

CITY OF PORT ALBERNI

BYLAW NO. 4670

A BYLAW FOR THE REGULATION OF STREETS AND TRAFFIC WITHIN THE CITY OF PORT ALBERNI

The Municipal Council of the City of Port Alberni, in open meeting assembled, enacts as follows:

TITLE

This Bylaw may be cited for all purposes as the “**Traffic Regulation Bylaw, 2009, Bylaw No. 4670.**”

SECTION 1 - DEFINITIONS

“Camping” means to use for the purpose of a temporary or permanent place of abode, or for living accommodations, or for sleeping, resting or camping purposes.

“Chief of Police” means the police officer in charge of the police force in Port Alberni, or senior resident member of the Royal Canadian Mounted Police.

“City” means the municipal area comprised within the boundaries of the City of Port Alberni.

“City Engineer” means the City Engineer of the City of Port Alberni or an other official of the City, for the time being authorized to carry out the duties ascribed to the said City Engineer, under the provisions of this or any other bylaw of the City.

“Council” means the Municipal Council of the City of Port Alberni.

“Crosswalks” means that portion of a roadway ordinarily included within the prolongation of curb and property-lines, at street intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines, or other markings on the road surface.

“Curb” means the portion of the any sidewalk or boulevard next to the remainder of the street on or along which the same lies or runs as physically indicated.

“Curb-Line” means the boundary line of any curb next to the street or along which it runs.

“Driver” means any person who drives, operates, propels, or who is in physical control of a vehicle.

“Emergency Vehicle” means an emergency vehicle as defined in the “Motor Vehicle Act”

“Intersection” means the area situated within the respective property-lines produced across the streets, at the point where two or more streets intersect.

“Lane” means any public thoroughfare between the opposite street lines.

“Meter” includes a machine affixed to or located adjacent to a traffic sign which upon deposition of a fee for parking as required by the traffic sign issues a ticket, on which is marked the date and time of issuance, authorizing the parking of the vehicle on which it is displayed for the period of time and on the terms and conditions provided on the traffic sign for the area shown and described on the traffic sign.

“Motor-Vehicle” includes automobiles, locomotives, motorcycles and all other vehicles propelled other than by muscular power, excepting the cars of electric or steam-railways, and other motor-vehicles running only upon rails or tracks, and excepting trailers and mechanically propelled invalid’s chairs.

“Parade” means a procession or body of pedestrians (except members of the armed forces) numbering more than 30, standing, marching or walking upon any street or sidewalk, or any group of vehicles numbering ten or more (except funeral processions) standing or moving on any street.

“Parking” means the standing of a vehicle, whether occupied or not, upon any street, otherwise than temporarily for the purpose and while actually engaged in loading or unloading.

“Peace Officer” means and includes a police officer, police constable, bailiff constable, Bylaw Enforcement Officer and Commissionaire or other person employed for the preservation and maintenance of the public peace.

“Pedestrian” means any person afoot.

“Person” means and includes a natural person of either sex, association, corporation, bodies politic, co-partnership, whether acting by themselves or by a servant, agent or employee. The singular shall, when necessary, be held to mean and include the plural; the masculine, the feminine and the converse thereof.

“Private Road” or “Driveway” means every road or driveway, the title to or possession of which is not vested in the Crown.

“Roadway” means that portion of a street or highway designed or ordinarily used for vehicular traffic.

“Sidewalk” means that portion of any street between the curb-line and the adjacent property-line and intended for the use of pedestrians.

“Skateboard” means a narrow board approximately two feet long, mounted on roller skate wheels.

“Stop” or “Stand” means,

- (a) when required, a complete cessation from movement, and
- (b) when prohibited, the stopping or standing 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.

“Street” or “Highway” includes highway as defined in the *Motor Vehicle Act, RCBC 1979. C.288*.

“Street-line” means the line of demarcation between any private property or any property not a street and the adjoining street.

“Traffic” means and includes pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using the street.

“Traffic - Control Device” means any device using coloured lights or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed and which is erected pursuant to any bylaw or resolution of the Council.

“Traffic Sign” means any warning sign, marking or device, other than traffic signals, placed or erected, pursuant to a bylaw or resolution of the Council, for the purpose of directing, warning or regulating traffic or parking.

“Vehicle” means a motor-vehicle together with a semi-trailer or trailer attached, a trailer, wagon or any vehicle controlled by animal power, and any vehicle propelled by muscular power.

Wherever specific times are mentioned they shall refer to Standard Time or Daylight Saving Time as may be in current use in the City.

SECTION 2 - GENERAL REGULATIONS

2.1. Direction By Peace Officer

No person while riding any horse or other animal or riding, operating driving or propelling any vehicle, or when walking, traveling or standing in, upon or on any street, shall refuse to comply with any lawful direction, command or order, when made, required, demanded or signaled by any peace officer.

2.2. Accident Scene

Any officer or member of the City Fire Department while in the course of duty in or about any fire or at the scene of any accident, in order to expedite traffic or safeguard pedestrians, may direct traffic on any street or in the vicinity; and it shall be unlawful for any pedestrian or the driver of any vehicle to fail to comply with the directions of any such officer or member of the Fire Department.

2.3. Following Fire Department Vehicle

No person driving or operating any vehicle, except such vehicles as are conveying authorized persons who may have duties to perform in connection with a fire, shall follow closer than within five hundred feet (500') of any vehicle of the City Fire Department traveling in response to any fire alarm, or drive or stop any such vehicle within a radius of five hundred feet (500') to any fire, or drive such vehicle over or across any fire hose laid on any street, unless directed to do so by a Peace Officer or a member of the City Fire Department.

2.4. Violation Notice

No person, other than the owner or operator of a vehicle shall remove any notice placed thereon or affixed thereto by a Peace Office in the course of his duties in checking violations of this bylaw.

