

RE: MOTORIZED CONVEYANCES FOR HANDICAPPED PERSONS

MUNICIPAL MANGER'S RECOMMENDATION:

1. THAT this report be received for information purposes.

BACKGROUND INFORMATION:

Under New Business at the 1985 June 10 Council meeting, Council discussed an incident in which the police required a handicapped boy to discontinue the illegal operation of a motorized, all terrain vehicle on school property. Council on this occasion also adopted the following motion:

" THAT the Municipal Manager be requested
to bring forward a report on the possible
use of battery powered, lightweight
vehicles in the Municipality."

REPORT:

The attached report from the Officer-in-Charge, R.C.M.P., provides information on the incident in question.

The Handicapped Resource Center in Vancouver advised that it has no literature, and can provide no information on the use of battery powered vehicles by handicapped persons. However, it is now quite common to see handicapped persons in such vehicles in shopping malls, sidewalks and other public places. The R.C.M.P. advises that this is a legal use and the safe operation of such a vehicle would not result in any police action.

In conclusion, no person, whether handicapped or not, can legally operate an all terrain vehicle on a public roadway, but may do so on private property if permission is obtained from the owner of the property. There appears to be, in recent years, an increase in the legal use of battery operated conveyances in public areas by handicapped persons, and in Burnaby, these and wheelchairs are accommodated with curb cuts when new sidewalk construction or reconstruction is carried out in commercial, institutional and recreational areas. No further action appears to be necessary at this time, and therefore none is being recommended.

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TO: THE MANAGER
Our File 85/26868

FROM: OFFICER IN CHARGE, BURNABY DETACHMENT RCMP

SUBJECT: INCIDENT INVOLVING THE USE OF A MOTORIZED
CONVEYANCE BY A HANDICAPPED PERSON

RECOMMENDATION:

1. THAT this report be received for information purposes.

SUMMARY

At the Council Meeting held 85 June 10, Council received an oral report regarding an incident involving a handicapped boy who was operating a motorized,*all terrain vehicle. Details were requested.

REPORT

On 85 June 04 a call was received that an all terrain vehicle was being driven on the school grounds and the attendance of the police was requested.

Our member attended and advised the youth who was operating the vehicle, along with several of his friends on site, that a complaint was received. Since they had no permission to be on the property they would have to stop operating the vehicle. When first speaking to the youths it was not realized by the member that the operator was handicapped. Almost simultaneously, the mother of the youth on the vehicle appeared on the school grounds and the nature of the complaint was explained to her. She was advised that since the vehicle is not licenced, permission could not be given to drive it home. The mother stated she understood the concern, then walked over to the vehicle, turned off the key and asked the friends of her son to push the vehicle home. That ended the police involvement.

Since that time an agreement was reached between the mother of the youth and the School District No. 41 granting a permit for use of the motorized vehicle on the school grounds. This agreement does not have any police involvement.

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* Interpretation:

"All terrain vehicle" means a vehicle propelled by motorized power and capable of travel on or off a highway as defined in the Highway Act, and that is designated as an all terrain vehicle by regulation.

"Registration" means registration of an all terrain vehicle under this Act (Motor Vehicle [All Terrain] Act) and the issue by the superintendent of a certificate of registration and identification provided in the regulations.

NOTE

The design of the all terrain vehicle in question does not allow the vehicle to be eligible for registration for the purpose of it being licenced to operate on a public roadway. It may only be operated on private property with the permission of the owner of such property.

That portion of the schoolyard on which the vehicle was operated is private property.



N.L. Fuchs, Superintendent
Officer in Charge
Burnaby Detachment

