, 6 of which were in regard to the same vehicle, i.e. calls from different neighbours regarding the same vehicle. The 27 complaints are summarized as follows:

- 15 resulted in the Large Vehicles dispersing prior to the arrival of a Bylaw Service Officer to investigate,
- 10 resulted in achieving voluntary compliance once the Bylaw Officer met with the occupant of the vehicle; and
- 2 resulted in the issuance of tickets when all efforts to gain voluntary compliance were exhausted.

Of the 27 complaints received, 3 pertained to individuals living in a Large Vehicle. In all 3 cases, the individuals voluntarily complied with the City’s request to move their vehicle.

Potential Impacts to Homeless

Questions were raised as to whether the matter of amending the bylaw to restrict the parking of Large Vehicles is a symptom of a larger problem of the homelessness and housing crisis.

Staff has encountered a limited number of homeless individuals parked on City streets in Large Vehicles. These individuals are not representative of homeless residents that staff typically encounter, the key difference being the type of shelter used and the fact that, in most cases, these individuals have the means to own, insure, and operate a licensed Large Vehicle in functional operational condition. Nevertheless, in the few instances where staff has encountered individuals in Large Vehicles that have identified themselves as homeless, staff has worked with the individuals to determine what resources they would most benefit from and to connect them to social service agencies that can support their specific needs, including housing opportunities at the various shelters or RV facilities across the City.

Consistent with all Bylaw service interactions, staff provides the owner/occupant of the Large Vehicle with information related to the parking of Large Vehicles and works to gain voluntary compliance. Bylaw enforcement and ticketing in this regard is entirely discretionary and not used unless absolutely necessary.

Impacts to Tourism and Owners of Large Vehicles

Some members of Council sought clarification as to whether the amended bylaw would apply to RV tourists that may be visiting our City or to families preparing their RV or camper, while parked on a street beyond the previously proposed 3-hour parking limit. To that end, clarification was sought as to whether the City should be dealing with Large Vehicles on a case-by-case basis as an alternative to amending the bylaw.

City streets are not equipped with the required infrastructure to accommodate RV tourists, such as water and sewage connections, waste receptacles, and electrical services, nor does the City have sufficient resources to manage and maintain such public facilities. There are a several private campgrounds and facilities, geographically dispersed across the City and region, which are fully equipped and operational for this purpose, including both for short-term and long-term arrangements.

With respect to Large Vehicles temporarily parked on streets for the purpose of loading, for example preparing for family vacations, this was not the impetus for the proposed bylaw amendment, as these situations do not typically lead to complaints. However, in the event that the City receives a complaint in this regard, the main objective would be to gain voluntary compliance, rather than to levy penalties, as discussed above.

As provided in Appendix "III", and consistent with the City's standard practices, the City's response to unlawfully parked Large Vehicles will continue to vary depending on the occupant's individual circumstances. Issuance of tickets, towing and impounding Large Vehicles will not be considered unless all efforts to gain voluntary compliance have failed.

Proposed Bylaw Amendments

Given the aforementioned comments received by Council at the October 21, 2019 Regular Council meeting, staff recommend that Council approve the amendments to the Highway and Traffic By-law, attached as Appendix “I”. These amendments will allow opportunities for Large Vehicles to be parked on City roads for a limited amount of time while ensuring that the City can effectively deal with complaints.

These amendments have been simplified to prohibit a Large Vehicle from parking for more than 24 hours continuously and to prohibit a Large Vehicle from being occupied as a dwelling or sleeping place while parked. Consequential amendments to the Bylaw Notice Enforcement Bylaw will allow for ticketing in the event that the City is unable to obtain voluntary compliance.

LEGAL REVIEW

The Legal Services Division has reviewed the proposed bylaw amendments and have no concerns.

