

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8382

**TO REGULATE THE STREETS AND TRAFFIC WITHIN
THE MUNICIPALITY OF SAANICH**

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

This Bylaw is divided into six parts as follows:

PART I INTERPRETATION

PART II TRAFFIC REGULATIONS

PART III GENERAL STREET REGULATIONS

PART IV DIMENSIONS AND LOADS

PART V SECUREMENT OF VEHICLE LOADS

PART VI OFFENCES AND PENALTIES

PART I - INTERPRETATION

SECTION 1 - DEFINITIONS

1.01 In this Bylaw, unless the context otherwise requires:

BICYCLE means every device propelled by human power upon which any person may ride, and includes velocipedes and any other similar devices.

BICYCLE LANE means a portion of a roadway that has been designated by striping, signing and/or pavement markings for the preferential or exclusive use of bicycles.

BOREHOLE means a hole drilled in a highway for the purpose of sampling and/or monitoring subsurface materials.

BOULEVARD means that portion of any highway other than the paved, improved or main travelled roadway, driveway or sidewalk and includes a landscaped median or other area lying between opposing traffic lanes.

BUS means every vehicle for the carriage of passengers for hire, other than a taxi-cab or rented automobile.

CERTIFIED TRAFFIC CONTROL PERSON means a person who holds a certification in traffic control from a college, school or other recognized educational institute and includes a person who has established to the satisfaction of the Chief Constable, or his/her delegate, that he or she has sufficient experience or training in the field in the area of traffic control.

CHIEF CONSTABLE means the Chief of the Saanich Police force, or his/her Deputy.

COUNCIL means the Municipal Council of The Corporation of the District of Saanich.

COMMERCIAL VEHICLE means a commercial vehicle as defined in the *Commercial Transport Act* but does not include:

- (a) a commercial vehicle engaged in highway construction other than a paving project and operating within the limits of the Highway Construction Project as established or as posted by the Ministry of Transportation or the Saanich Municipal Engineering Department or;
- (b) an implement of husbandry as defined in the *Motor Vehicle Act*.

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 one side of the highway, measured from the curbs, or in the absence of curbs, from the edges of the roadway.

CYCLE means every device propelled by human power upon which a person may ride and includes velocipedes, motor assisted cycles and any other similar device.

DRIVER means a person who drives or who is in actual physical control of a vehicle.

DRIVEWAY means any access to a highway set apart and improved by grading, gravelling or any other means approved by the Director of Engineering.

EMERGENCY VEHICLE has the same meaning as Emergency Vehicle in the *Motor Vehicle Act*.

DIRECTOR OF ENGINEERING means the Director of Engineering of The Corporation of the District of Saanich, or his/her designate.

GARBAGE means waste, rubbish or discarded items.

GARDEN WASTE means any clippings, prunings, leaves or other parts of plants, shrubs or trees.

HIGHWAY includes every highway within the meaning of the *Highway Act* and every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, but does not include a private right of way.

HOUSEHOLD HAZARDOUS WASTE shall have the same meaning as in the “Garbage Collection and Disposal Bylaw, 1993, No. 7181”, or any successor bylaw.

HOUSEHOLD WASTE means waste generated in a residential dwelling unit.

INTERSECTION means the area contained within the projection of the lateral property lines of streets which join one another whether such streets cross each other at their junction or not; or the area within which vehicles travelling upon different streets joining at any angle may collide.

LANE means a public highway not designed for the general use of traffic.

LITTER BIN means a receptacle installed on a street by the Municipality.

MEDIAN means that portion of a highway situated between a divided roadway.

MOTOR ASSISTED CYCLE means a motor assisted cycle as defined in the *Motor Vehicle Act*.

MUNICIPALITY means The Corporation of the District of Saanich and the territory thereof.

PARK, PARKING OR PARKED means the standing of a vehicle whether occupied or not except when standing temporarily for the purpose of and while actually engaged in loading and unloading or in obedience to traffic regulations or traffic signs or signals.

PEDESTRIAN means any person afoot or an invalid or child in a wheelchair or carriage.

POLICE OFFICER means and includes any member of the Police Force of The District of Saanich, the Police Reserve Force of The District of Saanich, the Royal Canadian Mounted Police (while acting as a member of the Provincial Police or otherwise) or any member of the Police Forces of the City of Victoria, The Districts of Oak Bay and Central Saanich and the Township of Esquimalt on duty within the limits of the District of Saanich.

PRIVATE ROAD means every way or place in private ownership and used for vehicular travel by the owner and his/her invitees and licensees.

PUBLIC PLACE means and includes any place or vehicle to which the public has access as of right or by invitation expressed or implied.

RIGHT-OF-WAY means the right to the immediate use of the road.

ROADWAY means that portion of a street that is improved, designed or constantly used for vehicular traffic.

SIDEWALK means that portion of a street between the curb lines or the lateral lines of a street and the adjacent property lines improved for the use of pedestrians by the laying of concrete, gravel, planks, asphalt or other material but does not include any section of the Lochside Trail, Galloping Goose Trail, Centennial Trail or other multi-use trail designed for the use of pedestrians, bicycles and other categories of trail user.

STOP means a complete cessation of movement.

STORING or STORE for purposes of Section 7 means parking or leaving a vehicle on a highway for any period in excess of 72 consecutive hours.

STREET means a highway.

STREET FURNITURE means manufactured, above ground items that are usually found on highways and boulevards, including benches, kiosks, decorative identification signs, canopies, shelters, and refuse receptacles, as approved by the Director of Engineering.

TAXI means every taxicab and other passenger carrying vehicle plying for hire within The District of Saanich except a bus.

TRAFFIC means pedestrians, ridden or herded animals, vehicles, bicycles and other conveyances either singly or together while using any street.

TRAFFIC CONTROL DEVICE means a sign, signal, line, meter, marking, space, barrier or device, not inconsistent with this Part, placed or erected by the authority of the Ministry of Transportation or the Council of a municipality or a person authorized by either of them to exercise that authority.

TRAFFIC CONTROL SIGNAL means any traffic control device manually, electrically or mechanically operated for the regulation of traffic.

TRAFFIC CONTROL FLASHING SIGNAL means a traffic control device which is operated mechanically or electrically and which indicates by flashing coloured lights the precautions to be taken by traffic.

TRAILER means a vehicle without motive power designed to be drawn by a motor vehicle.

UNLICENSED VEHICLE means a vehicle which does not display a current motor vehicle licence issued under the provisions of the *Motor Vehicle Act* 1996 RSBC c. 318 or the motor vehicle licensing provision of another jurisdiction.

VEHICLE means a device in, upon or by which a person or thing is or may be transported or drawn upon a street but does not include

- i) a device designed to be moved by human power,
- ii) a device which moves exclusively upon rails or tracks, or
- iii) a motorized wheelchair or scooter designed for disabled persons.

PART II - TRAFFIC REGULATIONS

SECTION 2 - TRAFFIC CONTROL DEVICES, ETC.

Placing Devices

- 2.01 The Council, Director of Engineering or Chief Constable may place or order traffic control devices to be placed or installed as necessity requires within the Municipality.
- 2.02 The Chief Constable or the Director of Engineering may order to be placed for temporary periods not exceeding thirty (30) days at any one time, signs prohibiting parking or stopping and indicating restricted parking, or detours:
- (a) Upon either or both sides of any street or portion of street along the route of a parade or procession or in the vicinity of a large public gathering;
 - (b) In any other location where under special circumstances he/she deems it necessary in the public interest to do so.

Unauthorized Signs Prohibited

- 2.03 Except as provided in this Bylaw, no person shall place, maintain or display upon or in view of any street any traffic control device or sign or device which purports to be or which resembles any traffic control device or anything which hides from view or interferes with the effectiveness of any traffic control device placed or installed under the authority of the *Motor Vehicle Act* or this Bylaw.

