



VILLAGE OF BELCARRA
Traffic and Parking Regulation
Bylaw No. 518, 2018



A Bylaw to Regulate Traffic and Parking on Highways within the Village of Belcarra.

WHEREAS the Council of the Village of Belcarra deems it expedient to provide for the regulation of traffic and parking on highways within the Village of Belcarra;

NOW THEREFORE, the Council of the Village of Belcarra enacts as follows:

PART 1 - INTRODUCTION

The Council of the Village of Belcarra, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Village of Belcarra Traffic and Parking Regulation Bylaw No.518, 2018".
2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.
3. Village of Belcarra Parking Regulation and Enforcement Bylaw No. 350, 2003 and all amendments thereto are hereby repealed in their entirety.
4. Words in this Bylaw have the same meaning as words defined in the *Motor Vehicle Act*, R.S.B.C., 1996, or regulations under that *Act*, unless otherwise defined in this Bylaw.
5. Metric units are used for all measurements in this Bylaw.
6. The provisions of this bylaw do not apply except where the provisions are consistent with the applicable Provincial Acts and Regulations.
7. Any Act referred to in this bylaw is a reference to the Province of British Columbia, or an Act of Canada as the case may be, and the applicable regulations, as amended, revised, consolidated or replace from time to time.

PART 2 – DEFINITIONS

In this bylaw, unless the context otherwise requires, the expressions and definitions contained within the *Motor Vehicle Act*, the *Passenger Transportation Act* and the *Commercial Transportation Act*, shall be applicable and these additional interpretations shall prevail throughout:

"ACCESS" means a driveway intended for ingress or egress to abutting property from a highway.

"ACCESS / ROAD USE PERMIT" means a permit which authorizes provision of access to an abutting property from an adjacent highway.

"BOULEVARD" means the area between the curb lines of a highway or the lateral lines of a highway or the shoulder thereof and the adjacent property line.

"BYLAW NOTICE" means a ticket issued in respect of this Bylaw.

"CHIEF FINANCIAL OFFICER" means the person appointed by Council to the position of Chief Financial Officer and includes any person appointed or designated by the Chief Financial Officer to act on their behalf.

"COUNCIL" means the Council of the Village of Belcarra.

"CYCLE" means a device having any number of wheels that is primarily propelled by human power, may be electrically power assisted, does not contain any internal combustion engine and on which a person may ride.

"PERSON WITH DISABILITIES (PWD)" means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk.

"EMERGENCY TURNAROUND" means that portion of any highway, lane, access gate or fire access route that is designated by this bylaw to facilitate turning of emergency or non-emergency vehicles.

"ENFORCEMENT OFFICER" means:

- a) every person designated by Council by name of office or otherwise, as an Enforcement Officer for the purposes of administering and enforcing this Bylaw;
- b) a Peace Officer, including every officer of the Royal Canadian Mounted Police;
- c) every Bylaw Enforcement Officer of the Village appointed under the Police Act;
- d) every officer and employee of the Sasamat Volunteer Fire Department who attends to a fire or emergency while acting in the scope of their authority.

"FEES AND CHARGES BYLAW" means the Village Fees and Charges Bylaw, including all amendments and replacements thereto.

"FIRE CHIEF" means the person appointed as such by Council or contracted through a local service and any person appointed or designated by the Fire Chief to act on their behalf.

"HAZARDOUS MATERIALS" means any explosive, flammable, toxic, noxious or other harmful or hazardous materials, including dynamite, concentrated chemicals in either solid, liquid or gaseous form, pressurized gases, gasoline and diesel fuel.

"HIGHWAY" includes every highway within the meaning of the *Transportation Act* excluding highways classified as arterials pursuant to the *Transportation Act* designed or intended for or used by the general public for the passage of persons and 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.

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

"OVERPARKED" means a space where the standing of a vehicle, whether occupied or not, when contrary to any traffic control device.

"OWNER" means a) the person who holds the legal title to the vehicle or b) the person who is entitled to be and is in possession of the vehicle or c) the person in whose name the vehicle is registered.

"PARK" means the stopping or standing of a vehicle, whether occupied or not.

"PARKING SPACE" means a space of a section of a highway marked by painted lines or other device or sign that is intended for the parking of a vehicle.

"PERSONS" means 1) human beings, male or female or 2) a company or corporation.

