
CITY OF KELOWNA
MEMORANDUM

Date: January 23, 2007
File No.: 1280-01
To: City Manager
From: Roads & Equipment Superintendent
Subject: Amendment to City of Kelowna Traffic Bylaw No. 8120

RECOMMENDATION:

THAT Council approve an amendment to the report from the Roads & Equipment Superintendent dated January 8, 2007.

DISCUSSION:

The Roads & Equipment Superintendent brought forward a report to Council on January 8, 2007 recommending changes to Traffic Bylaw No. 8120. Council asked staff to obtain a legal opinion as to whether the reference to regulatory requirements of other agencies creates a duty on the City to monitor for compliance.

Legal Council advised they were unable to locate any decisions that address the question. However, their view is that following the analysis of "Duty of Care" the City certainly runs a risk of expanding its liability.

The purpose of the Traffic Bylaw is not to address workplace safety, it is to address public safety therefore we are withdrawing any reference to Provincial regulations to eliminate any confusion.

Amendments to the Traffic Bylaw changes to read as follows:

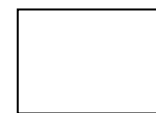
Schedule B, 22. Signs, Flares, Barricades, Flagpersons:

- Change title to "Traffic Control & Traffic Control Devices:"
- Delete first paragraph
- Change second paragraph to read "The use and placement of any traffic control devices shall be in accordance with all the specific terms of the road usage permit issued and with all applicable regulatory requirements."

Schedule B, 24. Trench Safety:

- Change to read "All trench and tunnel excavations and construction shall conform to all applicable regulatory requirements."

Dale Beaudry
Roads & Equipment Superintendent



Approved for inclusion:
John Vos
Director of Works & Utilities