



District of Sicamous

Traffic Bylaw No. 778, 2010

Effective Date – February 10, 2010

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 976, 2019	November 27, 2019

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 778 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 778 and all amending bylaws must be consulted.

DISTRICT OF SICAMOUS**BYLAW NO. 778**

A BYLAW TO REGULATE THE DELEGATION OF POWER, TRAFFIC CONTROL, PARKING PROHIBITIONS, MAINTENANCE OF BOULEVARD AND OFFENCES AND PENALTIES.

WHEREAS the Council of the District of Sicamous may by bylaw, pursuant to Section 8 of the *Community Charter*, regulate, prohibit and impose requirements in relation to public property;

WHEREAS the Council of the District of Sicamous may by bylaw, pursuant to Division 5 of the *Community Charter*, regulate, prohibit and impose requirements in relation to highways;

THEREFORE BE IT RESOLVED that the Council of the District of Sicamous in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1.0 TITLE

This bylaw may be cited as “**DISTRICT OF SICAMOUS TRAFFIC BYLAW NO. 778, 2010**”.

2.0 APPLICABILITYLands Within the District:

Except as otherwise indicated, this Bylaw applies to all lands within the boundaries of the District of Sicamous.

Provincial Arterial Highways:

Unless otherwise indicated, this Bylaw does not apply to arterial *highways* classified as such by order of the Lieutenant Governor in Council under the *Transportation Act*.

Exclusions:

This bylaw does not apply to:

- a) persons lawfully engaged in *highway* or public utility construction or maintenance work, upon a *highway* while they are at the site of the work, but does apply to them while traveling to or from the site of the work;
- b) persons operating a wheelchair or personal mobility devices (motorized wheelchairs and medical scooters) when used to transport a *disabled person*;
- c) persons operating emergency *vehicles* during an emergency; or

The provisions of this bylaw regulating or prohibiting stopping and parking do not apply to the operators of:

- a) utility service *vehicles* owned by the District or by the governments of Canada or the Province of British Columbia;
- b) service *vehicles* owned by a public utility corporation; or
- c) *vehicles* specifically designed for the purpose of towing another *vehicle*; while the operators of the *vehicles* are engaged in work requiring them to be stopped or parked in contravention of the provisions.

Traffic Control Devices:

Subject to other provisions of this bylaw, all *traffic control devices* installed in the District shall be deemed to be authorized *traffic control devices* under this bylaw.

3.0 INTERPRETATION

Enactments:

Any Act referred to in this bylaw is a reference to an Act of the Province of British Columbia or Canada, as the case may be, and the applicable regulations, as amended, revised, consolidated or replaced from time to time. Any bylaw referred to in this bylaw is a reference to a bylaw of the District of Sicamous, as amended, revised, consolidated or replaced from time to time.

Headings:

The headings given to the parts, sections and paragraphs in this bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this bylaw.

Severability:

If any part, paragraph or phrase in this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in force.

Schedule:

Schedule A – Crossing Design Requirements attached to this Bylaw forms part of this bylaw.

4.0 DEFINITIONS

4.1 Words or phrases defined in the *Motor Vehicle Act* or the *Commercial Transport Act*, or their regulations, have the same meaning in this bylaw, unless otherwise defined in this bylaw.

4.2 In this bylaw:

"*Bicycle Path*" means that portion of a *highway* intended either exclusively or partially for use by cyclists.

"*Boulevard*" means the area of a *highway* between the edge of pavement, *sidewalk*, and/or *curb* of the *roadway* and the adjacent property line, but excludes a *sidewalk*.

"*Bylaw Enforcement Officer*" means a Bylaw Enforcement Officer appointed by *Council*.

"*Commercial Crossing*" means every crossing that is not a *residential crossing*.

"*Commercial Vehicle*" includes any *vehicle* used by any person upon any *highway* in the *District*, which is a *commercial vehicle* defined as such by and licensed under the *Commercial Transport Act*, and any *vehicle* not so licensed but which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodity in the ordinary course of a business undertaking,

"*Commercial Vehicle Loading Zone*" means an area on a *highway* designated exclusively for the loading or unloading of materials by *commercial vehicles*.

"*Council*" means the Council of the District of Sicamous.

"*Crossing*" means any improvement that is constructed over a *boulevard* or *sidewalk* for the purpose of allowing *vehicles* or pedestrians to gain access between the *highway* and the land adjacent to the *highway*.

"*Crossing Permit*" means a permit issued by the *Manager* to construct a *crossing*.

"*Crosswalk*" means (a) a portion of the *roadway* at an intersection or elsewhere distinctly indicated for pedestrian *crossing* by signs or by lines or other markings on the surface; or (b)

the portion of a *highway* at an intersection that is included within the connection of the lateral lines of the *sidewalks* on the opposite sides of the *highway*, or within the extension of the lateral lines of the *sidewalk* on ones side of the *highway*, measured from the *curbs*, or in the absence of *curbs*, from the edges of the *roadway*.

"*Curb*" means the line of demarcation between the *roadway* and the *boulevard*, or the *sidewalk*.

"*Disabled Persons' Parking Permit*" means a parking permit issued to a *disabled person* under this bylaw and the Regulations of the *Motor Vehicle Act*.

"*Disabled Person*" means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk.

"*Disabled Zone*" means a parking zone set aside for the exclusive use of *disabled persons* using a *vehicle* displaying a *Disabled Persons' Parking Permit*.

"*District*" means the District of Sicamous.

"*Double Parking*" means the standing of a *vehicle* in the travelled portion of the *highway*, adjacent to a parked *vehicle*, or parking space.

"*Fire Chief*" means the Chief of the *District's* Fire Department and includes his authorized deputy.

"*Highway*" includes all public streets, roads, ways, trails, *lanes*, bridges and any other public way or right-of-way open to public use.

"*Impound*" means to detain or remove any *vehicle*, under the authority of a *peace officer* or a *Bylaw Enforcement Officer*.

"*Lane*" means a *highway* more than 3 meters but not greater than 8 meters in width, abutting the rear or side property lines of a parcel and intended primarily to give access to the rear or side yards of the parcel.

"*Manager*" means the Manager of Works Services and includes his authorized delegate.