"PUBLIC AREA" means a parking lot, fire access route on open area located on Public Lands that is not defined as a highway.

"PUBLIC TRANSIT BUS" means any vehicle operated under the auspices of TransLink for use by the general public.

"RECREATIONAL APPARATUS" means cycles, skateboards, roller skates, games and devices, sleighs, toboggans, bobsleds and similar apparatus.

"RECREATION VEHICLE" means a chassis mounted camper, motor home, holiday trailer, boat, skidoo, or RTV, trailer intended exclusively for recreational use.

"RESERVED PARKING" means a parking space reserved for a special use as indicated by a traffic control device.

"RESIDENTIAL AREA" means any area zoned for residential land use in the Zoning Bylaw.

"RESIDENT" means a member of the immediate family of the owner, renter or lessee of a property located within the Village.

"RESIDENT PARKING PERMIT" means a special parking permit issued, for the purpose of authorizing vehicles, permission to park at designated Residential Parking Zones, Water Access Resident Parking Permit Zones or Temporary Parking Areas.

"RESIDENT PARKING ZONE DECALS" means a Village approved decal, to identify residents who are authorized to park at designated Resident Parking Zones, Water Access Resident Parking Zones or Temporary Parking Areas.

"RESIDENTIAL DWELLING UNIT" means one or more habitable rooms constituting a self-contained unit with separate entrances and used or intended to be used for living and sleeping purposes for not more than one family, which dwelling unit contains not more than one set of cooking facilities;

"ROAD CLOSURE PERMIT" means a permit which authorizes the closure of a highway or portion of a highway.

"SHOULDER" means the portion of the highway between the travelled portion of an uncurbed highway and the ditch; or if there is no ditch, the area between the travelled portion of the highway and the boulevard.

"SUPERINTENDENT OF PUBLIC WORKS" means the person appointed as such and any person appointed or designated by the Superintendent of Public Works to act on their behalf.

"TIME" means either Pacific Standard Time, or Pacific Daylight-Saving Time, whichever is proclaimed to be in effect by the Province of British Columbia.

"TRAFFIC CONTROL DEVICE" means a sign, signal, line, meter, marking, space, or device, not inconsistent with this bylaw, placed or erected by authority of the Minister of Transportation or designate or of Council or person duly authorized by the Minister of Transportation or designate or Council to exercise such authority.

"TRAILER" means a vehicle, including a recreation vehicle that is at any time drawn upon a highway by a motor vehicle.

"VEHICLE" includes any means of conveyance in, upon, or by which any person or property is or may be transported or drawn upon a highway irrespective of the motive of power.

"VILLAGE" means Village of Belcarra.

PART 3 – AUTHORITIES

8. CHIEF ADMINISTRATIVE OFFICER AND SUPERINTENDENT OF PUBLIC WORKS

The Chief Administrative Officer and Superintendent of Public Works may:

- (a) authorize and issue 1) guest parking permits: 2) special use parking permits and 3) residential parking permits;
- (b) issue or cause to be issued Bylaw Notices for violations of this bylaw;
- (c) impound or detain or cause to be impounded or detained, any vehicle, trailer or cycle in violation of this bylaw;
- (d) issue, or cause to be issued, orders to revoke, rescind, amend or vary any permit, notice, traffic notice, order or directive issued pursuant to the provisions of this Bylaw.

9. SUPERINTENDENT OF PUBLIC WORKS – The Superintendent of Public Works may:

- (a) on any highway, place or erect, or cause to be placed or erected, traffic control devices to regulate or prohibit traffic where deemed necessary to ensure the orderly movement of traffic, or to prevent injury or damage to persons or property, or to prevent injury or damage to the highway and where such traffic control devices are so placed or erected, they shall have the same force and effect as if placed or erected by resolution of Council;
- (b) prohibit the use of vehicles not equipped with chains, snow tires, or sanding devices;
- (c) authorize and empower by order to place, replace, or alter traffic control devices at any location determined to give effect to the provisions of the *Motor Vehicle Act* and this bylaw;
- (d) issue, or cause to be issued, bylaw notices for violations of this bylaw;
- (e) impound, or detain if necessary for the purpose of carrying out required duties, any vehicle or trailer;
- (f) issue, or cause to be issued, orders to revoke, rescind, amend or vary any permit, notice, traffic notice, order or directive issued pursuant to the provisions of this Bylaw.

