

THE CORPORATION OF THE DISTRICT OF BURNABY

VF1821-A

BY-LAW NO. 4299

A BY-LAW to regulate traffic and the use of streets within the Municipality of Burnaby.

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY STREET AND TRAFFIC BY-LAW 1961".

2. (1) Words defined in the "Motor Vehicle Act" shall have the same meaning when used in this by-law unless otherwise defined in this by-law or unless the context otherwise requires.

(2) In this by-law, unless the context otherwise requires:

"Chief of Police" means the Officer Commanding Burnaby Detachment of the Royal Canadian Mounted Police.

"Commercial Vehicle" means a vehicle engaged in carrying or which is designed to carry goods, wares or merchandise and which is licensed as a commercial vehicle under the appropriate municipal or provincial laws or regulations.

"Council" means the Council of The Corporation of the District of Burnaby.

"Engineer" means the Engineer of The Corporation of the District of Burnaby or such other person as may be duly authorized from time to time by the Engineer.

"Lane" means a lane or way separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of such lanes or ways.

"Municipality" means The Corporation of the District of Burnaby.

"Parade" means any procession of more than fifteen pedestrians or of more than six vehicles moving upon any highway.

"Person" includes any Corporation, partnership, firm, association or party.

"Sidewalk Crossing" means that portion of a sidewalk permanently improved or designed for the passage of vehicular traffic.

"Street-Line" means the dividing line between any private property and the adjoining street.

3. No person other than the owner or driver of a vehicle shall remove any notice placed thereon or affixed thereto by a peace officer in the course of his duties.

TRAFFIC CONTROL

4. The Council may cause traffic control devices to be placed or erected at such places as it shall designate for the purpose of giving effect to the provisions of the "Motor Vehicle Act" and the provisions of this by-law.

5. Every person shall obey the instructions, regulations or prohibitions contained in or upon any traffic control device erected or placed under the provisions of the "Motor Vehicle Act" or of this by-law.

6. (1) Such portions of any highway or highways as Council from time to time deems requisite and advisable shall be established as school crossings by designating same as such by signs or by lines or other markings on the surface or by any other appropriate traffic control devices.

(2) Whenever any portion of a highway has been so designated by such signs or lines or other markings on the surface or other traffic control devices the driver of every vehicle shall, between the hours of 8:00 o'clock in the forenoon and 5:00 o'clock in the afternoon of any day on which school is regularly held, obey the instruction, prohibition or direction indicated on such signs, lines, markings or other traffic control devices.

7. The Council may prohibit the making of turns or any type of turn from any highway or any portion of a highway within the municipality during the whole of a day or any part thereof and for such purpose may cause appropriate traffic control devices to be placed, erected or marked upon such highways or the affected portions thereof, and no driver of a vehicle shall make turns in contravention of or when prohibited by such traffic control device.

8. (1) The Council may by causing a sign to be erected or placed on any portion of a highway direct the rate of speed at which a person may drive or operate a motor vehicle upon such portion of highway within the municipality.

(2) When any such sign has been so erected or placed no person shall drive or operate a motor vehicle on the designated portion of highway at a greater rate of speed than that indicated on the sign.

(3) No person shall drive or operate a motor vehicle upon any lane at a greater rate of speed than fifteen miles per hour.

(4) No person shall drive or operate a motor vehicle on Byrne Road at a greater rate of speed than twenty miles per hour.

9. No person shall drive or operate any vehicle upon or across any curb or sidewalk unless such curb or sidewalk has been lowered or otherwise constructed or reconstructed to form a suitable crossing.

10. No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is driving without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

11. The Council may by appropriate traffic control devices designate any portion of a highway as a Quiet Zone and no person operating a vehicle within such zone shall sound the horn or other warning device of the said vehicle except in an emergency.

12. (1) Funeral processions shall be identified as such by each vehicle therein having its headlights illuminated.