"*Metered Space*" means a section of *highway* at which a parking meter has been installed,

"*Motor Home*" means a motor *vehicle* designed or used primarily for accommodation during travel or recreation, and includes a motor *vehicle* that has attached to it a structure: (a) designed or used primarily for accommodation during travel or recreation, and (b) designed or intended to be detachable.

"*Occupier*" means a person who occupies the land but is not the registered *owner*."

"*Operator*" means any person who drives, operates, propels or is in physical control of a vehicle, and shall be deemed to include the person in whose name the vehicle is registered.

"*Owner*", in relation to a *vehicle*, means the *owner* as defined in the *Motor Vehicle Act*; and in relation to land means the *owner* as defined in the *Community Charter*.

"*Parade*" means the procession of a group of pedestrians numbering more than twenty, standing, marching or walking on any *highway* or *sidewalk*, or any group of *vehicles* numbering ten or more standing or moving in a procession on any *highway*, except for a funeral procession or members or *vehicles* of Her Majesty's Armed Forces.

"*Parking Stall*" means an area on a *highway* designated as a parking place for one *vehicle*.

"*Passenger Zone*" means an area on a *highway* designated for the loading or unloading of passengers.

“*Peace Officer*” means any member of the Royal Canadian Mounted Police and any person delegated to assist him in carrying out his duties under this bylaw.

“*Residential Crossing*” means a *crossing* which provides access to and from land which is zoned for single family or two family residential use.

“*Roadway*” means the part of a *highway* that is improved, designed or ordinarily used for vehicular traffic, but does not include *crossings*.

“*Sidewalk*” means the portion of a *highway* intended exclusively for use by pedestrians.

“*Stop, Stand or Park*” means (a) when required, a complete cessation from movement; and (b) when prohibited, the complete cessation from movement of a *vehicle*, whether occupied or not except when necessary to avoid conflict with other traffic or to comply with the directions of a *peace officer* or *traffic control device*.

“*Time*” means either Pacific Standard Time, or Pacific Daylight Saving Time, whichever is proclaimed to be in effect by the Province of British Columbia.

“*Traffic control device*” means a sign, signal, line marking, yellow *curb*, or any other device placed or erected by the authority of the person designated by *Council* to exercise such authority.

“*Trailer*” means a *vehicle*, excluding a recreation *vehicle* that is at any *time* capable of being drawn upon a *highway* by a motor *vehicle*.

“*Vehicle*” includes any object that travels along or uses a *highway* in the *District* under its own power, or is towed, pushed or pulled along or onto the *highway*; and includes but is not limited to automobiles, *motor homes*, trucks, tractors, *trailers*, farm equipment, construction equipment, marine vessels, containers and other transportable objects on wheels, tracks or skids, motorcycles, and “e-bikes” (electric cycles), motor-assisted cycle, “mopeds” (limited-speed motorcycles), pocket bikes and mini motorcycles, Segway™ human transporters, “go-peds” (electric and motorized scooters and skateboards) as defined by the Insurance Corporation of B.C.; but does not include: wheelchairs and other personal mobility devices (motorized wheelchairs and medical scooters); peddle powered apparatus; children’s carriages, strollers and toys; shopping carts; skateboards; roller skates; hand carts and wheelbarrows.

“*Walkway*” means a public way designed and intended exclusively for use by pedestrians.

5.0 DELEGATION OF POWERS

Manager

5.1 The *Manager* is authorized to:

- a) Order the placement, replacement or alteration of *traffic control devices* for the regulation, control or prohibition of traffic;
- b) regulate or prohibit parking on a *highway* during construction, repair, maintenance, Christmas decorating, banner placement, or snow removal operations;
- c) order the placement of traffic signs prohibiting parking:
 - i) at the entrance to any place of public assembly;
 - ii) upon either or both sides of any *highway* along the route of any *parade* or in the vicinity of public gatherings;
 - iii) at any location where, in special circumstances, it is necessary to facilitate or safeguard traffic; or
 - iv) adjacent to any buildings or structures under construction, alteration, repair or demolition;
- d) designate portions of *highways* as:
 - i) *commercial vehicle loading zones*,

- ii) *passenger zones*,
- iii) *bicycle paths*, or
- iv) *school zones*;
- e) close a *highway*, or restrict or divert traffic when, in his opinion, any part of the *highway* is unsafe or unsuitable for traffic, or it is advisable that traffic should be restricted or diverted;
- f) designate *boulevards*, *sidewalks* and walkways for the use of persons riding animals, or where the riding of animals is prohibited, and for that purpose to make regulations restricting the direction of travel and hours of use, and to locate and post signs or other *traffic control devices* as may be necessary;
- g) issue a permit for the purpose of a temporary road closure for a block party;
- h) designate access to and from a *highway* for adjacent land, including the location and extent of access when in the *Manager's* opinion the designation is necessary to protect the best interests of the local residents and traffic; and
- i) rescind, revoke, amend or vary any order made by him.

5.2 The *Manager* shall not:

- a) make orders that would vary any prohibitions in this bylaw; or
- b) make an order that would vary a provision of this bylaw with regard to speed limits, except under Section 5.1(d)(iv) of this Bylaw.

Fire Chief

5.3 The *Fire Chief* may:

- a) direct and regulate traffic in any manner deemed necessary during an emergency and in doing so, may disregard any *traffic control device*;
- b) place temporary *traffic control devices* deemed necessary in the interest of public safety or in an emergency;
- c) *impound* any *vehicle* that interferes with this bylaw or during an emergency procedure;
- d) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

Peace Officer

5.4 A *Peace Officer*, or any person duly authorized, may in the course of duty:

- a) issue *traffic notices* for violations of this bylaw;
- b) direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any *traffic control device*;
- c) *impound* any *vehicle*, *trailer* or *cycle* that is in violation of this bylaw;
- d) require the driver of any *vehicle* to weigh same at any weigh scale forthwith.

Bylaw Enforcement Officer

5.5 A *Bylaw Enforcement Officer*, or any person duly authorized, may:

- a) issue *traffic notices* for violations of this bylaw;
- b) place temporary "No Parking" signs and barricades or other applicable *traffic control devices*;
- c) *impound* any *vehicle*, *trailer* or *cycle* in violation of this bylaw.