10. PEACE OFFICER – The Peace Officer may:

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

11. FIRE CHIEF – The Fire Chief may:

- (a) direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any traffic control device;
- (b) impound or detain if necessary, for the purpose of carrying out required duties, any vehicle or trailer;
- (c) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass;
- (d) issue or cause to be issued Bylaw Notices for violations of this bylaw.

12. ENFORCEMENT OFFICER – An Enforcement Officer may:

- (a) issue Bylaw Notices for violations of this bylaw;
- (b) place temporary “No Parking” signs and barricades or other applicable traffic control devices;
- (c) impound or detain any vehicle, trailer or cycle in violation of this bylaw;
- (d) issue, or cause to be issued, orders to revoke, rescind, amend or vary any permit, notice, traffic notice, order or directive issued pursuant to the provisions of this Bylaw;

PART 4 - GENERAL TRAFFIC REGULATIONS

13. APPLICATION – Unless the context otherwise requires:

- (a) The provisions of this bylaw do not apply to persons, vehicles and to other equipment while actually engaged in highway construction or maintenance work upon, under or over the surface of a highway while at this site of the work, but do apply to them when travelling to or from the site of the work;
- (b) A person riding an animal or driving an animal drawn vehicle upon a highway has all the rights and is subject to all the provisions of this Bylaw.

14. CONFORMANCE

No person shall park, drive or operate a vehicle or cycle in contravention of a traffic control device.

15. DAMAGE TO DEVICES

No person shall drive or walk on or over a newly painted line or marking, nor remove or alter any traffic control device.

16. OBEY COMMANDS

Every person shall, at all times, comply with any lawful order, direction, signal or command made or given by a peace officer, enforcement officer, fireperson, ambulance attendant, traffic control person or school patrol.

17. SPEED LIMITS HIGHWAY

The maximum speed on any highway in the Village shall be fifty (50) kilometers per hour unless otherwise posted with the following exceptions:

- (a) Playground Zones which will be thirty (30) kilometers per hour from sunrise to sunset daily.

18. SPEED LIMITS – LANEWAY

No person shall operate a vehicle on a laneway at a greater rate of speed than twenty (20) kilometers per hour.

19. SPEED LIMITS - CONSTRUCTION

No person shall operate a vehicle within a construction zone at a speed greater than twenty (20) kilometers per hour unless otherwise posted.

20. BLOCKING INTERSECTIONS

No person operating a vehicle shall block an intersection or a marked crosswalk, notwithstanding any traffic control device.

21. VEHICLE WHEELS

- (a) No person shall drive any vehicle of any kind having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the highway along, on or across any bridge or hard surface highway within the Village, without first obtaining the written permission of the Superintendent of Public Works who shall determine which bridges and highways may be used and the conditions of such use. Nothing herein contained shall be construed as prohibiting the use of tire chains or studded winter tires.
- (b) The Superintendent of Public Works, by public notice or by the placing of signs on highways, prohibit the operation of vehicles which are not equipped with chains or winter tires or sanding devices or any combination of these which they may consider adequate and necessary in view of the prevailing highway conditions and no person shall drive any vehicle in contravention of such notice or signs.

22. TRUCK ROUTES

- (a) Every person operating a truck exceeding the GVW of 10,900 kilograms upon a highway shall travel by the closest and most direct route to the destination of the trip upon entering or leaving the Village.
- (b) No person shall be permitted to operate a vehicle exceeding the GVW of 30,000 kilograms on any residential street within the municipal boundaries of the Village, without the prior written approval of the Superintendent of Public Works.
- (c) Any applications or requests under this section for an exemption of these provisions shall be dealt with as follows:
 - i) Requests to operate a vehicle exceeding a GVW of 30,000 kilograms on any residential street shall require the written approval of the Superintendent of Public Works.

23. LOAD LIMITS

No person shall, without a permit issued under the authority of this bylaw and subject to the provisions of this bylaw, operate on a highway a vehicle or combination of vehicles and trailers having a weight not conforming to the requirements of the *Commercial Transport Act*.

24. VEHICLE SIZE

No person shall, without a permit, and subject to the provisions of this bylaw, operate on a highway a vehicle or combination of vehicles and trailers having a size not conforming to the requirements of the *Motor Vehicle Act* and the *Transportation Act*.

