

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5534

A By-law to Amend By-law No. 4299 being the
"Burnaby Street and Traffic By-law 1961"

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, AMENDMENT BY-LAW NO. 4, 1969".

2. Section 39 of By-law No. 4299 is repealed and the
following substituted therefor:-

"39.(1) Words defined in the "Motor Vehicle Act" and the
"Department of Commercial Transport Act" and the Regulation
thereto shall have the same meaning when used in Sections 39
to 57 of this by-law unless otherwise defined in this by-law
or unless the context otherwise requires.

(2) In Sections 39 to 57 of this by-law unless
the context otherwise requires:-

"commercial vehicle" means a commercial vehicle,
semi-trailer and trailer as defined in the Depart-
ment of Commercial Transport Act having a licensed
gross vehicle weight over 20,000 pounds, but does
not include a Municipal Vehicle or a public passenger
vehicle as defined in the "Motor Carrier Act".

"Municipal Vehicle" means any vehicle owned or
leased by the Municipality or the Board of School
Trustees of School District No. 41 (Burnaby) and
includes vehicles operated for or on behalf of the
said Municipality or the said School District.

"overload" means the number of pounds derived by subtracting from the gross vehicle weight of a commercial vehicle the licensed gross vehicle weight; or the number of pounds derived by subtracting from the weight on any one axle or combination of axles of a commercial vehicle the weight authorized by this by-law to be carried on the axle or combination of axles, whichever is the greater;

"oversize" means the amount derived by subtracting from the outside width, height, or overall length of a commercial vehicle with its load (if any) the permissible outside width, height, or overall length prescribed under this by-law.

"through highway" means any highway or portion of a highway designated by the Engineer as a through highway at which all vehicles shall stop before entering thereon.

"wheelbase" means the distance, measured to the nearest foot, between the centres of the two axles which are farthest apart. The distance between axles is the distance measured to the nearest foot between the centre of the axles. When a fraction of a foot is 6 inches or more the next larger whole number shall be used."

3. Section 40 of By-law No. 4299 is repealed and the following substituted therefor:-

"40.(1) Subject to the provisions of Section 47 and Subsections (2) and (3) of this section, no person shall drive or operate a commercial vehicle on any highway in the Municipality except those highways set out in Schedules "A" or "B" to this by-law (hereinafter called a "Scheduled Highway").

(2) A commercial vehicle that is authorized by this by-law or a permit issued under Section 47 to be driven or operated by a person on a Scheduled Highway may be driven or operated on a highway other than a Scheduled Highway if the said commercial vehicle is carrying goods, wares, merchandise or other commodities or things for delivery to a residence or business premises in the Municipality or is picking up goods, wares, merchandise or other commodities or things from a residence or business premises in the Municipality; Provided that the person driving or operating the said commercial vehicle shall before leaving a Scheduled Highway proceed to a point on the Scheduled Highway closest to his destination. After making his delivery or pick up he shall return the commercial vehicle to the nearest Scheduled Highway by the closest and most direct highway.

(3) A person driving or operating a commercial vehicle that is authorized by this by-law or a permit issued under Section 47 to be driven or operated on a Scheduled Highway shall upon leaving his business premises proceed to the nearest Scheduled Highway by the closest and most direct highway.

(4) A commercial vehicle that is authorized by this by-law or a permit issued under Section 47 to be driven or operated by a person on a Scheduled Highway may only be driven or operated on Grange Street between Willingdon Avenue and Sussex Avenue and on Sussex Avenue between Grange Street and Kingsway from 7:00 o'clock in the forenoon until 9:00 o'clock in the afternoon on any day except Sundays and Statutory Holidays.

4. By-law No. 4299 is amended by adding the following as Sections 42 to 57 both inclusive:-

"42 (1) Subject to the provisions of Section 47, no person shall drive or operate on any highway set out in Schedule "A" to this by-law:-

- (a) a commercial vehicle having a total outside width, with or without load, in excess of 8 feet;
- (b) a commercial vehicle having a height, with or without load, in excess of 13 feet 6 inches;
- (c) a single commercial vehicle having an over-all length, with or without load, in excess of 35 feet, except as provided in clause (d);
- (d) a trailer or semi-trailer the over-all length of the permanent structure of which exceeds 40 feet;
- (e) a combination of vehicles having an over-all length, with or without load, in excess of 60 feet.