6.0 GENERAL REGULATIONS

6.1 Except where otherwise directed by a *peace officer*, a *Bylaw Enforcement Officer* or a person authorized by a *peace officer* to direct traffic, every person shall obey all directions, regulations and prohibitions contained in or upon any *traffic control device* which is erected or placed under the provisions of this bylaw.

- 6.2 No person shall mark or imprint on, or deface, damage or interfere with, any *traffic control device* which is erected or placed under the provisions of this bylaw.
- 6.3 No person other than the *owner* or operator of a *vehicle* shall remove any notice placed or affixed on the *vehicle* by a *peace officer* or *Bylaw Enforcement Officer* under this bylaw.
- 6.4 Every person shall at all *times* comply with any lawful order, direction, signal, command made or given by a Police Officer, *Bylaw Enforcement Officer*, Fireman, Flagman, Ambulance Attendant or School Patrol.

7.0 PROHIBITIONS

- 7.1 No person shall:
 - a) throw or cause to be deposited or tracked from a *vehicle* or to flow upon a *highway*, any water, oil, gasoline, grease, soil, sand, gravel or rock, snow or any other substance, article or thing;
 - b) leave any excavation or other obstruction on a *highway* without placing barricades and warning lights;
 - c) interfere with any barricade, sign, warning lamp or other device which is lawfully occupying any *highway* at or near any excavation, obstruction or work on the *highway*;
 - d) engage in any occupation on a *highway* except in an area designated for that purpose;
 - e) engage in any sport, amusement, exercise, or occupation on a *highway*, stand or loiter in such a manner as to obstruct, impede or interfere with the passage of *vehicles*, cyclists or pedestrians on a *highway*;
 - f) drive or operate a *vehicle* on a *highway* between the persons or *vehicles* comprising a *parade* or funeral procession;
 - g) occupy a *trailer* as living quarters while it is parked upon any *highway*;
 - h) make any repairs to a *vehicle* while it is upon any *highway*, other than the temporary repairs as are necessary for the removal of the *vehicle* from the *highway*;
 - i) except with lawful authority, drive or operate a motor *vehicle* so as to leave a *highway* and enter a place where a sign indicates that such motorized *vehicle* is prohibited;
 - j) drive or operate any *vehicle* on any *sidewalk*, *walkway*, trail or graveled or grassed area within *District* boundaries.

8.0 DEBRIS REMOVAL

- 8.1 Every person who removes a wrecked or damaged *vehicle* from the scene of an accident on a *highway* shall remove all glass and other debris or substance caused by the accident from the *highway*.

9.0 HIGHWAY USES PROHIBITED WITHOUT PERMIT

- 9.1 Except as authorized by a permit issued by the *Manager* pursuant to this bylaw, no person, *owner* or occupier of real property, or agent on their behalf shall:
 - a) place any fuel, lumber, merchandise or chattel of any nature on any *highway*;
 - b) deposit, throw, or leave any earth, refuse, debris, or any other thing on a *highway*;
 - c) place, throw, deposit or discard any snow on any *highway* which may obstruct or impede the normal flow of traffic;
 - d) cause or permit any earth, rocks, stones, liquids, logs or stumps or other things to cave, fall, crumble, slide or accumulate from any property onto a *highway* or to remain thereon;
 - e) drag or skid anything along or over a *highway*;
 - f) dig up, break up or remove any part of a *highway*, cut down or remove trees or timber growing on a *highway*, or excavate in or under a *highway*;
 - g) change the level of a *highway*;
 - h) stop the flow of water through any drain, sewer or culvert on or through a *highway*;
 - i) place, construct, install, maintain, demolish, remove or alter any works, structures or things of any kind, or perform any work of any kind on a *highway*;
 - j) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury on any portion of a *highway*;

- k) mark or imprint or deface in any manner whatsoever a *highway* or structure thereon;
- l) drive, move or propel any *vehicle* over or across a *boulevard*, including any *curb*, *sidewalk* or ditch, except within a *crossing*;
- m) cause damage to, cut down or remove trees, shrubs, plants, bushes and hedges, fences or other things erected or maintained on a *boulevard* by the *District*.
- n) operate a *vehicle* on a *highway* with dimensions or load in contravention of the Motor Vehicle Act, or where such dimensions or loads may cause damage.
- o) shall erect or maintain any structure which encroaches on or over any *highway* or public property without approval of Council by way of an easement agreement:
 - i) stating that the structure is owned the *owner*;
 - ii) stating that the owner is responsible for maintenance of the structure;
 - iii) saving the District harmless; and,
 - iv) providing evidence of General Liability Insurance of no less than \$5,000,000 per occurrence (inclusive of bodily injury and/or property damage);
 and that no approved structure shall overhang a *highway* by less than 2.5 meters above any *sidewalk* or *walkway* and 5 meters above any *roadway*.

10.0 ACCESS REGULATION AND CROSSING PERMITS

- 10.1 No person shall construct or replace a *crossing* without having obtained a *Crossing Permit*.
- 10.2 An application for a *Crossing Permit* shall be accompanied by a fee outlined in the Fees and Charges Bylaw, and shall be made by the *owner* of the real property, on the application form authorized by the *Manager*.
- 10.3 Upon receipt of a completed application, payment of all required fees and deposits, and confirmation that the proposed *crossing* complies with this bylaw, the *Manager* shall issue a *Crossing Permit*.