SECTION 3 - TRAFFIC CONTROL AND USE OF CITY STREETS

3.1. Traffic Signs and Signals

The Council may, by resolution, determine and designate the character, type and location of all traffic signs, traffic signals and traffic control signals, and the City Engineer shall place and maintain, or cause to be placed and maintained all such traffic signs, traffic signals and traffic-control signals, which are so ordered by the Council.

3.2. Placing of Temporary Signs

The City Engineer, Fire Chief or their Deputies or any Peace Officer may erect or place a temporary traffic sign, at any time or place in the interest of public safety.

3.3. Obedience to Traffic Signs

- (a) Every driver or pedestrian shall obey the directions or instructions on or indicated by any traffic sign, traffic signal or traffic control signal placed in accordance with this or any bylaw of the City or resolution of the Council, unless otherwise directed by any Police Officer.

- (b) Every person driving or operating, between the hour of eight o'clock in the forenoon and the hour of five o'clock in the afternoon of any day on which school is regularly held, a motor-vehicle on any highway where signs are displayed stating a speed-limit of twenty miles an hour shall drive and operate the motor-vehicle at a rate of speed not exceeding twenty miles an hour while approaching or passing or in the vicinity (as indicated by such signs) of the school to which the signs relate; and every person driving or vehicle at a rate of speed not exceeding twenty miles an hour when approaching or passing, between dawn and dusk, any public playground for children where signs are displayed stating a speed-limit of twenty miles an hour.

3.4. Unauthorized Signs and Signals

No person shall establish, place or maintain or display in, upon or in view of any street, any sign, signal or other device which purports to be, or is in imitation of, or resembles any traffic signs, traffic signal, or traffic-control signal, or which attempts to direct the movement of traffic or the parking of vehicles, or which hides from view any official traffic sign or traffic signal.

3.5. Interference with Signs and Signals

No person shall unlawfully deface, damage, injure, move obstruct or otherwise interfere with any street sign, traffic sign, traffic signal or traffic-control signal, erected, placed or maintained on any street under or pursuant to the provisions of this or any bylaw of the City or resolution of the Council.

3.6. Traffic Lanes

The Council may establish traffic lanes, and control the use of such lanes by directional markings.

3.7. Crosswalks

The Council may by resolution designate the location of crosswalks for pedestrian traffic on any paved streets, and such crosswalks shall be painted white or otherwise marked on the surface of such pavement at such places and locations and in such manner as the Council may deem advisable.

3.8. Closing Streets to Traffic

The Council may by resolution, authorize the City Engineer or any other official of the City to close to traffic any street, or portion of any street, at such time, and for such periods and in respect of any class or classes of traffic or use, as may be deemed necessary; and may by resolution authorize the City Engineer to temporarily close to traffic any street or portion of any street, as he may deem

necessary; and in the event that any street or portion of any street is so closed to traffic, it shall be the duty of the City Engineer to place and maintain or cause to be placed and maintained a good and sufficient barrier or barriers or other device or warning to indicate such closing; and until such barrier or barriers or other device or warning shall have been removed by or with the authority of the City Engineer, it shall be unlawful for any person to remove, interfere with, or pass beyond such barrier, device or warning, or to enter such closed area.

3.9. Through Street

- (a) The Council may, by resolution, designate certain streets or parts of streets as “through streets” and may alter or remove such designations.
- (b) The City Engineer is hereby authorized and required to place and maintain or cause to be placed and maintained on every street intersecting any Through Street at or near the property-line of every Through Street so intersected, appropriate signs on such street; and, in addition thereto, may place and maintain appropriate traffic signs, devices or markings in the roadway. Such signs, traffic signs, devices or markings shall bear and indicate the word “STOP” and shall be located in such position and be provided with letters of such size as shall be clearly legible under normal atmospheric conditions for a distance of at least one hundred feet (100') along the street intersecting such Through Street.
- (c) If upon any street approaching a Through Street, designated in this bylaw, there is erected a sign displaying the word “STOP”, either alone or accompanied by other words, the driver of every vehicle approaching the Through Street shall bring his vehicle to a full stop before entering such Through Street less than five feet (5') therefrom and shall not enter the intersection until traffic conditions permit such movement to be made in safety.
- (d) The Council may, by resolution, designate certain streets or parts of streets as “One Way Streets” and shall specify the direction in which traffic shall move thereon, and may alter or remove such designations.
- (e) The City Engineer is hereby authorized and required to cause to be erected on any street or portion of a street designated as a “One Way Street” suitable signs designating it as such and indicating the permitted direction for traffic.

3.10. Conveyances

The Council may by resolution designate any street or portion of any street on or along which buses for the conveyance of passengers or trucks carrying logs, lumber or extraordinary loads must or may be operated, and may also regulate where

buses for conveying passengers must stop for the purpose of loading or unloading passengers.

3.11. Congregations

- (a) No person shall form part of a group of persons congregated on a street in such manner as to obstruct the free passage of pedestrians or vehicles, except with written permission of the Council.
- (b) No person shall willfully do anything which will direct the attention of persons and cause them to congregate in a group upon any street or sidewalk in such a manner as to obstruct the free passage of pedestrians or vehicles, or in such a manner that the persons so congregated might thus be in danger of injury from traffic, except with the written permission of the Council.

3.12. Parade Members

No person shall be a member of or take part in any parade unless:

- (a) Such parade be under direction or control and in charge of some one person as marshal or organizer and
- (b) A written permit for such parade has been issued to such marshal or organizer by the Chief of Police as hereinafter provided.
- (c) If any flags or emblems are carried in the parade then the Canadian National flag shall be properly carried in such parade.