(2) Subject to the provisions of Section 47, no person shall drive or operate on any highway set out in Schedule "B" to this by-law:-

- (a) a commercial vehicle having a total outside width, with or without load, in excess of 8 feet 6 inches;

- (b) a commercial vehicle having a height, with or without load, in excess of 13 feet 6 inches;
- (c) a single commercial vehicle having an overall length, with or with load, in excess of 35 feet except as provided in subsections (d) and (e);
- (d) a trailer the over-all length of the permanent structure of which exceeds 40 feet;
- (e) a semi-trailer the over-all length of the permanent structure of which exceeds 45 feet;
- (f) a combination of vehicles having an overall length with or without load, in excess of 65 feet.

(3) Notwithstanding any of the provisions of this by-law or of a permit issued pursuant to Section 47, the maximum height, length, or width of a commercial vehicle or load allowable on a bridge, highway or portion of a highway in the Municipality that is expressly limited as to maximum height, length, or width of a commercial vehicle or load by a sign erected by the Engineer shall be that set out on the said sign. During the time such signs are in place they shall be deemed to supersede any of the provisions of this by-law.

(4) Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality:-

- (a) a combination of vehicles consisting of more than three vehicles;
- (b) a commercial vehicle or combination of vehicles so loaded that the load extends more than 3 feet beyond the front wheels thereof, or, if equipped with a front bumper, more than three feet beyond such bumper;
- (c) a commercial vehicle or combination of vehicles any part of which, or the load upon which, extends more than 15 feet behind the centre of the last axle of the commercial vehicle or combination of vehicles;
- (d) a semi-trailer having any portion of its body or load forward of the turning axis (kingpin) projecting to a greater distance than an 84 inch radius from the centre of the turning axis.

(5) Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality on a Sunday or Statutory Holiday a commercial vehicle which is overloaded or oversized. A commercial vehicle is overloaded if a computation under the definition of overload would result in an overload. A commercial vehicle is oversized if a computation under the definition of oversize would result in an oversize.

(6) When a commercial vehicle is equipped with:

- (a) one or more rear-view mirrors required by the regulations made pursuant to the "Motor Vehicle Act" and extend in whole or in part beyond the side of the said commercial vehicle; or
- (b) one or more lamps required by the regulations made pursuant to the "Motor Vehicle Act" and extend in whole or in part beyond the side of the said commercial vehicle; or
- (c) rubber fender skirts, safety chains, or wrappers which extend not more than 2 inches in whole or in part beyond the side of the said commercial vehicle,

the amount of such extensions shall not be included in determining the maximum width of the said commercial vehicle for the purpose of this by-law.

43.(1) Subject to the provisions of Section 47, no person shall drive or operate upon any highway in the Municipality:-

- (a) a commercial vehicle any axle of which is carrying a gross weight in excess of 18,000 pounds;
- (b) a commercial vehicle equipped with two axles the centres of which are not less than 41 inches apart nor more than 7 feet apart and carrying a gross weight in excess of 32,000 pounds;
- (c) a commercial vehicle loaded in such a

manner that the gross weight on any wheel thereof is in excess of 600 pounds per inch of width of tire in the case of pneumatic tires or 300 pounds per inch of width of tire in the case of metal or solid rubber tires;

(d) a commercial vehicle or combination of vehicles having a gross weight on any group of axles in excess of that shown in Schedule "C";

(e) a commercial vehicle having a gross weight on all axles in excess of that shown in Schedule "D";

(2) Notwithstanding the definition of wheelbase, if the distance from the first axle to the second axle of a truck tractor is greater than 17 feet, the distance shall be taken as 17 feet in determining the wheelbase of any combination of vehicles consisting of a truck tractor and a semi-trailer, and the wheelbase shall be the sum of the distances between all axles.

(3) Where a commercial vehicle has a gross vehicle weight, a gross axle weight, or a gross tandem-axle weight in excess of those gross weights fixed by this by-law, a peace officer, or any person authorized by the Engineer, may permit the driver to proceed if the amount of excess gross weight does not exceed the following:-

Single axle	-----	750
Tandem Axle	-----	1,500
Combination of Vehicles	-----	3,000

Such permission shall not be granted more than twice to any one person.

(4) Notwithstanding the gross weight fixed by this by-law, a combination of vehicles, consisting of a truck or truck tractor equipped with three axles and either a pole trailer, semi-trailer, or trailer equipped with two axles and having an overall wheelbase of more than 37 feet when carrying logs, poles with or without bark, or saw-timber cants, may be driven or operated with a gross weight which does not exceed the gross weight allowed under Schedule "D" for a combination of vehicles with a wheelbase 6 feet longer than that of the combination of vehicles being driven or operated.

