

TO: CITY MANAGER 1993 JUNE 02
FROM: ACTING DIRECTOR PLANNING AND BUILDING OUR FILE: 17.908.4
SUBJECT: **DISABLED PARKING ENFORCEMENT**
PURPOSE: To provide information on disabled parking enforcement in response to concerns raised by Mr. Robert J. Smith.

RECOMMENDATIONS:

1. **THAT** staff continue to monitor the development of Provincial legislative changes for the enforcement of disabled parking.
2. **THAT** staff undertake public awareness/education activities related to disabled parking as outlined in Section 5.0 of this report.
3. **THAT** Mr. Robert J. Smith of 104-7530 Rosewood Street, Burnaby, B.C. be sent a copy of this report.

REPORT

1.0 INTRODUCTION

Appearing under correspondence on Council's agenda of 1993 June 7, is a letter from Mr. Robert J. Smith regarding disabled parking enforcement.

In response to the concerns raised by Mr. Smith, this report provides information on current enforcement practices and outlines ongoing efforts to encourage to proper use of parking spaces designated for disabled persons.

2.0 REGULATIONS FOR ENFORCEMENT OF DISABLED PARKING

Currently, there are City and Provincial regulations providing for the enforcement of disabled parking in Burnaby.

The Burnaby Street & Traffic Bylaw authorizes City Bylaw Enforcement Officers to issue parking tickets for the misuse of disabled parking space located on City Streets and City properties.

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Provincial regulations, under the Motor Vehicle Act, allow the R.C.M.P. to issue a traffic offence ticket to the driver or to tow a vehicle parked in a disabled parking space without the required permit. These regulations may be applied to all properly marked disabled parking spaces on streets, public property and private property (i.e. commercial parking areas). These regulations may only be enforced by the R.C.M.P. in Burnaby.

3.0 CURRENT ENFORCEMENT PRACTICES

City Bylaw Enforcement Officers issue parking tickets to vehicles misusing disabled parking areas on City streets and at City facilities on a demand or request basis. Staff have been advised that City Bylaw Enforcement Officers do not have the necessary authority to issue parking tickets on private property.

The Burnaby R.C.M.P. advise that they do not undertake active enforcement of disabled parking spaces on private property. The current practice of the R.C.M.P is to refer the matter to City Bylaw Enforcement Officers for violations occurring on street or on City property. Reported violations on private/commercial parking areas are referred to the business management or security company for the private/commercial parking area.

The approach of the R.C.M.P. to the enforcement of Provincial regulations for disabled persons parking is undertaken due to higher priority demands for R.C.M.P. service responses, and the procedural requirements for the issuance of a traffic ticket. Currently, traffic tickets must be issued to the driver of the vehicle. In most cases, this would require the Officer to wait for the driver to return to the parked vehicle. The alternative option is for the Officer to have the vehicle towed from the disabled parking space.

4.0 REQUESTED LEGISLATIVE CHANGES

At this time, there are two ongoing efforts being made to bring about Provincial legislative changes for the enforcement of disabled parking.

In 1992, the Union of British Columbian Municipalities (UBCM) passed a resolution requesting the Ministry of Attorney General to amend the appropriate legislation to enable the enforcement of disabled parking regulations by local government bylaw enforcement officers.

This requested legislative change would provide City Bylaw Enforcement Officers with the necessary authority to issue Motor Vehicle violation traffic tickets for misuse of disabled parking spaces on streets, City property and private/commercial parking areas.

The Ministry of Attorney General advises that discussions are under way between the Ministry of Attorney General, Ministry of Government Services and the Ministry of Municipal Affairs, Recreation and Housing regarding ways to improve the enforcement of disabled parking regulations. The Ministry of Attorney General also advises that it is seeking Cabinet approval to make the necessary changes for the 1993 spring sitting of the Legislative Assembly.

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In addition, a report prepared by the B.C. Coalition of People with Disabilities has been submitted to the Ministry of Attorney General and the Ministry of Municipal Affairs. The report was prepared in consultation with the Premier's Advisory Council for People with Disabilities and endorsed by SPARC of B.C. and the Resource Centre for Independent Living in Victoria.

The report requests an improved legislative framework for enforcement of disabled parking spaces and minimum standards for a province wide system for disabled parking.

The B.C. Coalition of People with Disabilities advises that they have had discussions with Ministry of Attorney General and the Superintendent of Motor Vehicles. At this point, the request of the B.C. Coalition continues to be considered at the Provincial level.

Staff will continue to monitor the development of the requested Provincial legislative changes with regard to disabled parking. A report will be prepared for Council when Provincial legislation is adopted.

5.0 PUBLIC AWARENESS EFFORTS

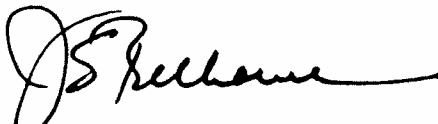
In 1991, staff undertook a number of public education/awareness raising activities in relation to disabled parking, including:

- distribution of a notice on disabled parking to all businesses in Burnaby,
- publication of an article in Information Burnaby,
- distribution of information at the City Information Kiosk in Metrotown, and
- publication of community notices in the local newspapers.

Pending the requested legislative changes for enforcement of disabled parking, it may be appropriate to undertake a further public awareness campaign for Burnaby.

Staff work with the Burnaby Access Advisory Committee to develop an appropriate awareness campaign for disabled parking. It is likely that the campaign would include some of the measures used previously. In addition, staff and the Advisory Committee would discuss the possibility of reviewing the disabled parking enforcement procedures of Burnaby's major shopping areas with the management of the individual centres.

It is proposed that Mr. Robert J. Smith be sent a copy of this report.


D.G. Stenson, Acting Director
PLANNING AND BUILDING


LP/db

cc: Director Administrative & Community Services
O.I.C. - R.C.M.P.
Director Engineering

