

DISTRICT OF ELKFORD
Streets, Traffic and Parking Bylaw No. 863, 2024

A Bylaw for the regulation of public streets and sidewalks in the District of Elkford.

WHEREAS the Community Charter, Local Government Act and the Motor Vehicle Act, which authorize Council to regulate and prohibit the use of highways and parking;

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

1. TITLE

This Bylaw shall be cited as "Streets, Traffic and Parking Bylaw No. 863, 2024."

2. DEFINITIONS

In this Bylaw, unless the context requires:

BOULEVARD means as defined in the *Motor Vehicle Act*.

BYLAW ENFORCEMENT OFFICER means a person authorized by Council for the District of Elkford to enforce the provisions of this Bylaw.

CHATTEL means any article of movable, personal property other than a **Vehicle**.

COUNCIL means the Municipal council of the District of Elkford.

CROSSWALK means as defined in the *Motor Vehicle Act*.

CURB means the raised structural element which may be installed at the outside edge of a **Street** or parking area.

DIRECTOR means the Chief Administrative Officer and/or the Director of Engineering and Public Works of the District.

DISTRICT means the District of Elkford.

HIGHWAY means as defined in the *Motor Vehicle Act*.

LOADING ZONE means that portion of a **Highway** designated by a **Traffic Control Device** for the exclusive use of vehicles loading and unloading of passengers or property.

MOTORIZED SCOOTER means a **Vehicle** that is used to facilitate the transport, in a normally seated orientation of a person with a physical disability.

MULTI-USE PATHWAY means a paved or unpaved portion of a **Highway**, intended for the mixed use by Pedestrians, bicycles, and may be accessible for persons using **Motorized Scooters**.

OPERATOR means a **Person** who is in possession of, drives or operates a **Vehicle**, whether or not the **Owner**.

OWNER means:

- a. with respect to any real property, has the same meaning as in the *Community Charter*;
- b. with respect to a **Vehicle**, has the same meaning as in the *Motor Vehicle Act*; and
- c. with respect to a **Chattel**, means the lawful owner of moveable property.

PARADE means a procession or body of pedestrians (except members of the armed forces) standing, marching, or walking upon any street or sidewalk or any group of vehicles (except funeral processions or weddings) standing or moving on any street or a combination of pedestrians and vehicles, for a common purpose or event.

PARK means the standing of a **Vehicle**, whether occupied or not, upon the **Street**, other than the temporary standing of a Commercial Vehicle for the purpose of and while actually engaged in loading or unloading merchandise at the front entrance of a place of business, where there is no Loading Zone available and no facilities for loading or unloading at the rear entrance of the place of business, or the standing of a **Vehicle** in compliance with a **Traffic Control Device** or a **Traffic Control Person**.

PEDESTRIAN means a person on foot, or using a device including a manual wheelchair, electric wheelchair and **Motorized Scooter** that is used to facilitate the transport, in a normally seated orientation of a person with a physical disability.

SIDEWALK means as defined in the *Motor Vehicle Act*.

SPECIAL EVENT PERMIT means a permit issued in accordance with section 5 of this Bylaw.

STREET means the travelled portion of a **Highway**;

TEMPORARY CLOSURE PERMIT means a permit issued in accordance with section 5 of this Bylaw.

TRAFFIC means as defined in the *Motor Vehicle Act*.

TRAFFIC CONTROL DEVICE means as defined in the *Motor Vehicle Act*.

TRAFFIC CONTROL PERSON has the meaning ascribed in the *Motor Vehicle Act* and includes, but is not limited to, a member of the R.C.M.P., Fire Rescue and Emergency Service Department, B.C. Ambulance Service and persons who have received approved training, passed an examination, and are certified as per the Ministry of Transportation and Infrastructure's Traffic Management Manual for Work on Roadways, as amended or replaced from time to time.

VEHICLE means as defined in the *Motor Vehicle Act*.

3. GENERAL REGULATIONS

- 3.1. Unless otherwise indicated on a **Traffic Control Device**, no person shall operate a **Vehicle** on any **Highway** at a speed greater than forty (40) kilometres per hour.