Obedience to Signs

- 2.04 Every pedestrian and the driver of every vehicle shall obey the direction, instruction, limitation, restriction or prohibition of every traffic control device unless otherwise directed by a Police Officer

Damage to Signs, etc.

- 2.05 (a) No person shall move, remove, deface, damage or alter or obstruct the view of or otherwise interfere with any traffic control device.
- (b) No person shall drive or walk on or over any newly painted line or any new curb or roadway, the presence of which is indicated by red flags or other markers.

Powers of Chief Constable and Director of Engineering

- 2.06 The Chief Constable or the Director of Engineering is hereby authorized and empowered to make, table and vary, amend, rescind and revoke orders and to exercise the powers of the Council, in respect to the following matters:
- (a) The placing, maintenance, operation, moving and removing of traffic control devices and signals;
- (b) The designation of streets or parts of streets on which stopping or parking is prohibited, restricted, limited or regulated;
- (c) The matters enumerated in Section 7 of this Bylaw.
- (d) The granting of permits pursuant to this Bylaw where the number of persons who are to be members of or take part in the parade, march, procession, public meetings or demonstration will not exceed one hundred.

Any order made by the Chief Constable or the Director of Engineering under this Section is subject to an appeal to the Council by any person who is aggrieved thereby.

Speed Limits

2.07 Notwithstanding the provisions of the *Motor Vehicle Act*, no person shall drive or operate a vehicle:

- (a) In or upon Lot 1, Section 25, Victoria District, Plan 14934, generally known as the Saanich Municipal Administration Centre, at a rate of speed in excess of 25 km/hour.
- (b) In or upon Lot 1, Section 25, Victoria District, Plan 7843, generally known as the Memorial Pavilion, at a rate of speed in excess of 25 km/hour.
- (c) Upon that portion of Hartland Avenue lying between Todd Creek and the westerly boundary of the Municipality of Saanich, at a rate of speed in excess of 40 km/hour.
- (d) Upon that portion of Cordova Bay Road lying to the north of its intersection with Royal Oak Drive and to the south of its intersection with Lochside Drive, at a rate of speed in excess of 40 km/hour.
- (e) Upon that portion of Claremont Avenue, between Wesley Road and Cordova Bay Road, at a rate of speed in excess of 40 km/hour.
- (f) Upon that portion of Lochside Drive lying between Cedar Hill Cross Road and Willow Street, at a rate of speed in excess of 30 km/hour.
- (g) Upon any portion of Mayfair Drive at a rate of speed in excess of 30 km/hour.
- (h) Upon that portion of Willis Point Road located within the boundaries of the Municipality of Saanich at a rate of speed in excess of 60 km/hour.
- (i) Upon that portion of West Saanich Road located between its intersection with Goward Road and the northern boundary of the Municipality at a rate of speed in excess of 60 km/hour.
- (j) Upon those portions of Lot 1, Sections 31, 44, 45, 71 and 72, Victoria District, Plan VIP57957 (the University of Victoria campus) known and described as:
 - i) Ring Road,
 - ii) McGill Road,
 - iii) that part of Gabriola Road lying between McKenzie Avenue and Ring Road,
 - iv) that part of Finnerty Road lying between McKenzie Avenue and Ring Road

at a rate of speed in excess of 40 km/hour.

- (k) Upon that portion of Lochside Drive lying between Maplegrove Street and Cordova Bay Road, at a rate of speed in excess of 40 km/hour.
- (l) Upon that portion of Sea Ridge Drive lying between Seamist Place and Sea Ridge Place, at a rate of speed in excess of 40 km/hour.

Emergency Vehicles

- 2.08 Notwithstanding anything in this section but subject to 2.09 and 2.10 a driver of an emergency vehicle may:
- (a) Exceed the speed limit;
 - (b) Proceed past a red traffic control signal or stop sign without stopping;
 - (c) Disregard rules and traffic control devices governing direction of movement or turning in specified directions;
 - (d) Stop or stand.
- 2.09 A driver of an emergency vehicle shall not exercise the privileges granted by 2.08 unless he/she is:
- (a) Sounding an audible signal bell, siren or exhaust whistle and showing a flashing red light;
 - (b) A peace officer in the immediate pursuit of an actual or suspected violator of the law;
 - (c) A peace officer engaged in a police duty of a nature that the sounding of a signal bell, siren or exhaust whistle would unduly hamper the performance of that duty and in which case he/she may exercise the privileges granted by 2.08 by showing a flashing red light only.
- 2.10 The driver of an emergency vehicle exercising a privilege granted by 2.08 shall drive with due regard for safety having regard to all circumstances of the case including:
- (a) The nature, condition and use of the highway;
 - (b) The amount of traffic that is on or might reasonably be expected to be on the highway;
 - (c) The nature of the use being made of the emergency vehicle at the time.

Bicycle, Bus and High Occupancy Vehicle Lanes

- 2.11 The Council, the Director of Engineering or the Chief Constable may designate, place, mark or install on highways separate bicycle lanes, bus lanes and high occupancy vehicle lanes.
- 2.12 No person shall drive, between the hours of 8:00 a.m. and 5:00 p.m. on a day school is regularly held, a vehicle on those sections of West Saanich Road where signs are displayed stating “40 km/hour While Children on the Highway”, or words to that effect, at a rate of speed exceeding 40 km/hour while approaching, passing or in the vicinity of the signs when children are on the highway.

Races, Parades, Events on Municipal Streets

- 2.13 (a) No person shall use a municipal street for a bicycle race, running race, parade, procession or other event which may interfere with traffic, nor participate in such event, unless permission is first obtained from the Director of Engineering or the Chief Constable through a Special Event Permit.
- (b) An application for a Special Event Permit shall be made in the prescribed form and shall be accompanied by a non-refundable fee of \$25.00.
- (c) The Director of Engineering or the Chief Constable may include conditions in the permit respecting the timing of the event, the route, the use of certified traffic control persons and marshals, the use of police officers, insurance and indemnity, notification and any other matter deemed necessary.

Certified Traffic Control Person

- 2.14 (a) A certified traffic control person may, for the purpose of enabling a race, parade or other event to safely use a municipal street, regulate and direct traffic and without limiting the foregoing, warn traffic, direct traffic to stop or slow down and detour traffic. A direction of a certified traffic control person may be given by signs, hand or arm motions or by word of mouth or any mechanical device.
- (b) No person shall disobey a direction of a certified traffic control person regulating or directing traffic in the course of a race, parade or other event.

SECTION 3 - PEDESTRIANS

Crosswalks

- 3.01 The Council or the Director of Engineering may designate certain areas on streets as pedestrian crossings or crosswalks and may place or cause to be placed traffic control devices to indicate the areas so designated.

Bus Stop Shelter Seats at Bus Stops

- 3.02 The Council or the Director of Engineering may place or cause or permit to be placed bus stop shelters, benches or seats on the sidewalk or boulevard upon any street at or in the immediate vicinity of bus stops for the accommodation of the public.

SECTION 4 - HORSES

Lights on Horse-Drawn Vehicles, etc.

- 4.01 (a) Every horse-drawn vehicle shall be equipped with a lamp mounted on the left hand side of such vehicle capable of showing a white light readily visible for a distance of 150 metres in front and to the rear of the vehicle. Such lamp shall be kept lighted during the period from one-half hour after sunset to one-half hour before sunrise whenever the vehicle is upon any street.
- (b) Every horse ridden upon a street during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lighted lamp clearly visible to traffic behind such horses.

SECTION 5 - SCHOOL PATROLS

- 5.01 The Council, the Director of Engineering or the Chief Constable may vest in school children or other persons employed in traffic patrols power to require vehicles to stop at school crossings or other designated places on a highway and may designate street intersections and the vicinity of schools within the Municipality as school crossings and to cause to be marked on the surface of such designated places parallel lines or bars marking a lane for children going to and from school and indicating that the space be used for the use of school children.