12. (2) The route taken by any funeral procession consisting of vehicles or persons on foot or both shall be subject to the written approval of the Engineer and Chief of Police.\*

PARKING AND STOPPING VEHICLES

13. (1) The Council may by appropriate traffic control devices regulate, control or prohibit the stopping, or parking of vehicles upon any highway or part thereof within the municipality and every driver of a vehicle shall obey the instructions, regulations or prohibitions contained in or upon such traffic control devices.

(2) Except when necessary to avoid conflict with traffic or to comply with the law or the direction of a peace officer or a traffic control device, no person shall stop a vehicle:

- (a) within 5 feet of the street line of any intersecting lane.
- (b) within 20 feet of the street line of any intersecting street excepting lanes.
- (c) on any street so as to obstruct traffic.
- (d) in front of a private road or sidewalk crossing or in front of any lane.
- (e) upon a roadway when it is practicable to stop the vehicle off the roadway.
- (f) at a place in contravention of a traffic control device prohibiting stopping.
- (g) in or upon any lane in such a position or manner as to obstruct the free movement of vehicular traffic into or out of any driveway or private road or garage adjoining such lane.

(3) Except when necessary to avoid conflict with traffic or to comply with the law or the direction of a peace officer or a traffic control device no person shall park a vehicle:

- (a) in or upon any lane.
- (b) on any highway at intersections where buses stop for the purpose of allowing passengers to enter or alight therefrom, at a lesser distance than 80' from the near boundary of the intersecting highway measured along that side of the highway where such bus stop is situated.

13. (3) (c) where a bus stop is situated at other than an intersection within 25' either side of the sign indicating the presence of such bus stop.
- (d) upon a roadway when it is practicable to park the vehicle off the roadway.
- (e) at a place in contravention of a traffic control device prohibiting parking.
- (4) The provisions of this section shall not apply to:
- (a) Municipal or Provincial utility service vehicles,
- (b) Service vehicles of a Public Utility Corporation,
- (c) Wrecking vehicles,

while such vehicles are actually engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions. This exemption shall not relieve the drivers of such vehicles from taking due precautions to indicate the presence of such vehicles on the street while so parked or stopped.

(5) No person shall park a vehicle of over one-half ton carrying capacity or a trailer for more than two hours between the hours of one o'clock in the morning and six o'clock in the morning on any street.

(6) No person shall, between the hours of eight o'clock in the morning and six o'clock in the afternoon, park any vehicle on any street abutting any premises used for residential or commercial purposes for more than three hours unless such premises are the property or residence of such person or the property of his employer.

(7) Where a sign has been erected or placed on any portion of a highway limiting the time during which a vehicle may be parked upon such portion of highway every person who parks or causes to be parked a vehicle upon that portion of highway for a greater length of time than that limited by the said sign is guilty of an offence against this by-law and liable on summary conviction to a fine not less than \$2.50.

(8) The Chief of Police is hereby authorized to cause to be placed for temporary periods not exceeding forty-eight hours at any one time, traffic signs indicating no parking:

13. (8) (a) At the entrance to dance halls, funeral parlors, or other places of public assemblage during the period of assembly therein.
- (b) Upon either or both sides of any street or section of street along the route of any parade or in the vicinity of large public gatherings.
- (c) At any other location where, under special circumstances, it is deemed necessary to facilitate or safeguard traffic.

14. (1) Except as provided in Section 15 no person shall stop or park a vehicle on a highway other than parallel with the curb or edge of the roadway and headed in the direction which traffic travels on that side of the highway and, where there is a curb, with the curbside wheels within 12 inches thereof.

(2) Where parking stalls have been marked on any highway for parallel parking no driver shall park any vehicle otherwise than between the lines or markings indicating the limits of a single stall, except in the case of a vehicle being of greater length than that of a parking stall, in which case such vehicle shall not occupy nor encroach upon more than two parking stalls.