The *Manager* may impose terms and conditions on a *Crossing Permit*, in relation to:

- a) dates and *times* of work on the *crossing*;
 - b) safety measures, including traffic control;
 - c) inspection of the work;
 - d) deadlines for completion of the work and defined portions of the work;
 - e) protection and restoration of public works and other property on or adjacent to the *highway*;
 - f) required modifications to existing works on the *highway*;
 - g) surfacing of the *crossing*;
 - h) soil, debris and removal;
 - i) provision of plans, levels, profiles, and surveys by the permit holder;
 - j) notification to the *District* regarding commencement and completion of construction; and
 - k) traffic movement restrictions within and from the *crossing* and installation of signage or other *traffic control devices* to give effect to those restrictions.
- 10.4 *Crossings* shall be designed and constructed in compliance with the requirements in Schedule "A" to this bylaw.
 - 10.5 If alterations to a *highway*, public property or the construction of public works or utilities requires the removal or modification of a *crossing* the *District* will restore any concrete or brick *crossings* with asphalt only to *District* standards and no compensation shall be payable for any other private works within the *highway* or public property to the *owner* or *occupier* of adjacent land.
 - 10.6 The full cost of construction of a *crossing*, including the cost of any required culvert(s) and any costs incurred to maintain the clearances set out in Schedule "A", is the sole responsibility of the property *owner* constructing the access, or on whose behalf the access is constructed.
 - 10.7 Where a lot is shown on a plan of survey registered in the Land Titles Office prior to the adoption of this bylaw:

- a) and *crossing* to that lot can not be provided in a manner which meets the maximum grade, a *Crossing Permit* may be issued if the property *owner* executes and registers in the Land Titles Office a Restrictive Covenant against the title to the property, and the covenant includes a release of claims by the property *owner* and an indemnity against any other claims that may be brought against the *District* to gain access for emergency response, fire protection, or any other purpose.
 - b) due to topographical constraints, a *crossing* cannot be provided to service an individual property, access by easement may be approved subject to the following provisions which must be addressed to the satisfaction of the *Council*:
 - i) plan of easement must be in accordance with Section 10.4 of this Bylaw;
 - ii) minimum width of the easement shall be 9 meters including a finished surface width of 6 meters;
 - iii) finished surface of the easement shall be designated to permit accessibility in all climatic conditions and shall be graveled/paved to an extent satisfactory to the *District*.
- 10.8 No person shall permit surface water to deposit mud or debris onto a *highway* from an adjacent *crossing* during heavy rainfall or otherwise. Persons that permit surface water to run off a driveway onto a *highway* in a manner which obstructs, damages or fouls the *highway* may be charged the cost of removing the mud or other obstruction from the *highway* and repairing any damage to the *highway*.
- 10.9 No person shall permit or allow any concrete or asphalt to be placed on any portion of *highway* for the purpose of connecting an *crossing* to the *highway*, or for any other purpose, without first obtaining written permission to do so from the *District*. Any authorized works on *District* property are at the expense of the property *owners* and remedial works and restoration thereafter are at the expense of the property *owner*. The *District* assumes no responsibility thereto.
- 10.10 The *District* may, as a condition of issuing a *Crossing Permit*, require the property *owner* to provide the *District* with a Performance Bond or Letter of Credit as a guarantee that the *crossing* will be constructed in accordance with the Permit.
- 10.11 An appeal from a decision made by an officer or employee of the *District* under this bylaw may be made to *Council*, and the decision of the *Council* shall be final.
- 10.12 *Owners* of property adjacent to a culvert(s) shall not permit blockage of culverts.
- 10.13 The *District* reserves the right to enter upon private property for the purpose of performing inspection, maintenance, repair, etc. on the *District* owned portion of the access.

11.0 PERMITS

- 11.1 The *Manager* may issue a permit to do those things otherwise prohibited by Section 10, of this bylaw, subject to payment of an application fee as outlined in the Fees and Charges Bylaw and subject to such other conditions contained in this section as are applicable.
- 11.2 As a prerequisite to the issuance of a permit under this section, the applicant shall:
- a) deposit with the *District* a sum of money (in cash or by unconditional, irrevocable letter of credit issued by a financial institution) which is, in the opinion of the *Manager*, sufficient:
 - i) to pay the cost of repairing any damage which may be done to the *highway* or installations therein; and
 - ii) as security that any obligations imposed by the permit shall be fulfilled and completed within the *time* specified in the permit; and
 - b) provide satisfactory plans and specifications of any work to be undertaken and, when they are approved by the *Manager* and the necessary permit is issued, the work shall conform in every respect to the approved plans and specifications and to the minimum general bylaw requirements of the *District* for the area in which the *highway* is situated.

- 11.3 Where a deposit has been made in accordance with this bylaw, upon satisfactory compliance with the permit within the *time* specified, the deposit will be refunded to the applicant, less, where applicable, an inspection fee as outlined in the Fees and Charges Bylaw and subject to such other conditions contained in this section as are applicable.
- 11.4 Where completed work is to be taken over by the *District*, the applicant shall be responsible for the cost of maintaining the work for a period of one year from the date of completion of the work, as certified by the *Manager*. A security deposit may be required for the maintenance period by the *Manager*.
- 11.5 Where alterations to completed works are required due to the reconstruction of a *highway*, the permit holder shall pay all the costs of the alterations.
- 11.6 The permit holder shall indemnify and save harmless the *District* from and against all damages, claims and demands of every kind arising out of or in any way connected with any default by the holder relating to the work or activity for which a permit has been issued. Prior to issuance of the permit the applicant shall provide proof of public liability insurance in the amount of Five Million dollars (\$5,000,000.00) with the *District* named as an Additional Insured on the policy with respect to the works carried out under the permit issued under this section.
- 11.7 In the event that the permit holder fails to repair any damage or fulfill any obligations set out in a permit, the *District* may repair the damage or fulfill the obligations and deduct the costs of doing so from the deposit. If there are insufficient funds on deposit to cover the costs, the permit holder shall pay any shortfall.

12.0 SPEED LIMITS

- 12.1 No person shall drive or operate a motor *vehicle* on any *highway* within the *District* (other than a *lane*) at a rate of speed greater than 50 kilometers per hour, unless otherwise posted.
- 12.2 When a speed limit sign has been erected on any *highway* within the *District* no person shall drive or operate a motor vehicle on that portion of *highway* at a greater rate of speed than that indicated on the sign.

13.0 SPEED LIMITS - ON LANES

- 13.1 No person shall drive or operate a motor *vehicle* on a *lane* at a rate of speed greater than 20 kilometers per hour, unless otherwise posted.

14.0 SPEED LIMITS - CONSTRUCTION

- 14.1 No person shall operate a vehicle within a construction zone at a speed greater than 30 kilometers per hour, unless otherwise posted.