SECTION 6 - GENERAL

Police Directing Traffic

- 6.01 Police Officers may at any time regulate and direct both vehicular and pedestrian traffic upon all streets and sidewalks and may at any time block off temporarily any street or part of parts thereof or sidewalk or part thereof or crossing or part thereof. A direction of the Police Officer regulating traffic may be made by motion of the hand or by word of mouth or any mechanical device.

Firemen Directing Traffic

- 6.02 Any officer or member of the Fire Department may while in the course of duty in or about any fire emergency direct traffic on any street in the vicinity of any fire.

Obedience to Directions

- 6.03 No person shall refuse or neglect to obey any lawful direction or regulation of any Police Officer or member of the Fire Department acting under and by virtue of Sections 6.01 and 6.02.

Fingerboard Directional Signs

- 6.04 (a) The Director of Engineering is hereby authorized to construct, place and maintain signs on any street in the Municipality which indicate the direction of a commercial facility, institution or other place.
- (b) The owner of a commercial facility, institution or other place may make application to the Director of Engineering in the prescribed form to construct a sign or signs bearing the name of such facility and upon receipt of the prescribed fees and in the absence of any valid reason for refusal, the Director of Engineering shall grant the application and construct the sign.
- (c) The Council may by resolution prescribe the fees to be paid by applicants for signs and posts and may prescribe annual maintenance fees to be paid by facilities named on the signs and the Director of Engineering shall collect such fees.

SECTION 7 - PARKING AND RELATED MATTERS

No Parking

- 7.01 (a) The Council, the Director of Engineering or the Chief Constable may designate as No Parking Zones, or as No Stopping Zones, areas in which parking or stopping is prohibited, or designate as restricted parking or restricted stopping zones, areas in which parking or stopping is restricted and may designate certain areas as Loading Zones.
- (b) Unless when designating any areas as a zone in accordance with the foregoing subsection the Council, the Director of Engineering or the Chief Constable limits the hours or days when prohibition or restriction shall be in effect, the prohibition or restriction shall be in effect at all times.
- (c) The Council, the Director of Engineering or the Chief Constable may place or cause to be placed signs to indicate areas which it designates as No Stopping Zones, Restricting Parking or Restricted Stopping Zones, or Loading Zones.
- (d) The Council, the Director of Engineering or the Chief Constable may designate the streets or portions of streets to be classified as Impounding Zones or Tow Away Zones.

7.02 The Council, the Director of Engineering or Chief Constable may for the better regulation of traffic cause to be placed on any street, movable signs other than those hereinbefore referred to displaying the words No Parking. It shall be unlawful for any person in charge, control or possession of any vehicle to park such vehicle, except for the purpose of loading or unloading merchandise or freight, in any area designated by such signs.

Obedience to Signs

7.03 No person being in charge, control or possession of any vehicle shall park or stop the said vehicle at any place which is indicated by sign, signal or other marking, placed in accordance with the last two preceding subsections of the Bylaw, except in accordance with the restriction indicated by such sign, signal or marking or as hereinafter provided:

- (a) In the case of No Parking Zones, no person being in charge or control of any vehicle shall cause or permit such vehicle to remain stationary in a No Parking Zone for a period in excess of two minutes.
- (b) No person being in charge, control or possession of any vehicle shall cause or permit such vehicle to stop or remain stationary in a No Stopping Zone except when necessary to avoid conflict with other traffic, or in compliance with the direction of a Police Officer, or a traffic control device.
- (c) The Council or the Director of Engineering may designate or mark certain portions of streets as Bus Zones by means of signs or painted red curbs and no person in charge, control or possession of any vehicle not being a transportation bus shall stop his/her vehicle in any Bus Zone.

Parallel Parking

7.04 Save as otherwise provided herein, a driver shall not stop, stand or park a vehicle on a roadway:

- (a) Other than on the right side of the roadway.
- (b) Unless the right hand wheels of the vehicle are parallel to the right side of the roadway.
- (c) Where there is a curb, unless the right hand wheels are within 30 centimetres of the curb.
- (d) Where there is no curb, unless the right hand wheels are within 30 centimetres of the edge of the pavement.
- (e) Within 1 metre of another vehicle.

Angle Parking

- 7.05 (a) The Council, the Director of Engineering or the Chief Constable may designate streets or parts of streets on which vehicles shall be only parked at an angle with the curb or edge of the roadway and it shall be lawful for the Council to place or authorize to be placed on streets or parts of streets, signs indicating that vehicles shall park at an angle with the curb or road edge.
- (b) No person in charge, control or possession of any vehicle shall park the said vehicle except so that it shall stand within 0.30 metres and at an angle of 45 degrees with the curb or road edge and at a distance of not less than 0.60 metres from any other vehicle on any street on which signs have been placed to indicate angle parking.

Limited Parking

- 7.06 (a) The Council, the Director of Engineering or the Chief Constable may designate streets or parts of streets on which parking shall be permitted for a limited time only and it shall be lawful for the Council, the Director of Engineering or the Chief Constable to place or authorize to be placed, signs indicating that parking shall be permitted for a limited time only on such streets or parts of streets.
- (b) No person being in charge, control or possession of any vehicle shall park such vehicle for a period of time in excess of the time limit indicated by such signs.
- (c) Where a driver has parked a vehicle in a limited time parking zone in violation of the provisions of this section, a separate offence shall be deemed to be committed at the expiry of each period of time during which the vehicle would have been lawfully parked as indicated by signs placed in or near the zone.
- (d) Within any limited time parking zone established under this section, no person shall move a vehicle from location to another in the same block or drive out of the block and return to the same block within the time period posted for that block.

Residential Parking

- 7.07 (a) Except as in Clause (b) of this subsection provided herein, no driver of a vehicle shall park or permit the same to remain parked in any zone designated as a Residential Parking Zone during the time of or times when such zone is set apart for residential parking.
- (b) Notwithstanding the provisions of Clause (a) of this subsection, it shall be lawful at any time for any person residing in any dwelling situate on any lot or lots abutting on any street or portion of a street designated as a Residential

Parking Zone or for any person being a guest in a dwelling as aforesaid or engaged in transacting business with or in performing work for or rendering services to any person residing or being a guest as aforesaid to park any vehicle or permit the same to remain parked on such street or portion thereof.

- (c) Nothing in this section contained shall be construed so as to exempt any person from any provision of this Bylaw or of the *Motor Vehicle Act* relative to the parking or stopping of vehicles other than the provisions of Clause (a) of this subsection.

Restrictions on Vehicle Parking

7.08 (a) No person shall park:

- i) A vehicle having a gross vehicle weight of more than 4,000 kilograms; or
- ii) A vehicle having an overall length of more than 7.0 metres

between the hours of 10 o'clock in the afternoon and 7 o'clock in the forenoon of the following day on any street.

- (b) A separate and distinct offence shall occur under Clause (a) of this section for each period between 10 o'clock in the afternoon of a day and 7 o'clock in the forenoon of the following day or portion thereof in which a vehicle remains illegally parked.
- (c) Notwithstanding any other provision of this bylaw, no person shall park a trailer that is detached from a motor vehicle on any street or boulevard.

Parking and Stopping

7.09 No person in charge, control or possession of any vehicle shall park or allow such vehicle to stand or remain stationary on the near side of the street in front of any church, temple, mosque, synagogue or meeting place of any religious sect or group during time of service; or in front of any theatre during a performance therein.

Restrictions on Parking and Stopping

7.10 Except when necessary to avoid conflict with traffic or to comply with the law or the direction of a peace officer or traffic control device, no person shall stop, stand or park a vehicle:

- (a) On or over a sidewalk or boulevard.
- (b) In front of or within 1.5 metres of each side of a driveway entrance abutting a street.