15. Upon those streets which have been marked or signed for angle parking by appropriate traffic control devices, the driver of a vehicle shall park such vehicle at an angle of forty five degrees to the curb or edge of the roadway or at such other angle indicated by such marks or signs and if marked by lines shall park such vehicle parallel to and between such lines and in all events as close to the curb or pavement edge as practicable, and in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the street on which such vehicle is parked, and, where there is a curb, with the nearest front wheel within twelve inches of the curb. But in no event shall such driver park any vehicle so that any part of the vehicle or any load thereon extends into the travelled portion of the highway.

16. The Council may by causing appropriate traffic control devices to be erected or placed on any portion of a

16. highway establish such designated portion of highway as a loading zone, commercial zone, passenger zone, bus zone or taxi zone, and designate the area thereof and define the rights, duties and obligations of traffic with respect thereto and every person shall obey the regulations or prohibitions contained in or upon such traffic control devices.

17. (1) No driver of any vehicle shall stop such vehicle:

(a) in any loading zone except for the purpose of loading or unloading of passengers or materials.

(b) in any passenger zone except for the purpose of loading or unloading of passengers.

(2) No driver of any vehicle shall stop such vehicle:

(a) in any loading zone for a period exceeding three minutes for the loading or unloading of passengers or for a period exceeding thirty minutes for the loading or unloading of materials.

(b) in any passenger zone for a period exceeding three minutes.

(3) Notwithstanding anything contained in this section, no driver of any vehicle other than a commercial vehicle shall stop in any commercial zone and then only while actually engaged in loading or unloading materials, and in any event for a period not exceeding thirty minutes.

(4) No driver of any vehicle other than a taxi shall stop such vehicle in any taxi zone.

(5) No driver of any vehicle other than a bus shall stop such vehicle in any bus zone.

18. (1) The Engineer is hereby authorized and empowered to grant to any person the right to occupy a specified portion of a highway for any purpose or project for the period necessary to complete such purpose or project and he may require the placing of approved signs to indicate the area where such right or privilege is in effect and all expenses in connection therewith shall be borne by the person receiving such privilege and the Engineer may require a deposit to cover such expenses.

(2) No driver of any vehicle shall stop or park such vehicle in contravention of any approved signs placed as aforesaid.

PEDESTRIAN RIGHTS AND DUTIES

19. Within one block from an intersection at which traffic control signals are in operation no pedestrian shall cross the highway at any place except within a crosswalk.

20. No person shall start to cross any highway in front of a bus which has stopped to load or unload passengers unless such crossing is made in compliance with traffic control signals or the direction of a peace officer. This provision shall not apply where such bus has stopped at its regular terminus.

GENERAL

21. No person shall coast, slide or use roller-skates, sleighs, skates, skis, or other similar means of conveyance on any highway in the municipality; provided, however, that Council may close any highway or highways or any part or parts thereof for the purpose of permitting the use of roller-skates, sleighs, skates, skis, or other similar means of conveyance thereon and for such purpose and for the purpose of protecting persons using such closed portion of highway may cause such traffic control devices as it deems necessary or advisable to designate the closed highway to be erected, placed or marked thereon and every person shall obey the instructions, regulations or prohibitions contained in any such traffic control devices.

22. No person shall leave any animal upon any highway without it being tethered in such manner as to prevent such animal from running away or from moving on the highway in any way so as to obstruct or impede other traffic thereon.

23. (1) No person shall be a member of, or take part in, any parade and no parade shall be held unless:

(a) such parade be under the direction or control and in charge of some one person as marshal or organizer, and

(b) application therefor has been made in writing to the Council by the marshal or organizer or other person in charge thereof at least twenty-four hours before the parade commences and



such application receives the approval of the Engineer and the Chief of Police. Such application shall specify the nature of the parade, the day and hour on or at which such parade is to be held, the place or places of formation or commencement thereof, the route intended to be taken, the point of disbandment or dispersal of same, and the approximate length thereof.

23. (2) The Engineer and Chief of Police in granting their approval may impose directions or conditions as to time, route, or otherwise.

