

DISTRICT OF SEHELDT

Highways and Parking Bylaw No. 516, 2012

A bylaw to regulate traffic and the use of highways in the District of Sechelt

WHEREAS section 8 (3) (b) of the *Community Charter, S.B.C. 2003, c.26* authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to, among others, public places;

AND WHEREAS section 36 of the *Community Charter* authorizes Council, by bylaw, to regulate and prohibit in relation to all uses of or involving a highway or part of a highway;

AND WHEREAS section 46 of the *Community Charter* authorizes Council, by bylaw, to authorize the seizure of things unlawfully occupying a portion of a highway or public place and establish fees for such seizure, and provide for recovery of those fees;

AND WHEREAS section 62 of the *Community Charter* sets out that the authority under section 8 (3) (b) includes the authority in relation to persons, property, things and activities that are in, on or near public places;

AND WHEREAS Council wishes to enact a bylaw to regulate traffic and the use of highways;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled enacts as follows:

Title

1. This bylaw may be cited for all purposes as “District of Sechelt Highways and Parking Bylaw No. 516, 2012.”
2. This Bylaw is divided into four parts dealing with the following subjects:

Part 1	Definitions and Interpretation
Part 2	Regulation of Traffic
Part 3	Use of Highways
Part 4	Offences and Penalties
3. Unless otherwise contained in this bylaw, all provisions of the *Motor Vehicle Act, R.S.B.C. 1996, c. 318* and regulations pursuant thereto shall pertain to the use and operation of vehicles in the District.

PART 1 – DEFINITIONS AND INTERPRETATION

1. Definitions

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, and shall mean that the designated end of the vehicle shall be closest to the curb or edge of the highway;

Boulevard on a highway with curbs means that portion of the highway lying between a curb and the adjacent property line exclusive of the sidewalk or a sidewalk crossing; and on a highway without curbs, means that portion of the highway lying between the lateral lines of a roadway and the adjacent property line exclusive of the sidewalk or a sidewalk crossing; and on a highway designed for the segregation of traffic travelling in opposite directions by leaving a central portion thereof in an undeveloped state or improved by paving or by the planting of grass or shrubs then that portion of the highway so left shall be included in the term ‘boulevard’;

Bus means a motor vehicle or tour bus designed to carry more than 10 persons;

Bus stop means a part of a highway designated as a point at which buses will stop to take on or let off passengers;

Bylaw Enforcement Officer means the person(s) appointed to that position from time to time by Council resolution;

Commercial loading zone means an area or space on a roadway established for the loading or unloading of materials, to be used exclusively by commercial vehicles;

Commercial vehicle means a vehicle engaged in carrying or which is designed to carry goods, wares or merchandise and which is licensed as a commercial vehicle under the appropriate municipal or provincial laws or regulations;

Council means the municipal Council of the District of Sechelt;

Curb means the line of demarcation between the roadway and the boulevard of any highway, or where no boulevard exists on any highway, the line of demarcation between the roadway and the sidewalk;

Cycle means a device having any number of wheels that is propelled by human power and on which a person may ride;

District means the District of Sechelt;

Driveway means a part of a highway improved to provide vehicular access from the roadway to adjacent property;

Gross weight means the combined weight of vehicle and load;

Highway includes every highway within the meaning of the *Transportation Act, S.B.C. 2004, c. 44*, and every road, street, lane or right of way, other than arterial highways 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; and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway;

Highway line means the dividing line between any private property and the adjoining highway;

Intersection means the area embraced within the prolongation of the lateral property lines of highways which join one another whether such highways cross each other at the junction or merely meet at an angle without crossing each other;

Lane means any highway not more than seven metres in width;

Loading zone means an area or space established for the loading or unloading of materials;

Motorcycle means a motor vehicle running on two or three wheels and having a saddle or seat for the driver to sit astride;

Motorized wheelchair means a motor-assisted wheelchair designed to function as a mobility aid;

Motor vehicle means a vehicle, not run on rails, that is designed to be self-propelled;

One-way highway means a highway upon which vehicular traffic shall move only in the direction indicated by the applicable traffic control devices;

Parade means any procession of people or vehicles that causes a road or roads or a portion of a road or roads to be temporarily closed to regular vehicular traffic;

Park means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading;

Parking area means any area owned, leased or under the control of the District where provision is made for the parking of vehicles by markings for parking spaces;

Parking space means a section of the roadway indicated by markings as a parking space for one vehicle;

Passenger vehicle means a motor vehicle designed for carrying ten passengers or less and primarily designed and used for the transportation of persons;

Pathway means a pedestrian path, other than a sidewalk, designed exclusively for pedestrians.