25. TRAFFIC AND LOAD RESTRICTIONS

Where, in the opinion of the Superintendent of Public Works, any highway is liable to damage through extraordinary traffic, he may regulate, limit, or prohibit the use of the highway to any person operating or in charge of the extraordinary traffic, owning the goods carried therein, or owning the vehicles used therein.

26. OVERLOAD OVERSIZE PERMIT

- (a) Overload and / or Oversize Permits may be issued to persons transporting extraordinary commodities.
- (b) Applications are processed through the Superintendent of Public Works and Public Works Department.
- (c) Permit cost – No charge, except for any direct costs incurred due to utility relocation.

27. HIGHWAY CLOSURE/USE PERMIT

- (a) Temporary Highway Closure / Road Use Permits may be issued to persons requiring partial or complete closure of a highway for the purpose of construction on or adjacent to a highway.
- (b) Applications are processed through the Superintendent of Public Works and Public Works Department.

28. RECREATIONAL APPARATUS INCLUDING GAME DEVICES

- (a) No person shall ride or operate any recreational apparatus upon or across any highway; or any other public place where traffic control signs or markings are displayed stating that the highway or other public place is for pedestrian traffic only.
- (b) Where any person rides or operates any recreational apparatus on any highway or designated public space they shall be deemed to be unlawfully occupying the highway or public space and the apparatus may be removed, detained or impounded by any Peace Officer or Enforcement Officer.
- (c) A Peace Officer or Enforcement Officer may remove, detain, or impound, or cause the removal, detention, or impound of any recreational apparatus which is in contravention of the bylaw. After such removal, the person entitled to the possession of the recreational apparatus shall be entitled to its release upon payment to the Village of the specified fee, including fee, fine and costs of detainment.
- (d) If the person entitled to the possession of any recreational apparatus impounded does not, within Thirty (30) Days of its impoundment or detainment, pay the fees, fines and costs required under subsection (c) of this Section, the Village shall, as soon as possible thereafter, cause it to be sold by public auction to the highest bidder, or shall otherwise cause it to be disposed of and placed in the Revenue Fund of the Village.
- (e) No person shall play or participate in any game or related activity on any highway or public amenity area without written approval of the Village.
- (f) A person operating a cycle must:
 - i) Ride as near as practicable to the right side of the highway;
 - ii) Keep at least one hand on the handlebars;
 - iii) Not ride other than on or astride a regular seat of the cycle; and

- iv) Not use the cycle to carry more persons at one time than the number for which the cycle was designed and equipped.
- (g) A person must not operate a cycle on a highway without due care and attention or without reasonable consideration for other persons using the highway.

29. EXEMPTIONS

- (a) The operator of any of the following classes of vehicles shall be exempt from the provisions of this bylaw;
 - i) Vehicles identified by the sign or insignia as belonging to the Village;
 - ii) Emergency vehicles, as defined by the *Motor Vehicle Act*;
 - iii) Vehicles operated by Peace Officer or Enforcement Officers engaged in the lawful execution of their duty;
- (b) It shall be unlawful for any person to display on any vehicle any permit, card, sticker, or certificate purporting to provide for any exemption from the provisions of this bylaw that is not authorized by this bylaw.

30. PARKING PERMITS

- (a) The Chief Administrative Officer and Superintendent of Public Works are hereby authorized and empowered to issue parking permits in accordance with the provisions of this section.
- (b) Upon receipt of payment of the required fee, the designated Officers in section 30 (a) may issue a parking permit or permits to any person or agency providing the person or agency is:
 - i) the owner of one or more vehicles used by such person or agency; or
 - ii) the lessor of one or more vehicles used by such person or agency, providing documentation is submitted to the designated Officers in section 30 (a) outlining contractual arrangements for such leased vehicles and is engaged in a repair or maintenance business and regularly must carry out this business to premises located in areas which have parking restrictions.
- (c) Where, in the opinion of the Chief Administrative Officer, a parking permit issued under this section should be suspended or cancelled, the Council may, by resolution, suspend such permit and all rights of any person thereunder for such period of time as the Council may see fit, or the Council may, by resolution, cancel such permit. Upon notice of suspension or cancellation of a parking permit, the person to whom the permit was issued shall forthwith deliver up the permit to the Chief Administrative Officer and no refund shall be allowed for the remaining period of time of such permit.
- (d) The expiry date of a parking permit issued under the provisions of this section shall be at midnight on the last day of December in the year of issuance of the permit.
- (e) A parking permit shall not be valid until such permit has been placed on the inside, left-hand side of the dashboard clearly visible through the windshield of the vehicle in respect of which such permit is issued.