3.13. Parade Permits

- (a) No parade shall be held unless application therefore has been made in writing to the Chief of Police, by the marshal or organizer or other person in charge thereof at least 96 hours before the parade commences. Provided, however, should an extraordinary event occur or a matter of any importance take place, then the Chief of Police or the Mayor may grant a permit for holding a parade within the period of 96 hours and should the Chief of Police grant such extraordinary permit shall forthwith give notice thereof to the Mayor or the Acting Mayor and should the Mayor grant such extraordinary permit, he shall forthwith give notice to the Chief of Police.
- (b) Such application shall specify the nature of the parade, the day and hour on or at which such parade is to be held, the place or places of formation or commencement thereof, the route intended to be taken and the point of disbandment thereof.

- (c) The Chief of Police may issue a permit for a parade, subject to any terms he may impose as to time, route or otherwise. If any deviation from such direction is made, or if such directions be not otherwise complied with (save as directed by the Chief of Police), the permit shall be void and to no effect, PROVIDED, however, that an appeal from the decision of the Chief of Police shall lie to the City Council whose decision shall be final.

3.14. School Traffic Patrols

- (a) Traffic passing by or in the vicinity of schools within the Municipality may be regulated or controlled at any time by the use of traffic patrols and for such purposes school children and other persons employed in such traffic controls are empowered to require the stopping of vehicles at school crossings or other designated places on any highway.
- (b) In any area where traffic is controlled by traffic patrols any person failing to obey the direction or order of any such traffic patrols shall be guilty of an offense against this bylaw and liable to the penalties as set out herein.

SECTION 4 – STOPPING AND PARKING

4.1. Stopping Prohibitions

Except in the case of any vehicle so mechanically disabled as to prevent the moving of the same, no person shall stop, stand or park such vehicle:

- (a) Within ten feet of the street line of any intersecting street excepting lanes unless otherwise directed by a traffic sign;
- (b) Within any street intersection;
- (c) Within twenty feet of any fire hydrant;
- (d) In front of any lane or private driveway;
- (e) Alongside or opposite any street excavation or obstruction when such stopping would obstruct traffic;
- (f) On a sidewalk, crosswalk or boulevard;
- (g) Upon or within twenty feet of a pedestrian crosswalk;
- (h) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

- (i) Within twenty feet on either side of any entrance to or exit from any Fire Hall;
- (j) On any bridge or within twenty feet of the approach to any bridge;
- (k) On any portion of a street indicated by traffic signs as reserved for any class of vehicle, other than a vehicle coming within such class and which is readily recognized as such;
- (l) Within fifty feet of the nearest rail of a railroad crossing;
- (m) On any street for the principal purpose of advertising, washing, greasing, repairing, wrecking or storing such vehicle (except repairs necessitated by an emergency) or for the principal purpose of displaying such vehicle for sale;
- (n) On any paved portion of any street without curbs where the pavement thereof is twenty-four feet or less in width;
- (o) In any lane in such a position or manner as to obstruct the free movement of vehicular traffic into or out of any driveway or private road adjoining such lane;
- (p) On any portion of a street where official signs prohibit parking;
- (q) On any street or highway opposite any curb which is marked by a yellow line or strip;
- (r) On any street or highway, within 87 feet of the approach side of a bus stop sign or within 25 feet of the side of a bus stop sign opposite the approach side, or where so designated alongside any curb which is marked as a bus stop zone by a red line or stripe;
- (s) On any street other than on the right hand side of a street facing in the direction of travel;
- (t) On one-way streets other than facing in the direction of travel;
- (u) In such a way as to block free access to or from any entrance or exit at any hotel, theatre, apartment block, public meeting hall or dance hall;
- (v) On any street or highway and use the said vehicle for camping.

4.2. Parking Prohibitions

- (a) Except in the case of a vehicle so mechanically disabled as to prevent the moving of same, no person shall park such vehicle in any lane or alleyway

for any period of time longer than is necessary for the expeditious loading or unloading of passengers or materials or in such a manner as to prevent the free movement of vehicular traffic;

- (b) On a portion of a street for a longer time than that indicated on any traffic sign applicable to that portion of the street where such vehicle is parked, or on any portion of a parking area owned by the City or in its possession and control, to which the public have access for the purpose of parking, without displaying on the vehicle an unexpired ticket issued by a meter in accordance with the directions and regulations displayed on a traffic sign applicable to that parking area;
- (c) In the case of a Taxi car being available for hire, such taxi car shall only park on any street in zones so designated for that purpose by resolution of the Council and the Council may by resolution further limit and control the number of taxi cars parked in any area zoned for such purpose, and to set a fee for the use of such parking zone;
- (d) Unless otherwise stated or prescribed in this bylaw, no vehicle shall be parked on any highway continuously in one location for more than 96 hours. No person shall park any motor-vehicle on any street in the City, other than on the right hand side of the street and facing in the direction of traffic.
- (e) On any paved street where temporary signs have been posted with the word "no parking" then notwithstanding any section herein or any other bylaw, no vehicle shall be parked in the temporary "no parking" zone, and if a vehicle is already parked when the signs are so posted, such vehicle shall be removed therefrom within one hour of the posting of "no parking" signs.

4.3. Parking Restrictions

- (a) On all streets having a width of 99 feet or more, unless designated for other than 45 degree angle parking by resolution of Council, all passenger vehicles without trailers or commercial vehicles having a Gross Vehicle Weight of less than 8,000 pounds shall be parked at an angle of 45 degrees. Upon those streets which have been lined for angle parking, the driver of a vehicle shall park such vehicle between two lines and it shall be unlawful to park a vehicle except in that space between the two said lines.
- (b) On a portion of a street for a longer time than that indicated on any traffic sign applicable to that portion of the street where the vehicle is parked, or on any portion of a parking area owned by the City or in its possession and control, to which the public have access for the purpose of parking, without displaying on the vehicle an unexpired ticket issued by a meter in accordance with the directions and regulations displayed on a traffic sign applicable to that parking area.