- (c) Within an intersection except as permitted by a sign.
- (d) Within 5 metres of a fire hydrant.
- (e) On a crosswalk.
- (f) Within 6 metres of the approach side of a crosswalk.
- (g) Within 6 metres upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
- (h) Within 6 metres either side of the entrance to any hotel, theatre, public meeting place, dance hall, fire hall or playground.
- (i) Upon any highway for the principal purpose of:
 - i) Displaying a vehicle for sale.
 - ii) Advertising, greasing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency.
 - iii) Displaying signs.
 - iv) Selling flowers, fruit, vegetables, seafoods or other commodities or articles.
- (j) Within 15 metres of the nearest rail of a railway crossing.
- (k) Alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic.
- (l) On the roadway side of a vehicle stopped or parked at the edge of curb of a street.
- (m) Upon a bridge or other elevated structure upon a highway, or within a highway tunnel.
- (n) In a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted.
- (o) In such a manner as to obstruct the visibility of any traffic control device erected by or with the authority of the Minister of Highways or the Council.
- (p) So as to obstruct the free passage of traffic on the highway.
- (q) So as to obstruct the free passage of pedestrians on a sidewalk.
- (r) On or over a bicycle lane.

No Stopping on Left Side of Street

- 7.11 Except when this Bylaw permits and otherwise directs or a Police Officer so instructs, no driver shall stop, stand or park a vehicle other than on the right side of a highway and with the right hand wheels parallel to that side and where there is a curb, within 0.30 metres of the curb.

Parking Prohibited

- 7.12 No person being in charge, control or possession of any vehicle shall park the said vehicle:
- (a) On any boulevard;
 - (b) On the near side of the street within 9 metres of a point opposite the centre of the main entrance of a church at any time;
 - (c) At any place where traffic signs have been placed indicating that parking is prohibited; or where the curb or road surface has been painted yellow or red to indicate that parking is prohibited.

Parking Stalls

- 7.13 For the better regulation of traffic, the Council or Director of Engineering may place or cause to be placed, marks or lines upon the surface of any street or streets indicating the spaces or portions of such street or streets within which each vehicle shall be parked and it shall be unlawful for any driver or person in charge, control or possession of any vehicle to park such vehicle on any street marked as aforesaid unless such vehicle is wholly within the space indicated by such lines or marks.
- 7.14 Nothing in this Section shall be construed or interpreted so as to restrict the operation of Section 2 of this Bylaw.

Tow Away Zones

- 7.15 (a) The Director of Engineering or Chief Constable may by order designate streets or portions of streets as Impounding Zones or Tow Away Zones.
- (b) Where a street or portion of a street has been classified as an Impounding Zone or Tow Away Zone the Director of Engineering or the Chief Constable may remove or cause to be removed any vehicle which is found to be parked or stopped within such a zone in contravention of this Bylaw or the *Motor Vehicle Act* and cause the same to be detained or impounded until the owner thereof shall have paid to the Municipality all the fees, costs and expenses of such removal, detention and impoundment including charges for storage and if such fees, costs and expenses have not been paid within the time limited by

Clause (d) of Section 8.04 the Director of Engineering or Chief Constable may proceed to advertise and sell the vehicle and recover the said fees, costs and expenses in accordance with Clauses (d) and (e) of Section 8.04

- (c) The Director of Engineering may from time to time by order specify a scale of fees, costs and expenses which shall be recoverable from the owner of any vehicle impounded under this Bylaw.

Tillicum Shopping Centre

- 7.16 (a) In this section, "Tillicum Shopping Centre" shall mean the lands and premises known and described as Lot 1, Sections 13, 14, 15, 15A and 80, Victoria District, Plan 32836.
 - (b) The Chief Constable may upon request from the owner of the Tillicum Shopping Centre prohibit or regulate the parking or stopping of vehicles in the parking areas and sidewalks in the Tillicum Shopping Centre.
 - (c) The Chief Constable may impose such regulations or prohibitions by the placement of a sign or signs describing the regulation or prohibition and indicating that the sign has been placed pursuant to this Bylaw.
 - (d) No person in charge, control or possession of any motor vehicle shall park or stop the vehicle in contravention of a sign placed upon the Tillicum Shopping Centre by the Chief Constable pursuant to this Bylaw.
- 7.17 No person shall use any vehicle or trailer parked on a street for the purpose of lodging, sleeping accommodation or a residence.

Disabled Persons Parking

- 7.18 The Director of Engineering is hereby authorized to:
- (a) Make orders in respect of the designation and identification of areas or parking spaces on a highway or public place as parking zones for disabled persons by the placement of Disabled Parking Signs as set out in Division 23 of the Regulations and such parking zones shall be deemed to be Disabled Zones, and
 - (b) Rescind, revoke, amend and vary an order made by him under this section.

Unlicensed Vehicles

- 7.19 No person shall park an unlicensed vehicle on any street or boulevard.

PART III - GENERAL STREET REGULATIONS

SECTION 8 - STREETS

Streets not to be Obstructed

- 8.01 (a) Except as provided for in this Bylaw, no person shall excavate in, cause a nuisance upon, encumber, obstruct, injure, foul or damage any portion of a street or public place within the Municipality. Without restricting the generality of the foregoing, any person who lounges or loiters upon any street or public place or who takes part in any gathering of persons for street preaching or lecturing, or who causes or permits any goods, wares or merchandise to remain on any street longer than is reasonably necessary to deliver or to remove the same from any premises or vehicle, shall be deemed to be obstructing the street.
- (b) Every person hindering or interfering with the traffic on or obstructing the free use of any street or sidewalk upon the request of a Police Officer to move away and cease causing such a hindrance, interference or obstruction and in case of any vehicle on any street or sidewalk, every person owning or in charge of such vehicle shall, upon the request and according to the directions of a Police Officer, forthwith move said vehicle.
- (c) No person shall construct a rock wall, rockery or place rocks on any boulevard, or regrade the boulevard, without written permission of the Director of Engineering.

Unauthorized Parades

8.02 **This Section deleted by Bylaw No. 8684.**

Nuisance by Noise

- 8.03 No person or persons shall, while operating any vehicle or while a passenger in any vehicle in any street or public place in the Municipality, shout, call or make any unnecessary noise either with the aide of any mechanical or electronic or other device or otherwise; provided that it shall be lawful for the Council or the Chief Constable to permit in writing any person or persons to broadcast orally or by means of a mechanical, electric or other device whilst operating or being a passenger in any vehicle upon such terms and conditions as to time, place, subject or regulation or otherwise as shall be specified in such permit.

Use of Street for Certain Purposes

- 8.04 (a) It shall be lawful for the Council or the Director of Engineering to permit in writing any person or persons to obstruct or cause an obstruction to any street, sidewalk or part thereof for the purpose of removing any building, structure or object, or for the purpose of repairing, altering or constructing any building or for any necessary work.
- (b) No person or persons shall occupy any street or part thereof for the purpose of carrying on the construction, alteration, repair, maintenance or demolition of any building without first obtaining a permit to do so in accordance with the provisions of the "Building Bylaw" of the Municipality. The applicant for a permit to occupy part of a street for the purpose of this section shall state in his/her application, the period for which the permit is required and shall pay to the Controller-Treasurer the following fees:

- i) For each 10 square metres of street to be occupied, 754 per day; or
- ii) For 7 metres of street frontage 754

whichever shall be the greater, provided that the minimum for each permit shall be \$5.00.

- (c) i) Without restricting the generality of Sections 8.05, 8.07, 8.08 and 8.09, no person shall place, deposit or leave upon or in any street, boulevard or other public place any chattel, obstruction, vehicle or other thing which is or is likely to be a nuisance, and no person being the owner or person entitled to the possession or control of any such thing shall permit or suffer the same to remain upon or in such street, boulevard or other public place.
- ii) No person shall install street furniture on any boulevard without written permission of the Director of Engineering.
- (d) The Municipality, its servants, employees or agents, or a municipal police officer may remove, detain or impound a vehicle, chattel, obstruction or other thing unlawfully occupying any street, boulevard or other public place in contravention of this bylaw, any other bylaw or a statute and may detain or impound any such thing until the owner thereof shall have paid to the Municipality the costs, fees, charges and expenses of and incidental to such removal, detention and impoundment, including charges for storage; provided that if all the costs, fees, charges and expenses shall not be paid within fourteen (14) days from the time of such removal, detention or impoundment the Director of Engineering or the Chief Constable may advertise once in a daily newspaper published and circulating within the Municipality his/her intention to sell or cause to be sold by public auction the thing impounded pursuant hereto after the expiration of five (5) days from the date of the publication of the said advertisement, and if all the aforesaid costs, fees, charges and expenses are not paid before the expiration of the said five (5)

days the Director of Engineering or Chief Constable may proceed to sell any such thing by public auction.