24. (1) No person shall excavate in, do or construct any works upon, cause a nuisance upon, encumber, obstruct, injure, foul, or damage any portion of a highway or other public place without written permission so to do from the Council and except under such terms and conditions as may be imposed by the Council in such permission.

(2) Any person receiving permission from the Council under subsection (1) shall do all works or things for which such permission is given to the entire satisfaction and specifications in all respects of the Engineer.

(3) Any person who encumbers, fouls or obstructs a highway by allowing materials or things to come thereon from any vehicle or property shall, unless permission to the contrary is given by the Engineer remove same forthwith.

(4) Except as otherwise provided herein no person shall use any highway for any purpose other than the passage thereon of ordinary and normal vehicular and pedestrian traffic.

(5) Notwithstanding anything in this section contained a person may leave or place or cause or suffer to be left or placed on any highway fuel, merchandise or other commodities for the purpose of transferring same to or from an adjoining premises, providing that in no case shall such fuel, merchandise or other commodity be permitted to remain on any highway for a

longer period than forty eight hours and providing further that such fuel, merchandise or other commodity does not obstruct, injure or damage the highway or drainage or other facility appurtenant thereto.

(6) No person shall hold a Tag Day or otherwise solicit for donations of money or in kind or for material assistance upon any street except with written permission of the Council.

25. The Council may designate and establish any highway or part of a highway as a through highway and may alter or remove such designation. The Engineer shall place and maintain a stop sign on each and every highway intersecting any through highway unless traffic at such intersection is controlled at all times by traffic control signals, provided, however, that at the intersection of two through highways stop signs shall be erected at the approaches of such highways as may be determined by the Engineer.

26. No person shall shout, use megaphones, or make other noise in or at or on any street, wharf, dock, pier, steam boat landing or railway station, or other public place.

27. No person shall use any street or highway for the purpose of selling or displaying for sale any article or thing, except with the written permission of the Council.

28. No person shall erect or maintain any awning or sign at a lesser height than eight (8') feet above a street or highway.

29. No person shall wilfully damage any boulevard, trees, shrubs, plants, bushes, or hedges in or adjacent to any highway, or fences or any thing erected or maintained adjacent to a highway for the purpose of lighting the highway.

30. Any animal, excepting dogs, driven through or along any highway shall be ridden or led in such a manner that such animal is under the control of some person at all times.

31. Any accumulation of snow or ice upon any sidewalk shall be removed by the owner or occupier of abutting premises not later than ten o'clock in the morning of any day except Sunday.

32. (1) In this section "extraordinary traffic" shall have the meaning given to it in Section 27 of the "Highway Act".

(2) The powers exercised by the Minister of Highways in respect of extraordinary traffic may be exercised in the municipality by the Council by Resolution.

(3) Every person driving on or using a highway in contravention of a regulation, limitation, or prohibition made under subsection (2) is guilty of an offence against this by-law.

33. When owing to work of construction, repair, or maintenance, or owing to damage by accident or storm or other emergency, any street, or any portion thereof, is unsafe or unsuitable for traffic, or it is necessary that traffic should be restricted thereon or diverted therefrom, the Engineer or the Chief of Police, or any person duly authorized by either of them, may close such street, or portion thereof, or restrict or divert the traffic thereon or therefrom, and for that purpose may erect or place lamps, barriers, signboards, notices, or other warnings upon such street, or portion thereof; and no person shall enter upon, or travel upon, such street, or portion thereof, so closed as aforesaid, or enter upon or travel thereon contrary to the restrictions placed upon the traffic thereon as aforesaid, or remove, damage, alter or destroy, or attempt to remove, damage, alter or destroy any lamp, barrier, signboard, notice, or warning so placed as aforesaid.

34. The owner of any vehicle or other chattel which has been detained or impounded pursuant to the provisions of this by-law may recover possession of such vehicle or chattel prior to its sale upon proof of his ownership thereof and upon payment of all costs incurred by or resulting from the detention or

impoundment.