(f) The Chief Administrative Officer and Superintendent of Public Works are hereby authorized and empowered to issue parking permits as follows:

i) **Guest Permit** - A Complimentary parking permit may be issued if application is made for:

- 1) an event,
- 2) a sports activity,
- 3) other meeting or function

Where persons residing outside the Village will be in attendance. The authorization shall not be valid for a period longer than seven (7) days without a resolution of Council.

ii) **Special Use Permit** - A Special Use permit may be issued if application is made by:

- 1) an Individual,
- 2) a Government Agency; or
- 3) an organization outlining the necessary use and need for such a permit.

If the permit is deemed necessary, a charge for such permit may be levied by Council policy.

iii) **Complimentary Residential Permit** - Providing application is made by the resident of a residential dwelling unit which:

- 1) has no off-highway parking; and
- 2) abuts on a highway with time restricted parking.

A maximum of two complimentary parking permits per residential dwelling unit may be issued for the designated block at or near where the resident in question resides.

31. REMOVAL OF BYLAW NOTICE

No person, other than the owner or operator of a vehicle, shall remove from a vehicle any bylaw notice issued under the authority of this bylaw.

32. IMPOUNDMENT OF VEHICLES

(a) The Chief Administrative Officer, Superintendent of Public Works, Fire Chief, Peace Officer or Enforcement Officer may remove, detain, or impound a vehicle, and subsequently cause it to be taken to a place of storage; or take the vehicle into custody and cause it to be detained after finding a vehicle standing or parked in any of the following manners:

- i) In violation of any provision of this bylaw;
- ii) In a position that causes it to interfere with removal of snow, ice or sand from a highway or boulevard;
- iii) In a position that causes it to interfere with firefighting;
- iv) In a position that causes it to interfere with the normal flow of traffic on a highway;
- v) With a tire parked on any paved portion of any municipal road, street, lane or highway. If the road shoulder is paved, the white painted line separating the municipal road, street, lane or highway from the road shoulder shall be considered the paved portion of a road.
- vi) In a position that causes it to interfere with the construction, improvement, alteration, extension, widening, marking repair or maintenance of a highway;

- vii) In a position that causes it to interfere with a bona fide General Special Event authorized by the Village;
 - viii) Apparently abandoned on a highway;
 - ix) Without valid permit where a permit is required; or
 - x) Without proper or valid license plates displayed as required by the *Motor Vehicle Act*.
- (b) All costs and charges for the removal, care, or storage of a motor vehicle removed under this bylaw shall be paid by the owner of the motor vehicle, and shall be a lien thereon in favour of the keeper of any repair shop, garage or storage place in which that motor vehicle is stored, and the same may be enforced in the manner provided by the *Repairers Lien Act* or the *Warehouse Lien Act*.
- (c) Notwithstanding the costs outlined in Section 32 (b), the owner of the impounded vehicle shall pay an administration fee.
- (i) Subject to the *Community Charter*, if a chattel, obstruction or vehicle is removed, detained or impounded, and not claimed by its owner within one (1) month from date of seizure, the chattel, obstruction or vehicle may be sold at public auction at the direction of the Chief Administrative Officer.
 - (ii) Despite any other provision of this bylaw, if in the opinion of the Chief Administrative Officer a chattel, obstruction or vehicle removed, detained, or impounded is a perishable article, has an apparent market value of less than \$2,000.00 or if its custody involves unreasonable expense or inconvenience, the Chief Administrative Officer may decide not to proceed to public auction, and may dispose of the chattel, obstruction or vehicle in any manner deemed expedient.

33. REGULATED PARKING ZONES

All highways in the Village are hereby designated as regulated parking zones and traffic control devices may be placed from time to time to indicate such regulations or restrictions.

34. STUNTING

A person, whether as a pedestrian, passenger, or driver, and whether or not with the use of aid of any animal, vehicle, or other thing, must not perform or engage in any stunt or other activity on a highway that is likely to distract, startle, or interfere with other users of the highway.

PART 5 - PEDESTRIAN REGULATIONS

35. CROSSING HIGHWAYS

No pedestrian shall stand on the travelled portion of a highway while waiting to cross a highway.

