

OFFICE CONSOLIDATION

City of Castlegar**BYLAW 1015**

*A bylaw to regulate traffic and the use of highways
within the boundaries of the City of Castlegar.*

WHEREAS the *Council* is authorized, pursuant to the *Motor Vehicle Act*, to regulate *traffic* and the use of *highways* within the Municipality;

NOW THEREFORE the *Council* of the City of Castlegar, in open meeting assembled, enacts as follows:

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PART 1 - INTERPRETATIONS

Citation

1. This Bylaw may be cited as "Traffic and Highways Regulations Bylaw 1015."

Definitions

2. In this Bylaw, unless the context otherwise requires:

"*Angle parking*" means the parking of a *vehicle* other than parallel to a curb or lateral lines of the *roadway*.

"*Axle*" means a structure in the same, or approximately the same, transverse plane supported by wheels and on or with which such wheels revolve. Any two *axles* of a *vehicle*, or *combination of vehicles*, the centres of which are less than 106 cm apart, shall be considered to be one *axle* for the purpose of this Bylaw.

"*Arterial Highway*" means a highway classified as such pursuant to Section 30 of the *Highway Act*.

"*Boulevard*" means that portion of a highway between the curb lines or the lateral lines of a *roadway* and the adjoining property or *roadway*, and includes curbs, *sidewalks* and ditches.

"*Building Inspector*" means the *person* or *persons* duly appointed by *Council* as such from time to time and, includes any *person* appointed by the *Building Inspector* to act on his behalf.

"*Chief of Police*" means the Officer-in-Charge, Castlegar Detachment, Royal Canadian Mounted Police, and includes any member of the R.C.M.P. appointed or designated by the *Chief of Police* to act on his behalf.

"*City*" means the City of Castlegar.

"*Clerk*" means the *person* duly appointed as such from time to time by *Council*, and includes any *person* appointed or designated by the *Clerk* to act on his/her behalf.

"*Combination of Vehicles*" means a combination of *motor vehicles* and *trailer*, or *motor vehicle* and *trailers*.

"*Commercial Vehicle*" means any *vehicle* defined as such by and licensed pursuant to the *Commercial Transport Act*, and any *vehicle* not so licensed which is used for the collection or delivery or both, of goods, wares, merchandise and other commodities in the ordinary course of a business undertaking.

"*Council*" means the Municipal *Council* of the City of Castlegar.

"*Crosswalk*" means:

- (1) Any 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
- (2) 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 a device having any number of wheels that is propelled by human power and on which a *person* may ride.

"*Director of Transportation and Civic Works*" means the *person* duly appointed by *Council* as such from time to time, and includes any *person* appointed or designated by the *Director of Transportation and Civic Works* to act on his behalf.

"*Emergency Vehicle*" means:

- (1) A *motor vehicle* carrying rescue or first aid equipment where there is an urgent emergency justifying a rate of speed in excess of any rate of speed provided for in this Bylaw or the *Motor Vehicle Act*.
- (2) A *motor vehicle* driven by a member of the City of Castlegar Fire Department in the discharge of his duties.
- (3) A *motor vehicle* driven by a *Peace Officer*, Constable or member of the Police Branch of Her Majesty's Armed Forces in the discharge of his duties.

"*Fire Chief*" means the *person* duly appointed as such from time to time, and includes any *person* appointed or designated by the *Fire Chief* to act on his behalf.

"*Government Vehicle*" means a *vehicle* operated by the City of Castlegar, the Province of British Columbia or the Government of Canada.

"*Highway*" means every *highway* within the meaning of the *Highway Act*, every road, street *lane* or right of way designed or intended for or used by the general public for the passage of *vehicles*, and every private place or passageway to which the public, for the purpose of the parking or servicing of *vehicles*, has access or is invited.

"*Holder of a Building Permit*" means the *person* or company in whose name a building *permit* is issued.

"*Horsepower*" means the gross *horsepower* of the engine of the *vehicle* as customarily rated by the manufacturer.

"*Lane*" means any *highway* not exceeding 8m in width.

"*Motor Vehicle*" means a *vehicle*, not run upon rails, that is designed to be self propelled.

"*Municipal Plate*" means a licence plate issued to *commercial vehicles* pursuant to Part 20, Division (3) of the *Local Government Act*.

"*Off-Street Parking Facility*" means any real property owned, leased, possessed or otherwise held by the City of Castlegar from time to time, for the purpose of providing off-street parking and designated as an "*Off-Street Parking Facility*" in Schedule "A" attached to and forming part of this Bylaw.

"*Occupier*" means a *person*:

- (1) who is qualified to maintain an action for trespass;
- (2) in possession of Crown Land or land owned by a municipality under a lease, licence, agreement for sale, accepted application to purchase, easement, or other record from the Crown or municipality, or who simply occupies the land.

"*Owner*" in respect of any real property means the registered owner of an estate in fee simple, and in the event of there being registered a life estate includes the tenant for life. In the event that there is registered an agreement for sale and purchase, "*Owner*" means the registered holder of the last registered agreement for sale and purchase. In the case of real property held in the manner mentioned in Sections 409 and 410 of the *Local Government Act*, "*Owner*" means the holder of or *occupier* as therein set out; and for the purpose of this Bylaw shall include the registered owner of a *motor vehicle*.

"*Park*" means the standing of a *vehicle*, whether occupied or not.

"*Peace Officer*" means a Constable or *person* having the powers of a Constable and includes a Bylaw Enforcement Officer appointed under the *Police Act*.

"*Pedestrian*" means a *person* afoot and includes a *person* in a wheelchair or a child in a carriage.

"*Permit*" means a document in writing issued pursuant to this Bylaw.

"*Person*" means and includes any corporation, partnerships, firm or association and, for the purpose of this Bylaw, includes the registered owner of a *motor vehicle*.

"*Portable Crusher*" means a machine designed to be moved from one location to another, and whose purpose is the crushing of automobile bodies.

"*Residential Area*" means any area zoned residential in the Zoning Bylaw currently in force in the City of Castlegar and includes any *highway* abutting or adjacent to such zones.

"*Roadway*" means the portion of the *highway* that is improved, designed, or ordinarily used for vehicular *traffic*, but does not include the shoulder; and where a *highway* includes two or more separate *roadways*, the term "*Roadway*" refers to any one *roadway* separately and not to all of the *roadways* collectively.

"*Semi-Trailer*" means a *vehicle* without motive power designed to be drawn by a motor *vehicle* or *truck tractor* and which is so constructed that some part of its weight and some part of the weight of its load rests upon and is carried by the towing *vehicle* or *truck tractor*, and includes a pole *trailer*, but does not include a *vehicle* having a gross *vehicle* weight of less than 700 kg (1550 lbs.) which is licensed pursuant to the *Motor Vehicle Act*.

"*Sidewalk*" means the area between the curb-lines or lateral lines of a *roadway* and the adjacent property lines improved for use of *pedestrians* or any other improved area set aside for *pedestrian* use only.

"*Skateboard*" means a single platform mounted on wheels on which a *person* may ride.

"*Taxi Cab*" means a *motor vehicle* having a seating capacity for not more than nine *persons* which, with its driver, is operated or plies for hire by members of the public.

"*Traffic*" means *pedestrians*, ridden or herded animals, *vehicles*, *cycles* and other conveyances, either singly or together, while using a *highway* for purposes of travel.

"*Traffic Control Device*" means a sign, signal, line, marking, *yellow curb*, space, barrier, or any other device, placed or erected by authority of the *Council* or *person* duly authorized by the *Council* to exercise such authority.

"*Traffic Patrol*" means an adult school crossing guard or a school pupil acting as a member of a school patrol where such guards or pupils are provided under the *Public Schools Act* or authorized by the *Chief of Police*.