- (e) In addition to all other remedies provided herein, the Municipality may recover in any court of competent jurisdiction the costs, fees, charges and expenses mentioned in Clause (d) from the owner of the chattel, obstruction, vehicle or other thing in respect of which the same were incurred.

Unauthorized Construction Prohibited

8.05 Except as is otherwise provided for in this Bylaw, no person except the servants, agents or employees of the Municipality acting in the course of their employment shall build, construct, place or maintain or cause to be built, constructed, placed or maintained on any street, boulevard or sidewalk any structure or object without first obtaining a permit from the Council or the Director of Engineering and any structure or object built, constructed, placed or maintained pursuant to this section shall be built, constructed, placed or maintained in accordance with the conditions and terms specified in the permit. The permit must be maintained on the job site. A charge of \$20.00 will be made for the permit.

Removal of Unauthorized Structures etc.

8.06 It shall be lawful for the Municipality to remove or cause to be removed any unauthorized sidewalk, doorstep, porch, railing, fence, hedge and any other object or thing which projects upon or encroaches upon any street or boulevard. The charges and expenses of such removal shall be paid by the owner of the property from which the projection or encroachment projects or encroaches on the street or boulevard and if unpaid on the 31st day of December next ensuing, such charges and expenses shall be added to and form part of the taxes payable in respect of that property as taxes in arrears.

Material upon Streets

8.07 No person:

- (a) Shall cause, suffer or permit loose material to be deposited or accumulate or remain upon any sidewalk, street or public place.
- (b) Being the owner or occupier of any property abutting on or near to any street, shall permit any flow of water from such property on or over such street.
- (c) Shall transport along any street any sawdust, ashes, debris, refuse or other material that is likely to be blown or scattered by the wind unless the same is securely covered so as to prevent it from being so blown or scattered.

- (d) Shall deposit or suffer or allow to be deposited broken glass or other material or thing dangerous to traffic on any street or public place.
- (e) Shall permit any clay, mud or dirt to fall from vehicles on any street and when any mud, clay or dirt is deposited from vehicles on any street, the driver or owner of such vehicle shall take immediate steps to remove the same.
- (f) Being the occupier and in case there is no occupier, no owner or lessee of land and premises abutting on any sidewalk shall permit any accumulation of dirt, litter and rubbish to be or remain upon such sidewalk.
- (g) Being the occupier and in case there is no occupier, the owner or lessee of land and premises abutting on any sidewalk shall permit any accumulation of snow or ice to be or remain upon such sidewalk after 10:00 a.m. of each day.
- (h) Shall abandon, deposit or leave any vehicle, trailer or boat upon or in any street or public place.

Litter

- 8.08 (a) No person shall deposit garbage on a street except in a litter bin.
 - (b) No person shall deposit garden waste, household hazardous waste or household waste in a litter bin.
 - (c) The Director of Engineering may cause any garbage, garden waste, household hazardous waste or household waste deposited in contravention of this section to be removed to the regional land fill and may recover the full cost of such work from the person who deposited the material.
- 8.09 Subject to the provisions of this Bylaw, no person shall pile or place or cause to be piled or placed on any street any lumber, firewood, bricks, blocks, rock, stone, debris or other material or do any other act which will cause injury to the street.
- 8.10 (a) No person shall saw, cut or split lumber, wood, cord-wood or firewood upon any street or sidewalk within the Municipality.
 - (b) Neither the purchaser, nor the vendor, nor any person employed for the delivering of firewood, sawdust, or coal, shall allow the same to remain deposited upon any street in the Municipality for a time longer than sufficient to enable the same to be delivered to the owner or occupier upon the premises for which it is intended and in no case longer than twenty-four (24) hours.
 - (c) No person shall deposit firewood, sawdust, or coal upon any street in the Municipality so as to cause obstruction to the ordinary traffic in such street(s). No person shall permit to remain upon any sidewalk or street of the

Municipality any debris or pieces of dust or coal, or any chips of wood or other dust or rubbish caused by the deposit of coal or wood. The owner or occupier of every building or parcel of land fronting on any street within the Municipality, in front of whose premises coal or wood shall have been deposited for delivery and the vendor of coal or wood, or person employed by him to deliver the same shall, immediately after such delivery, cleanse, or cause to be cleansed, the sidewalk and street and remove or cause to be removed therefrom, all chips, bark, coal, dust, debris and other rubbish caused by such deposit.

- (d) In no case shall an engine or machine for sawing wood be allowed to remain upon any of the streets of the Municipality so as to obstruct or interfere with the free use and enjoyment of the streets and public sidewalks.
- (e) No owner, driver or person in charge of any sawing machine shall obstruct the free and full use of the streets of the Municipality.
- (f) Every owner, driver or person in charge of any sawing machine shall, on request made by a Police Officer, remove the said sawing machine.

Disfiguring of Streets etc. Prohibited

8.11 No person shall disfigure or cause to be disfigured any sidewalk or street. Without affecting the generality of or limiting the meaning of the term disfigure as used in this section, any person who paints, draws, writes or otherwise marks upon a sidewalk or street any figure, number, caricature, picture or other marking or who places on or affixes to any sidewalk or street any written or painted notice, sign or advertisement, picture or paper shall be deemed to disfigure the street or sidewalk.

Awnings

8.12 Awnings shall not be placed or suspended over any part of any street or highway unless the lowest portion of such awning is at least 2.2 metres above the sidewalk of said street or highway.

Removal of Earth, etc. from Municipal Property

8.13 No person shall remove any earth, rock, boulders, gravel, sand or turf from any street, park or lot belonging to the Municipality without first having obtained a permit in writing from the Council or Director of Engineering so to do, upon such terms, conditions and regulations as shall be specified in such permit.

Interference with Surface of Streets

8.14 (a) No person shall remove, injure, disturb or interfere with the surface or subsurface of any highway without first obtaining a permit in writing from the

Council or Director of Engineering. Each permit shall set out terms, conditions and/or regulations for any such permit.

- (b) i) No person shall permit or cause to permit the installation of boreholes on any highway without first obtaining a permit from the Director of Engineering. Each and every application for a permit shall be on the form proscribed by the Director of Engineering and be accompanied by the following fees and security deposits.

Fees - a base fee of \$200.00 plus a fee of \$25.00 for each working day during the installation of the boreholes.

Security Deposit - \$250.00 for each borehole to be drilled.

Each and every permit shall set out terms, conditions and/or regulations for any such permit.

- ii) The security deposit will be held by the Municipality until such time as the boreholes are decommissioned and the highway surface has been restored to the satisfaction of the Director of Engineering, at which time it will be returned to the depositor. If the applicant fails to satisfactorily decommission the boreholes within twelve (12) months following the end of the borehole monitoring phase, the Municipality may complete the decommissioning using the amount on deposit to cover the cost of the work. Any cost of the work in excess of the deposit held shall be paid by the applicant.

- 8.15 (a) No person shall ride, drive or lead any animal or move, drive or propel any vehicle over or across any curb, unless such curb has been lowered and a driveway has been constructed to form a suitable crossing to the satisfaction of the Director of Engineering and no person shall lower any curb or construct a driveway across any landscaped or natural boulevard without first obtaining a permit for such construction from the Director of Engineering. All driveways shall be in all respects subject of the approval of the Director of Engineering. That portion of the driveway constructed on the street shall be maintained by the owner or occupant of the property abutting thereon in a manner satisfactory to the Director of Engineering. No planks or other material shall be placed in any gutter or ditch or against any curb for the purpose of making a crossing except as a temporary expedient and with the written permission of the Director of Engineering and with such written permission, shall deposit with the Director of Engineering security for any ensuing damage and costs in an amount satisfactory to him.