(5) Where the load of a commercial vehicle may be redistributed upon the said vehicle and, forthwith after the weighing of the said vehicle under the authority of this by-law, the load on the said vehicle is redistributed so that the limits imposed by this by-law are complied with, the requirements of this section shall be deemed to have been complied with.

44.(1) Notwithstanding anything contained in subsection (1) of Section 43 it shall be lawful to operate a commercial vehicle on a Scheduled Highway in the Municipality:-

- (a) having any axle carrying a gross weight 400 pounds in excess of that allowed by subsections (1) and (4) of Section 43, providing the axle is equipped with a pair of automatic sanding devices in working order;

- (b) having any axle carrying a gross weight of 250 pounds in excess of that allowed by Sections 43 subsections (1) and (4), provided tire chains are carried by the commercial vehicle and are so located as to increase the gross weight carried by that axle;

- (c) having an axle or group of axles carrying a gross weight 400 pounds in excess of that allowed by Section 43, subsections (1) and (4), provided that a watering or coolant device is carried by the commercial vehicle, and is so located as to increase the gross weight carried by the axle or group of axles;

- (d) having any axle or group of axles carrying a gross weight in excess of that allowed by subsections (1) and (4) of Section 43, provided that the vehicle is equipped with a vehicle-retarder which is so located as to increase the gross weight carried by an axle or group of axles, and provided further that the excess weight so allowed shall not exceed the actual weight of the vehicle-retarder and in no case shall exceed 1,000 pounds.

(2) Notwithstanding anything contained in Subsection (1) of Section 43, on a Scheduled Highway on which ice or snow will be encountered and on which there are no highways or bridges subject to a load restriction by the Engineer, it shall be lawful to drive or operate a combination of vehicles on a Scheduled Highway having a single drive axle which is

carrying 1,500 pounds in excess of that allowed by Clause (a) of Subsection (1) of Section 43 or having tandem drive axles which are carrying 3,000 pounds in excess of that allowed by Clause (b) of Subsection (1) of Section 43, if the allowable gross weight of the combination is not exceeded, but further tolerances shall not be granted under Subsection (3) of Section 43.

45. Notwithstanding the provisions of this by-law the Engineer may, by the erection of signs, if in his opinion any highway is liable to damage due to extraordinary traffic or due to the condition of the highway, impose limitations on either the allowable axle or gross vehicle weight permitted on the highway or both.

46. Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality:-

(a) a commercial vehicle equipped with a boom, crane or similar projection extending a distance greater than 12 feet beyond the foremost portion of the said vehicle when the projection is more than 10 feet above the ground; provided however, that such boom or crane projection shall not be more than 14 feet above the ground; and provided further, that a commercial vehicle equipped with such a boom or crane projection shall not be driven at a greater rate of speed than 20 miles per hour;

(b) a commercial vehicle with a boom, crane or similar forward projection or a commercial vehicle or combination of vehicles with a trailing projection unless such

projection is equipped, as required by the Regulations pursuant to the "Motor Vehicle Act", with appropriate warning flags or clearance lamps, or both, that define and mark the forward or trailing end of such projection so that it may be clearly seen from both the front and side of such commercial vehicle, or rear and side, in the case of a trailing projection. Such lamps shall be lighted at times in accordance with the Regulations pursuant to the "Motor Vehicle Act" regarding lamps;

- 47.(1) (a) No person shall drive or operate a commercial vehicle on any highway in the Municipality either unladen or with load, exceeding any of the limitations contained in this by-law unless a permit in writing therefor has been issued pursuant to this section by the Engineer;
- (b) The owner or operator of any commercial vehicle desiring a permit required pursuant to subsection (a) shall make application in writing therefor to the Engineer giving such particulars therein as the Engineer may require.
- (c) Subject to the provisions of subsection (2) the Engineer may, notwithstanding the provisions of this by-law, by special permit in writing authorize the driving and operation of commercial vehicles which are otherwise prohibited by this by-law from being operated or driven on any highway in the Municipality.

(d) An application for a permit shall be made to the Engineer not less than 24 hours in advance of the time that a commercial vehicle is to be driven or operated on any highway in the Municipality.

(2) (a) The Engineer may issue a permit, authorizing the driving or operation of a commercial vehicle which exceeds the limitations set out in this by-law regarding size, weight and load, for a single trip or more than one trip.

(b) If the commercial vehicle or commercial vehicle and load do not exceed 10 feet in width, 15 feet in height, or 73 feet in length, there shall be no limitation on the number of trips which can be made under a permit issued pursuant to subsection (a) unless considered necessary by the Engineer.