36. ENTERING HIGHWAY

No pedestrian shall walk or run into the path of a vehicle that is so close that it is impractical for the driver to stop.

37. BUS STOP

No pedestrian shall cross a highway in front of a bus which has stopped to load or unload passengers except at an intersection controlled by a traffic control device.

38. WALKING ON HIGHWAY

No pedestrian shall walk on the travelled portion of a highway if a shoulder or other space is available as a walking area.

39. CROSSWALKS

No pedestrian crossing a highway where marked crosswalks exist shall cross outside the limits of the markings.

40. TRAFFIC CONTROL DEVICE

No pedestrian shall cross a highway in a crosswalk in contravention of a traffic control device.

41. HITCHHIKING

No pedestrian shall stand upon or walk along a travelled portion of the highway for the purpose of soliciting a ride.

42. WALKING ON HIGHWAYS

Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall give the right of way to all vehicles on the highway.

PART 6 - PARKING REGULATIONS

43. UNLAWFUL PARKING

- (a) No person shall park a vehicle in any public place unless such person shall comply with all conditions of this bylaw and other regulations posted by traffic control devices.
- (b) Where a motor vehicle or trailer is left, without the consent of the occupier of private property on such private property in the Village, the owner of a motor vehicle or trailer shall be deemed to have authorized and empowered the occupier to be their agent for the purpose of towing the motor vehicle or trailer to a place of storage and of storing it.
- (c) The agent shall be deemed to have a lien against the motor vehicle or trailer for all reasonable advances made or charges incurred in connection with the towing and storing of the motor vehicle or trailer in the course of the agency.
- (d) The procedure respecting enforcement of the lien shall be governed by the *Warehouse Lien Act*.

44. TIME LIMITS

Notwithstanding any other provisions of this bylaw:

- (a) No village resident shall park a vehicle on any highway for more than seventy-two (72) hours continuously; and
- (b) No non-resident shall park a vehicle on any highway for more than six (6) hours continuously.

45. LANE PARKING

- (a) Whenever access can be had to any laneway, all deliveries or collections of goods to or from any residential building shall be made from there.

- (b) No person shall park a vehicle in a laneway unless they are actively engaged in the loading or unloading of goods from a vehicle in which case parking will be permitted for a period of up to fifteen (15) minutes.
- (c) No person shall park a vehicle in a laneway for the purpose of loading and unloading where a loading zone is provided on site.

46. PROHIBITED PARKING

- (a) Except when necessary to avoid conflict with traffic or to comply with the directions of a Peace Officer or Enforcement Officer or traffic control device, no person shall stop, stand, or park a vehicle:
 - i) in front of nor within one (1) meter of a public or private driveway
 - ii) within an intersection; except in designated loading and bus zones;
 - iii) within two and one-half (2.5) meters of a fire hydrant measured from a point in the curb or edge of the highway which is closest to the fire hydrant;
 - iv) on a crosswalk;
 - v) within six (6) meters of a crosswalk or an intersection or any flashing beacon, stop sign, or traffic control signal located at the side of a highway;
 - vi) Except with the prior written approval of Council, upon any highway for the purpose of;
 - 1) displaying a vehicle for sale;
 - 2) advertising, greasing, painting, wrecking, storing, loading, cleaning, or repairing any vehicle, except where repairs are necessitated by an emergency;
 - 3) displaying signs;
 - 4) selling any product;
 - vii) alongside or opposite a highway excavation or obstruction when stopping, standing, or parking obstructs the traffic;
 - viii) on a highway in such a manner as to obstruct or impede the normal flow of traffic or on a marked lane of a highway; (as per 32 (a) v).
 - ix) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is thereby prohibited or restricted;
 - x) in such manner as to obstruct the visibility of any standard traffic sign;
 - xi) on any portion of a highway where lines, markings or other signs are placed indicating the manner in which vehicles shall be parked, except in accordance with such lines, markings or other signs;
 - xii) obstruct access to, including the area of (1) metre radius surrounding, any Private Hydrant, Curb Stop, Water Meter or other component of the Waterworks by placing, covering, or burying or allowing brick, gravel, lumber, sand, stone, vegetation growth, vehicles, timber, wood, or other material or thing.

47. DOUBLE PARKING

No person shall double park a vehicle on a highway.

48. TRAILER PARKING

No person shall park any trailer unattached upon any highway unless in emergency situations or the trailer is attached to a vehicle by which it may be propelled or drawn.