- 3.2. While on duty and undertaking work on or within a **Highway**, the **Operators of Vehicles** from following organizations shall be exempt from the provisions of this bylaw unless otherwise expressly provided for in this bylaw:
 - a. R.C.M.P.;
 - b. District of Elkford;
 - c. Ambulance services;
 - d. Search and Rescue service providers;
 - e. Provincial and/or federal agencies;
 - f. Public utility vehicles;
 - g. Road maintenance personnel.
- 3.3. An official or member of the R.C.M.P., a Peace Officer, **Bylaw Enforcement Officer, Traffic Control Person**, Director of Fire Rescue and Emergency Services or designate, or Director of Engineering and Public Works or designate, while in the course of duty, may direct **Traffic** on any **Street** in the vicinity.
- 3.4. No person shall obstruct a member of the R.C.M.P., **Bylaw Enforcement Officer, Traffic Control Person**, Director of Fire Rescue and Emergency Services or designate, or Director of Engineering and Public Works or designate, in the performance of their duties, or refuse to comply or delay in complying with any direction by such person.
- 3.5. No person shall **Park** any trailer or any boat, which is not attached to a **Vehicle** on any **Street**.
- 3.6. No person shall sleep in any parked **Vehicle** or trailer on a **Highway** between the hours of 11:00 p.m. and 5 a.m.
- 3.7. No person shall deposit, place, or cause or allow snow or ice from their property to be placed or deposited on any **Highway** adjacent to their property.
- 3.8. No person shall deposit, place, or cause or allow snow or ice from their property to be placed or deposited on any **Sidewalk**, or **Multi-Use Pathway**.
- 3.9. No person shall deposit, place, or cause or allow snow or ice from their property to be placed or deposited on any District property.
- 3.10. No person shall deposit, place, or cause or allow debris from their property to be placed or deposited on any **Highway** adjacent to their property, or onto any **Sidewalk**, or **Multi-Use Pathway** after the District has advertised that the final pass of the spring street sweeping is underway.
- 3.11. No person shall take up, dig, or carry away any of the earth, sand, or gravel in or from any **Highway** within the **District** without first obtaining permission in writing from the **Director**.

- 3.12. No person shall place any debris, object or other material, or do any act upon any **Highway** which will obstruct or impede traffic thereon or damage or deface a **Highway**.
- 3.13. No person shall cause, permit or acquiesce in the discharge, leak or emission of any petroleum product, anti-freeze, or other fluid utilized in, or necessary for, the operation of a Vehicle onto any Highway.
- 3.14. No person shall operate or use any **Vehicle** having wheels, tires, or treads, 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, tire or tract, upon any **Highway** in the **District**, that will cause damage to such **Highway**.
- 3.15. Between October 1 and April 30 of every year, section 3.14 does not apply to vehicles equipped with what is normally referred to as studded tires, in compliance with the provisions of the *Motor Vehicle Act Regulations*.
- 3.16. Except where otherwise described, a person riding a bicycle has the same obligations under this bylaw as the **Operator** of a **Vehicle**.
- 3.17. No person shall plant any tree, nor shall any person remove, cut down, or injure any tree planted on a **Highway** within the District without first obtaining permission in writing from the **Director**.
- 3.18. No person shall attach or affix any sign, device, or cable to a utility pole owned by the **District**, without written approval from the **Director** or as otherwise permitted by works proceeding pursuant to the Subdivision and Development Servicing Bylaw.

4. TRAFFIC CONTROL DEVICES

- 4.1. The **Director** is authorized to erect, remove or alter any temporary or permanent **Traffic Control Device** to control the parking, standing or movement of **Vehicles, Pedestrians** and devices designed to be moved by human power on **Highways**.
- 4.2. Except where otherwise directed by a **Traffic Control Person**, no person shall fail to comply with the directions, prohibitions or conditions contained in or appearing on any **Traffic Control Device**.
- 4.3. No person shall establish, place, or maintain, or display in, upon, or in view of any **Highway**, any sign, signal, or other device which purports to be, or is in imitation of, or resembles a **Traffic Control Device**, which attempts to direct the movement of traffic or the parking of vehicles, or which hides from view any traffic sign or traffic signal authorized by this Bylaw or the *Motor Vehicle Act*.
- 4.4. No person shall mark or deface, damage or interfere with any **Traffic Control Device**.

4.5. No person shall mount another sign to a post of a **Traffic Control Device**.

5. SPECIAL EVENT AND TEMPORARY CLOSURE PERMITS

5.1. Except as specifically authorized by the **Director** through issuance of a **Special Event Permit** or **Temporary Closure Permit**, no person shall obstruct or occupy a **Highway** or portion of a **Highway** for the purpose of the following:

- (a) **Parades**;
- (b) markets;
- (c) sporting events;
- (d) festivals;
- (e) demonstrations;
- (f) development projects;
- (f) any other action or activity which may hinder the lawful movement of **Vehicles** or **Pedestrians**.

5.2. Application for a **Special Event Permit** or **Temporary Closure Permit** shall be made in writing to the **Director** by the organizer, or representative at least 7 days before the activity commences.