(c) If the commercial vehicle or commercial vehicle and load exceed 10 feet in width but are not greater than 12 feet in width, 15 feet in height, or exceed 73 feet in length but are not greater than 80 feet in length, then the holder of a permit issued pursuant to subsection (a) shall apply to the Engineer for a separate approval of each trip being made by such commercial vehicle.

(3) A permit issued pursuant to this section:-

(a) must be carried in the commercial vehicle and shall be produced for inspection to any peace officer upon request;

(b) may not be issued for the driving or operation of more than one commercial vehicle;

(c) may not be transferred;

(d) shall not be valid for a period exceeding 12 months and in any event shall terminate on the last day of the current vehicle licence year;

(e) shall be subject to the conditions stated therein.

(4) No person shall drive or operate a commercial vehicle in contravention of any provision or condition contained in any permit issued pursuant to this section.

(5) A permit issued pursuant to this section may, in addition to any other limitations;

(a) prohibit the driving or operation of any commercial vehicle on any highway during certain hours;

(b) specify the maximum rate of speed at which any commercial vehicle may travel;

(c) require that any commercial vehicle be preceded or followed, or both, by a pilot car in accordance with the Regulations pursuant to the "Department of Commercial Transport Act";

(d) require that the commercial vehicle be driven or operated on certain specified highway.

(6) When a permit issued pursuant to this by-law has been lost or destroyed before expiring, application shall immediately be made by the owner, operator or driver for a duplicate permit to replace that which has been lost, and the Engineer may, upon being satisfied as to the circumstances of such loss or destruction, and upon payment by the applicant of the fee set out in Section 49, issue a duplicate permit.

(7) If any person offends against any of the provisions or conditions of any permit, or does or suffers or permits any act or thing to be done in contravention or in violation of any of the provisions or conditions of any permit, or neglects to do or refrains from doing anything required to be done by any of the provisions or conditions of any permit or does any act or thing which violates any of the provisions or conditions of this by-law or gives false information to obtain a permit or otherwise howsoever, the Engineer may forthwith cancel any permit issued pursuant to this section.

48. Before any permit is issued pursuant to Section 47, the Engineer may require the applicant for a permit to deposit with the Municipality, a bond or sum of money in an amount sufficient, in the opinion of the Engineer, to pay the cost of repairing any damage that may be done to any highway in the Municipality, underground or above ground services, side-walks, crossings or other property of the Municipality by reason of the driving or operation of the commercial vehicle for which a permit is granted. Such bond (if required) shall be in form satisfactory to the Municipal Solicitor of the Municipality.

49. The Municipality is hereby authorized to charge fees for permits issued by the Engineer pursuant to Section 47 as follows:-

-- For each single trip permit -----	\$ 3.00
-- For each permit authorizing----- more than one trip	\$15.00 per vehicle
-- For each duplicate permit -----	\$ 3.00

50. The driver or operator of a commercial vehicle on any highway in the Municipality, when required, and upon direction by a peace officer, shall:

- (a) stop the commercial vehicle at the time and place specified by the peace officer for the purpose of weighing the whole or part thereof by means of stationary or portable scales, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried, or for any other purpose under this by-law.

- (b) drive the commercial vehicle to the nearest public or Department of Commercial Transport stationary or portable scales for the purpose of weighing such commercial vehicle and load;

- (c) rearrange the load upon the commercial vehicle or remove the whole or part of the load from such commercial vehicle in order to comply with provisions of this by-law before continuing to drive or operate such commercial vehicle.

51. No person shall drive or operate on any highway in the Municipality, a commercial vehicle containing sawdust, rubbish or garbage, unless such vehicle shall be kept tightly and securely covered in such a manner as to prevent any of said load from being blown, dropped or spilled from such commercial vehicle.

52. In the event that any article, substance or material shall, due to any cause whatsoever, become loose or detached, or blow, drop, spill or fall from any commercial vehicle on to any highway in the Municipality, it shall be the duty of the driver of such commercial vehicle forthwith to take all reasonable precautions to safeguard traffic and also to remove such material from such highway.

53. It shall be the responsibility of the driver or operator of a commercial vehicle, removing from the highway any vehicle damaged in an accident or otherwise, to also remove dirt, broken glass, metal and debris deposited on the highway as a result of such occurrence.