15.0 TRAFFIC CONTROL DEVICES

- 15.1 The provisions of Section 15.2 through 15.8 do not apply to *highways* classified in accordance with S.30 of the Highway Act as arterial *highways*.
- 15.2 The *Manager* is authorized to order the placing or erection of *traffic control devices* at such places as he designates in order to give effect to the provisions of this Bylaw and the Motor Vehicle Act.
- 15.3 *Traffic control devices* may be in any form prescribed in the regulations to the Motor Vehicle Act or in such other form as the *Manager* may by order designate.
- 15.4 The *Manager* may order the application of lines on any *highway* as a *traffic control device*.

- 15.5 The *Manager* shall issue written orders directing the placing of *traffic control devices*, which orders shall be dated, signed by the *Manager*, and have the seal of the *District* affixed by the *Administrator*.
- 15.6 The *Administrator* may affix the corporate seal of the *District* to a copy of any order made by the *Manager* pursuant to this Bylaw and certify such copy to be a true copy.
- 15.7 The *Manager* may subject to Sections 15.5 and 15.6 of the Bylaw rescind, revoke, amend or vary any order made pursuant to this Bylaw.
- 15.8 All *traffic control devices* placed or erected in the *District* at the *time* this Bylaw comes into force are confirmed and shall be deemed to have been placed or erected pursuant to an order made by the *Manager* pursuant to this Bylaw.

16.0 STOPPING/PARKING PROHIBITIONS

- 16.1 Except as directed by a *peace officer* or as permitted by a *traffic control device*, or except when their *vehicle* is mechanically disabled as to render it immobile, no person shall *stop, stand or park a vehicle*:

a)	Bridge	on a bridge or other elevated structure on a <i>highway</i> , except as permitted by a <i>traffic control device</i>
b)	Bus Loading Zone	in any designated bus loading zone
c)	Crosswalk	on a <i>crosswalk</i> or within 6 meters of the approach side of a <i>crosswalk</i>
d)	Curb	adjacent to or alongside any <i>curb</i> , which has been painted yellow; except as permitted by a <i>traffic control device</i> adjacent to or at one or both ends of the yellow <i>curb</i>
e)	Distance from Curb	on a <i>roadway</i> more than 30 centimeters from the <i>curb</i> of such <i>roadway</i> if a <i>curb</i> has been constructed
f)	Docks	At a District dock between 11:00 pm and 6:00 am
g)	Double Parking	on the <i>roadway</i> side of a <i>vehicle</i> that is stopped or parked at the edge or <i>curb</i> of a <i>roadway</i>
h)	Driveway	in front of or within 3 meters of a public or private driveway
i)	Entrance	within 6 meters from either side of the entrance to or exit from a hotel, theatre, public meeting place, dance hall, fire hall or playground
j)	Hydrant	within 5 meters of a fire hydrant measured from a point in the <i>curb</i> or edge of the <i>roadway</i> which is closest to the fire hydrant to the nearest wheel of the <i>vehicle</i>
k)	Intersection	in an intersection, except as permitted by a <i>traffic control device</i>
l)	Lanes	in any <i>lane</i> in such a manner or under such conditions as to leave available less than 3 meters of the usable traveled portion of such <i>lane</i> for the free movement of vehicular traffic
m)	Long Vehicles	on a <i>highway</i> or public property where the <i>vehicle</i> or combination of attached <i>vehicles</i> is in excess of 18 meters in length
n)	Main Street	Upon, or travel across any <i>sidewalk</i> on Main Street, in any <i>vehicle</i> in excess of 7.5 meters in length and/or in excess of 5,500 kilograms or dual axle <i>vehicles</i> in excess of 10,000 kilograms, unless such <i>sidewalk</i> has been so designated by a <i>traffic control device</i>
o)	Metered Space	Unless the fee prescribed by the parking meter has not expired; deposited therein and the time measured by the parking meter has not expired.
p)	Obstruction	alongside or opposite a street excavation, obstruction or upon a <i>highway</i> in such as manner as to obstruct the free passage of traffic
q)	Overtime Parking	On a <i>highway</i> where the length of time allowed for parking is controlled by a <i>traffic control device</i> , in contravention of the length of time indicated on the applicable <i>traffic control device</i> ; and where a <i>vehicle</i> has been parked at a time-controlled parking space for the maximum period of time, the <i>owner</i> or operator of such <i>vehicle</i> shall not permit the parking of

		such <i>vehicle</i> in the same or any other parking space on either side of the same block within the same twenty-four hour period.
r)	Parking Prohibition	in a place that contravenes a <i>traffic control device</i> that gives notice that stopping, standing or parking there is prohibited
s)	Parking Stalls	in contravention of painted lines or markers indicating single <i>parking stalls</i> parallel to the <i>highway</i> or angled from the <i>highway</i> or if the length of such <i>vehicle</i> and any <i>trailer</i> attached there to exceeds 6 meters
t)	Paths	on a <i>bicycle path</i> , pedestrian walkway or trail
u)	Permit Area	in a permit area absent a Parking Permit
v)	Railway Crossing	within 15 meters of the nearest rail of a railway <i>crossing</i>
w)	Repairs / Sales / Signs	on a <i>highway</i> for the purpose of <ul style="list-style-type: none"> i) displaying a <i>vehicle</i> for sale; ii) advertising, greasing, painting, wrecking, storing or repairing a <i>vehicle</i>, except where repairs are necessitated by an emergency; iii) displaying signs; or iv) selling flowers, fruit, vegetables, or other commodities or articles
x)	Schools	on the side of any portion of a <i>highway</i> upon which any school or school property abuts, on any school day between the hours of seven o'clock in the morning and five o'clock in the afternoon
y)	Sidewalk	on a <i>sidewalk</i> or <i>boulevard</i> , either completely or partially
z)	Sign	within 6 meters of the approach to a flashing beacon, stop sign or traffic control signal located at the side of a <i>roadway</i>
aa)	Time Limit	on any <i>highway</i> in contravention of the length of <i>time</i> indicated on a <i>traffic control device</i> , or for more than forty (48) hours.
ab)	Trucks / Motor Homes	On a highway or public property in any zone if the truck and/or trailer or motor home has a licensed gross vehicle weight that exceeds 11,795 kilograms.
ac)	Visibility	in a manner that obstructs the visibility of a <i>traffic control device</i>
ad)	Without Curbs	on the paved portion of any <i>highway</i> without <i>curbs</i> , unless the pavement is at least 7.3 meters in width
ae)	Wrong Side	upon a two-way <i>highway</i> , other than on the right side of the <i>highway</i> and with the right-hand wheels parallel to that side

17.0 LOADING ZONES – COMMERCIAL AND PASSENGER

17.1 No person shall stop or park a *vehicle*:

- a) in any *commercial vehicle loading zone* except while actually engaged in the loading or unloading of commercial goods and merchandise; or
- b) in any *passenger zone* for a period longer than 30 minutes, provided that the driver of any armored *vehicle* used for the purpose of conveying cash or securities may stop the *vehicle* in a *passenger zone* for the period required while picking up or making delivery of any cash or securities.