- (b) On completion of the construction of the crossing, the Director of Engineering shall refund the deposit after having deducted therefrom any cost incurred by the Municipality owing to the crossing of the curb or boulevard or to the

construction of the said driveway, which costs shall include the cost of necessary inspection work.

Vehicles, Sidewalks, Crosswalks, etc.

- 8.16 (a) No person shall ride, drive or propel any vehicle or bicycle or trailer upon any sidewalk or foot path provided that this section shall not apply to crossing a sidewalk over a crossing which has been especially constructed for that purpose or gaining entrance or exit to or from premises.
- (b) Notwithstanding Section 183 of the *Motor Vehicle Act*, or any successor provision, a person may ride a cycle in any crosswalk which forms a direct and immediate link between adjacent portions of the Galloping Goose Trail, the Lochside Trail, a Centennial Trail or any other multi-use trail.
- (c) Notwithstanding Section 183(2)(a) of the *Motor Vehicle Act* a person may ride a cycle on any sidewalk that has been designed and marked for the use of cycles.

Shrubs, Boulevards, etc.

- 8.17 (a) It shall be lawful for the Council to direct that trees, saplings or shrubs be planted on any street or park within the Municipality or to direct that boulevards be constructed on any street.
- (b) No person, other than a duly authorized officer or employee of the Council acting in pursuance of his/her duties and on the authority of a resolution of Council, shall dig up or in any manner injure or destroy any tree, flower, foliage, flowering plant, foliage plant or shrubbery on any street.

Trespass on Boulevard, etc. Prohibited

- 8.18 (a) No person shall drive, propel or park any vehicle, bicycle, trailer or boat upon any boulevard or grass plot in any street or park.
- (b) No person shall tie or fasten any animal to a tree or shrub or to the support of any tree or shrub on any boulevard or grass plot on any street or park.
- (c) No person while wearing roller skates shall roll, skate, walk, tread or run on any boulevard or grass plot on any street or park.

**Hedges, etc. to be kept Trimmed
Plantings of Trees, etc. Regulated**

- 8.19 (a) Every owner and occupier of land or premises adjoining any street shall cause all trees, shrubs and bushes which grow on the said land to be properly

trimmed and cut back so as to prevent any obstruction to the free use of the full width of the street with pedestrian or vehicular traffic thereon.

- (b) It shall be lawful for the Council to remove or cause to be removed or to trim or cause to be trimmed any trees, shrubs, hedges or bushes growing or standing on lands adjacent to any highway within the Municipality where, in the opinion of Council, the safety or convenience of the public so require or where any such trees, shrubs, hedges or bushes become injurious to the roadbed, at the expense of the owners or occupiers of land on which they grow, which expense shall be a charge on said lands; and to collect the said expense at the same time and in the manner as taxes against land are collected. Before proceeding to exercise such power, the Council shall give five (5) days notice to the owner or occupier of the said property requiring him to remove or trim the trees, shrubs, hedges or bushes designated in the notice and if the owner or occupier does not within the said five (5) days remove or trim the trees, shrubs, hedges or bushes, or make an application to a County Court Judge as hereinafter provided, the power so given by this Bylaw may be exercised. If notice is given to the Council of appeal to a County Judge, the Judge shall decide whether or not the safety or inconvenience of the public requires that the said tree or trees, shrub or shrubs, hedge or hedges, bush or bushes, are injurious to the roadbed or should be removed or trimmed and whether or not the owner or occupier shall bear the expense and his/her decision in the matter shall be final and without appeal.

Animals on Streets

- 8.20 (a) No person shall hereafter drive through any street of the Municipality any unharnessed or unled horses, cattle, sheep, swine or other like animals.
- (b) The driving of cattle or other animals through the streets of the Municipality shall be subject to the following regulations and the said regulations shall be observed by every owner or driver of cattle so driven:
- i) Competent drivers shall be employed sufficient in number to ensure control.
 - ii) It shall be the duty of each driver at all times whilst driving cattle or other animals through the municipal streets to take all proper precautions to keep said cattle or other animals in the travelled portion of the street and to prevent same from going on any sidewalk.
 - iii) No person shall drive or permit to be driven through the streets any unled and untethered bull, or any untethered cow known to be vicious or known to be liable to break from control.
- (c) No person shall suffer or permit any animal attached to any vehicle to stand or be upon any street unless under control of a person of at least seventeen (17)

years of age, or unless tied to some immovable object or to an object of at least 9 kilograms in weight placed upon the ground.

- (d) No person shall ride any horse upon any street in the Municipality unless the same is fitted with a proper saddle and controlled by a bit and bridle. Bareback riding upon any street is prohibited.

Children on Streets

8.21 For the purpose of ensuring the safety of children in the Municipality and subject to the proviso hereinafter contained, the Council, upon recommendation in writing of the Chief Constable, may by resolution from time to time prohibit the propelling, driving, riding or running of any roller-skate, skateboard, pushmobile, scooter, coaster, velocipede, skis, sled or toboggan or other coasting device or thing of a similar nature upon any portion of the streets of the Municipality which lie between the curbs or sidewalks, or which is commonly used for vehicular traffic, as may be described in such resolution and defined by the Chief Constable in his/her recommendation as areas unsafe for children to play upon;

PROVIDED, however, that it shall be lawful for any person to be or go upon the said portion of any such street at its junction with any other street within the area so defined, for the sole purpose of crossing the same from one sidewalk to another.

Escape of Grease and Oil on Streets

- 8.22 (a) Every motor vehicle shall be fitted with a proper and sufficient device capable of catching all drippings of oil, grease, gasoline or water falling from the body or engine of such vehicle.
 - (b) No person shall allow any oil, grease, gasoline, water or other deleterious material to drop or fall upon any asphaltic pavement from any motor or other vehicle or engine.
- 8.23 (a) No person shall drive or operate on a highway:
- i) A vehicle equipped with solid tires, the thickness of which between the rim of the wheel and the surface of the highway is less than 3.175 centimetres.
 - ii) A vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel tread or track, but such a vehicle may be driven or operated on a highway not having a cement-concrete, asphaltic-concrete, bituminous-treated or other stabilized or wooden surface.

- (b) Subsection (a) does not apply to the use of tire chains of reasonable proportions on a motor vehicle when required for safety.
- (c) Clause (ii) of Subsection (a) does not prohibit the use, at any time between the 1st day of October in one year and the 30th day of April in the next year, of studs that do not protrude more than 3.175 centimetres from the tread or traction surface of a tire, if:
 - i) There are not more than a total of 130 studs in the tire and it is a tire for a motor vehicle having a gross vehicle weight of not more than 4,535 kilograms, or 175 studs in the tire and it is a tire for a motor vehicle having a greater gross vehicle weight; and,
 - ii) no studs are used in a tire on the front wheel of a motor vehicle unless each rear wheel has at least one studded tire, but this clause does not apply to a truck with a licenced gross vehicle weight of 9 070 kilograms or more and which is equipped with a device to allow the installation of a snow plough.

Stencilling/Painting of Numbers, Symbols, etc. on Streets

- 8.24 Notwithstanding anything contained in this or any other bylaw, a person may, with the prior written permission of the Director of Engineering, paint numbers, pictures, words or other markings on a street including, but not limited to,
- (a) street address numbers on the curb of the street adjacent to a property, and
 - (b) symbols marking catch basins.
- 8.25 No person shall injure, remove, deface or in any way destroy any notices, signs or regulations affixed by order or permission of the Municipality, to any thing on any boulevard.