- (c) No driver of any commercial vehicle having a gross vehicle weight of more than 28,000 pounds (12, 700 kg) shall park such vehicle on any street between the hours of 1:00 am and 6:00 am for a longer period than one hour.
- (d) No person having control or charge of a motor vehicle shall permit it stand unattended without first stopping the engine, locking the ignition, and removing the key, and when standing on any perceptible grade, without effectively turning the front wheels to the curb side of the roadway.

4.4. Passenger Zones & Loading Zones

- (a) Passenger zones and loading zones may be located, established and maintained at such places in or on any street as may be approved and designated by resolution of the Council. Traffic signs indicating or marking such zones shall be erected or placed by and under the direction of the City Engineer, and it shall be unlawful for the driver of any vehicle to stop, stand or park such vehicle for any period of time longer than is necessary for the expeditious loading and unloading of passengers or materials. Unless such resolution limits the hours during the day when said zones shall be in effect, they shall be in effect for the full twenty-four hours of each day.
- (b) The City Engineer shall erect, or cause to be erected, traffic signs indicating or marking all loading zones, passenger zones and commercial zones, located and established pursuant to this section. If the resolution establishing such zones shall limit hours when they shall be in effect, such limitation of hours shall be indicated on the traffic signs so erected.
- (c) No driver of any vehicle shall stop such vehicle in any loading zone except while actually engaged in the loading and unloading of passengers or materials.

4.5. Parking Exemptions

- (a) The provisions of this bylaw prohibiting stopping or parking shall not apply to:
 - (a) Municipal or Provincial Utility vehicles.
 - (b) Vehicles of a public utility corporation.
 - (c) Wrecking vehicles.
 - (d) Emergency vehicles responding to a call.

While such vehicles are actually engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions.

- (b) The Council may by resolution exempt any class of vehicles from such provisions of this bylaw relating to parking and stopping as the Council may deem fit and under such conditions as the Council may impose and may provide for the identification of such vehicles so exempted and may authorize the issue of identification cards or stickers describing the terms of exemption and which cards or stickers must be displayed on the vehicle during the time it is so stopped or parked.
- (c) No person shall display on any vehicle and identification card or sticker purporting to provide for such exemption unless such card or sticker has been duly authorized.
- (d) Notwithstanding the provisions of Section 4, vehicles displaying the authorized handicapped placards may park for an unlimited time in all City streets, excluding designated handicapped parking spaces.

4.6. Emergency Vehicles Exempted

The provisions of this bylaw regulating the operation, movement, stopping and parking of vehicles shall not apply to any emergency vehicle while it is responding to an emergency call and sounding its siren, whistle or bell or while attending at any emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic.

4.7. Removal in the Event of Snowfall

In event of a fall of snow upon a paved street, no vehicle shall be parked for a period longer than one hour on the said street, and if any vehicle is parked for a period longer than one hour and a “no parking” sign has been posted in order that the street may be cleared of snow, then the motor vehicle may be moved as hereinafter stated.

4.8. Impounding Vehicles

If any vehicle has been unlawfully parked contrary to this bylaw, then the said vehicle may be removed, detained or impounded under the supervision of the City Engineer, or his assistant or assistants, or any Peace Officer. The person in charge of such vehicle, or the owner, may be assessed with the costs and expenses of the removal, detention or impounding together with the charges for storing or other expenses incidental thereto, and such costs, fees, charges and expenses may be recovered in any court of competent jurisdiction, and in the default of payment within 30 days of the court order, such vehicle may be sold by public auction.

SECTION 5 - OPERATION OF VEHICLES

5.1. Slow Moving Vehicle

- (a) The driver of any slow moving vehicle shall drive such vehicle as close as possible to the right hand curblineline of any street.
- (b) Where any slow moving vehicle tends to congest traffic any Peace Officer may cause such vehicle to be removed or to be temporarily removed from the main traveled portion of the highway for such time and for the purpose of permitting the congested traffic to be relieved.

5.2. Speed of Vehicles

The driver of any vehicle shall not drive such vehicles within the City at any speed which may endanger public safety, or at any speed which shall delay and obstruct other traffic.

- (a) Speed in Lanes - No person shall drive a vehicle upon a lane not more than 20 feet wide at a speed exceeding 15 miles per hour.

5.3. Crossing between Intersections

The driver of any vehicle when proceeding on any street shall not cross to the opposite side of such street at any point other than at an intersection provided, however, that the provisions of this section shall not apply to emergency vehicles.

5.4. Driving on Sidewalks

The driver of any vehicle, or rider or driver of any animal, shall not drive such vehicle or ride or drive such animal upon any sidewalk or boulevard except at a permanent or temporary driveway provided for such purposes.

5.5. Emerging from Lanes

The driver of any vehicle emerging from any lane, driveway or building shall stop such vehicle immediately prior to driving on or across any sidewalk or boulevard extending to or across such lane, driveway or building entrance.

5.6. Overtaking Pedestrians

The driver of any vehicle shall exercise due care for the safety of pedestrians, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

5.7. Noise Making Devices

No person shall operate upon a motor vehicle any calliope, loud speaker or other noise making device upon the streets of the City for advertising or other purposes, unless a written permit has been applied for and granted by the Council or Mayor.

5.8. Clinging to Moving Vehicles

No person while riding and bicycle, tricycle, coaster, roller skates, toy vehicle, or sleigh, shall cling to any vehicle in motion in or upon any street.

5.9. Obstruction to Driver's View

No driver in any vehicle shall permit such vehicle to be covered in such a manner as to prevent clear vision, by the driver, in all directions.