"*Trailer*" includes a *vehicle* without motive power designed to be drawn by or used in conjunction with a *motor vehicle* and constructed so that no appreciable part of its weight rests upon or is carried by the *motor vehicle*, but does not include a house *trailer* or a *trailer* having a gross *vehicle* weight of less than 700 kg (1550 lbs.) which is licensed under the *Motor Vehicle Act*.

"*Truck Tractor*" means a *motor vehicle* designed and used primarily for drawing other *vehicles* and not so constructed as to carry a load other than a part of the weight of the *vehicle* so drawn and of the load of the other *vehicle*.

"*Vehicle*" means a device in, upon, or by which a *person* or thing is or may be transported or drawn upon a *highway*, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

"*Width of Tire*" means, with respect to rubber tires, the *width of tire* as customarily measured and rated by manufacturers of *motor vehicles* and tires and, with respect to metal tires or solid rubber tires, the transverse width of the outer circumference of the metal tire or solid rubber tire.

"*Winter Tire*" means a tire that is advertised or represented by its manufacturer of a *person* in the business of selling tires to be a tire intended principally for winter use and that provides or is designed to provide adequate traction in snow or mud and is in such condition respecting tread, wear and other particulars as the regulations under the *Motor Vehicle Act* may prescribe.

"*Yellow Curb*" means a *traffic control device* that, in accordance with the regulations pursuant to the *Motor Vehicle Act*, prohibits the stopping, parking, leaving or standing of any *motor vehicle*, either attended or unattended, except where necessary to avoid conflict with other *traffic* or in compliance with the direction of a Peace Officer.

PART 2 - ENFORCEMENT

Division (1) - Offences other than Parking

Restrictions

3. Except where otherwise directed by the *Director of Transportation and Civic Works*, a Peace Officer, or a *person* authorized by a Peace Officer to direct *traffic*, no *person* shall:
 - 3.1 Drive a *vehicle* in excess of 50 km per hour unless otherwise posted.
 - 3.2 Drive a *motor vehicle* or ride or herd any animals, along any *sidewalks*, walkways or *boulevards*, unless otherwise permitted to do so by an applicable *traffic control device*.
 - 3.3 Remove a wrecked or damaged *vehicle* from the scene of an accident, leave any glass or other debris from the accident upon a *roadway*.
 - 3.4 Leave any excavation or other obstruction upon a *highway* without sufficiently fencing, signage, barricading and marking the same with warning lights.
 - 3.5 Drive or operate a *vehicle* between the *persons* or *vehicles* comprising a funeral procession or parade unless the *vehicle* is part of the funeral procession or parade.
 - 3.6 Stand or loiter in such a manner as to obstruct, impede or interfere with *traffic* on a *roadway* or **boulevard**. (*Bylaw 1045*)
 - 3.7 Operate tracked *vehicles* on *sidewalks*, *boulevards*, *roadways* or *lanes* except for the purpose of snow removal or grading and except where specifically authorized by the *Director of Transportation and Civic Works* under Part 7.
 - 3.8 Unless otherwise indicated by a *traffic control device*, drive a *vehicle* upon a *lane* at a speed in excess of 20 km/h.
 - 3.9 Unless otherwise indicated by a *traffic control device*, drive a *vehicle* at a speed in excess of 30 km/h in a zone where signs are posted indicating that the road is being repaired, cleared, widened or marked.
 - 3.10 Place or permit to be placed any fuel, lumber, merchandise, chattel or ware of any nature on a *highway*.
 - 3.11 Drag or skid any object along or over a *highway* in such a manner that the object damages the surface of the *highway*.
 - 3.12 Being the owner or *occupier* of property abutting on a *highway*, allow or slide or accumulate, or be tracked or carried by a *vehicle* or *vehicles* from the property onto a *highway*; or being there, to remain thereon.

- 3.13 Being the owner or *occupier* of property abutting on a *highway* at an intersection of another *highway*, construct a fence or grow a hedge or permit a fence, hedge or individual trees to remain so that the fence or hedge or individual trees are more than 1m higher than the finished grade of the abutting *highways* for a distance of 7.5 m back along both abutting property lines of the lot, from the point of intersection of the two abutting property lines with the *highway*.
- 3.14 Notwithstanding subsection 3.13, if one of the abutting *highways* may be defined as a *lane* under this Bylaw, then the owner of the property abutting on the *highway* and the *lane* shall not permit a fence, hedge or individual trees to remain so that the fence or hedge or individual trees are more than 1.2 m higher than the finished grade of the abutting property lines of the lot, from the point of intersection of the two abutting property lines with the *highway* and the *lane* and this restriction shall also apply to property abutting two *lanes* which intersect.
- 3.15 Being the owner or *occupier* of property abutting a *highway*, allow any garbage containers or other facilities related to garbage collection to be upon any portion of the *highway*, except as may be provided for in the City's Garbage Regulation and Rates Bylaw, as replaced or amended.
- 3.16 Drive a *motor vehicle*, other than a *government vehicle* or a *utility vehicle* engaged in work within the boundaries of any *City* park, except upon a *roadway*.
- 3.17 Construct or maintain a ditch, the water from which causes damage to any *highway*.
- 3.18 Distribute leaflets upon any *highway* by placing the same on the windshield of a *motor vehicle* parked upon the *highway*.
- 3.19 Unless otherwise posted with *traffic control devices* indicating a truck route, drive a truck with a gross *vehicle* weight in excess of 13,700 kg upon a *roadway*, except municipal or utility *vehicles* while engaged in work upon *roadways*, or trucks delivering goods and materials to properties on a street or streets directly serviced by the *roadway*.
- 3.20 Drive a *Commercial Vehicle* with a gross *vehicle* weight in excess of 5,500 kg. on Columbia Avenue from 18th Street to Arrow Lakes Drive.

Notwithstanding subsections 3.19 and 3.20, the following *vehicles* are exempt from the provisions of this bylaw:

- (a) Municipal or utility *vehicles* engaged in work upon *roadways* or within the *City*;
- (b) *Emergency vehicles* operating under the direction of the *Fire Chief* or a *Peace Officer*;

- (c) *Commercial Vehicles* collecting or delivering goods and materials to properties adjacent to the *highway* identified in subsection 3.19 and 3.20;
 - (d) *Vehicles* being operated in the course of driver education by a licensed commercial driver training enterprise.
- 3.21 Operate upon a *roadway* a *vehicle* carrying any materials or goods which are not secured in such a manner that the materials or goods are unable to fall from the *vehicle* while the *vehicle* is proceeding along the *roadway*. The Load Securement Regulations as set out in Division 35 of the Regulations pursuant to the *Motor Vehicle Act* shall apply to this subsection.
- 3.22 Permit any materials or goods which fall from the *vehicle* to remain upon a *highway*.
- 3.23 Being the driver of a *vehicle*, overtake and pass another *vehicle* in a designated school or playground zone, as indicated by a *traffic control device*, or at a *crosswalk*.
- 3.24 Being the driver of a *vehicle*, drive through a *crosswalk* when a *person* or *traffic patrol* indicates that *vehicles* are required to stop, in order to allow *pedestrians* to safely cross the *highway*.
- 3.25 Being the driver of a *vehicle*, pass a school bus with lights flashing while it is unloading or loading children.
- 3.26 Being a *pedestrian*, cross any *highway* at other than a *crosswalk*.
- 3.27 Remove any notice or ticket affixed or placed on a *vehicle* by a *City* employee unless he is the owner or operator of such *vehicle*.
- 3.28 Ride or operate any *cycle* (a) on any *sidewalk*, (b) on any *highway* or public place in the *City* where signs have been erected indicating that the *highway* or public place is for *pedestrian traffic* only, or (c) in a manner which may cause injury or damage to a member of the public or property.
- 3.29 Ride or operate any *skateboard*, roller skates, sleigh, toboggan, bobsled or similar equipment (a) on any *sidewalk*, (b) on any *highway* or public place in the *City* where signs have been erected indicating that the *highway* or public place is for *pedestrian traffic* only, or (c) in a manner which may cause injury or damage to a member of the public or property.