49. PERSON WITH DISABILITIES (PWD) PARKING ZONE

- (a) No driver shall stop or park a vehicle in a Parking Space designated for use by a PWD, unless such vehicle displays a valid PWD parking permit pursuant to the *Motor Vehicle Act*.
- (b) Permitted vehicles may remain parked at a designated PWD Parking Space up to a maximum of four (4) continuous hours.
- (c) The holder of a valid PWD parking permit pursuant to the *Motor Vehicle Act* may apply to the Superintendent of Public Works for an exemption to section 52(b).

50. RESIDENTIAL PARKING PERMIT

No person shall park a vehicle on a highway in a residential area contrary to a traffic control device unless such person has:

- (a) Acquired an authorized Residential Parking Permit;
- (b) The permit is displayed face up on the dashboard of the vehicle, visible through the front windshield; and
- (c) The vehicle is parked in accordance with the conditions of the permit.

51. LENGTH AND WEIGHT RESTRICTIONS

Notwithstanding any other provisions of this bylaw,

- (a) No person shall park any vehicle having a GVW exceeding 5,500 kilograms, or a length in excess of seven and one-half (7.5) meters on a local highway within a residential area for a consecutive period longer than two (2) hours.

52. HAZARDOUS MATERIALS

- (a) No person shall park or leave unattended, a vehicle or trailer loaded or unloaded and used for the conveyance of hazardous materials;
- (b) Temporary parking within the Village is permitted for a period of time not exceeding two (2) hours when making deliveries only.

PART 7 - USE OF HIGHWAYS REGULATIONS

53. SNOW REMOVAL

- (a) No person shall deposit, pile, or spread snow or ice cleaned from roofs, parking lots, or garages or any other surface or property, on any highway, boulevard, or other public place, except the place designated therefore by the Superintendent of Public Works.
- (b) Nothing herein contained shall be construed as prohibiting the Village from plowing snow to the property line of any highway or from removing such plowed snow.

54. DRAINAGE

No person shall alter or stop the flow of water through any drain, sewer, ditch or culvert on any highway.

55. LITTERING

- (a) No person shall operate on a highway, a vehicle, or combination of vehicle and trailer, unless it is so constructed, loaded, or covered as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping there from.
- (b) Should any material, due to any cause whatsoever, fall from the vehicle, the operator shall take all reasonable precautions to safeguard traffic from the consequences thereof and shall remove such material from the spillage area.
- (c) No person shall place, throw, deposit or discard on any highway any rubbish, litter, vegetation or waste material of any description.

56. CONSTRUCTIONS

- (a) No person shall excavate, construct any works or occupy the highway for the purposes of construction adjacent to the highway unless otherwise authorized by permit.
- (b) Where authorized works are carried out on, over, or under any highway, appropriate signs, flashers, barricades or other warning devices shall be provided around the construction zone to the satisfaction of the Village.

57. IMPEDING TRAFFIC, DAMAGE TO HIGHWAYS

- (a) No person shall cut, saw, break, split, place, or pile firewood, lumber, blocks, stone, debris or other material or mix mortar upon any highway.
- (b) No person shall use any highway for any purpose other than that of lawful traffic, except with the permission of Superintendent of Public Works.
- (c) No person shall coast or slide on any highway, or boulevard with sleds, toboggans, skis, skates, skate boards, roller skates, or other like apparatus except on highways, or boulevards expressly closed to vehicular traffic by Council for such purposes.
- (d) No person shall ride a cycle, skateboard, coaster, roller skates, play vehicle, sled, toboggan, skis or other like apparatus when attached by any means to any vehicle.

58. NOISES AND ADVERTISING

No person shall operate upon a vehicle any calliope, loudspeaker or other noise making device upon the highways of the Village for advertising or other purposes unless a permit has been applied for and granted by Council.

59. TREES OVER HIGHWAYS

Every person being the owner or occupier of real property shall cause all trees, shrubs or other vegetation to be properly trimmed and cut back a minimum of one point eight (1.8) meters from the edge of asphalt to prevent physical obstruction and visibility impairment to pedestrian and vehicle traffic on the boulevard or highway.

60. STRUCTURES OVER HIGHWAYS

- (a) No person shall, except as provided herein, or by any other bylaw, or unless otherwise authorized by Council, erect or maintain any structure which encroaches on or over any highway or public land.
- (b) Approved structures overhanging the highway shall have a minimum clearance of five (5) meters above any highway.