5.10. Traffic Lanes

- (a) No person driving or operating a vehicle shall overtake or pass any other vehicle proceeding in the same direction in any "no passing" zone, where there has been marked a white centre line and a distinguishing coloured line, and all vehicles proceeding on that highway shall be kept to the right of such double middle lines.
- (b) No person shall drive or operate a vehicle to the left of the centre line of the highway, or to the left side of a highway, under the following conditions:
 - (i) when approaching the crest of a grade or upon a curve where the view is obstructed within a distance of 800 feet ahead;
 - (ii) when approaching any intersection or railroad grade crossing;
 - (iii) when the driver's view is obstructed upon approaching within 100 feet of any bridge, viaduct, tunnel or underpass.

5.11. Overtaking or Passing

- (a) No person operating a motor vehicle upon a public highway shall overtake and pass, or attempt to overtake and pass, another vehicle proceeding in the same direction upon any curve or when approaching the crest of any grade, where there is not a clear view of such highway ahead within a distance of 800 feet along such highway, or pass on any intersection or approach thereto.
- (b) No driver of a motor-vehicle traveling on any street where lines are painted designated four lane traffic shall:

- (i) make a left hand turn off such street onto an intercommunicating street other than from the inside lane of traffic.
- (c) It shall be lawful for the driver of a motor vehicle to overtake and pass another vehicle on the right-hand side which is proceeding on the inside traffic lane on such street, provided that the driver of the passing vehicle sounds the horn of his motor-vehicle signifying his intention to do so.

5.12. Hospital or Quiet Zone

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within such zone shall sound a horn or other warning device of said vehicle except in an emergency.

5.13. Limitations on Backing

The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety.

5.14. Passenger's Conduct

- (a) No person while riding in or on any vehicle shall do any act which will interfere with the driver's proper control of such vehicle.
- (b) No person shall drive a motor vehicle with more persons in the front seat than would interfere with his driving of the car in a safe and proper manner.

5.15. Overtaking at a Crosswalk

Whenever any vehicle has stopped or slowed down at a marked crosswalk, or at any unmarked crosswalk at an intersection, to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such vehicle.

5.16. Controlled Intersection

At intersection where traffic is controlled by traffic-control signals or by a peace officer, the driver or operator of a vehicle shall give the right-of-way to pedestrians within a crosswalk who are crossing the roadway on a green or "GO" signal, or in accordance with the direction of the peace officer.

5.17. Pedestrian Safety Zone

No person shall drive or operate a vehicle through or within a pedestrian safety zone.

5.18. Pedestrian Crosswalks

Whenever the driver of any motor vehicle approaches a pedestrian crosswalk on any street he shall yield the right of way when a pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching to so closely from the opposite half of the roadway as to be in danger.

5.19. School Crossings

When any portion of a street has been so designated by a warning sign or marking, the driver of every vehicle shall between the hours of 8 a.m. and 5 p.m. obey the instruction, prohibition or direction indicated on such warning sign.

5.20. General

No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction:

- (a) Within an intersection at any corner where a traffic control signal has been installed.
- (b) At any other intersection unless such movement can be made in safety, without backing and without interfering with other traffic.
- (c) On any street between intersecting streets.
- (d) At any lane intersection.
- (e) At the intersection of Third Avenue and Angus Street, Third Avenue and Argyle Street. Kingsway and Dunbar Street.

5.21. One-Way Streets

No driver shall operate on a one-way street except in the direction indicated by traffic signs.

5.22. Extraordinary Traffic

No person shall, without a permit issued by the City Engineer drive or operate on a highway:

- (a) a vehicle having a total outside width, with or without load, in excess of 8' 6", except that with loads of loose hay, loose straw or loose fodder the load may project over the side of the vehicle such distances as result in a total outside width not in excess of 10 feet;

- (b) a vehicle, or combination of vehicles having a height, with or without load, in excess of 13 feet 6 inches;
- (c) a single vehicle, trailer, or semi-trailer having an overall length, with or without load, in excess of 35 feet, except as provided in subsections (d) and (e);
- (d) a bus the over-all length of the permanent structure of which exceeds 40 feet;
- (e) a trailer or semi-trailer, the over-all length of the permanent structure of which exceeds 40 feet;
- (f) a combination of vehicles having an over-all length, with or without load in excess of 60 feet;
- (g) any vehicle or combination of vehicles carrying over length loads of logs, poles, pipes, structural steel, or other like objects of a structural nature, which cannot be dismembered;
- (h) a vehicle or combination of vehicles so loaded that the load extends more than 3 feet beyond the front wheels thereof, or, if equipped with a front bumper, more than 3 feet beyond such bumper;
- (i) a vehicle or combination of vehicles, any part of which, or the load upon which, extends more than 15 feet behind the centre of the last axle of the vehicle or combination of vehicles;
- (j) a passenger-vehicle so loaded that any part of the load extends beyond the sides of the vehicle;
- (k) a semi-trailer having any portion of its body or load forward of the turning axis (kingpin), projecting to a greater distance than a 60-inch radius from the centre of the turning axis;
- (l) a combination of vehicles consisting of more than three vehicles.