Pedestrian means a person afoot, or an invalid or child in a wheelchair, including electric powered medical chairs, or carriage;

Physically disabled placard means a valid numbered placard that:

- (a) is issued by the Social Planning And Research Council Association of British Columbia (SPARC),
- (b) bears the international wheelchair symbol for the physically disabled, and
- (c) is displayed on the motor vehicle by hanging on the vehicle's rear-view mirror or by being placed face-up on the dash board on the passenger side of the vehicle;

Physically disabled passenger vehicle means a motor vehicle that is displaying a currently valid physically disabled placard;

Police Officer means a member of the Royal Canadian Mounted Police;

Police vehicle means a vehicle owned or operated by the Royal Canadian Mounted Police;

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner;

Recreational vehicle means a vehicle that is equipped with a living space and amenities found in a home;

Residential area means an area zoned in the District of Sechelt Zoning Bylaw for single family residential usage;

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 them collectively;

School bus means a motor vehicle used to convey children to or from school by or under a contract with the authority in charge of the school;

Shoulder means that part of the highway immediately adjacent to the travelled portion of the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel;

Sidewalk means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians;

Sidewalk crossing means that portion of a sidewalk improved or designed for the passage of vehicular traffic and pedestrians;

Sign means any sign or roadway, curb or sidewalk marking or other device placed or erected on a highway under the authority of this bylaw for the purpose of regulating, warning or informing traffic;

Taxi means a motor vehicle designed to carry not more than 10 persons that, with its driver, is operated for hire;

Tow truck means a motor vehicle used exclusively for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion;

Traffic includes pedestrians, vehicles, cycles and other conveyances, either singly or together, while using a highway to travel;

Traffic control device means a sign, signal, line, meter, marking, space, barrier or any other device erected or placed under the authority of this bylaw for the purpose of warning, regulating, guiding or directing traffic;

Traffic control signal means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

Traffic, one-way means movement by vehicles upon a highway in one direction only;

Trail means a multi-user area designed for pedestrians, hiking, horseback riding, biking, or other similar forms of recreation.

Trailer means a vehicle that is at any time drawn on a highway by a motor vehicle, except

- (a) an implement of husbandry;
- (b) a side car attached to a motorcycle; and
- (c) a disabled motor vehicle that is towed by a tow truck; and includes a semi-trailer as defined in the *Commercial Transport Act, S.B.C. 1996, c.58*;

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

2. Interpretation

In this bylaw words or expressions defined in the *Motor Vehicle Act* and regulations pursuant to the *Motor Vehicle Act* shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw or unless the context otherwise requires.

PART 2 – REGULATION OF TRAFFIC

3. DELEGATION OF POWERS

The following provisions shall apply on highways and parking areas within the District.

The Superintendent of Public Works, or his delegate, is authorized to:

- (a) Issue orders for the placing or erection of traffic control devices, as he may deem necessary for the regulation or guidance of traffic, for the purpose of giving effect to the provisions of this bylaw, provided that such devices are not inconsistent with the *Motor Vehicle Act*.
- (b) Permit the temporary stopping or parking of vehicles on a highway, provided however that the owner of the vehicle makes application in writing and agrees to comply with any requirements which the Superintendent of Public Works may request in order to ensure the safe movement of traffic in the highway.
- (c) Is authorized to cause to be placed for temporary periods not exceeding thirty days at any one time, traffic signs indicating no parking:
 - (i) at the entrance to dance halls, funeral parlors, or other places of public assemblage during the period of assembly therein;
 - (ii) upon either or both sides of any highway or section of highway along the route of any parade or in the vicinity of large public gatherings.
- (d) Is authorized to grant to any person special parking privileges in any restricted area of any highway or parking area, provided that such permit shall clearly indicate the extent and date of such parking privileges which shall be for a limited time only of such day, and the place where such privilege is in effect shall be marked by suitable traffic signs, and all the expenses in connection therewith shall be borne by the person receiving such privilege. During the time such traffic signs are in place, all regulations restricting or limiting the period of parking time in such place shall be suspended in respect of those vehicles in which such permit applies, and no driver of any other vehicle shall park in such place during the period such signs remain in place.