CONCLUSION

This report addresses comments made by Council at the October 21, 2019 Regular Council meeting pertaining to Corporate Report No. R198; 2019. In addition, and for Council’s consideration, attached to this report in Appendix “I” are proposed amendments to the *Highway and Traffic By-law*, which restricts the parking and occupancy of Large Vehicles on Surrey streets. Attached to this report in Appendix “II” are proposed amendments to the *Bylaw Notice Enforcement Bylaw* to allow for tickets to be written.

Rob Costanzo
General Manager, Corporate Services

Scott Neuman, P. Eng.
Acting General Manager, Engineering

Appendix “I”: Proposed amendments to the *Highway and Traffic By-law, 1997, No. 13007*, as Amended

Appendix “II”: Proposed amendments to the *Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691*, as amended

Appendix “III”: Corporate Report No. R198; 2019

**Proposed Amendments to
Highway and Traffic By-law, 1997, No. 13007
Large Vehicles**

That Highway and Traffic By-law, 1997, No. 13007, as amended (the "By-law") be further amended as follows:

1. By adding a new Section 88.1 immediately following existing Section 88 to read as follows:

Large Vehicle Parking

- 88.1 (1) Except for a vehicle which is designed primarily for the conveyance of passengers and has a seating capacity not exceeding 9 people, an overall height not exceeding 2.2 m and an overall length not exceeding 6.4 m, an owner, registered owner, lessee or operator of a vehicle:
- (a) must not cause, allow or permit that vehicle to park on a highway for more than 24 hours continuously; and
 - (b) must not allow or permit that vehicle to be occupied as a dwelling or sleeping place while parked.
- (2) The restrictions of this section shall apply to every day of every year.

**Proposed Amendments to
Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691
Large Vehicles**

That Surrey Bylaw Notice Enforcement Bylaw, 2016, No. 18691, as amended (the "By-law") be further amended as follows:

1. By adding two new rows to Part 27 of Schedule A immediately following the existing row for Section 88(4) to read as follows:

13007	88.1(1)(a)	Large vehicle parked more than 24 hours	\$150.00	\$100.00	\$200.00	No
13007	88.1(1)(b)	Unlawfully occupy large vehicle	\$50.00	\$35.00	\$75.00	No

CORPORATE REPORT

NO: **R198**

COUNCIL DATE: **October 21, 2019**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **October 17, 2019**

FROM: **General Manager, Corporate Services
Acting General Manager, Engineering**

FILE: **3900-20-13007**

SUBJECT: **Amendments to the Highway and Traffic Bylaw, 1997, No. 13007**

RECOMMENDATION

The Corporate Services Department and the Engineering Department recommend that Council:

1. Receive this report for information;
2. Approve proposed amendments to the *Highway and Traffic By-law, 1997, No. 13007*, as amended (the "Highway and Traffic Bylaw"), as documented in Appendix "I" of this report which restricts the parking of large vehicles on highways; and
3. Authorize the City Clerk to bring forward the necessary amendment bylaw for the required readings.

INTENT

The purpose of this report is to obtain Council's approval to amend the Highway and Traffic Bylaw to prohibit large vehicles, such as recreational vehicles and campers ("Large Vehicles"), from being occupied while parked on City roads between the hours of 10:00 pm and 6:00 am, to prohibit Large Vehicles from being parked adjacent to public parks, schools, churches or residences beyond 3 hours between the hours of 6:00 am and 10:00 pm, and to prohibit them from being occupied while parked during that time.

BACKGROUND

The City periodically receives complaints related to Large Vehicles parked overnight on City roads. The complaints typically originate from residents and businesses and relate to the impacts on available parking for residents, staff and customers and the impact to surrounding areas as a result of debris, noise, improper waste or sewage disposal, unsightly or wrecked vehicles, improper electrical connections, and parking violations (i.e. over 72 hours, impeding/blocking sidewalks etc.).