5.23. Vehicles

No person shall, without a permit issued by the City Engineer, drive or operate on a highway:

- (a) a vehicle, other than a horse-drawn vehicle, the wheels of which are not equipped with pneumatic tires in good order;

- (b) 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 1 1/4 inches;
- (c) 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, provided that such vehicle may be driven or operated on a highway not having a cement-concrete, asphaltic-concrete, bituminous-treated, or other stabilized or wooden surface; but it is permissible to use tire chains of reasonable proportions upon a motor-vehicle where required for safety;
- (d) clause (c) shall 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 one-eighth of an inch from the tread or traction surface of a tire, if:
 - (i) there are not more than a total of 130 studs in the tire if it is a tire for a motor vehicle having a gross vehicle weight of not more than 10,000 pounds, or 175 studs in the tire if it is a tire for a motor-vehicle having a greater gross vehicle weight; and
 - (ii) no studs are used in the tire on the front wheel of a motor vehicle unless each rear wheel has at least one studded tire;but the City Engineer may, whenever in his opinion the use of tire studs is causing undue wear to any highway or bridge or is hazardous to the safety of those using the highways, by an advertisement in a local newspaper, suspend the application of this clause with respect to any highway or part thereof;
- (e) a vehicle unless it is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway;
- (f) a vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway;

5.24. Traffic Loads

- (a) No person shall, without a permit issued by the City Engineer, drive or operate upon a highway
 - (i) a vehicle any axle of which is carrying a gross weight in excess of 20,000 pounds;
 - (ii) a vehicle loaded in such a manner that the gross weight on any wheel thereof is in excess of 600 pounds per inch of width of tire in the case of pneumatic tires or 300 pounds per inch of width of tire in the case of metal or solid rubber tires;
 - (iii) a vehicle or combination of vehicles having a gross weight on any group of two or more consecutive axles exceeding the gross weight indicated in Schedule A opposite to the appropriate distance between the centres of the first and last axle of the group of axles of that vehicle or combination of vehicles measured longitudinally to the nearest foot;

(b) In these regulations, in measuring the distance between the centres of any group of axles where a fraction of a foot is exactly one-half foot, the next larger whole number shall be used.

(c) Where a vehicle, or combination of vehicles, has a gross weight or a gross axle weight in excess of those gross weights fixed by this bylaw, a peace officer, or any person authorized by the City Engineer, may permit the driver to proceed if the amount of excess gross weight does not exceed the following:

Single axle	500 pounds
Combination of Vehicles	2,000 pounds

No person shall receive permission under this subsection on a habitual or consistent basis.

- (d) Redistribution - where the load of vehicle or combination of vehicles does not exceed the excess gross weight set out in subsection (3) and the load may be redistributed upon the same vehicle and, forthwith after the weighing of the vehicle under the authority of this bylaw, the load on the vehicle is redistributed so that the limits imposed by this bylaw are complied with, the requirements of this section shall be deemed to have been complied with.
- (e) Bridges - notwithstanding any of the provisions of this bylaw, no person shall, without a permit issued pursuant to this bylaw, drive or operate over a bridge a vehicle or combination of vehicles having a gross weight on any load limit imposed by the City Engineer on that bridge.

- (f) Notwithstanding the provisions of this bylaw, no person shall drive or operate on a highway a combination of vehicles licenced for a gross vehicle weight in excess of 78,000 pounds, and on or after December 1, 1974, in excess of 59,000 pounds, unless;
 - (i) the towing vehicle has at least two drive axles; and
 - (ii) the gross weight to gross horsepower ratio of the towing vehicle bears a relationship of not more than 300 to 1 horsepower; but, if the gross horsepower of the towing vehicle exceeds 249 horsepower, a ratio that is within 25 horsepower of the ratio required under this section shall be deemed to be compliance with this section.
- (g) Clause (b) of subsection (1) shall not apply to vehicles operating under the authority of an overload permit.

5.25. Permits

- (a) The City Engineer, or any person authorized by him, may be a general authority, or by the issuance of a written permit, authorize the driving or operation on a highway of a commercial vehicle that does not conform to Section 5, and the fee for the permit shall be in accordance with "Fees and Charges Bylaw, 2007, Bylaw No. 4665".
- (b) Any driver, operator, or owner of any vehicle or other person who violates any of the conditions contained in any permit issued pursuant to these regulations is guilty of an offence and is liable on summary conviction, to a fine of not more than \$500, or to a term of imprisonment not exceeding three months, or both.
- (c) The power of the Engineer, or any person authorized by him to issue permits pursuant to the bylaw, shall include the power to amend, vary or rescind such permits.
- (d) As a prerequisite to the issuance of a permit under these regulations, the Engineer may require the applicant therefore to deposit with the Engineer or person acting on his behalf a sum of money in an amount sufficient, in the opinion of the Engineer, to pay the cost of repairing any damage that may be done to the highway, or public structure or bridge, by reason of the driving or operation of the vehicle thereon.
- (e) The Council may from time to time under the bylaw entitled "Fees and Charges Bylaw, 2007, Bylaw No. 4665" prescribe the fee to be paid to the City by an applicant for a Permit for Extraordinary Traffic as described in Section 5.22.

5.26. Funeral Processions

- (a) No driver of a vehicle shall drive between the vehicles comprising a funeral or authorized procession while it is in motion. This provision shall not apply at intersections where traffic is being controlled by traffic-control signals or Peace Officers.
- (b) Funeral processions shall be identified as such by each vehicle therein having its headlights illuminated or by the display of a pennant or other identifying insignia.
- (c) No roller skating shall be permitted on any street or sidewalk in the area known as No. 1 Fire District.

SECTION 6 - PEDESTRIAN REGULATIONS

6.1. Pedestrians subject to Traffic-Control Signals

Pedestrians shall be subject to Traffic-Control Signals at intersections as hereto before declared by this bylaw but at all other places pedestrians shall be accorded the privileges, and shall be subject to the restrictions as hereinafter stated.

- (a) At any street intersection where crosswalks are located and marked, pedestrians shall use such crosswalks in crossing the street and such pedestrians shall have the right-of-way while using such crossing.
- (b) Every pedestrian crossing a highway, at any point other than within a marked crosswalk, shall yield the right-of-way to all vehicles upon the highway.
- (c) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
- (d) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
- (e) No person shall stand in the roadway for the purpose of soliciting a ride from the driver of any private vehicle.
- (f) On the approach of an emergency vehicle, pedestrians shall proceed or return to the nearest sidewalk and remain there until such vehicle has passed.