Division (2) - Parking

Parking Regulations

4. Except when necessary to avoid conflicts with *traffic*, or to comply with the directions of a Peace Officer or *traffic control device* or *traffic patrol* and except while operating a *government vehicle* or *vehicles* of a public utility corporation while engaged in their duties, or except an *emergency vehicle* which is in actual use for official duties, or a *vehicle* so mechanically disabled as to render it immobile, no *person* shall stop, stand or *park a vehicle*:
 - 4.1 On a *sidewalk* or a *boulevard* where a curb is present.
 - 4.2 In front of a public or private driveway.
 - 4.3 In any *lane*, except as permitted pursuant to Section 8.
 - 4.4 Within an intersection except as permitted by a *traffic control device*.
 - 4.5 Within 5m of a fire hydrant measured from a point on the curb or edge of the *roadway* which is closest to the fire hydrant.
 - 4.6 On a *crosswalk* or within 6m of the approach side of a *crosswalk*.
 - 4.7 Within 6m upon the approach to a stop sign or traffic control device located at the side of a roadway. (***Bylaw 1212***)
 - 4.8 Within 6m on either side of the entrance to or exit from a hotel, theatre, public meeting place, fire hall or playground.
 - 4.9 Within 15m of the nearest rail of a railway crossing.
 - 4.10 Upon any *highway* for the principal purpose of:
 - (a) Displaying a *vehicle* for sale;
 - (b) Advertising, greasing, painting, wrecking, storing or repairing any *vehicle*, except where repairs are necessitated by an emergency;
 - (c) Displaying signs;
 - (d) Selling flowers, fruit, vegetables, seafood, or other commodities or articles.

- 4.11 Alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs *traffic*.
- 4.12 On the *roadway* side of a *vehicle* stopped or parked parallel to the edge of curb of a *roadway*.
- 4.13 Upon a bridge except as permitted by an applicable *traffic control device*.
- 4.14 In any place in contravention of a *traffic control device* that gives notice that stopping, standing, or parking is prohibited or restricted in that place, and at that time.
- 4.15 On a portion of a *highway* in which parking is regulated by a *traffic control device* in violation of the *traffic control device*.
- 4.16 In such a manner as to obstruct the visibility of any standard *traffic control device* erected by or with the authority of the *Director of Transportation and Civic Works*.
- 4.17 On other than the right side of a two-way *highway* with the right hand wheels of the *vehicle* parallel to that side; except where there is provision for angle parking, as signified by *traffic control devices* consisting of lines painted on the surface of the *highway*.
- 4.18 More than 30cm from the curb of a *roadway* if a curb has been constructed.
- 4.19 In a designated angle parking zone where the length of the *vehicle* and any *trailer* attached thereto exceeds 6m.
- 4.20 In a space on any *highway* adjacent to any Federal, Provincial or Municipal public building which is designated as being reserved for the use of officials, unless the operator is such official.
- 4.21 On any *highway* for a continuous period exceeding 24 hours, without first obtaining the written permission of the *Director of Transportation and Civic Works*.
- 4.22 Being a *commercial vehicle* having a gross *vehicle* weight in excess of 5,500 kg. (12,128 lbs.) on any *highway* in a *residential area*, between the hours of 9:00 p.m. and 6:00 a.m. of the following day.
- 4.23 Within 6m of the entrance or exit of a *lane*.
- 4.24 In a manner which obstructs the free passage of *traffic* on any *roadway*.

- 4.25 Upon any portion of a *highway* where *traffic control devices* consisting of lines painted upon the surface of the *highway* designate parking, in any location other than the designated spaces or area.
- 4.26 Upon a portion of a *highway* that has been improved for the travel of *cycles* and or *pedestrians*, and which is designated as such by *traffic control devices*.
- 4.27 On any portion of a *highway* in contravention of the length of time allowed for parking on that portion of *highway* as indicated by an applicable *traffic control device*.
- 4.28 Notwithstanding subsection 4.27, no *person* shall cause a *vehicle* to remain on any portion of a *highway* for a period of time which exceeds two times the maximum posted time as indicated by an applicable *traffic control device*.
- 4.29 In any *City* parking lot for more than twelve hours continuously.
- 4.30 In a loading zone as designated by a *traffic control device* unless the *vehicle* is actually in the process of being loaded or unloaded and is displaying valid municipal licence plates.
- 4.31 On a *highway* abutting a primary, elementary or junior secondary school ground or neighbourhood tot lot from dawn until dusk unless the school ground or tot lot is separated from the *highway* by a fence.
- 4.32 In a bus stop, as indicated by the appropriate *traffic control device*, any *vehicle* other than a *vehicle* operated by the Castlegar Regional Transit Authority or School District No. 20 between the hours of 6:30 a.m. and 12:00 midnight on each and every day of the year.
- 4.33 In a fire zone, as indicated by a *traffic control device*.
- 4.34 In a zone reserved exclusively for *taxi cabs*, as indicated by a *traffic control device*.
- 4.35 At a *curb* marked with yellow paint.
- 4.36 In a disabled parking stall as designated by a *traffic control device* unless the driver of the *vehicle* displays an official Social Planning and Review Council of B.C. "Disabled Persons Parking Placard."

Off-Street Parking Facilities

- 5. Off-Street Parking Facilities are hereby established in the *City* as specified in Schedule "A" attached to and forming part of this Bylaw.

6. For the purpose of regulating parking in an *off-street parking facility*, designated under Schedule "A", the *Director of Transportation and Civic Works* may erect or cause to be erected any *traffic control devices* which he may deem necessary in the off-street parking facility.

Commercial Vehicles

7. Unless a *vehicle* displays a valid and subsisting Municipal Licence Plate, no *person* shall operate, stop, stand or *park* a *commercial vehicle*:
 - 7.1 On any *highway* within the *City*; or
 - 7.2 In a loading zone, designated pursuant to Section 53 of this Bylaw.
 - 7.3 Notwithstanding subsection 7.2 above, no *person* shall stand, stop, or *park* a *commercial vehicle* displaying a valid and subsisting *Commercial vehicle* Licence Plate in a loading zone designated pursuant to Section 53 for a longer period than 15 minutes at any one time.
8. Notwithstanding subsection 4.3 an attended *commercial vehicle* displaying a valid and subsisting "*commercial vehicle* licence plate" may *park* in a *lane* provided that the attended *commercial vehicle* is actually being loaded or unloaded, and providing that the *vehicle* is placed so as to leave at least 3m of the adjacent *roadway* clear, as measured on a line perpendicular to the *vehicle*.

Handicapped Permits

9. Notwithstanding the provisions of subsections 4.27, 4.28 and 4.29 the driver of a *vehicle* displaying an official Social Planning and Review Council of B.C. "Disabled Persons Parking Placard" shall not be subject to the penalties provided for the breach of those subsections.

Temporary Highway Parking Authorization

10. The Director of Corporate Services is hereby authorized to issue temporary *permits* for parking in excess of the length of time allowed for parking on a portion of *highway* which is subject to time parking restrictions, when construction or other activities makes the enforcement of time parking restrictions in a given area, impractical.
11. Authorization issued pursuant to Section 10 shall not be for frequent or repetitive use, and shall only remain valid for the period indicated on the *permit*.
12. The fees to be paid for a *permit* issued pursuant to Section 10 shall be as set out in Schedule "B" attached to and forming a part of this Bylaw.

13. Notwithstanding Section 12, where the applicants for Temporary *Highway Parking Permits* are the *City's* authorized contractors or agents, and are making use of the *permits* while engaged on *City* business, then the *permits* shall be issued at no charge to the applicant. The Director of Corporate Services may, however, restrict the number of *permits* to be issued.

Temporary "No Parking"

14. The *Director of Transportation and Civic Works*, the *Fire Chief*, the *Chief of Police*, or any Peace Officer may place or cause to be placed temporary "No Parking" signs or other applicable *traffic control devices* on a *highway*:
 - 14.1 Along the route of any parade.
 - 14.2 In the vicinity of a large gathering or during special circumstances.
 - 14.3 To facilitate the fighting of fires.
 - 14.4 To facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a *highway* being carried out by the *City* or any other Utility.
 - 14.5 In the interest of public safety.