PART IV - SIZE AND WEIGHT

Definitions

- 9.01 In this Part, *Commercial Transport Act Size and Weight Regulations* means regulations contained in Division 7 of the Commercial Transport Regulations, BC Reg 30/78, as amended from time to time.
- 9.02 No person shall, without a permit issued pursuant to Section 9.03 of this Bylaw, drive or operate on any street a vehicle for which a permit is required under the *Commercial Transport Act Size and Weight Regulations*.

Permits

- 9.03 (a) The Director of Engineering may, in his/her discretion, issue a permit in writing signed by the Director of Engineering or his/her authorized representative to authorize the driving or operation of any vehicle or vehicles on such street or streets in the Municipality and for such period or periods of time and subject to such terms and conditions as the Director of Engineering may, in each case, prescribe and thereafter and notwithstanding anything to the contrary contained in this Part the vehicle or vehicles may be driven or operated upon the street or streets and for the period or periods of time and subject to the terms and conditions so prescribed.
- (b) As a prerequisite to the issuance of a permit under this Section, the Director of Engineering may require the applicant therefore to deposit with him a sum of money in an amount sufficient, in the opinion of the Director of Engineering, to pay the cost of repairing any damage likely to be done to the street or municipal property of any description by reason of the driving or operation of the vehicle on the street, and may require the applicant to submit a report by a British Columbia Professional Engineer concerning such aspects of the proposed use of municipal streets or parts thereof as the Director of Engineering may direct.
- (c) An application for a permit shall be accompanied by a permit fee of \$5.00, which shall be non-refundable.

Conditions

- 9.04 A permit issued pursuant to this part may, in addition to any other limitations:
- (a) Prohibit the driving or operation of any vehicle on any highway during certain hours.
- (b) Specify the maximum rate of speed at which any vehicle may travel.
- (c) Require that any vehicle be preceded or followed, or both, by a pilot car in accordance with the *Commercial Transport Act* Size and Weight Regulations.
- (d) Require that the vehicle be driven or operated on certain specified streets.
- 9.05 A permit issued to this Part:
- (a) Must be carried in the vehicle and shall be produced for inspection to any peace officer upon request.

- (b) May not be transferred.
 - (c) Shall be subject to the conditions stated therein.
- 9.06 No person shall drive or operate a vehicle in contravention of any provision or condition contained in any permit issued pursuant to this part.
- 9.07 If any person offends against any of the provisions or conditions of any permit, or does or suffers or permits any act or thing to be done in contravention or in violation of any of the provisions or conditions of any permit, or neglects to do or refrains from doing anything required to be done by any of the provisions or conditions of any permit or does any act or thing which violates any of the provisions or conditions of this Bylaw or gives false information to obtain a permit or otherwise howsoever, the Director of Engineering may forthwith cancel any permit issued pursuant to this Part.

Damage to Streets and Bridges

- 9.08 The Director of Engineering may, by the erection of signs, impose limitations on either the allowable axle or gross vehicle weight permitted on a street or bridge if, in his/her opinion, the street or bridge is liable to damage due to extraordinary traffic or due to the condition of the highway or bridge.
- 9.09 The driver of a vehicle on a street when so required by a Police Officer or by any person authorized in writing by the Director of Engineering shall:
- (a) Stop the vehicle at the time and place specified by such Police Officer or authorized person for the purpose of weighing the whole, or part thereof, by means of stationary or portable scales, measuring the dimensions of the vehicle load, measuring and inspecting the tires thereon, inspecting the load carried, or for any other purpose related to the enforcement of this Bylaw.
 - (b) Drive the vehicle to a vehicle weighing station designated by the Officer or authorized person for the purpose of weighting the vehicle and load.
 - (c) Rearrange the load upon the vehicle or remove the whole or part of the load from the vehicle in order to comply with this Bylaw before continuing to drive or operate the vehicle.

PART V - SECUREMENT OF VEHICLE LOADS

Application

- 10.01 (a) This part applies to all highways in the Municipality other than arterial highways within the meaning of the *Highway Act*.

- (b) This Part does not operate to prohibit dropping sand from a vehicle to secure traction, or water or another substance to clean or maintain a roadway.

Load Secured on Vehicles

10.02 No person shall drive or operate a vehicle on a highway while the vehicle is carrying a load unless the vehicle is constructed and loaded in a way that ensures that none of its load will:

- (a) Escape from the vehicle; or
- (b) Affect the operation of the vehicle by shifting or swaying.

Methods of Load Securement

10.03 (a) Subject to Subsection (b), no person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying a load unless the load is secured:

- (1) By sides, sideboards or side stakes and a rear endgate, endboard or end stakes that:
 - i) Are securely attached to the vehicle;
 - ii) Are strong enough and high enough to ensure that the load will not shift upon or fall from the vehicle; and
 - iii) Have no aperture large enough to permit any load to pass through.
- (2) Where the load length falls within a load length category set out in Column 1 of the Table, by the number of tie downs set opposite the category in Column 2, and as many additional tie downs as are necessary to secure the load by:
 - i) Direct contact, or
 - ii) Dunnage that is secured by the tie down and is in contact with the exterior, including topmost load, in a manner that safely holds interior pieces of the load without causing exterior pieces to crush or break up, or
- (3) By the methods described in Paragraph (a) and the methods described in Paragraph (b), in combination, and the driver or the operator shall ensure that tie downs when in use, are distributed evenly along the load.

Length of Load Along Longitudinal Axis of Vehicle	Minimum Number of Tie Downs Required
not over 2.5 m	2
over 2.5 m but not over 7.5 m	3
over 7.5 m but not over 10 m	4
over 10 m but not over 12.5 m	5
over 12.5 m but not over 15 m	6

- (b) An article in a load that is less than 2.5 m long and less than 1m high may be secured by 1 tie down if it is butted against another article or bulkhead but, if it is not butted against another article or a bulkhead, it must be secured by 2 tie downs and the second one shall be conclusively deemed to be a necessary additional tie down under the requirements of Subsection (a) (b).
- (c) In this Section tie down means the tie downs that meet the requirements of Section 10.11.

Exceptions for Size, Shape and Weight

10.04 Notwithstanding Section 10.03, a person may drive or operate on a highway a commercial vehicle carrying a load that, because of its size, shape and weight or any one or more of those factors, can safely be carried when fastened by methods different from those described in Section 10.03, but he/she shall not so drive or operate the vehicle unless he/she ensures that the load is:

- (a) Secured adequately to prevent it or any part of it from bouncing or falling from the vehicle, and
- (b) Blocked and braced to prevent it from shifting.

Transporting Logs or Poles

10.05 (a) Notwithstanding Section 10.03, a person may drive or operate a commercial vehicle on a highway while the vehicle is transporting a load of logs or poles or both if:

- (1) The vehicle is equipped with:
 - i) Bunks of adequate design and construction, and
 - ii) Stakes that meet the requirements of Subsection (b) and are of adequate design and construction to contain the load, and

- (2) The load is restrained by at least 2 load encircling binders at least 3 m apart, each binder having a breaking strength in its weakest component of not less than 5,443 kilograms.
- (b) For the purpose of Subsection (a):
 - i) Stake extensions shall be securely attached to the stakes,
 - ii) Stakes, together with their stake extensions, shall form an angle of 90 degrees or less with the bunk cross member, and
 - iii) Stake lines shall be attached to the stake by a closed loop and consist of wire rope of at least 22 mm in diameter.

Tiered Articles

10.06 No person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying its load in more than one tier of separate components unless:

- (a) The topmost tier is secured in the manner described in 10.03 (a) (2), and
- (b) Each other tier is secured in a safe and stable manner.

Drums

10.07 No person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying drums or barrels on end unless:

- (a) Where metal drums or barrels are stacked on end on other metal drums or barrels, the stacks are separated by dunnage, and
- (b) The vehicle has sides, sideboards or side stakes and the drums or barrels are blocked or tied down with hardware adequate to prevent the load from shifting on the vehicle.

