

**PUBLIC SAFETY COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: PROPOSED AMENDMENTS TO THE BURNABY STREET AND  
TRAFFIC BYLAW AND BURNABY BYLAW NOTICE ENFORCEMENT  
BYLAW**

**RECOMMENDATION:**

1. THAT Council direct the City Solicitor to bring forward bylaws to amend Burnaby Street and Traffic Bylaw 1961 and Burnaby Bylaw Notice Enforcement Bylaw 2009, as outlined in Section 2.0 of this report.

**REPORT**

The Public Safety Committee, at its meeting held on 2018 November 06, received and adopted the attached report seeking Council approval to amend the *Burnaby Street and Traffic Bylaw 1961* and *Burnaby Bylaw Notice Enforcement Bylaw 2009*. The proposed amendments will improve City staff's ability to respond to citizen complaints and reflect the City's current legislative authorities.

Respectfully submitted,

Councillor D. Johnston  
Chair

Councillor J. Wang  
Vice Chair

Copied to:	City Manager Director Public Safety and Community Services Director Corporate Services Director Engineering City Solicitor
------------	--

**TO:** CHAIR AND MEMBERS  
PUBLIC SAFETY COMMITTEE

**DATE:** 2018 Aug 24

**FROM:** DIRECTOR PUBLIC SAFETY AND  
COMMUNITY SERVICES

**SUBJECT:** PROPOSED AMENDMENTS TO THE BURNABY STREET AND  
TRAFFIC BYLAW AND BURNABY BYLAW NOTICE ENFORCEMENT  
BYLAW

**PURPOSE:** To Recommend that Council amend the *Burnaby Street and Traffic Bylaw 1961* and *Burnaby Bylaw Notice Enforcement Bylaw 2009*.

---

**RECOMMENDATION:**

1. **THAT** the Public Safety Committee recommends Council direct the City Solicitor to bring forward bylaws to amend:

Burnaby Street and Traffic Bylaw 1961 and Burnaby Bylaw Notice Enforcement Bylaw 2009, as outlined in Section 2.0 of this report.

**REPORT**

**1.0 INTRODUCTION**

The *Burnaby Street and Traffic Bylaw* was originally enacted in November 1961 and has been amended several times over the intervening years in order to keep it contemporary. Staff are once again recommending additional amendments to the bylaw that will address citizen complaints and better reflect current practices. If approved by Council, the bylaw amendments will:

- a) prohibit vehicles that do not display valid insurance from operating, stopping or parking on City streets;
- b) strengthen the restriction on parking or stopping trailers, campers, or recreational vehicles on City streets during overnight hours; and
- c) remove the reference to the *Police Act* to better reflect the City's authority for bylaw enforcement under current legislation.

To: Public Safety Committee  
From: Director Public Safety and Community Services  
Re: PROPOSED AMENDMENTS TO THE  
BURNABY STREET AND TRAFFIC BYLAW  
AND BURNABY BYLAW NOTICE  
ENFORCEMENT BYLAW  
2018 Nov 6 ..... Page 2

## **2.0 PROPOSED BYLAW AMENDMENTS**

### **2.1 Prohibiting Vehicles not Displaying Valid Insurance**

There is currently no express prohibition in the *Burnaby Street and Traffic Bylaw* barring vehicles that do not display valid insurance (either a valid licence plate affixed with a current decal or a temporary operating permit) from operating, stopping or parking on City streets. Permitting uninsured vehicles on City streets causes problems with enforcement (since vehicle ownership is difficult to determine) and potentially exposes the City to claims for accidents involving the uninsured vehicles. Staff recommend amending Section 13 of the *Burnaby Street and Traffic Bylaw* to include a provision similar to that found in the City of Coquitlam's *Street and Traffic Bylaw No. 4402, 2014*: "No person shall operate, park or stop a vehicle on a street unless proof of valid insurance is clearly displayed on that vehicle." This prohibition would also be included as a contravention in Schedule "A" of the *Burnaby Bylaw Notice Enforcement Bylaw 2009*, with a proposed penalty of \$250.

### **2.2 Strengthening the Prohibition on Overnight Parking of Overweight Vehicles, Trailers, Recreational Vehicles and Campers**

Section 13(5) of the *Burnaby Street and Traffic Bylaw* currently prohibits a "vehicle of over 8,000 pounds gross vehicle weight, or a trailer or mobile home unit, or a camper unit detached from a vehicle", from parking on city streets "for more than two hours between the hours of 1:00 o'clock in the morning and 6:00 o'clock in the morning". This section of the bylaw is difficult to enforce due to the two hour limit during the middle of the night. In order to strengthen the prohibition, it is recommended that Section 13(5) be amended to prohibit the parking of these types of vehicles on City streets between 01:00am and 06:00am. A corresponding change to Schedule "A" of the *Burnaby Bylaw Notice Enforcement Bylaw 2009* is required in order to remove the two hour limit.

### **2.3 Bylaw Enforcement Personnel**

Council in the past had routinely appointed bylaw enforcement officers under Section 36 of the *Police Act*. However, under Section 16 of the *Community Charter*, all officers and employees of the City and other persons authorized by Council (i.e. contractors, such as SPCA animal control officers) have the authority to enforce City bylaws. Further, with the adoption of the *Burnaby Bylaw Notice Enforcement Bylaw* in 2009, the RCMP and all City positions listed as bylaw enforcement officers in Section 10 of the bylaw have the authority to issue bylaw violations notices for all contraventions designated in Schedule "A" of the bylaw. The *Burnaby Street and Traffic Bylaw* is listed in Schedule "A"; therefore, it is not necessary for enforcement of this bylaw to be undertaken by

To: *Public Safety Committee*  
From: *Director Public Safety and Community Services*  
Re: *PROPOSED AMENDMENTS TO THE  
BURNABY STREET AND TRAFFIC BYLAW  
AND BURNABY BYLAW NOTICE  
ENFORCEMENT BYLAW*

2018 Nov 6 ..... Page 3

bylaw enforcement officers appointed pursuant to Section 36 of the *Police Act*. To better reflect the City's current authority for bylaw enforcement, it is recommended that all references to appointing bylaw enforcement officers under the *Police Act* be removed from the *Burnaby Street and Traffic Bylaw*.

### **3.0 POLICY SECTION**

The recommended bylaw amendments are aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the plan:

#### **A Safe Community**

- Transportation

To learn more about the City of Burnaby's Corporate Strategic Plan, please visit [www.burnaby.ca/CSP](http://www.burnaby.ca/CSP)

### **4.0 CONCLUSION**

The proposed amendments to the *Burnaby Street and Traffic Bylaw* and *Burnaby Bylaw Notice Enforcement Bylaw 2009* will improve City staff's ability to respond to citizen complaints and will also better reflect the City's current legislative authorities. Staff recommend that Council authorize the City Solicitor to bring forward the bylaw amendments described in this report for consideration at a future Council meeting.



Dave Critchley  
DIRECTOR PUBLIC SAFETY AND COMMUNITY SERVICES

DC:dl

Copies to: Director Corporate Services  
Director Engineering  
City Solicitor