PART 3 - REMOVAL OF VEHICLES, CHATTELS, SNOW, SIGNS & RUBBISH

Removal of Vehicle

15. A Peace Officer, Bylaw Enforcement Officer or a *person* authorized by the *Director of Transportation and Civic Works* may move or cause to be moved a *vehicle*, or seize, detain or impound a *vehicle* or cause a *vehicle* to be seized, detained or impounded and taken to and stored in a safe and otherwise suitable place under any one of the following circumstances:
 - 15.1 The *vehicle* is one in respect of which there has been issued, within a 30 day period, commencing the first day of every month, more than three parking tickets; or
 - 15.2 The vehicle is unlawfully occupying any portion of a *highway* or public place.
 - 15.3 The *vehicle* is left unattended in excess of 48 hours.
 - 15.4 The driver or *person* in charge of the *vehicle* may be requested to move the *vehicle* to a position so determined by the Peace Officer, Bylaw Enforcement Officer or *person* authorized by the *Director of Transportation and Civic Works*.

Tow-Away Zones

16. Without limiting the generality of Section 15, the following zones are hereby established as tow-away zones.
 - 16.1 Any *vehicle*, other than a *vehicle* which is operated by the Castlegar Regional Transit Authority, or an *emergency vehicle* which is in actual use for official duties, which is stopped, standing or parked on a portion of a *highway* which is designated as a "bus stop" as indicated by signs erected pursuant to the provisions of this Bylaw shall be subject to tow-away and impoundment by the *City*, or its contractors, during the hours of 6:30 a.m. to 12:00 midnight on each and every day of the year.
 - 16.2 Any *vehicle*, other than an *emergency vehicle* which is in actual use for official duties, which is stopped, standing or parked on a portion of a *highway* which is designated as a "fire zone" by a *traffic control device* or *traffic control devices*, placed or erected pursuant to the provisions of this Bylaw may be subject to tow-away and impoundment by the *City*, or its contractors at all times on each and every day of the year.

- 16.3 Any *vehicle*, other than an *emergency vehicle* which is in actual use for official duties, which is stopped, standing or parked on a *highway* in a "no stopping zone", as indicated by *traffic control device(s)* erected pursuant to the provisions of this Bylaw may be subject to tow-away and impoundment by the *City* or its contractors during the periods indicated on the applicable *traffic control device*.
- 16.4 Any *vehicle* other than an *emergency vehicle* which is in actual use for official duties or a *vehicle* which is displaying a valid *permit* issued pursuant to Section 9 of this Bylaw, which is stopped, standing or parked in an off-street parking facility in contravention of Section 5 of this Bylaw, may be subject to tow-away and impoundment by the *City* or its contractors.

Removal of Chattel or Obstructions

17. Any chattel or obstruction unlawfully occupying any portion of a *highway* or public place may be removed, detained or impounded by any *person* authorized to do so by the *Director of Transportation and Civic Works* or a Peace Officer.
- 17.1 The *Director of Transportation and Civic Works*, a Peace Officer, or any *person* authorized by the *Director of Transportation and Civic Works* or a Peace Officer, may remove, detain or impound any chattel or obstruction unlawfully occupying any portion of a *highway* or public place.
- 17.2 Any chattel or obstruction removed, detained or impounded pursuant to subsection 17.1 of this bylaw shall be returned to its owner upon payment by the owner to the *City* of the following fees:
- (a) a removal or detention fee of \$25.00, and
 - (b) an impoundment fee of \$2.00 per day of impoundment
- 17.3 If, within 30 days of a chattel or obstruction being removed, detained or impounded pursuant to subsection 17.1 of this bylaw, its owner refuses or fails to pay the applicable fees for the return of the chattel or obstruction, the *City* may cause it to be sold by public auction to the highest bidder.
- 17.4 The proceeds of any public auction held pursuant to subsection 17.3 shall:
- (a) firstly be applied by the *City* to offset the costs of the auction,
 - (b) secondly be applied by the *City* to offset the fees payable to it under subsection 17.2, and
 - (c) thirdly be paid by the *City* to the owner of the chattel or obstruction which was sold.

- 17.5 If the identity or whereabouts of the owner of a chattel or obstruction sold under subsection 17.3 is unknown, and that owner is entitled to a payment under subsection 17.4, the *City* shall hold the surplus funds for a period of one year from the date of the auction sale on account for the owner of the chattel or obstruction sold under subsection 17.3.
- 17.6 If the surplus funds are not claimed by the owner of the chattel or obstruction sold under subsection 17.3 within the period set out in subsection 17.5, the funds shall be deemed to be forfeited to the *City* and the *City* shall pay the funds into the General Revenue fund of the *City*.

Removed, Detained or Impounded

18. Any chattel, obstruction or *vehicle* removed, detained or impounded may be recovered by the owner upon presenting proof of ownership and upon payment in full of any fees, costs and expenses.

Removal of Snow, Ice or Rubbish

19. Owners or *occupiers* of real property shall remove snow, ice or rubbish from the *sidewalk* and footpaths bordering on the real property owned or occupied by them within 24 hours of the accumulation of such snow, ice or rubbish on such *sidewalk*.
20. Owners or *occupiers* of real property shall immediately remove any snow, ice or rubbish from the roof or other part of any structure situated adjacent to or abutting on any portion of any *highway* if it constitutes a danger to *persons* using the *highway* by imposing a threat of falling upon the *highway*.

PART 4 - EXTRAORDINARY TRAFFIC

Interpretation

21. In this Part:

"Extraordinary *Traffic*" includes the carriage of any goods or *persons* over a *highway*, at either one or more times, and whether in *vehicles* drawn by animal power or propelled by some other means, that when taken in conjunction with the nature or existing condition of the *highway* is so extraordinary or improper in the quality or quantity of the goods or the number of *persons* carried, or in the mode or time of use of the *highway*, or the nature of the *vehicles* used, or in the speed at which the *vehicles* are driven operated, as, in the opinion of the *Director of Transportation and Civic Works*, to substantially alter or increase the burden imposed on the *highway* over that imposed through its proper use by ordinary *traffic*, and to cause damage and expense in respect of the *highway* beyond what is reasonable or ordinary.

Application

22. This part does not apply to *arterial highways*.

Damage

23. Where, in the opinion of the *Director of Transportation and Civic Works*, any *highway* is liable to be damaged because of extraordinary *traffic* operating upon it, he may regulate, limit or prohibit the use of the *highway* by any *person* operating or in charge of the extraordinary *traffic*, or owning the goods carried thereby or the *vehicles* used therein.

Compensation

24. Any *person* to whom this Part might otherwise apply may, with the approval of the *Director of Transportation and Civic Works*, enter into an agreement for the payment to the Municipality of compensation in respect of the damage or expenses which may, in the opinion of the *Director of Transportation and Civic Works*, be caused by the extraordinary *traffic*, and thereupon that *person* shall not be subject to any prohibition or penalty prescribed in this Part, in respect of that extraordinary *traffic*.

Offence

25. Every *person* driving on or using the *highway*, in contravention of a regulation, limitation or prohibition made under Section 23, commits an offence, and is liable, on summary conviction, to a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand Dollars (\$2,000.00).

PART 5 - SAFETY EQUIPMENT

Application

26. This Part does not apply to *arterial highways*.

Special Equipment

27. The *Director of Transportation and Civic Works* may, by public notice or by the placing of signs, prohibit *vehicles* from being driven or operated on a *highway* if such *vehicles* are not equipped with chains, or *winter tires*, or sanding devices, or any combination of these which the *Director of Transportation and Civic Works*, may consider adequate and necessary in view of prevailing road conditions.