STOPPING AND PARKING

4. General Stopping Prohibitions

No person shall stop:

- (a) Within seven metres of the driveway entrance or exit from any fire hall. This shall apply to both sides of the highway.
- (b) Within seven metres of the imaginary projection of the highway line of any intersecting highway excepting lanes, unless otherwise directed by a traffic sign.
- (c) Within three metres of the imaginary projection of the highway line of any intersecting lane.
- (d) In front of, or within two metres of the nearest side of, a private road or sidewalk crossing.
- (e) In any area where traffic signs are posted indicating that no stopping or parking is allowed.
- (f) Within sixteen metres of any portion of a highway which has been improved for use as a bus stop, unless otherwise directed by a traffic sign.
- (g) On any highway so as to obstruct the free passage of traffic, provided that the stopping of any vehicle on any highway shall not be deemed to be an obstruction to traffic where such stopping is in consequence of a stop sign or stop regulations or is caused by lawful parking or is caused by a vehicle being disabled so that it is not practical to avoid stopping, in which event such vehicle shall be removed as quickly as possible, and in any event within 48 hours, to the side of the highway and if possible shall be placed in an area where parking is permitted, and any such disabled vehicle shall be removed or towed away by the driver or owner within forty-eight hours after being disabled.
- (h) Facing natural flow of the traffic (wrong direction).

5. Stop When Traffic Obstructed

No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is driving without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

6. General Parking Provisions

No person shall park a vehicle:

- (a) In such a manner or under such conditions as to leave available less than three metres of the travelled portion of a highway or opposite to or in such close proximity to another vehicle already stopped on such highway as to obstruct or unduly restrict the free movement of vehicular traffic on such highway.

- (b) Where any highway or parking area is subject to a parking time limit, for any period of time in excess of such time limit.
- (c) On any highway for a period in excess of forty-eight hours.

7. Parallel Parking

Where parking spaces have been marked on any highway or parking area for parallel parking, no driver shall park any vehicle otherwise than between the lines or markings indicating the limits of a single space.

8. Angle Parking

Where angle parking is permitted, no person shall stop, stand or park a vehicle on a roadway unless:

- (a) the vehicle is parked at the angle designated by signs or markings on the roadway;
- (b) the designated end of the vehicle is at the curb or edge of the roadway;
- (c) the length of such vehicle and any trailer attached shall not exceed six metres;
- (d) the end of the vehicle does not overhang the travelled portion of a pedestrian sidewalk.

9. Non-Commercial vehicles, Trailers, Recreational Vehicles and Cycles

- (a) No person shall stop, stand or park upon a highway any trailer, recreational vehicle or other vehicle where:
 - (i) Any culmination of vehicles including a towing apparatus is in excess of 15 metres in length.
 - (ii) The total gross weight of the vehicle and trailer is in excess of 5500 kg and is in a residential area between the hours of 7:00 pm and 7:00 am the following day.
- (b) No recreational vehicle will be permitted to park on any highway in excess of eight hours regardless if it is moved or not to another parking location.
- (c) No person shall park any unattached utility trailer, boat trailer or recreational trailer on any highway.

10. Parking Prohibited

No person shall stop, stand or park a vehicle or permit a vehicle to remain stopped, standing or parked:

- (a) on a sidewalk or footpath;
- (b) on a boulevard;
- (c) on a designated bicycle lane;

