

Re: PROPOSED BY-LAW NO. 6912, BEING THE BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW NO. 4, 1976
(Item 8, Report No. 60, September 27, 1976)

Council on September 27, 1976 tabled further consideration of the subject by-law pending a clarification of the proposed sub-section 10(b) of Section 13 of By-law No. 4299 which reads as follows:

"if the motor-vehicle is standing on a grade, turned the front wheels of the vehicle to the curb or side of the highway"

Council was of the opinion that the wording of this proposed section was ambiguous in that it left some doubt as to which way the front wheels of a parked motor vehicle must be turned and would leave the interpretation of the sub-section to the discretion of the officer concerned. Following is a report from the Municipal Engineer on this matter.

The Municipal Solicitor advises that it would, in his opinion, be preferable to leave the wording in sub-section 10(b) unchanged, and if the subject of ambiguity should ever arise, to allow the matter to be settled in court.

RECOMMENDATION:

1. THAT the proposed amendment to the Burnaby Street and Traffic By-Law be brought forward.

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6 October, 1976

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL ENGINEER
SUBJECT: PROPOSED BY-LAW NO. 6912, BEING THE BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW NO. 4, 1976 -
ITEM 8, MUNICIPAL MANAGER'S REPORT NO. 60, 1976

The section of our proposed amendment to the Burnaby Street and Traffic By-law 1961, related to the offence of inadequately parking a vehicle on a grade, states:

Subsection 10.

No driver shall permit a motor vehicle to stand unattended or parked unless he has:

- (b) if the motor vehicle is standing on a grade, turned the front wheels of the vehicle to the curb or side of the highway.

This subsection of the Burnaby By-law is similar in wording to Section 182(d) of the Provincial Motor Vehicle Act, which states:

"No driver shall permit a motor vehicle to stand unattended or parked without first having effectively braked the vehicle, and when standing on a grade, having turned the front wheels to the curb or side of the highway."

For a similar condition, the Vancouver Traffic By-law states:

"28. No person having control or charge of a motor vehicle shall permit it to stand unattended on any perceptible grade on any street without turning the front or rear wheel to the curb or side of the roadway."

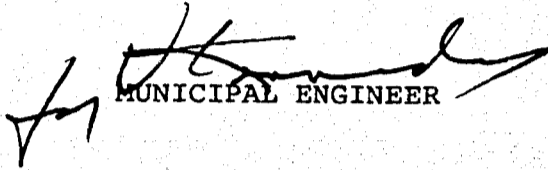
It is our opinion that the proposed section related to unattended vehicles in the Burnaby By-law is adequate to cover the problem it is meant to control, and that is to prevent a vehicle from running away down a hill.

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RECOMMENDATION:

THAT the proposed Subsection 10 of the Burnaby Street and Traffic By-law remain as originally presented.


MUNICIPAL ENGINEER

HB:cmg

c.c. () Traffic Supervisor
() Municipal Solicitor