PART 6 - USES REQUIRING PERMISSION

Application

28. This Part does not apply to *arterial highways*.

Restrictions

29. Except as authorized by a *permit* issued by the *Director of Transportation and Civic Works* pursuant to Part 7 of this Bylaw, no *person* shall.
- 29.1 Dig up, break up or remove any part of a *highway*, or cut down or remove trees or timber growing on a *highway*, or excavate in or under a *highway*.
- 29.2 Cause damage to, cut down or remove, trees, grass, shrubs, plants, bushes and hedges, fences, signs or other things erected, planted or maintained by the *City* on a *highway*.
- 29.3 Change the level of a *highway* in any manner whatsoever, or stop the flow of water through any drain, sewer or culvert on, through or under a *highway*.
- 29.4 Place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a *highway* or any portion of a *highway*.
- 29.5 Construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a *highway*.
- 29.6 Mark, imprint or deface in any manner whatsoever a *highway* or a structure situated upon a *highway*.
- 29.7 Operate tracked *vehicles*, whether equipped with road plates or not, on *sidewalks*, *boulevards*, *roadways* or *lanes*, other than for the purpose of snow removal or grading.
- 29.8 Ride, drive, lead, move or propel any *vehicle* or animal in excess of 270 kg (600 lbs.) over or across any curb, *sidewalk* or ditch, unless such has been constructed or improved so as to form a suitable crossing, except when such *vehicle* or animal is being used to improve or maintain the *boulevard* or, is in any area of the *City* designated as a Rural Zone under the *City's Zoning Bylaw*.
- 29.9 Construct a *boulevard* crossing, including a curb, driveway, ditch or *sidewalk* crossing. (*Bylaw 1118*)

Bonding Against Damage to Highway

30. Where an applicant for a building *permit* to be issued under the *City's Building Bylaw*, will, in the course of construction of the building for which the *permit* is issued:

- 30.1 Be excavating a foundation or otherwise upon the property;
- 30.2 Be bringing heavy equipment onto the site from the adjacent *roadway*;
- 30.3 Be transporting materials from or to the site across a curb or ditch where no *boulevard* crossing has been constructed; the *Director of Transportation and Civic Works* or the *Building Inspector* may require the applicant to deposit financial security to cover the cost of any damage to the *highway* or breaches of Section 29.
31. The sum of money required in Section 30 shall be as specified in Schedule “C”, attached to and forming part of this Bylaw, and shall be deposited with the *City* in the form of cash, certified cheque, or as an Irrevocable Letter of Credit in the *City*’s standard format from a chartered bank of Canada prior to the issuance of any building *permit*.
32. Where a deposit has been made in accordance with Sections 30 and 31 upon completion of the building specified in the building *permit*, and providing that there has been satisfactory adherence to the provisions of this Bylaw throughout the period for which the building *permit* was issued, then the deposit shall be refunded in full to the holder of the building *permit* following final inspection and the issuance of an occupancy *permit* under the *City*’s Building Bylaw, and any amendments thereto.
33. Notwithstanding Section 32, where it is necessary for the *City* to carry out an additional inspection subsequent to final inspection by a *Building Inspector* pursuant to the Building Bylaw, and any amendments thereto, in order to ensure that the provisions of this Bylaw have been complied with within the time limitations stipulated, then an inspection fee shall be deducted from the monies on deposit, and this inspection fee shall not be refunded.
34. The inspection fee provided for in Section 33, shall be as set out in Schedule “C”, attached to land forming part of this Bylaw.
35. Notwithstanding Sections 32, 33 and 34, where the *holder of a building permit* fails to abide by the provisions of this Bylaw, or fails to ensure that contractors working on the site specified in a building *permit* abide by the provisions of this Bylaw at any and all times during the construction of the structure authorized in the building *permit*, and where the holder of the building *permit* fails to clean up or repair the *highway*, or cause the *highway* to be cleaned up or repaired in a manner satisfactory to the *Director of Transportation and Civic Works* within 14 days of being notified to do so by a Peace Officer or *Building Inspector*, then the *City* or its authorized agents shall carry out such repairs or clean up as is deemed necessary by the *Director of Transportation and Civic Works*, and to call on the monies on deposit and to pay the costs there from.

36. Should there be an insufficiency of monies on deposit with the *City*, then the holder of the building *permit* and the registered owner of the land at the time at which payment of these monies becomes due shall be jointly and severally liable for payment, and shall pay the balance forthwith, upon invoice, required by the *City* to carry out, or cause to be carried out, the necessary repairs, clean up, or *highway* reconstruction.
37. The balance required under Section 36, shall be paid in addition to the inspection fee required under Section 32 and 33, if applicable, and in addition to an administration charge of Twenty-five Dollars (\$25.00).

PART 7 - CONDITIONS OF PERMISSION

Permit Fee

38. The *Director of Transportation and Civic Works* may issue a *permit* to do any of those things otherwise prohibited in Section 29 of this Bylaw.
39. A *permit* issued under Section 38 shall be issued subject to the payment of the application fee or such other fees as may be specified in the Schedules and which are applicable, and subject to such other conditions as may be contained in this part.

Conditions of Permission

40. The permission granted is subject at all times to the following conditions:
- 40.1 That the construction and maintenance of the said works is carried out to the satisfaction of the *Director of Transportation and Civic Works*.
- 40.2 That before commencing with any work on *City* property, notice in writing of the intention to do so must be given to the *Director of Transportation and Civic Works* at least two (2) clear working days before the work is begun.
- 40.3 (a) That any *person* or *persons* appointed by the *Director of Transportation and Civic Works* to carry out inspections, shall have free access to all parts of any work for the purpose of inspecting the same.
- (b) The *Director of Transportation and Civic Works* may make such inspections as are reasonably necessary in the enforcement of this Bylaw. All inspection costs shall be borne by the Permittee.
- 40.4 That the *person* or *persons* for whom these works are being constructed, or by whom these works are maintained, shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any *person* or property whatsoever caused directly or indirectly by these works, and shall save harmless and keep indemnified the *City* from all claims and demands whatsoever in respect of such works.
- 40.5 The permission granted shall not be construed as being granted for all time, and shall not be deemed to vest in the Permittee any right, title or interest whatsoever in or to the lands upon which the works are constructed. Should the lands affected at any time be classified as an *arterial* or primary *highway*, permission shall become void.
- 40.6 That the permission hereby granted to construct, use and maintain work is granted subject to and without prejudice to the provisions of the *Highway Act*, or any other acts governing *City* lands and public works or their use by the public, and subject to and without prejudice to any *City* bylaws.

- 40.7 All works, surface or underground, carried out in, on or through any *City* lands, except the works of any private or public utility company, or private driveway, shall, upon completion, become the property of the City of Castlegar and shall not be further added to, modified, destroyed or removed without obtaining a further *permit* from the *City*. (***Bylaw 1118***)
- 40.8 The *permit* is valid only for the works specified. Any alteration or addition shall be covered by a separate *permit*.
- 40.9 A *permit* may be cancelled at the direction of the *Director of Transportation and Civic Works* without recourse should the Permittee fail to comply with all the terms of the *permit*.

Plans

41. The applicant shall provide four complete copies of satisfactory plans and/or specifications of the work to be undertaken and when such are supplied and approved by the *Director of Transportation and Civic Works* and the necessary *permit* issued, the work shall conform in every way to the plans and specifications so provided.

Standard Conditions to Apply

42. Any and all work which is carried out under a *permit* issued pursuant to the provisions of this Part shall conform in every way to good engineering practices.

Deposit

43. Prior to the issuance of any *permit* under this Part, the applicant shall deposit with the *City* a sum of money in the form of cash or a certified cheque sufficient to pay for the cost of repairing any damage likely to be done to the *highway*, and as sufficient security that the obligations imposed by the *permit* are fulfilled within the time specified by the *permit*.
44. Notwithstanding Section 43, if the sum of money required pursuant to Section 43 is greater than Five Hundred Dollars (\$500.00), the applicant may deposit with the *City* an Irrevocable Letter of Credit from a chartered bank of Canada.