- (d) in front of or within one and one-half metres of a driveway;
- (e) in an intersection, except as permitted by a sign;
- (f) within five metres of a fire hydrant as measured from a point in the curb or edge of the highway which is closest to the fire hydrant;
- (g) on a crosswalk;
- (h) within six metres of the approach side of a crosswalk or within six metres of the leaving side of a crosswalk;
- (i) within six metres on the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (j) within six metres either side of the entrance to or exit from a hotel, motel, theatre, public meeting place, dance hall or fire hall; unless otherwise permitted by a traffic control device;
- (k) for the principal purpose of displaying a vehicle for sale;
- (l) for the principal purpose of advertising, greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency;
- (m) for the principal purpose of displaying signs;
- (n) for the principal purpose of selling flowers, fruit, vegetables, sea foods or other commodities or articles;
- (o) alongside or opposite a highway excavation or obstruction when stopping, standing or parking obstructs traffic;
- (p) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
- (q) on a bridge or other elevated structure or within any underpass, unless otherwise permitted by a traffic control device;
- (r) in a manner that obstructs the visibility of a standard traffic sign erected by or with the authority of the Minister of Transportation and Infrastructure or the Municipality;
- (s) beside a curb which has been painted yellow;
- (t) within three metres of the entrance or exit of a lane;
- (u) in such a position that will prevent the convenient removal of any other vehicle previously parked or standing;
- (v) so as to prevent or impede the access to or exit from a metered parking space notwithstanding its use for any other purpose;
- (w) on any roadway where the roadway is six metres or less in width;
- (x) in any lane, except a commercial vehicle while actually loading or unloading and provided the vehicle is so parked to leave three metres width of unblocked lane for the passage of other vehicles;

- (y) in such a manner so as to inhibit free access to any garbage container by any person authorized to deposit in or pick up garbage from such garbage container;
- (z) in a parking spot designated for the physically disabled, except a physically disabled passenger vehicle.

11. Vehicle Removal

- (a) When any vehicle is stopped or parked in violation of the provisions of this bylaw, any Police Officer or Bylaw Enforcement Officer may take such vehicle into his custody and cause it to be removed, detained or impounded.
- (b) Any vehicle removed, detained or impounded may be recovered by the owner upon presentation of proof of ownership and upon payment in full of any fees, costs and expenses which may be levied to the District of Sechelt by the towing contractor or agent.
- (c) If any vehicle is removed, detained or impounded and not claimed by the owner within seventy-two hours, then the vehicle may be disposed of.

DESIGNATED PARKING ZONES

12. Commercial Loading Zones

- (a) The use of commercial loading zones shall be restricted to commercial vehicles.
- (b) No driver of a commercial vehicle shall stop in any commercial loading zone longer than is necessary for the expeditious loading or unloading of such vehicle, but in no case longer than one hour at any one time.

PEDESTRIANS

13. Pedestrian Right of Way at Crosswalks

- (a) Crosswalks as defined by this bylaw shall be deemed to have been established and are hereby established at every intersection.
- (b) At any street intersection where crosswalks are located and marked, pedestrians shall use such crosswalks when crossing a street, and every pedestrian crossing a street or thoroughway at any point other than within a crosswalk shall yield the right-of-way to all vehicles on the highway.

14. Conduct of Pedestrian on Approach of Emergency Vehicle

Upon an emergency vehicle approaching a pedestrian on a roadway, the pedestrian shall immediately get off and keep off the roadway until such vehicle has passed him or stopped.

15. School Crosswalks

No driver of a vehicle shall, during normal school hours of any day on which school is regularly held, overtake and pass any moving vehicle while upon that portion of the highway within 300 metres of the designated school crosswalk.

16. Stopping and Discharging Passengers

No driver of a vehicle shall stop and discharge passengers of such vehicle at any place within any two-way roadway other than directly adjacent to the right edge of the roadway.

17. Boarding or Alighting from Vehicles

No person shall board or alight from a vehicle while it is in motion on a highway.

DRIVING AND RELATED RULES

18. One Way

When one-way directional signs have been erected, no vehicle shall proceed contrary to the direction indicated on the erected sign.

19. Driving, riding, or herding animals on Sidewalk, Curb or Boulevard Prohibited

- (a) No person shall ride, drive, or lead any animal, except household pets such as dogs and cats, or move, drive or propel any vehicle, upon or across any sidewalk, curb or boulevard except at:
 - (i) Highway crossings or sidewalk crossings specially constructed for vehicular traffic.
 - (ii) Locations for which the Superintendent of Public Works or his designate has granted written permission.
 - (iii) The Superintendent of Public Works or his designate may as one of the conditions of such permission require that security be furnished in an amount satisfactory to him guaranteeing the replacement of the sidewalk, curb or boulevard to its original condition in case of damage thereto.