- (c) No person shall place, erect, remove or alter any sign, structure or other device on or over a highway or land without the express consent of Council.
- (d) Every owner or occupier of real property, or their agents or any other person who shall in any way require to drive, pull or propel any vehicle, equipment or trailer across any pavement, boulevard or curb and gutter for the purpose of entering their property or when leaving the travelled portion of the highway, or for any other reason, shall first construct across the pavement, boulevard, curb and gutter, a protection sufficient to prevent the same from being damaged and shall not obstruct the drainage of surface water on or in any ditch, highway or storm drain within the Village.
- (e) Every person who in any way damages any pavement, curb or gutter while leaving the travelled portion of the highway, shall be liable to the Village and shall pay for the cost of repairing such damage to the satisfaction of the Village.

61. PROPERTY ACCESS

- (a) No person shall alter an existing access to a property or construct a new access to a property without obtaining an access permit from the Superintendent of Public Works.
- (b) Every means of access to and from a highway for any parcel of land or real property abutting thereon shall require the approval of the Village. The location and extent of such access shall be within the discretion of the Village. The cost of constructing any such approved access shall be borne by the owner of the property abutting on the highway from where the access is taken.
- (c) Where the approval of any access under this section involves the construction of any public property, the owner of the property requiring the access shall be responsible for the construction and on-going maintenance and repair of such access, and shall indemnify and save harmless the Village against all liability, suits, actions, claims, accidents, injuries or damages which may occur to persons or property as a result of the access being constructed and maintained on public property and the Village may require that such approval of access over public property be in the form of an easement or statutory right-of-way agreement between the Village and the abutting owner.

62. HIGHWAYS

No person shall light, water, oil or otherwise treat any highway or portion thereof without the express permission of the Superintendent of Public Works.

63. PUBLIC UTILITIES

- (a) No person or telephone, gas, electrical, pipeline company, radio or television broadcasting company or closed-circuit television company shall use the highways in the Village for the construction and installation of the aforementioned utilities until they have first supplied the Village with complete plans and specifications of the proposed work to be constructed or installed and have in turn received written permission from the Village.
- (b) All construction undertaken by any utility company under the provisions of this section shall be in accordance with applicable Village Bylaws and all applicable Federal and Provincial Statutes.
- (c) Where a utility is granted a permit under this section, the utility shall erect and maintain a good and sufficient fence, railing or barricade around every excavation, construction or installation in such a manner as to prevent accidents, and shall place and keep upon such fence, railing or barricade, suitable and sufficient lights

during the night and shall take such further care and precaution as the Village may deem necessary for the safety of the public.

64. BOULEVARDS

Every owner or occupier of (a) a business or (b) a residential premise shall be responsible for the general maintenance, including but not limited to grass cutting and removal of accumulation of leaves, on the boulevards abutting the residential lands or premises.

65. DEFAULTS

In addition to any other penalty which may be incurred, anyone failing to comply with the provisions of this Part within the time specified or within a reasonable time upon notice to that effect by the Village, shall be subject to:

- (a) The Village carrying out any such work at the expense of the offender along with any charges or costs incurred by the Village for such work performed.

PART 8 – ENFORCEMENT AND PENALTIES

- 66.** Enforcement Officers may issue a Bylaw Notice to any person who has contravened this bylaw. Notwithstanding, nothing shall limit or remove the right of the Village to prosecute any offence by way of an information being laid and a summons issued in accordance with the procedures set out in the Offence Act.
- 67.** Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000. and not less than \$2,500 and is guilty of a separate offence each day that a violation continues or exists.
- 68.** Without limiting the enforcement options under Sections 66 and 67, a person who commits an offence under this Bylaw will be liable to a penalty established under the Bylaw Notice Enforcement Bylaw No. 520, 2018.
- 69.** No person may obstruct an Enforcement Officer in the fulfillment of their duties under this Bylaw.

Read a First Time on May 7, 2018

Read a Second Time on May 7, 2018

Read a Third Time on May 7, 2018

ADOPTED by the Council on May 22, 2018



Ralph Drew
Mayor



Lorna Dysart
Chief Administrative Officer

This is a certified true copy of Village of Belcarra
Traffic and Parking Regulation Bylaw No. 518, 2018

Chief Administrative Officer