As Built Plans

45. Following completion of the work, the applicant shall provide satisfactory plans of the works installed by the applicant if works are installed by the applicant and such plans shall be drawn to a scale satisfactory to the *Director of Transportation and Civic Works* and shall show the location, size and description of the works and the date of installation. The plan shall be supplied prior to the return or refund of any deposit or security posted as a condition of the permission.

Default

46. Failure by the *permit* holder to repair damage and/or fulfill such obligations as are set out in the *permit* within the specified time shall enable the *City* to carry out such repairs or fulfill such obligations that have not been met under the terms and conditions of the *permit*, and to deduct the cost thereof from the monies on deposit, or to call on the Irrevocable Letter of Credit and to pay the costs therefrom and should there be an insufficiency of monies on deposit or through the Letter of Credit, then the applicant shall pay the balance forthwith, upon invoice, required by the *City* to carry out the works or fulfill the obligation, and such balance shall be paid in addition to an administration charge of Twenty-five Dollars (\$25.00).

Warnings

47. Any *person* doing work on, in, over or under any *highway* shall provide and place appropriate barricades, lights and other safety devices as are required by Workers Compensation Board to protect the public.

Insurance

48. The applicant shall provide evidence satisfactory to the *City* that he is insured against all claims for damages for personal injury and property damage which may arise out of the performance of the work covered by the *permit* and such insurance shall be in an amount of not less than Two Million Dollars (\$2,000,000.00), for each occurrence, and the applicant shall waive all rights of subrogation to the *City*.

Materials

49. The applicant shall provide evidence satisfactory to the *Director of Transportation and Civic Works* that all materials, labour and equipment which are needed to complete the work with reasonable dispatch are available.

Utility Companies and Districts

50. The *Director of Transportation and Civic Works* may issue a *permit* to a public utility company permitting such company, over the calendar year for which the *permit* is applicable, to carry out such work as may be necessary in the case of an emergency to repair any break or damage to the utilities under their control, and subject to the terms of any franchise or other agreement entered into between such utility and the City of Castlegar.
51. There shall be no charge levied or security required for an annual *permit* issued under Section 50.

PART 8 - TRAFFIC CONTROL DEVICES

Application

52. The provisions of this Part do not apply to *arterial highways*.

Location

53. The *Director of Transportation and Civic Works* is hereby authorized to order the placing or erection of any applicable *traffic control devices* at such places as he may designate in such order to give effect to the provisions of this Bylaw and the *Motor Vehicle Act*.

Such *traffic control devices* shall include all signs contained in the B.C. *Motor Vehicle Act Regulations* or the *Uniform Traffic Control Devices* for Canada and without limiting the generality of the foregoing, shall also include:

- | | | |
|------|------------------------------|--|
| 53.1 | SIDWALKS,
BRIDGES, LANES | Signs to regulate, control or prohibit <i>pedestrian traffic</i> , ridden or herded animals, vehicular <i>traffic</i> and <i>cycle traffic</i> on <i>sidewalks</i> , bridges, walkways or <i>boulevards</i> , or in <i>lanes</i> . |
| 53.2 | STOP SIGNS | Signs to regulate, control or prohibit the stopping of <i>vehicles</i> . |
| 53.3 | PARKING | Signs for the regulation, control or prohibition of standing or parking of <i>vehicles</i> . |
| 53.4 | PUBLIC
BUILDINGS | Signs to set apart and allot portions of <i>highways</i> adjacent to government buildings for the exclusive use of officials and officers engaged therein for the parking of <i>vehicles</i> and the regulation of such parking. |
| 53.5 | MEN WORKING | Signs where construction, reconstruction, widening, repair, painting or marking or other work is being carried out to regulate or prohibit <i>traffic</i> in the vicinity of such works. |
| 53.6 | CONSTRUCTION
ZONE/DETOURS | Signs where construction, reconstruction, widening, repair, painting or marking or other work is being carried out to regulate or prohibit <i>traffic</i> in the vicinity of such works. |

- 53.7 PEDESTRIANS Signs to regulate or prohibit *persons* using roller skates, sleighs, skates, skis or other similar means of conveyance on a *highway*.
- 53.8 SKATES Signs to regulate, control or prohibit *persons* using roller skates, sleighs, skates, skis or other similar means of conveyance on a *highway*.
- 53.9 TURN PROHIBITION Signs at intersections and in advance of intersections where it is required to prohibit certain movements.
- 53.10 DO NOT ENTER Signs at the end of one-way *roadways* to prevent *traffic* entering the restricted area.
- 53.11 ONE WAY Signs on *highways* upon which the *traffic* is required to travel in one direction only.
- 53.12 TWO WAY TRAFFIC Signs at the transition from one way to two way *roadways* to indicate that normal travel is restricted to the right hand side of the *roadway*.
- 53.13 DO NOT PASS Signs at the beginning of a zone through which restricted sight distance makes overtaking and passing hazardous.
- 53.14 KEEP RIGHT Signs within and at the end of median strips and *traffic* islands.
- 53.15 LOADING ZONES Signs at locations where due to adjacent commercial facilities it is desirable to reserve space for loading and unloading *commercial vehicles*.
- 53.16 TRUCK SIGNS Signs in locations where truck *traffic* is prohibited or restricted.
- 53.17 MAXIMUM WEIGHT Signs at locations where due to seasonal weakening of road surfaces, obsolescence of bridges or pavements, or *roadway* repairs, loads in excess of those prescribed on the signs constitute a hazard to *traffic* or may cause excessive damage to the roads.

- 53.18 MAXIMUM SPEED Signs at locations where due to limitations of sight distances, road surfaces, *traffic* flows and frequency of intersections, speeds in excess of those prescribed on the signs constitute a hazard to *traffic* or may cause excessive damage to the roads.
- 53.19 BUS STOPS Signs at locations where a bus or other transit *vehicle* stops to pick up passengers, and it is desirable to restrict stopping, standing and parking on the road to only such *vehicles*.
- 53.20 NO STOPPING Signs at locations where free flow of *traffic* is required, and where it is desirable, therefore, to *permit* no stopping on the *roadway*, except in the case of an emergency.
- 53.21 SCHOOL Signs at locations where it is required to give advance information and warning, such as the presence of a school adjacent to a *roadway*, a school *crosswalk*, or a school maximum speed zone.
- 53.22 PLAYGROUND Signs at locations where it is required to give advance information and warning of a playground adjacent to a *roadway*, or its maximum speed zone.
- 53.23 CROSSWALK Signs or lines at locations where heavy *pedestrian traffic* crosses a *roadway* and at locations other than an intersection, such as at schools, playgrounds and public buildings where it is required to control *pedestrian traffic*.
- 53.24 ANGLE PARKING Signs or lines in locations where it is permissible to angle *park*.
- 53.25 WARNING Signs at locations where it is required to warn *traffic* of hazardous conditions, either on or adjacent to the *roadway* or to prohibit *traffic* from using the *roadway*.
- 53.26 TRAFFIC SIGNALS Signs at intersections and other locations where the existing *traffic control devices* are not adequate to control the *traffic* efficiently.
- 53.27 TAXI ZONES Signs at locations, where due to frequent use by the public, it is desirable to reserve a place for *taxi cabs* to stop, stand or park to pick up fares.
- 53.28 TRUCK ROUTES Signs on streets where the *Director of Transportation and Civic Works* has designated truck routes for movement of truck *traffic* through the *City*.

- 53.29 PARKING Signs at the entrance to a *highway* or upon *highways* where provision is made for parking of *motor vehicles* under the conditions of “No parking unless valid and subsisting passes or tickets are displayed on the dashboard of the *vehicle* and which are in full view through the front windshield of the *vehicle*.”
- 53.30 NO PASSING Signs at locations approaching *crosswalks*, school and park zones indicating that passing is prohibited.
- 53.31 FIRE ZONE Signs at locations where standing, stopping or parking of a *vehicle* would impede the passage or operation of firefighting equipment, indicating that the area is a “FIRE ZONE” and that standing, stopping or parking is prohibited in that area.