20. Exemptions to Public Utility Vehicles

- (a) The provisions of this bylaw prohibiting stopping or parking shall not apply to:
 - (i) Municipal, Provincial or public utility service vehicles; or
 - (ii) Tow trucks, while such vehicles are actually engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions. This exemption shall not relieve the drivers of such vehicles from taking due

precautions to indicate the presence of such vehicles on the highway while so parked or stopped.

21. Bus Drivers Stopping at Bus Stop

No driver of a bus shall stop such bus at any bus stop longer than is necessary to discharge passengers who desire to leave the bus at such stop and to take on passengers waiting at or near such stop to enter such bus, provided that the Superintendent of Public Works or his designate shall have the authority to vary the above regulation in the case of terminal points of a bus route and at such other bus stops as he may determine, in which cases, he shall specify the terms and conditions of such variation.

CYCLES

22. Rights and Duties of Operator of a Cycle

No person shall have a bicycle on a sidewalk or highway so as to obstruct the flow of pedestrian or vehicular traffic. A Police Officer or Bylaw Enforcement Officer is authorized to remove any bicycle left on a sidewalk or highway to a location where such bicycle will not impede pedestrian or vehicular traffic and shall not be liable for any damage resulting to such bicycle for so doing.

23. Following Fire Apparatus and Crossing Hose Prohibited

- (a) A driver other than that of an emergency vehicle shall not follow fire apparatus closer than one hundred fifty metres or drive or park within one hundred fifty meters of the place on the same highway on which fire apparatus has stopped due to activities related to the firefighter's work.
- (b) Unless he has received consent from an official of the Fire Department, or a Bylaw Enforcement Officer, no person shall drive a vehicle over an unprotected hose of the Fire Department when laid down on a highway or private driveway at a fire or places of activity related to the firefighter's work.

24. Firefighters May Direct Traffic in Vicinity of Fire, Activity, etc.

- (a) Any member of the Fire Department may, in the course of duty at or near the site of a fire, or at the site of any other activity related to said duty, direct traffic in the vicinity of a fire or activity:
 - (i) To ensure orderly movement of traffic; or
 - (ii) To prevent injury or damage to persons or property or;
 - (iii) To permit proper action in an emergency.

PART 3 – USE OF HIGHWAYS

25. No Structures Allowed Without Permission

No person shall build, construct, place or maintain, or cause to be built, constructed, placed or maintained in, upon, or over any highway, any structure, building, fence, tree, or thing, other than a temporary boarding during construction work on adjacent property unless approved under authority of a bylaw of the District; provided however, that the Superintendent of Public Works or his designate may by written permit authorize the construction of retaining walls, driveways, steps, walks, and other improvements required to give access to property adjoining a highway but not so as to create any obstruction to vision or the public use of the highway.

26. No Waste Matter Allowed on Highways

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

27. For Normal Use Only Unless Otherwise Permitted

Except as in herein provided to the contrary, no person shall use any highway for the purpose of performing any work or doing any such act not associated with the normal use of any such highway for traffic purposes, or which will in any way impede or interfere with traffic or will deface or injure any such highway, and no person shall use any highway, for the purpose of storing any material or substance, except with the written permission of the Superintendent of Public Works or his designate.

28. Permission to Excavate or Construct Highways, Sidewalks, etc.

No person shall break, tear up, remove or construct, or otherwise interfere with any sidewalk, curb or surfacing of any highway, or excavate any highway, or under any highway, without having first obtained the written permission of the Superintendent of Public Works or his designate, and any person acting under authority of any such permission shall carry out such works under the direction and supervision of the Superintendent of Public Works or his designate and shall upon completion of the work refill and thoroughly consolidate any excavation and put the highway in as good order and repair as it was before the work was done and accepted by the Superintendent of Public Works or his designate.

29. Protection to the Public Must be Provided

- (a) The person to whom permission under Part 3 is granted to do any work upon a highway, shall construct and maintain a good and sufficient fence or other barrier acceptable to the Superintendent of Public Works or his designate around the work

so being done, in such manner as to prevent accidents, and shall place and maintain upon such barrier, suitable and sufficient lights or flames at night.