35. (1) Without limiting the foregoing, all peace officers are hereby authorized and empowered to remove, detain, or impound any vehicle, chattel or obstruction unlawfully occupying any portion of a highway or public place, and to recover all costs and expenses incurred thereby either from the owner of the chattel, or by the sale of the chattel at public auction, or by action in any Court of competent jurisdiction.

(2) Upon the impounding of any motor vehicle pursuant to the provisions hereof the peace officer shall immediately forward a written notice to the owner thereof by registered mail addressed to him at his address as shown by the records of the Superintendent of Motor Vehicles.

(3) Upon the impounding of any chattel other than a motor vehicle pursuant to the provisions hereof the peace officer shall immediately forward a notice to the owner thereof by registered mail addressed to him at his present address, if known, and if not known to his last known address.

(4) The said notice shall contain a description of the said vehicle or chattel as the case may be, the reason for impoundment, and shall also state the place where the said vehicle or chattel is presently located.

36. (1) If the owner of any vehicle or other chattel impounded pursuant to the provisions hereof fails to reclaim the same and to pay the charges incurred in connection with the impounding of the said vehicle or chattel within thirty days from the date of the notice provided for in sub-sections (2) and (3) of 30 hereof, the Treasurer of the Municipality may dispose of such vehicle or chattel by public auction.

(2) The Treasurer of the Municipality may put a reserve price on any vehicle or other chattel which is to be sold

pursuant to subsection (1) hereof, below which no such vehicle or chattel shall be sold.

(3) Any vehicle or other chattel which is put up for sale by public auction but which is not sold may be sold by the Treasurer of the Municipality by private sale and if no private sale can be effected then the Treasurer shall so report to the Council which shall thereupon by resolution direct how such vehicle or chattel shall be dealt with.

37. Upon the sale of any vehicle or other chattel pursuant to the provisions hereof, the Treasurer shall after deducting the charges, deposit the balance of the proceeds of the sale to be held in trust for the owner thereof. If such moneys shall have been held by the Municipal Treasurer for one year and if no lawful claim had been made therefor, the said moneys shall be forfeited to the Municipality and shall be transferred to the general funds of the Municipality and shall form a part thereof.

38. (1) All vehicles or other chattels impounded pursuant to the provisions of this by-law shall be kept at such place and in such premises as shall be authorized and designated by resolution of the Council.

(2) Any person who attempts to prevent the impounding of any vehicle or other chattel, or who in manner interferes with the impounding of any such vehicle or chattel shall be deemed to be guilty of an infraction of this by-law and shall be liable to the penalties provided herein.

39. The Engineer is hereby authorized and empowered to make orders in respect of any of the matters comprised in Sections 4, 5, 6, 8, 11, 13, 16, 21 and 24 hereof and thereby to cause traffic control devices to be placed, erected or marked at such places as he shall designate for the purpose of giving effect to the provisions of the "Motor Vehicle Act" and to the

provisions of this by-law and also for the purpose of regulating, controlling, guiding or warning traffic and the Engineer may rescind, revoke, amend or vary any such order made by him from time to time. Provided that any such order of the Engineer shall be at all times subject to review and to rescission by Council.

40. Except as in this by-law is otherwise provided any person contravening or committing any breach of or committing any offence against any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this by-law prescribed or imposed or required to be done is liable, on summary conviction, to a fine not exceeding Two Hundred and Fifty Dollars or to a term of imprisonment not exceeding thirty (30) days, or both.

41. "Burnaby Street and Traffic By-law 1954", being By-law No. 3477, and all amendments thereto, is repealed, but every resolution passed pursuant to the said by-law or any amendments thereto shall remain in force until varied or repealed in accordance with the provisions of this by-law.

Read a first time this 30th day of October, 1961.

Read a second time this 30th day of October, 1961.

Read a third time this 13th day of November, 1961.

Reconsidered and adopted this 20th day of November, 1961.



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R E E V E

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C L E R K