Covering of Aggregate Loads

10.08 No person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying a load of aggregate material if any of the load is likely, if not covered, to bounce, blow or drop from the vehicle in transit, unless:

- (a) The load is covered in a way that prevents any of it from blowing, bouncing or dropping from the vehicle, and
- (b) The cover is securely and tightly fastened so that it is not and cannot become a hazard.

Load Supported on Rollers

10.09 No person shall drive or operate a commercial vehicle on a highway when the load of the vehicle is supported on rollers unless at least one roller is equipped with locks that are fastened in a manner that prevents the load from shifting in transit.

Intermodal Cargo Containers

10.10 No person shall, after April 1, 1982, drive or operate on a highway a commercial vehicle transporting intermodal cargo containers unless the container is secured between the container securement holes and the load bearing vehicle structure with securement devices fastened tightly and locked so that the container is prevented from moving relative to the vehicle more than 25 mm under an acceleration relative to the vehicle:

- (a) of 16.5 m per second per second downward;
- (b) of 4.9 m per second per second upward;
- (c) of 2.9 m per second per second laterally; and
- (d) of 17.6 m per second per second longitudinally.

Tie Downs

10.11 (a) Tie downs must:

- i) In the aggregate, have a safe working load of more than the weight of the load secured by the tie downs;
 - ii) Be marked directly, or on a tag permanently attached with the safe working load as warranted by the manufacturer or by a registered professional engineer;
 - iii) Not be used if worn:
 - a) Beyond a wear limitation specified by the manufacturer; or
 - b) To the extent that they have become unsafe;
 - iv) When in use be protected as necessary against abrasion;
 - v) When in use have any load binder handle that forms part of the tie down assembly in place and secured by rope, wire or chain; and
 - vi) Be designed, constructed and maintained so that the driver of a vehicle can tighten them.
- (b) Where a tie down is not identified in the manner set out in Subsection (a) (ii) it shall be conclusively deemed to be of the lowest grade or classification for its type and size.
- (c) Subsection (a) (vi) does not apply in the case of a tie down that consists of steel fibre or synthetic strapping, if the strapping is taut when in use.

- (d) For the purpose of this Section, the safe working load of a tie down means the maximum load, repeatedly applied, that the tie down is capable of withstanding with complete safety throughout its normal service life.

Bulkheads and Cab Protectors

10.12 (a) No person shall, after April 1, 1982, drive or operate a commercial vehicle on a highway while the vehicle is carrying a load unless the vehicle is equipped with a bulkhead or cab protector that each meet with the requirements of Subsection (b), or both in combination, of sufficient strength to prevent penetration or crushing of the driver's compartment in the event of the load shifting.

(b) A bulkhead or cab protector shall extend:

- i) To 120 cm above the floor of the cab of the vehicle, or
- ii) To the height at which the bulkhead or cab protector, or both in combination, blocks forward movement of any part of the load the vehicle is carrying,

and shall be wide enough to block forward movement of any part of the load the vehicle is carrying.

(c) This Section does not apply where a person drives or operates a commercial vehicle that is:

- i) Carrying a load in a container where the container is so constructed that it meets the requirements of a bulkhead, or
- ii) Designed and used exclusively to transport other vehicles, if each vehicle it transports is secured by tie down assemblies as required by Section 10.03 or fastened by a method permitted by Section 10.04.

PART VI - OFFENCES AND PENALTIES

Removal of Material from Streets

11.01 (a) The Council or the Director of Engineering may remove or cause to be removed, any object or material placed or deposited on any street or public place in contravention of this Bylaw and may repair or cause to be repaired any damage done to any street or public place in contravention of this Bylaw. The cost of such removal and repair shall be charged to the person or persons who shall have deposited or caused or permitted to be deposited such material or who shall have caused such damage.

- (b) The Justices or Magistrate before whom any complaint may be brought of offences against any of the provisions of this Bylaw may enquire into and ascertain the cost of making good any damage done consequent upon any infraction of the said Bylaw and may in addition to the penalties prescribed award and direct as additional penalty the cost of making good the said damages.

11.02 No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.

11.03 Except as hereinafter provided, every person who without lawful excuse contravenes this Bylaw by wilfully doing any act which it forbids or omitting to do any act which it requires to be done is guilty of an offence and is liable upon summary conviction to a fine of not less than \$100.00;

PROVIDED HOWEVER that upon summary conviction of any person who contravenes:

- (a) Sections 8.08 and 8.09 hereof, the minimum fine is \$150.00.
- (b) Section 7 or any provision thereof, the minimum fine is \$30.00.

Overload Penalties

11.04 Notwithstanding Section 11.03, every person who drives or operates an overloaded vehicle without a permit or in contravention of a permit is liable to a fine as set out hereunder:

- (a) Where the overload is less than 1,000 kg, to a fine of not less than \$50.00;
- (b) Where the overload is 1,000 kg or more but less than 5,000 kg, to a fine of not less than \$50.00 and in addition to a penalty of not less than \$2.00 per 100 kg or part of it of the gross weight in excess of that allowed by the regulations or a permit;
- (c) Where the overload is 5,000 kg or more but less than 7,500 kg, to a fine of not less than \$50.00 and in addition to a penalty of not less than \$4.00 per 100 kg or part of it of the gross weight in excess of that allowed by the regulations or a permit;
- (d) Where the overload is 7,500 kg or more but less than 10,000 kg, to a fine of not less than \$50.00 and in addition to a penalty of not less than \$6.00 per 100 kg or part of it of the gross weight in excess of that allowed by the regulations or a permit;

- (e) Where the overload is 10,000 kg or more but less than 15,000 kg, to a fine of not less than \$50.00 and in addition to a penalty of not less than \$8.00 per 100 kg or part of it of the gross weight in excess of that allowed by the regulations or a permit;
- (f) Where the overload is 15,000 kg or more but less than 20,000 kg, to a fine of not less than \$50.00 and in addition to a penalty of not less than \$10.00 per 100 kg or part of it of the gross weight in excess of that allowed by the regulations or a permit;
- (g) Where the overload is 20,000 kg or more, to a fine of not less than \$50.00 and in addition to a penalty of not less than \$12.00 per 100 kg or part of it of the gross weight in excess of that allowed by the regulations or a permit.

11.05 (a) Any person:

- i) Who is authorized by or pursuant to any resolution of the Council or pursuant to any contract with the Corporation presently in force; and
- ii) Who has reason to believe that any person has committed an offence under Section 7 of this Bylaw,

may deliver to the driver of the vehicle a Parking Offence Notice.

- (b) Delivery of a Parking Offence notice may be effected by leaving it on the vehicle concerned or by giving it to the person concerned.

11.06 (a) Any Parking Offence Notice may indicate the alleged offence and the amount of the voluntary penalty that may be paid to the Corporation in respect of it.

- (b) If a voluntary penalty is paid pursuant to a Parking Offence Notice in the amount and within the applicable time period set out in Section 11.07 before any information has been sworn and a Summons issued, no prosecution shall be instituted in respect of the offence described in the Parking Offence Notice.

11.07 The voluntary penalty for any contravention of Section 7 shall be:

- (a) \$20.00 if paid within 7 days from the date of the Parking Offence Notice;
- (b) \$25.00 if paid after 7 days but within 45 days from the date of the Parking Offence Notice;
- (c) \$30.00 if paid after 45 days from the date of the Parking Offence Notice.

11.08 The penalties imposed under Section 11.03 hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

SECTION 12

The “Streets and Traffic Regulation Bylaw, 1991, No. 6786” and amendments thereto are hereby repealed except insofar as they may repeal any other bylaw.

SECTION 13

This Bylaw may be cited for all purposes as the “**STREETS AND TRAFFIC REGULATION BYLAW, 2002, NO. 8382**”.

Includes Bylaw Amendments No. 8432, 8509, 8684, 8732, 8782, 8917 and 8907, 9036 , 9110 and 9166.