- (b) All work done under authority of the permission granted under Part 3, and all precautions taken for the protection of the public, shall be subject to the direction and supervision of the Superintendent of Public Works or his designate, and any instructions issued by him shall be carried out.
- (c) The person to whom such permission is given shall also provide proof of insurance and of indemnification of the District against loss or damage by reason of any such work, and give security that he will carry out the work in accordance with the provisions of this section, if such security is demanded of him by the Superintendent of Public Works or his designate, who is authorized to demand such security as he may see fit, and if such security is demanded, the person of whom such security is demanded shall not proceed with the work until such proof of insurance and indemnification and security has been provided to the satisfaction of the Superintendent of Public Works or his designate.

30. Protection of Municipal Devices

- (a) No person shall interfere in any way with any barrier, lamp, sign, or any other device placed upon any highway by any person at or near any excavation or other work being performed under authority of a permit issued by the Superintendent of Public Works or his designate or placed upon any highway by any District employee.
- (b) No person shall place an obstruction within one metre of a fire hydrant.

31. Advertising Devices on Highways

- (a) No person shall drive or propel along any highway in the District any vehicle bearing or carrying any advertising device of a temporary character unless permission in writing therefor has first been obtained from the Superintendent of Public Works or his designate.
- (b) No person shall carry any advertising device on or along any highway without first having obtained permission therefor in writing from the Superintendent of Public Works or his designate.
- (c) No person shall mark or imprint on or in any manner whatsoever deface any highway in the District, or place thereon any advertising, device or characters in any manner whatsoever, without first having obtained written permission from the Superintendent of Public Works or his designate to do so.
- (d) No person shall use any highway for the purpose of selling or displaying any article or thing, except with the written permission of the Superintendent of Public Works or his designate.
- (e) No person shall install a sign or banner over a highway without first having received written permission from the Superintendent of Public Works or his designate. Such a sign or banner must be installed at least five metres above the road surface and shall

not remain in place longer than the time limit granted by the Superintendent of Public Works or his Designate.

32. Action Required at Scene of Vehicular Collision

- (a) Any person in charge of a motor vehicle involved in a collision on any highway shall take immediate and reasonable precautions to safeguard traffic, which precautions shall include the removal of any damaged vehicles from the line of traffic, provided that there are no injuries and that the vehicles are capable of being moved.
- (b) In the case of death or serious injury, vehicles must be left in their positions and the scene and evidence must be preserved, except to preserve life, to treat injury, or to prevent further injury.

33. Closing Highway

When for any reason (inclusive of snow removal, municipal road repairs, serviceability of road, or parade routes) any highway, or any section of highway is unsafe or unsuitable for traffic, or it is deemed advisable that traffic should be restricted or diverted, the Superintendent of Public Works or his designate may close such highway or section of highway, or restrict or divert the traffic, and for that purpose may erect or place lamps, barriers, signboards, notices, or other warnings upon the highway or section of highway; and no person shall enter upon, or travel upon the closed highway or section of highway, or enter upon or travel contrary to the restrictions placed upon the traffic, or interfere in any way with any lamp, barrier, signboard, notice or warning so placed.

34. Loitering Prohibited

No person shall stand or loiter on any highway in such manner as to obstruct or impede or interfere with traffic thereon.

35. Crowds or Groups Obstructing Traffic

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

36. Obstructing Traffic

No person shall engage in any sport, amusement, exercise, or occupation on any highway which is likely to delay traffic, or to cause any obstruction whatsoever upon any highway, except with the written permission of the Superintendent of Public Works or his designate.

37. Regulating Transportation of Gasoline, etc.

No person shall drive a vehicle upon or along any highway carrying in or upon such vehicle any container which contains, or which has contained, any inflammable liquid as defined in the regulations governing the manufacture, sale, storage, carriage and disposal of inflammable liquids and oils made pursuant to the *Fire Services Act, R.S.B.C. 1996, c. 144*, unless such container is hermetically sealed, and no person shall leave any such vehicle, or any vehicle carrying in or upon such vehicle any inflammable liquid in a container not hermetically sealed, unattended at any time upon any highway.