54. Schedules "A," "B," "C," and "D" annexed hereto shall form an integral part of this by-law.

55. The Engineer is hereby authorized and empowered to make orders in respect of any of the matters set out in this by-law 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 the "Department of Commercial Transport 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 confirmation or rescission by Council.

56. Every person who offends 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 neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act or

thing which violates any of the provisions of this by-law, shall be deemed to be guilty of an infraction of this by-law, and shall be liable to the penalties hereby imposed.

57. Every person who commits an offence against this by-law is liable to a fine and penalty not exceeding Five Hundred (\$500.00) Dollars, or in default of payment thereof, or in the alternative, to imprisonment for any period not exceeding 60 days.

Read a first time this 28th day of July, 1969.

Read a second time this 28th day of July, 1969.

Read a third time this 28th day of July, 1969.

Reconsidered and adopted this 11th day of August, 1969.

Robert H. Pitter
M A Y O R

J. W. ...
DEPUTY C L E R K



SCHEDULE A

1. All routes in Schedule B. (footnote)
2. Austin Avenue between the Lougheed Highway and North Road.
3. Boundary Road between Hastings Street and the Lougheed Highway.
4. Boundary Road between Kingsway and Marine Drive.
5. Douglas Road between Boundary Road and Halifax Street.
6. Douglas Road between the Lougheed Highway and Canada Way.
7. Edmonds Street between 19th Street and Canada Way.
8. Gilley Avenue between Kingsway and Marine Drive.
9. Gilmore Avenue between Douglas Road and Still Creek Street.
10. Gilmore Diversion between Still Creek Street and Canada Way.
11. Grange Street between Willingdon Avenue and Sussex Avenue, Sussex Avenue between Grange Street and Kingsway - between the hours of 7:00 a.m. and 9:00 p.m. on any day except Sundays and Statutory Holidays.
12. Griffiths Avenue between Kingsway and Rumble Street.
13. Halifax Street between Douglas Road and Willingdon Avenue.
14. Marine Drive between Boundary Road and the easterly Burnaby boundary.
15. North Road between Lyndhurst Street and the Lougheed Highway.
16. Rumble Street - 19th Street between Griffiths Avenue and 10th Avenue.
17. Sperling Avenue between Hastings Street and the Lougheed Highway.
18. Stride Avenue between Marine Drive and 19th Street.
19. 10th Avenue between Kingsway and 19th Street.
20. Willingdon Avenue between Hastings Street and the Lougheed Highway.

Note: There is a height restriction with minimum clearance of 11 feet 0 inches at the Boundary Road portal of the railway undercrossing structure 0.15 miles north of Kingsway.

SCHEDULE B

1. Boundary Road between Kingsway and the Lougheed Highway.

Note: There is a height restriction with minimum clearance of 11 feet 0 inches at the Boundary Road portal of the railway undercrossing structure approximately 0.15 miles north of Kingsway.

2. Grandview Highway between Freeway "401" and Boundary Road.
3. North Road between the Lougheed Highway and the southern Burnaby boundary.
4. Sperling Avenue and Kensington Avenue between the Lougheed Highway and Sprott Street.
5. Willingdon Avenue between the Lougheed Highway and Kingsway.
6. Winston Street between Sperling Avenue and Phillips Avenue.

SCHEDULE C -- MAXIMUM WEIGHTS

Distance in Feet
between the Centres of
the First Axle and Last
Axle of Any Group

Maximum Gross Weight
in pounds Allowed
to be carried on That
Group of Axles

7	. . . . .	32,000
8	. . . . .	32,700
9	. . . . .	33,600
10	. . . . .	34,500
11	. . . . .	35,500
12	. . . . .	36,800
13	. . . . .	38,300
14	. . . . .	39,800
15	. . . . .	41,400
16	. . . . .	42,900
17	. . . . .	44,400
18	. . . . .	45,800

SCHEDULE D -- MAXIMUM WEIGHTS

<u>Wheelbase in Feet of Com- mercial Vehicle or Combin- ation of Vehicles</u>	<u>Gross Weight in Pounds</u>
19	47,000
20	48,200
21	49,300
22	50,500
23	51,600
24	52,800
25	53,900
26	55,100
27	56,200
28	57,400
29	58,500
30	59,500
31	60,400
32	61,200
33	62,100
34	62,900
35	63,800
36	64,600
37	65,400
38	66,000
39	66,600
40	67,200
41	67,800
42	68,300
43	68,700
44	69,100
45	69,500
46	70,000
47	70,600
48	71,200
49	71,800
50	72,400
51	73,000
52	73,700
53	74,400
54	75,200
55 or over	76,000