18.0 DISABLED PERSONS' PARKING PERMITS AND PARKING

18.1 *Council* designates the Social Planning and Research Council of British Columbia as the organization responsible for issuing and cancelling *Disabled Persons' Parking Permits*.

18.2 An application for a *Disabled Persons' Parking Permit* shall be made by or on behalf of a *disabled person* directly to the Social Planning and Research Council of British Columbia.

18.3 It is unlawful for any person to *stop, stand or park* a *vehicle* in a *disabled zone* unless:

- a) the *vehicle* displays a *Disabled Persons' Parking Permit* or a permit of a similar nature issued by another jurisdiction; and
- b) the *vehicle* displaying a *Disabled Persons' Parking Permit* is stopped, left standing or parked for the purpose of transporting a *disabled person*.

19.0 IMPOUNDMENT OF VEHICLES

- 19.1 Any *vehicle* which unlawfully occupies any portion of a *highway* or public property may be removed or *impounded* by the *District's* employees, contractors or agents or *peace officer*.
- 19.2 Any *vehicle* removed or *impounded* may be recovered by the *owner* upon presenting proof of *ownership* and upon payment of all fees, costs and expenses for the removal, detention and *impoundment* of a *vehicle* set out in the Fees and Charges Bylaw.
- 19.3 Notwithstanding any provision of this Bylaw, where a *vehicle* is removed from a *highway* or public property, it need not be detained or *impounded* but may be removed to such place as the *Manager* or *Bylaw Enforcement Officer* may direct, and the failure to detain or *impound* shall not affect the liability of the *owner* for the fees, costs and expenses of removing the *vehicle*.
- 19.4 Where the *owner* of a *vehicle* which has been removed, detained or *impounded* under this bylaw defaults in paying the fees, costs and expenses, the *District* may sell the *vehicle* at a public auction or initiate an action to recover the fees, costs and expenses, provided that:
- a) the *District* has delivered to the *owner* at the address shown on the records of the Superintendent of Motor *vehicles* a notice that the fees, costs, and expenses will be recovered by way of public auction or court action;
 - b) the *owner* of the *vehicle* has not paid the required sum to the *District* within 30 days of the delivery of the notice; and
 - c) the 30 days have expired.
- 19.5 Where the balance of the proceeds of sale of a *vehicle* has been paid into the general revenue fund of the *District* pursuant to Section 20.4, such balance shall be paid over to the *owner* of the *vehicle* without interest, upon application therefore being made within one year from the date of the sale of such *vehicle*.
- 19.6 In the event that the proceeds of sale of a *vehicle* sold pursuant to Section 20.4 are insufficient to pay the expenses of publishing the notice required by Section 20.4 and conducting the sale pursuant to Section 20.4, the amount of such expenses not paid from the proceeds of sale shall be a debt payable by the *owner* of the *vehicle* to the *District* and may be recovered by civil action in any Court of competent jurisdiction.

20.0 REMOVAL OF STRUCTURES, CHATTELS OR OBSTRUCTIONS

- 20.1 Any chattel, obstruction, earth, mud, rocks, stones, logs, stumps, branches, garden clippings, snow or other things unlawfully occupying any portion of a *highway* or public property may be removed, detained or *impounded* immediately if it constitutes a danger to persons using the *highway* or public property or, when it does not constitute a danger, within 24 hours by any person authorized to do so by the *Manager* or *Bylaw Enforcement Officer*.
- 20.2 Any chattel or obstruction removed, detained or *impounded* may be recovered by the *owner* upon presenting proof of *ownership* and upon payment in full of any fees, costs and expenses which may be levied under the provisions of this bylaw to the *District*.
- 20.3 Every person being the *owner* or occupier of real property shall cause all trees, shrubs or other vegetation to be properly trimmed and cut back, so as to prevent physical obstruction or visibility impairment to pedestrian and vehicle traffic on a *sidewalk* or *highway*.
- 20.4 Any structure occupying any portion of a *highway* or public property where an easement agreement has not been entered into with the District must either be removed by the owner at the owner's expense or an easement agreement acceptable to the District is entered into by the owner.

21.0 PUBLIC AUCTION

- 21.1 Any chattel, obstruction or *vehicle* not claimed by its *owner* within 30 days of its *impoundment* or detention may be sold at public auction and such auction shall be advertized under the provisions of the *Community Charter* pertaining to requirements for public notice.
- 21.2 The proceeds of the auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the *District* or its contractors or authorized agents as set out above and thirdly the balance, if any, shall be held by the *District* for one (1) year from the date of the sale for the *owner*. If unclaimed at the end of the year, the sum shall be paid into the General Revenues of the *District*.
- 21.3 Should any chattel or obstruction not be purchased at public auction then the chattel or obstruction shall be disposed of in a manner approved by the *Manager*, and the expenses incurred to remove or dispose of the chattel or obstruction, less the proceeds (if any) of disposal, are recoverable as a debt due the *District* from the *owner*.
- 21.4 Despite the preceding provisions, where any abandoned or unlicensed motor *vehicle*, garbage, rubbish, chattel, obstruction, earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things with an apparent market value of less than One Hundred Dollars (\$100.00) is left on any *highway*, such articles may be removed and disposed of by any person authorized to do so by the *Manager* or *Bylaw Enforcement Officer*. The full costs of removal and disposal shall be charged to the *owner* of the garbage, rubbish, abandoned or unlicensed motor *vehicle* or the *owner* of the property or contractor or any other person responsible for which the earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things originated from. The *Manager* shall determine the apparent market value.