38. Highways Not to be Used for Storage

It shall be unlawful for any person to keep any box or receptacle for the deposit or storage of wood, coal, chattels, or merchandise on any highway.

39. Officials Authorized to Remove Obstructions

- (a) Where any chattel or obstruction unlawfully occupies any portion of a highway or public place, the staff person authorized by Council may remove, detain or impound, or cause to be removed, detained or impounded, such chattel or obstruction.
- (b) Where any chattel or obstruction is removed, detained or impounded under the provisions of this bylaw, the owner thereof shall be subject to towing, removal, storage and any other charges incurred by the District currently in effect and furthermore these charges must be paid before the chattel or obstruction is released to the owner.
- (c) In the event that the owner does not pay such charges within one month from the removal, detention or impounding the District may bring suit against the owner in any Court of competent jurisdiction to recover the same, or the District may sell the chattel or obstruction by public auction.
- (d) Where in the opinion of the staff person authorized by Council the chattel or obstruction so removed, detained or impounded is not reasonably likely at a sale by public auction to realize the costs, fees and charges referred to in subsection (b) of this section, the staff person authorized by Council may dispense with such auction and may dispose of the chattel or obstruction in any manner deemed expedient.
- (e) Before selling by public auction under this Section, the District shall advertise the time and place of the proposed public auction in two consecutive issues of a newspaper circulating in the District giving at least ten days' notice of such proposed sale, and, in cases where a vehicle is intended to be sold and such vehicle is

registered under the *Motor Vehicle Act*, two weeks' notice of the proposed sale shall be sent by registered mail to the address of the owner of such vehicle as on file with the Superintendent of Motor Vehicles.

- (f) The proceeds of any such sale by public auction shall be applied first against any expense of such sale and all charges for which the owner is liable under this Section, and the balance of the proceeds, if any, shall be paid to the owner upon application therefor to the District.

40. Interference With Impounding Prohibited

Any person who attempts to prevent the impounding of any vehicle or other chattel, or who in any manner interferes with the impounding of such vehicle or chattel shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties provided herein.

41. Horn for Warning Only

No person shall sound the horn of a vehicle except when necessary to warn a person or animal of danger.

42. Injury to Trees and Flowers Prohibited

No person, other than an authorized employee of the District acting in pursuance of duties, shall dig up or in any manner injure or destroy any tree, flower, foliage, flowering plant, plant, or shrubbery on any highway.

43. Removal of Snow From Sidewalk

The owner or occupier of any commercial premises shall remove and clear away all snow from the sidewalk fronting on the premises owned or occupied by them and shall do so every day that snow is on such sidewalk.

44. Awning Regulations

- (a) No person shall erect or maintain over any highway in the District, any awning that is at a height of less than eight feet above the sidewalk at any point.
- (b) The owner of any sign, awning, canopy or any other structure or thing, any part of which over hangs a highway, shall keep such sign, awning or canopy, or any other structure or thing, in a state of good repair, and if so ordered, shall repair such sign, awning, canopy or any other structure or thing, in a manner, and to the extent satisfactory to the Superintendent of Public Works or his designate, and shall not allow such sign, awning, canopy or any other structure or thing to become faded, dilapidated or unsightly.

45. Use of Highway Closed to Traffic

- (a) No person shall coast or slide with sleds, skis, skates, or other apparatus on any highway, or other public place; provided however, that the Council may declare any highway, or other public place closed to all other traffic for the purpose of permitting coasting with sleds, skis, skates or other apparatus thereon; and the District may make such provision for prohibiting such other traffic and with the assistance of the Superintendent of Public Works or his designate may make such provision for protecting such persons using such highways, or public places as aforesaid for the purpose of enabling such coasting and sledding to be carried on with safety.
- (b) No person shall ride or drive any vehicle over such sections of highways during any prohibited period, except persons who reside in premises actually abutting such sections of highways and whose only means of access to such premises with vehicles is by way of such highway, in which case such persons shall have the right and privilege of passing the barricade and of driving a vehicle over such sections of highway for the purpose only of leaving or entering such premises with such vehicle, provided further that such persons exercising such privilege shall not when exercising such privilege, drive over such sections of highway at a rate of speed in excess of 20 kilometers per hour.