- (g) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right-of-way.
- (h) No person who has alighted from a bus which has stopped at the near side of an intersection shall start to cross to the opposite side of the street upon which such bus is moving, until the bus has moved away from its stopping place, unless such crossing is made in compliance with traffic control signals or at the direction of a Peace Officer.

SECTION 7 - BICYCLE AND SKATEBOARD REGULATIONS

7.1. Bicycle Prohibitions

- (a) No person shall ride a bicycle upon the sidewalk of any street or upon any pedestrian path in a public park.
- (b) No person riding a bicycle shall carry any package, bundle, or object which prevents him from keeping one hand on the handle bar or obstructs their full vision.
- (c) No rider of a bicycle shall remove both hands from the handle bars or feet from the pedals or practice any acrobatic or fancy riding on any street.
- (d) No bicycle shall be operated on a highway between one hour after sunset and one hour before sunrise unless it is equipped with a lighted headlamp of sufficient power and so adjusted as to enable the rider to proceed with safety to himself and to others using the highway under all ordinary conditions. The rear of the bike shall be equipped with a red reflector or reflectorized tape.
- (e) No person shall operate a bicycle on any highway with handlebars of a greater width or length than 24 inches in a straight line from the end of one handlebar to the end of the other handlebar.

7.2. Bicycle Use of Streets

The Council may by resolution designate parts of streets for the parking of bicycles, and cause to be placed in such areas racks or stands for convenient parking, adjoining the sidewalk or curb, at a distance of not less than fifteen feet from any corner, intersection or fire hydrant. In areas where such racks or stands are available all bicycles shall be parked in such rack or stand.

7.3. Bicycle Brakes

Every bicycle when operated upon a highway shall be equipped with a brake adequate to control the movement of and to stop such vehicle when necessary. Such brake shall be maintained in good working order at all times.

7.4. Skateboard Prohibition

No person shall propel, coast, ride or in any other way use a skateboard on any portion of any sidewalk or any other public street.

SECTION 8 – OBSTRUCTION AND REFUSE ON STREETS

8.1. Deposit of Objects

No person shall throw, drop, deposit or leave, or let fall from or out of any vehicle or conveyance, any bottle or bottles, mud, soil, or ashes, glass crockery, nails, tacks, wood, sawdust or refuse or any object of materials whatever, on or upon any street and the person who has so thrown, dropped, deposited or left any of such objects or materials or who has let fall from or out of any vehicle or conveyance any of such objects or materials, on or upon any street, shall forthwith remove, or cause to be removed the same and every part of the same from such a street

8.2. Transport of Garbage

No person shall drive, ride or propel any vehicle containing any garbage (as defined by the Garbage Bylaw of the City) on any street in the City unless such vehicle shall be kept tightly and securely covered in such manner as to prevent any garbage from being blown, dropped or spilled from such vehicle.

8.3. Accumulation of Materials

No person owning or occupying any property abutting on or contiguous to any street shall allow or permit any earth, rock, stones, trees, logs, stumps or other substance or materials to cave, fall, crumble, slide, accumulate or to be otherwise deposited from any such premises upon any street or having been so deposited to remain thereon.

8.4. Flow of Water

No owner or occupier of any premises shall permit any flow of water in any land or premises under his control on or over any street so as to create a nuisance.

8.5. Impede Traffic

No person shall cut, saw, break, split, or pile or dump firewood, lumber, blocks, rock, stone, debris or other material, or mix mortar or do any act upon any street which may obstruct or impede traffic thereon or deface or injure such street, and if any such material is so placed, piled or dumped, the same shall be removed within 12 hours from the time of such action, and in the event of the said material being allowed to remain after sundown, then a red light shall be placed thereon and which light shall be kept burning from one hour after sunset until one hour before sunrise. This subsection shall in no way, however, place any liability or responsibility upon the City for any damage resulting from the so placing, piling or dumping of the material.

8.6. Projections on Street

- (a) No person shall erect any doorstep, porch, railing or projection into or obstruction in any street, without permission in writing from the City Engineer.
- (b) The City Engineer may remove or cause to be removed any unauthorized doorstep, porch, railing or projection into or obstruction in any street. The cost of such removal shall be charged to the owner thereof and the City is hereby authorized to institute proceedings in any Court of competent jurisdiction to recover such costs.

8.7. Snow Removal from Sidewalk

The owner or occupier of any premises in any business district shall remove all snow and ice from any sidewalk in front of or adjacent to such premises not later than 12 noon of any day except Sundays and other holidays. In the event of such owner or occupier failing to remove such snow and ice as therein provided, the City may remove the same at the expense of such owner or occupier; and the City may recover the cost or expense thereof from such owner or occupier so in default by action in any Court of competent jurisdiction.

8.8. Sledding on Streets

No person shall coast or slide with sleigh or skis on any street or highway, provided, however, that the City Council may declare any street closed to all traffic for the purpose of permitting coasting with such sleighs or skis, or should it be found not feasible to call a meeting of the City Council for such purpose, the Mayor may declare such street closed for such period but his declaration or ruling may be rescinded at the first meeting of the Council held thereafter and in the event of such street being closed for such period the Police or Engineer may make provisions for controlling traffic in that area where sleighing or coasting is permitted.

8.9. Animals in Streets

No person shall ride, drive or lead any animal, or move, drive, run or propel any vehicle over or across any curb unless such curb has been lowered or otherwise constructed or reconstructed to form a suitable crossing. No planks or other material shall be placed in any gutter or ditch against any curb for the purpose of making a crossing except as a temporary expedient.