22.0 BICYCLES, , MOTORIZED GOLF CARTS, ROLLER SKATES, SKATEBOARDS, SKIS, INLINE SKATES, SNOWMOBILES, OFF-ROAD (ALL TERRAIN) VEHICLES

- 22.1 A person using a bicycle or other peddle powered apparatus, roller skates, skateboard, skis, inline skates, or motorized golf cart :
- shall not be on a *sidewalk, or walkway* unless directed by a *traffic control device*;
 - shall be on a bicycle *lane*, if there is a bicycle *lane* adjacent to the *roadway*, or if there is no bicycle *lane* be as near as practicable to the right hand side of the *highway*;
 - shall not be abreast of another person on any *highway*;
 - shall not be attached by the arm and hand of the operator or otherwise, to a *vehicle* on a *highway*; and,
 - shall not be on a *highway* between ½ hour after sunset and ½ hour before sunrise unless equipped with lights and/or reflective clothing visible from the front and rear.
- 22.2 No person shall, on any *highway, sidewalk, boulevard* trail, or public property drive, operate or ride a snowmobile or off-road (all terrain) vehicle, except in time of emergency.

23.0 LOAD RESTRICTIONS

- 23.1 The *Council* may, by resolution, designate any period of time in any year as a Closed period, and during such closed period or periods, it shall not be lawful for any driver to drive or cause to be driven any motor *vehicle*, or combination of *vehicle* and *trailers* on any road or *highway* within the corporate limits of the *District* having a gross weight not conforming to the requirements of the *Motor Vehicle Act* and *Commercial Transport Act* and Regulations thereto.
- 23.2 The *Council* may, by resolution, designate any period of time in any year as a closed period, and during such closed period or periods the *Council* may close any roads within the Municipality to all vehicular traffic or to such extraordinary traffic as may be specified in the resolution.
- 23.3 No person shall, without a permit issued under the authority of this bylaw and subject to the provisions of this bylaw, operate on a *highway* a *vehicle* or combination of *vehicles* and *trailers* having a gross weight not conforming to the requirements of the *Motor Vehicle Act* and the *Commercial Transport Act* and Regulations thereto.

- 23.4 No person shall, without a permit issued under the authority of this bylaw and subject to the provisions of this bylaw, operate on a *highway* a *vehicle* or combination of *vehicles* and *trailers* having a size not conforming to the requirements of the *Motor Vehicle Act* and *Commercial Transport Act* and Regulations thereto.
- 23.5 Where, in the opinion of the *Manager*, any *highway* is liable to damage because of the gross weight or size of the *vehicle* or load thereon, he may regulate, limit or prohibit the use of the *highway* by any person owning, operating or in charge of the *vehicle* used therein or the goods carried therein and he may post notices or signs to inform the general public of these regulations.
- 23.6 During any period of traffic and load restrictions as outlined in Subsection 24.1, any *peace officer* or *bylaw enforcement officer* may intercept any *vehicle* or combination of *vehicles* and *trailers* which, together with its load, such *peace officer* or *bylaw enforcement officer* believes to exceed the said load limit, as set forth in this Division, and require the driver of such *vehicle* or combination of *vehicles* and *trailers* to proceed to weighting scales to properly determine the weight of such *vehicle* or combination of *vehicles* and *trailers* together with its load.
- 23.7 Oversize Permit or Oversized Loads must be in compliance with the *Commercial Transport Act* and Regulations thereto and must be produced upon request by the *peace officer* or *bylaw enforcement officer*. Such permit shall be carried in the *vehicle* whenever it is being driven on *District* streets.
- 23.8 The *Manager* may, at his discretion, require the applicant to deposit with the Municipal *Manager* a bond of indemnity to secure payment to the Municipality of the cost of repairing or reconstructing any road or other property of the Municipality damaged by reason of the driving or operating of the *vehicle* for which the permit is granted. Such bond shall be in an amount prescribed by the *Manager*.
- 23.9 The *Council* may, at its discretion, issue a permit in writing allowing a driver to drive or cause to be driven any motor *vehicle* or combination of motor *vehicle* and *trailer* during any closed season, where the weight of the said *vehicle* and load exceed the said weight, and, in such case, a permit shall be issued under the hand of the Municipal *Manager* allowing the journey in question.

24.0 PARADES

- 24.1 Any person desiring to hold a *parade* shall, prior to the event, make application in writing to the *Manager* and in such application furnish the following information:
- the name and address of the applicant;
 - the nature and object of such *parade*;
 - the month, day and hours during which the *parade* will be held;
 - a description of the intended route of the *parade* and assembly area or the intended area in which the *parade* will be limited to, as the case may be;
 - a description of the composition of the *parade*; and,
 - providing evidence of General Liability Insurance of no less than \$5,000,000 per occurrence (inclusive of bodily injury and/or property damage).
- 24.2 The *Manager* or any person duly authorized by him may approve or disapprove of the aforesaid application and, if the approval is given, may issue an order permitting the *parade* on such terms and conditions as he deems appropriate.
- 24.3 The *Manager* is authorized to regulate and to control pedestrian and vehicular traffic over the route or area in which the *parade* will occur.

25.0 FUNERAL PROCESSION

- 25.1 The *operator* of a *vehicle* in the lead of a funeral procession approaching an intersection where a *traffic control device* exists, shall comply with the instruction of such device, and shall not enter the intersection until it is safe to do so.
- 25.2 Every person operating a vehicle in a funeral procession shall have the headlamps of such vehicle on for the duration of the procession.

26.0 OTHER REGULATIONS

- 26.1 No *trailer* designed for occupancy by individuals or for the carriage of goods and merchandise shall be parked on any *highway* unless it is attached to a motor *vehicle* capable of towing the *trailer*.
- 26.2 No *owner* or *occupier* of property adjacent to the intersection of two *highways* shall place or permit to be placed or to grow any tree, shrub, plant, fence or other structure with any horizontal dimension exceeding 0.6 meters, within 7.0 meters from the point of intersection of the two property lines which front on the intersecting *highways*, between the elevations of 0.9 meters and 2.0 meters above the elevation at the point of the intersection of the centerlines of the intersecting *highways*.