Rescind, Revoke, Amend or Vary Order

54. The *Director of Transportation and Civic Works* may rescind, revoke, amend or vary any order made by him, provided such order does not require the doing of any act contrary to or inconsistent with this Bylaw or the *Motor Vehicle Act*.
55. To vary or amend an order, the *Director of Transportation and Civic Works* shall issue a new order reflecting the variation or amendment, and revoking the original order, and the Director of Corporate Services shall affix the Corporate Seal to the new order and certify the same to be a true copy.

Control

56. The *Director of Transportation and Civic Works* may order the alteration, repainting, tearing down or removal of any sign, advertisement or guide-post erected or maintained on or over any *highway* and in the exercise of this authority no compensation shall be paid to any *person* for loss or damage resulting from the alteration, repainting, tearing down or removal of any sign, advertisement or guide-post placed upon or over any *highway*.
57. No *person*, other than a *person* authorized pursuant to this Bylaw or the *Motor Vehicle Act*, shall place or erect a sign on real property which purports to regulate the adjacent *highway*.

Orders

58. The *Director of Transportation and Civic Works* is hereby authorized to issue orders pursuant to Sections 53, 56 and 57 of this Bylaw, and the Director of Corporate Services shall affix the Corporate Seal to the order and certify the same to be a true copy. Following this procedure, the order shall come into full effect.

59. A single order may contain any number of orders related to the matters set out in Sections 53, 56 and 57.

Temporarily Closing Street

60. When, for any reason, any *highway* or portion thereof, is unsafe or unsuitable for *traffic*, or it is deemed advisable that *traffic* should be restricted thereon or diverted therefrom, the *Director of Transportation and Civic Works, Fire Chief, or any Peace Officer*, may close the *highway*, or portion thereof, or restrict or divert the *traffic* thereon or therefrom, and for that purpose, may erect *traffic control devices* pursuant to Section 53 of this Bylaw.
61. Where a *highway* or portion thereof is temporarily closed or the *traffic* thereon is restricted or diverted under Section 60, then no unauthorized *person* shall enter upon, or travel upon the *highway* or portion thereof, in contravention of the applicable *traffic control devices*.

Highway Signs

62. Where *traffic control devices* have been authorized and placed or erected under the provisions of the *Motor Vehicle Act* by the Ministry of Transportation, the same shall be deemed to have been properly placed or erected pursuant to the provisions of this Part.

M.V.A. Regulations

63. *Traffic control devices* erected pursuant to this Part shall, where applicable, comply with the sign regulations as set out in the Regulations to the *Motor Vehicle Act* or the Uniform *Traffic Control Devices* for Canada.

PART 9 - VEHICLE REGULATIONS

Division 1 - General Regulations

Application

64. This Section does not apply to *arterial highways*.

Prohibitions

65. Except as authorized by a *permit* issued by the *Director of Transportation and Civic Works* pursuant to Section 70 of this Bylaw, no *person* shall drive or operate on a *highway*:

65.1 A passenger *vehicle* so loaded that any part of the load extends beyond the sides of the *vehicle* or more than 185 cm beyond the length of the *vehicle*.

65.2 A *vehicle*, other than a horse-drawn *vehicle*, the wheels of which are not equipped with pneumatic tires in good order.

65.3 A *vehicle* equipped with solid rubber tires, the thickness of which between the rim of the wheel and the surface of the *highway* is less than 32 mm.

65.4 A solid rubber tired *vehicle* at a greater rate of speed than 20 km.

65.5 A *vehicle* having wheels, 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 and except that this prohibition does not apply to a *vehicle* equipped with tire chains of reasonable proportions when required for safety or winter studded tires when used between October 1st and April 30th of each calendar year.

65.6 A *vehicle* unless it is so constructed and loaded as to prevent any of its load:

- (a) From shifting or swaying in such a manner as to affect the operation of the *vehicle*; or
- (b) From dropping, sifting, leaking or otherwise escaping therefrom, excepting that sand may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a *roadway* in cleaning or maintaining the *roadway*.

65.7 A *vehicle* with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner hazardous to other users of the *highway*. The regulations pertaining to such shall be as specified in subsection 3.21 of this Bylaw.

65.8 A *vehicle*, other than on an *Arterial Highway*, contrary to the provisions of the *Motor Vehicle Act*, and the *Motor Carrier Act*, or the regulations pursuant thereto.

Division 2 - Size and Weight Regulations

Dimensions

66. Except as authorized by a *permit* issued by the *Director Transportation and Civic Works* pursuant to Section 70 of this Bylaw and except as permitted under Section 67, no *person* shall drive or operate on any *highway*:
- 66.1 A *vehicle* having a total outside width, with or without load, in excess of 2.6 m, except that with loads of loose hay, loose straw or loose fodder, the load may project over the side of the *vehicle* such distance as results in a total outside width not in excess of 3.1m.
- 66.2 A *vehicle* having a height, with or without load, in excess of 4.15 m.
- 66.3 A single *vehicle* having an overall length, with or without load, in excess of 12.5 m, except as provided in subsections 66.4, 66.5 and 66.6;
- 66.4 A *trailer* the overall length of which exceeds 12.5 m, except that in the case of a “reefer-van”, the overall length may be extended to include the refrigeration and/or heating unit only;
- 66.5 A *semi-trailer* the overall length of which exceeds 14.65 m, except that in the case of a “reefer-van” the overall length may be extended to include the refrigeration and/or heating unit only;
- 66.6 A bus the overall length of which exceeds 12.5 m;
- 66.7 A *combination of vehicles* having an overall length, with or without load, in excess of 23 m, except as provided in subsections 66.8 and 66.9;
- 66.8 A combination of three *vehicles* consisting of a 3 *axle* tandem drive truck-tractor, *semi-trailer* and *trailer*, or a 3 *axle* tandem drive truck-tractor and two *semi-trailers*, having an overall length, with or without load, in excess of 22 m, provided that the distance from the kingpin of the first *semi-trailer* and/or its load does not exceed 16.75 m;
- 66.9 A *combination of vehicles* carrying a load of non-reducible logs, poles or piling in excess of 21.5 m.

Exemptions

67. This Section shall not apply to an implement of husbandry temporarily operated on a *highway* during the hours of daylight.

All Signs to Apply

68. Notwithstanding any of the provisions of the regulations under Section 66 or a *permit* issued pursuant to this Bylaw, the maximum height, length or width of a *vehicle* or load allowable on a *highway* or portion of a *highway* that is expressly limited as to maximum height, length or width of a *vehicle* or load by a *traffic control device* erected by or with the authority of the *Director of Transportation and Civic Works* shall be that set out on the *traffic control device*.

Weight Restrictions

69. Notwithstanding any of the provisions of this Bylaw, no *person* shall drive or operate on a *highway*, or a portion of a *highway*, including a bridge, a *vehicle* or combination of *vehicles* having a gross weight on any *axle* or group of *axles*, or a gross *vehicle* weight, in excess of any load limit as may be indicated by a *traffic control device*.

Division 3 - Permits

Authorization

70. The *Director of Transportation and Civic Works* by the issuance of a *permit* may authorize the driving or operation on a *highway* of a *commercial vehicle* that:
- 70.1 Does not conform to Section 65 (General Prohibitions), and the fee for the *permit* shall be in accordance with the rates set out in Schedule “D” of this Bylaw.
 - 70.2 Does not conform to Section 66 (Dimensions), and the fee for the *permit* shall be in accordance with the rates set out in Schedule “D” of this Bylaw.
 - 70.3 The *Director of Transportation and Civic Works* may specify in the *permit* the hours of the day for which the *permit* shall be valid and the date for which the *permit* shall be valid and the route which shall be followed.