The Highway and Traffic Bylaw currently permits some large vehicles to park on City roads for a maximum of 72 hours continuously with no restriction on overnight parking. Commercial vehicles having a licensed gross vehicle weight in excess of 5000 kg are currently prohibited from parking in residential areas and between 7:00 pm and 7:00 am on any street. Bylaw Services staff

typically work with the occupants of Large Vehicles to inform them of the requirements of the Highway and Traffic Bylaw. Bylaw Services staff are mindful to the specific circumstances of each situation and, where applicable, may offer assistance to connect the occupants of the vehicle with social services that may be able to assist with suitable housing. Issuance of tickets and towing vehicles is typically only used as a last resort where voluntary compliance cannot be achieved.

DISCUSSION

To address the growing concerns of residents and businesses, the proposed amendments to the Highway and Traffic Bylaw will continue to provide opportunities for Large Vehicles to be parked on City roads for a limited amount of time; however, these proposed amendments are an effort to provide greater motivation to the occupants of Large Vehicles to move to suitable housing.

Proposed changes to the Highway and Traffic Bylaw include the following:

- Large Vehicles excludes vehicles designed primarily for the conveyance of passengers that have a seating capacity not exceeding 9 people, an overall height not exceeding 2.2 m and an overall length not exceeding 6.4 m.
- Prohibits occupying a parked Large Vehicle on all roads between the hours of 10:00 pm and 6:00 am.
- Although Large Vehicles are generally not permitted to be parked on roads for more than 3 hours between 6:00 am and 10:00 pm, certain exceptions apply, including the following:
 - Where the Large Vehicle is parked on a road abutting premises used for business purposes and the owner, lessee or operator of the Large Vehicle owns or leases the premises or works for someone who owns or leases the premises;
 - Where a truck, that does not exceed the licensed gross vehicle weight of 5,000 kg and an overall length of 6.4 m, is parked on a road abutting property used for a public park, school, church or residential purposes; and
 - Where a Large Vehicle is parked on a road abutting property used for a public park, school, church or residential purposes and the Large Vehicle is needed for a service call or the property is a construction site.
- Prohibits the occupying of Large Vehicles during the time they are permitted to be parked between the hours of 6:00 am and 10:00 pm.

Enforcement

The City's response to unlawfully parked Large Vehicles will continue to vary depending on the occupant's individual circumstances. Issuance of tickets, towing and impounding Large Vehicles will be considered only after efforts at voluntary compliance have failed. This response is consistent with the enforcement practices of other Lower Mainland municipalities.

LEGAL REVIEW

The Legal Services Division has reviewed the proposed bylaw amendments and have no concerns.

SUSTAINABILITY CONSIDERATIONS

The proposed bylaw amendments support the objectives of the City's Sustainability Charter 2.0. In particular, this work relates to the Sustainability Charter 2.0 theme of Public Safety. Specifically, the proposed bylaw amendments support the following Desired Outcome ("DO"):

- Community Safety and Emergency Services D05: Surrey is recognized and perceived as a leader in establishing and maintain collaborative partnerships for community safety and well-being.

CONCLUSION

This report provides Council with background information on issues related to extended parking of Large Vehicles on City roads and seeks to obtain Council's approval of the proposed amendments to the Highway and Traffic Bylaw which will prohibit Large Vehicles from being occupied while parked on City property between the hours of 10:00 pm and 6:00 am. The proposed amendments also limit parking on highways adjacent to public parks, schools, churches or residences to a maximum of 3 hours between the hours of 6:00 am and 10:00 pm. While parked, the Large Vehicle cannot be occupied.



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Acting General Manager, Engineering

Appendix "I": Proposed amendments to the *Highway and Traffic Bylaw, 1997, No. 13007*, as amended

Appendice available upon request

[https://surreybc.sharepoint.com/sites/corporateservicesadmin/corporate reports final/10-21-2019/amendments to the highway and traffic bylaw.docx](https://surreybc.sharepoint.com/sites/corporateservicesadmin/corporate%20reports/final/10-21-2019/amendments%20to%20the%20highway%20and%20traffic%20bylaw.docx)
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