SECTION 9 - MISCELLANEOUS

9.1. Traffic Control Signals

- (a) Where traffic control signals are installed on any intersection, vehicles approaching said signals shall come to a complete stop when the light is showing red and shall remain so stopped until the light is showing green, provided however, a vehicle making a right-hand turn may proceed slowly and cautiously to the right after first coming to a full stop.
- (b) Where a light is flashing red, all vehicles shall come to a complete stop before entering the intersection.
- (c) Where the light is showing amber, all vehicles shall come to a complete stop and so remain until the light is showing green, except vehicles making a right-hand turn may proceed in accordance with Section 1 (a) hereof.
- (d) When the light is flashing amber, vehicles shall approach and enter an intersection with caution.
- (e) When the red light is showing, pedestrians shall not cross the intersection.

9.2. Vehicle Length

No person shall park any vehicle having a greater overall length than 25 feet on any street where angular parking is required pursuant to this bylaw.

9.3. Sales and Advertising

- (a) No person who deals in the buying and selling of motor vehicles shall park any vehicle which is being offered for sale to the public on any street or highway unless such vehicle is being actually demonstrated to a prospective purchaser.
- (b) No person shall place or affix to any pole or any structure situate on any highway, any advertisement, poster or hand bill unless permission so to do has first been granted by the City and by the owner of the pole or structure.

- (c) No person shall use any street for the purpose of advertising washing, greasing, repairing, wrecking, storing or displaying for sale any boat, trailer or other chattel.
- (d) No person shall offer for sale to the public any goods, wares or merchandise from any vehicle on a street without first obtaining from the Council a permit to do so.

9.4. Scaffolding

No person shall erect on any highway any scaffolding or other structure. Provided, however, that during the excavation of any property or the alteration, erection or demolition of any structure or building, the City Council may, for the safety of the public and to accelerate such work, on application, grant a permit for the temporary fencing of a certain portion of the highway adjacent to the said excavation or structure and may set a fee for such permit and may further regulate the terms upon which permit may be granted.

9.5. Removing Damaged Vehicles

Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from any such vehicle.

9.6. Recreational Use

No person shall use any street for any purpose other than transportation or as a pedestrian, and particularly shall not use any street as a recreational area or for playing of any nature.

SECTION 10 - PENALTIES

- 10.1.** Any person who contravenes any provision of the Bylaw is guilty of an offence and shall be liable upon summary conviction to the penalties prescribed by this bylaw or by the *Offence Act*, R.S.B.C. 1979, Chapter 304 and amendments thereto.
- 10.2.** The minimum penalty for the contravention of any section of this bylaw shall be a fine of thirty (\$30.00) dollars and in default of payment to a term of imprisonment not exceeding one month.
- 10.3.** (a) Any person:
 - (i) who is authorized by or pursuant to any resolution of the Council or pursuant to any contract with the City presently in force; and

- (ii) who has reason to believe that any person has committed an offence under this Bylaw, may deliver to the driver or owner of the vehicle a parking offence notice.
 - (b) Delivery of a parking offense notice may be effected by leaving it on the vehicle concerned or by giving it to the person concerned.
- 10.4.**
- (a) Any parking offence notice may indicate the alleged offence and the amount of the voluntary penalty that may be paid to the City 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 5 of this Section before any information has been sworn and a summons issued, no prosecution shall be instituted in respect of the offence notice.
- 10.5.**
- (a) The voluntary penalty for any contravention of Section 4.3(a) shall be:
 - (i) Ten (\$10.00) dollars and fifty cents if paid within 48 hours from the issue of the parking offence notice;
 - (ii) Twenty (\$20.00) dollars if paid after 48 hours but within 10 days from the issue of the parking offence notice;
 - (iii) Thirty (\$30.00) dollars if paid after 10 days from the issue of the parking offence notice.
 - (b) The voluntary penalty for any contravention of any other section of Section 4 shall be:
 - (i) Ten (\$10.00) dollars if paid within 48 hours from the issue of the parking offence notice;
 - (ii) Twenty (\$20.00) dollars if paid after 48 hours but within 10 days from the issue of the parking offence notice;
 - (iii) Thirty (\$30.00) dollars if paid after 10 days from the issue of the parking offence notice.
 - (c) The voluntary penalty for any contravention of Section 4, time limit shall be:
 - (i) Five (\$5.00) dollars if paid within 48 hours from the issue of the parking offence notice;
 - (ii) Ten (\$10.00) dollars if paid after 48 hours but within 10 days from the issue of the parking offence notice;

- (iii) Thirty (\$30.00) dollars if paid after 10 days from the issue of the parking offence notice;
- (d) For the purposes of this section, Sundays and statutory holidays shall be excluded from the computation of time for payment of voluntary penalties within 48 hours from the issue of the parking offence notice.

REPEAL

That Bylaws No. 3022, 3397, 3548, 3571, 3838, 4119, 4143, 4219, 4248 and 4350 are hereby repealed.

READ A FIRST TIME THIS 23RD DAY OF FEBRUARY, 2009

READ A SECOND TIME THIS 23RD DAY OF FEBRUARY, 2009

READ A THIRD TIME THIS 23RD DAY OF FEBRUARY, 2009

FINALLY ADOPTED THIS 14TH DAY OF APRIL, 2009

City Clerk

Mayor

Schedule A - Maximum Weights

Distance in feet between the centres of the First Axle and Last Axle of any Group of Axles of a Vehicle or Combination of Vehicles.	Maximum Allowable Gross Weight in Pounds on that Group of Axles
4	35,000
5	36,000
6	37,000
7	38,000
8	39,000
9	40,000
10	41,000
11	42,000
12	43,000
13	44,000
14	45,000
15	46,000
16	47,000
17	48,000
18	49,000
19	50,000
20	51,000
21	52,000
22	53,000
23	54,000
24	55,000
25	56,000
26	57,000
27	58,000
28	59,000