Penalty

71. Any driver, operator or owner of any *vehicle* or any other *person* who violates any of the conditions contained in a *permit* issued pursuant to Section 70 commits an offence and is liable on summary conviction, to a fine of not more than Two Thousand Dollars (\$2,000.00).

PART 10 - PENALTIES

Ticketable Offences

72. Ticketable offences and the fines therefor shall be those as set out in the *City's* Municipal Ticketing Bylaw and amendments to it.
73. Tickets issued for a ticketable offence shall be set out in regulations to the *Community Charter*.

Violation

74. Any *person* who operates a *motor vehicle*, or who, being the owner or operator of a motor *vehicle*, permits it to stand or be parked in contravention of a *traffic control device* or signal is liable on summary conviction to a fine of not more than Two Thousand Dollars (\$2,000.00).

Penalty

75. Except as otherwise provided in this Bylaw, any *person* who violates any of the provisions of this Bylaw or who suffers or *permits* any act, or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00).

Default

76. Where in this Bylaw any matter or thing is required to be done by any *person*, in default of it being done by such *person*, such matter or thing shall be done at the expense of the *person* in default and the expense thereof may be recovered, with interest at six percent (6%) per annum, with costs in like manner as municipal taxes.

Inspection

77. Any Peace Officer or *City* Employee may enter, at all reasonable times, upon any property subject to the regulations of this Bylaw in order to ascertain whether such regulations or directions are being obeyed.

PART 11 - GENERAL

Remainder of Bylaw to be Maintained Intact

78. In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

Incorporation of Existing Regulations

79. All those things done and regulations and provisions made by *Council* pursuant to “TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 717”, attached as Schedule E, are hereby adopted as orders made pursuant to this Bylaw, and shall have the same authority as orders made by the *Director of Transportation and Civic Works* pursuant to Sections 58 and 59.
80. The *Director of Transportation and Civic Works* is hereby authorized to rescind, repeal, vary or amend an order which is adopted pursuant to 79, providing always that the *Director of Transportation and Civic Works* follows the procedures set out in Sections 53 and 54.

Appeal

81. An appeal may be brought against any order of the *Director of Transportation and Civic Works* under Sections 58 and 59 or any order varied or amended under Sections 53 and 54.
82. The appeal in Section 81 shall be submitted in writing to the Director of Corporate Services and the Director of Corporate Services shall forward the appeal directly to the Standing Committee having jurisdiction over transportation matters.

Repeal

83. Traffic and Highways Regulations Bylaw 717, 1995 and amending Bylaws No. 841, 1998 and No. 959, 2003 are hereby repealed.

READ A FIRST TIME this 3rd day of January, 2006.

READ A SECOND TIME this 3rd day of January, 2006.

READ A THIRD TIME this 3rd day of January, 2006.

ADOPTED this 16th day of January, 2006.

Lawrence Chernoff
Mayor

Pat Mawhinney,
Director of Corporate Services

List of Amending Bylaws

1045	September 5, 2006
1118	February 1, 2010
1212	April 20, 2015

Note to Users

This office consolidation is not an authoritative text of the law and is produced solely as a convenience to the user. The authoritative text of the law is in the original bylaw and the amending bylaw(s)

City of Castlegar

TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 1015

SCHEDULE "A"

Off-Street Parking Facilities

1. Consisting of the 13th Avenue Parking Lot situated at 460 - 13th Avenue (Lot 1, Plan 10772).
2. Consisting of the 11th Avenue Parking Lot situated at 205 - 215 11TH Avenue (Block 14 Plan 650).
3. Consisting of the Columbia Avenue Parking Lot situated at 901 - 925 Columbia Avenue (Lot 2, Plan 2084).
4. Consisting of the 6th Avenue Parking Lot situated at 2141 - 6th Avenue (Lot 1, Plan 8285).

City of Castlegar

TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 1015

SCHEDULE "B"

Temporary *Highway* Parking Authorization

1. Where any *person* has been granted permission for the temporary occupation of any street frontage in any area pursuant to Section 10 of this Bylaw, then the fee for the *permit* shall be:
 - (a) \$5.00 per day for each parking space granted.

City of Castlegar

TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 1015

SCHEDULE "C"

Bonding Fee Schedule

Bonding against damage to *City* streets during the course of construction on other than the *highway* itself.

1. Cash, Certified Cheque or Approved Irrevocable Letter of Credit to be deposited with the *City* prior to the issuance of any building *permit*, pursuant to Section 30, in the amount of:
 - (a) Single Family Residence \$500.00
 - (b) Duplex \$500.00
 - (c) All others (except corner lots) \$10.00/frontage foot
(minimum fee \$500.00)

Where the applicant has more than two (2) concurrent building *permits* issued under (1) above, the maximum bonding required will be \$1,000.00.

2. Corner lots shall pay the following fees:
 - (a) For a corner lot fronted by two *highways* \$5.00/frontage foot
(minimum fee \$500.00)
 - (b) For a corner lot fronted by two *highways*
one of which is an *arterial highway* \$10.00/frontage (excluding
arterial footage minimum
fee \$500.00).
3. Fee for necessary additional inspection - subsequent to final inspection by a Building Inspector, in order to ensure that the provisions of this bylaw have been complied with, pursuant to Section 33, - \$50.00.

City of Castlegar

TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 1015

SCHEDULE "D"

Schedule of Permit Fees

	<u>FEE</u>
1. Permit fees pursuant to Section 29	\$25.00
2. Operation on a <i>highway</i> :	
<i>vehicle</i> prohibited under Section 65 (general prohibitions oversized <i>vehicle</i>)	\$25.00
Section 65: Oversized <i>Vehicles</i>	\$25.00
Section 69: Weight Restrictions	\$25.00
3. Driveway access construction:	
Construction of a driveway that provides access to lands outside municipal boundaries	\$3,055.00 per lot (Bylaw 1118)

City of Castlegar

TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 1015

SCHEDULE "E"

Orders

BYLAW NO. 372

A bylaw to regulate traffic within the City of Castlegar.

O R D E R

INSTALLATION OF CYCLING PROHIBITED SIGNS

In accordance with the authority provided in Part 2 1 (1)(a) the Superintendent of Works (City Engineer) hereby orders that Cycling Prohibited signs be installed at the east and west ends of the Schewchuck underpass structure prohibiting cycling therein. The underpass is a pedestrian link between 13th Avenue and Lakeview Street.

This order shall come into effect on August 11, 1989.



K. A. Lagan, P. Eng.
City Engineer



Alderman Terry Rogers, Chairman
Works and Services Committee

August 11/1989
Date

City of Castlegar

TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 1015

SCHEDULE "E"


Orders

BYLAW 372

A bylaw to regulate traffic within the City of Castlegar.

O R D E R

In accordance with the authority provided in Part 2.1, the Director of Engineering and Public Works (City Engineer) hereby orders that "No Stopping, Fire Lane" signs be installed at the south end of 6th Avenue North. The south end of 6th Avenue is utilized to gain access to the fire lane at Twin Rivers School.

 9/10/90
Kenn Hample, P. Eng., DEPW
City Engineer

City of Castlegar

TRAFFIC AND HIGHWAYS REGULATIONS BYLAW 1015

SCHEDULE "E"

Orders

BYLAW NO. 372

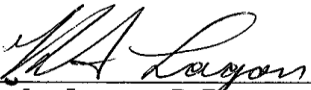
A bylaw to regulate traffic within the City of Castlegar.

O R D E R

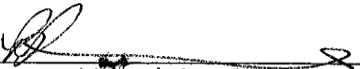
INSTALLATION OF YIELD SIGN

In accordance with the authority provided in Part 2 1 (1)(a) the Superintendent of Works (City Engineer) hereby orders that a Yield sign be installed on Chickadee Lane at its intersection with Lynnwood Crescent.

This order shall come into effect on August 1, 1989.



K. A. Lagan, P. Eng.
City Engineer



Pattf Richards
Acting Mayor

Aug 1, 1989
Date