27.0 OFFENCE AND PENALTIES

- 27.1 Any person who contravenes, suffers or permits anything to be done in contravention of any of the provisions of this bylaw or any permit issued under this bylaw commits an offence punishable on summary conviction and shall be liable to a fine or penalty not exceeding \$10,000.00.
- 27.2 Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
- 27.3 *Council* may by resolution appoint a *Bylaw Enforcement Officer* with power to lay charges and issue and serve traffic tickets and summonses as the case may be, with respect to any breach of a provision of this Bylaw.
- 27.4 The *owner* of a *vehicle* shall be held liable for any violation of this Bylaw committed with or in respect of that *vehicle* unless on a prosecution of an *owner* under this Section the defendant establishes that the person in possession of the *vehicle* was not a person entrusted by the *owner* with possession and that the person had possession without the consent of the *owner*.
- 27.5 No person, other than the *owner* or operator of a *vehicle*, shall remove a traffic ticket or a notice of offence from a *vehicle*.
- 27.6 No person shall remove, erase, obliterate or conceal any mark or sign made or affixed upon a *vehicle* by a *Bylaw Enforcement Officer* except at the time the *vehicle* is moved from the location at which it was parked.
- 27.7 A person who commits an offence against this Bylaw by breach of Subsections 16.1 is liable to a fine of not less than \$30.00. Notwithstanding anything hereinbefore contained, where any notice of a parking violation is issued pursuant to the provision of this bylaw, any person may, within forty-eight (48) hours of the issuance of the notice of parking violation, pay to the District the sum of Ten Dollars (\$10.00) as full satisfaction for each violation.
- 27.8 A person who commits an offence against this Bylaw by a breach of Sections 28.5 or 28.6 is liable to a fine of not less than \$100.00.
- 27.9 For all purposes of this Bylaw, if a *vehicle* which is parked is moved and is again parked without entering onto the travelled portion of a *roadway*, such *vehicle* is deemed to be and to have remained parked at the location where it was first parked.
- 27.10 Nothing in this Bylaw precludes the commencement of proceedings by way of the procedures set out in the Offence Act.

28.0 REPEAL

28.1 This bylaw repeals the District of Sicamous Parking Regulation Bylaw No. 76, 1992 adopted by the *Council* on the 28th day of September, 1992 and as amended from time to time.

28.2 This bylaw repeals the District of Sicamous Load Restrictions Bylaw No. 90, 1993 adopted by the *Council* on the 10th day of May, 1996.

READ A FIRST TIME this 27th day of January, 2010.

READ A SECOND TIME this 27th day of January, 2010.

READ A THIRD TIME this 27th day of January, 2010.

RECONSIDERED AND FINALLY ADOPTED this 10th day of February, 2010.

"Malcolm MacLeod"
Mayor

"Alan L. Harris"
Manager of Corporate Services

Certified a true and correct copy of the District of Sicamous
Traffic Control Bylaw No. 778, 2010

Clerk

SCHEDULE "A"**Crossing Design Requirements**

All *crossings* shall conform to the requirements of the *Crossing Permit* issued for construction of the *crossing* and shall meet the following conditions:

1. The number of *crossings* to a parcel that is used for residential use only, shall be not more than one for each 24 meters (78.74 feet) or remaining fraction thereof, of the total *highway* frontage of the parcel.
2. The number of *crossings* to a non-residential parcel shall be not more than one for each 30 meters (98.43 feet) or remaining fraction thereof, of the total *highway* frontage of the parcel.
3. No two *crossings* to one parcel shall be closer to each other than 9 meters (29.53 feet) at any point.
4. Where a non-residential parcel adjoins another parcel, no *crossing* to the non-residential parcel shall be less than 1.5 meters (4.92 feet) from the adjoining parcel boundary.
5. *Crossings* shall be located adjacent to the interior side lot line of a property and no closer than 7.5 meters (24.61 feet) at any point to the point of intersection of two *highway* right-of-way boundaries, or if one or more of the *highways* is a *lane*, within 4.5 meters (14.76 feet) of the intersection.
6. No *commercial crossing* shall be constructed wider than 9 meters (29.53 feet) at any point on public property.
7. No *residential crossing* shall be constructed wider than 7 meters (22.97 feet) at any point on public property.
8. Angled *crossings* to parcels are permitted, provided that the included angle between the *crossing* and the edge of pavement on the road right-of-way is no less than 45°.
9. Loop *crossings* are permitted, provided that the *crossings* at each end of the loop meet the requirements of Sections 1, 2, 3 and 6 of this Schedule and that no part of the connecting loop is on public property.
10. Except in areas where *curbs* have been installed or where all municipal services have been completed, no concrete driveways are permitted on public property.
11. All *crossings* shall comply with the following requirements and the specifications set out in Schedule D attached to and forming part of this Bylaw:
 - (a) the location of all *crossings* shall be at the discretion of the *District*;
 - (b) all open shoulder *crossings* with a level or rising grade shall be constructed with a swale over the ditch line to ensure that surface water enters the ditch and does not enter the *highway*;
 - (c) each access shall serve one property, and shall be connected to a fully constructed *highway* fronting or flanking the subject property.
12. Where the installation of a culvert is required by the *District*, the following requirements shall apply:
 - (a) culverts for residential or farm *crossings* shall be a minimum 300 mm in diameter, and a larger diameter culvert may be required at the discretion of the *District*;
 - (b) culverts for commercial or logging *crossing* (and cross culverts, if required) shall be at the discretion of the *District*; and
 - (c) the culvert shall, in the opinion of the *District*, be adequate in design and condition to provide the load-bearing capacity required for its intended use.

13. No person shall construct a *crossing* in a manner which results in less than the following clearances from the finished road surface to underground or overhead utility services:
- (a) Overhead Utility Services:
 - Electrical Cables 4.5 meters
 - Communication Cables 4.3 meters

 - (b) Underground Utility Services:
 - Electrical Cables or Ducts 900 mm
 - Communication Cables or Ducts 600 mm