46. Funeral and Other Processions

- (a) No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while it is in motion except at intersections where traffic is being controlled by traffic control signals or Police Officers.
- (b) The route taken by any funeral procession consisting of vehicles and persons on foot, shall be subject to the approval of the District.

47. Fund Raising

No person shall conduct fund-raising campaigns or solicit for any material assistance upon any highway except with the written permission of the Council.

48. Types of Vehicles Restricted

- (a) No person shall, without a permit as hereinafter provided, drive a vehicle upon roads within the District if such vehicle:
 - (i) has a greater gross vehicle weight than the limits of weights and loads prescribed in the regulations pursuant to the *Commercial Transport Act, R. S. B. C. 1996, c. 58*; or
 - (ii) is equipped with wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs, or other attachments which extend beyond the tread or traction surface of the wheel, tread or track; provided that

the use of snow chains or studs on regular vehicle tires shall be permitted between October 1st of any year to April 30th of the next year.

- (b) Any person desiring a permit required by sub-section (a) shall make application in writing therefor to the Superintendent of Public Works or his designate giving such particulars therein as the Superintendent or his designate may require.
- (c) The Superintendent of Public Works or his designate may in his discretion by a special permit in writing but subject to the conditions or limitations as may be stated therein, authorize the operation and driving of vehicles which are otherwise prohibited from being operated or driven pursuant to subsection (a).
- (d) Before any permit is issued pursuant to sub-section (c) the applicant may be required to deposit with the Superintendent of Public Works or his designate proof of insurance and a bond of indemnity to secure payment to the District, the cost of repairing or reconstructing any highway or other property of the District damaged by reason of the driving or operating of the vehicle for which the permit is granted.
- (e) Such proof of insurance and bond shall be in the form and amount prescribed by the Superintendent of Public Works or his designate.
- (f) Any motorized wheelchair may only be operated for the purpose for which it was designed and may be operated anywhere that pedestrians are permitted to walk. Operators must follow the same rules as pedestrians and drive at the same speed as other pedestrian traffic.

49. Conditions of Permits Must be Complied With

All permits granted under the provisions of this bylaw shall be subject to all the terms and conditions contained in such permit, and it shall be an offence for any person to act upon any such permit except in compliance with the terms and conditions of such permit.

50. All Permits Revocable

All permits granted under any of the provisions of this bylaw shall be revocable by the authority issuing the permits.

PART 4 – OFFENCES AND PENALTIES

51. Obstruction

No person shall interfere with or obstruct an officer, employee or agent of the District of Sechelt who is authorized to enforce this bylaw.

52. Enforcement

This bylaw may be enforced by a Bylaw Enforcement Officer, the Superintendent of Public Works or his designate, or a Police Officer and those authorized to enforce this bylaw are further authorized in this bylaw to make orders in respect to matters comprised in this bylaw, or to rescind, revoke or vary any order where remedied in a timely manner.

53. OFFENCE AND PENALTY

- (a) No person, other than the owner or driver of a vehicle, shall remove any notice placed thereon or affixed thereto by a Bylaw Enforcement Officer in the course of his duties.
 - (i) Except where the penalty is otherwise provided for in the *Community Charter*, every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable to fines specified under the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012.
 - (ii) Each day a violation of a provision of this bylaw exists or is permitted to exist, shall constitute a separate offence.


54. SEVERABILITY

Should any section, subsection, clause, paragraph, sentence or word of this bylaw be declared invalid by a court of competent jurisdiction, no other part of this bylaw shall be deemed to be invalid and the balance of the bylaw shall remain in force as a whole except for the part declared invalid.

55. REPEAL

District of Sechelt Streets and Traffic Bylaw No. 11, 1980 and its amendments, Bylaws 11-1, 1990, 11-2, 1996 and 11-3, 1999 are hereby repealed.

READ A FIRST TIME THIS	20 th	DAY OF	February, 2013
READ A SECOND TIME THIS	20 th	DAY OF	February, 2013
READ A THIRD TIME THIS	20 th	DAY OF	February, 2013
THIRD READING RESCINDED THIS	1 st	DAY OF	October, 2014
RE-READ A THIRD TIME THIS	1 st	DAY OF	October, 2014
ADOPTED THIS	22 nd	DAY OF	October, 2014



Mayor



Corporate Officer