5.3. An application for a **Special Event Permit** or **Temporary Closure Permit** shall specify the nature of the activity, the day and the hour of commencement, the place or places of commencement, the route, and the name and contact details of the organizer.

5.4. A **Special Event Permit** or **Temporary Closure Permit** may impose conditions with respect to:

- a. Timing;
- b. Route;
- c. Insurance;
- d. Security;
- e. Repair of damages;
- f. Traffic control.

5.5. If the terms of a **Special Event Permit** or **Temporary Closure Permit** are not complied with, the permit shall be deemed to be revoked.

5.6. The **Director** may refuse to issue a **Special Event Permit** or **Temporary Closure Permit** if the **Director** determines, that the activity may unreasonably interfere with the lawful movement of **Pedestrians** and **Vehicles** on a **Highway**.

5.7. The determination of the **Director** to refuse to issue a **Special Event Permit** or **Temporary Closure Permit** may be appealed to the **Council** of the **District** by making application to the **District** to appear as a delegation before **Council**.

- 5.8. A copy of each **Special Event Permit** shall be delivered by the organizer to the Fire Chief, R.C.M.P., and Ambulance Unit Chief prior to the event being held.
- 5.9. No person shall drive or operate a **Vehicle** in such a way that obstructs or interferes with the progress of an activity authorized by **Special Event Permit** or **Temporary Closure Permit**.
- 5.10. During the term of a **Temporary Closure Permit**, the **Director** is authorized to adjust the current Snow and Ice Control Policy to exclude the closed area.

6. STOPPING AND PARKING

- 6.1. Except as set out in section 6.2, no person shall **Park** any **Vehicle**, in, along, or upon any **Highway** or property owned by the District unless specifically authorized by a **Traffic Control Device**, including:
 - a. in any place contrary to a **Traffic Control Device**;
 - b. adjacent to a curb painted yellow;
 - c. directly in front of any private driveway;
 - d. within 7.6 meters of a fire hydrant;
 - e. within 7.6 meters of a traffic sign located at the intersection of a **Street** or corner curb line;
 - f. within any **Street** intersection;
 - g. within 7.6 meters of a crosswalk;
 - h. on any **Sidewalk**;
 - i. on the side of a **Street** in the opposite direction to the flow of travel on that side of the **Street**;
 - j. on the **Street** side of any **Vehicle** stopped or parked at the edge or **Curb** of a **Street**, commonly referred to as "double parking";
 - k. on either side of the street in front of the driveway entrance to any Fire Hall or police station;
 - l. for a period longer than 24 hours, unless otherwise specified by a **Traffic Control Device**;
 - m. on any **Street** for the principal purpose of:
 - i. advertising, washing, greasing, repairing, wrecking or storing the vehicle, except repairs necessitated by an emergency;
 - ii. displaying the vehicle for sale;
 - n. on any **Street** under construction where lane width is reduced and the **Vehicle** will cause a disruption or where a **Traffic Control Device** indicates a closure;
 - o. within any area designated for parking on District property for longer than 24 hours, unless approved in writing by the **Director**;
 - p. on any **Highway** between the hours of six o'clock a.m. and four o'clock p.m. from November 1 to March 31 inclusive.
- 6.2. Notwithstanding section 6.1 to the contrary, within the area identified as "Downtown Core" and "School Parking Zone" on Schedule A to this bylaw:

- a. Section 6.1.p shall not apply;
- b. A **Traffic Control Device** may specify parking time limits or restrictions within a specified area.

6.3. Contractors with a valid Business Licence may request specific exemptions to section 6.1 on a temporary basis while actively engaged in their work on a project. Application for an exemption shall be made to the **Director**.

7. NOISE

7.1. No person shall sound a horn or instrument other than for the purpose for which it is attached to a motor vehicle.

7.2. No person shall play or allow to be played a radio or stereo within or around a vehicle in such a manner as to cause a disturbance to the peace and quiet of persons near by the vehicle.

8. WEIGHT AND SIZE

8.1. Except as authorized by a permit issued by the **Director** pursuant to section 8.4 and except as permitted under section 8.2 no person shall drive or operate on any **Highway**:

- a. A **Vehicle** with a height, length or width in excess of that as permitted by the Motor Vehicle Act and Commercial Transport Act.

8.2. Notwithstanding the regulations or a permit issued under this section, 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** shall be that set out on the **Traffic Control Device**.

8.3. Notwithstanding any of the provisions of this Bylaw, no person shall, without a permit issued pursuant to this Bylaw, 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**.

8.4. The **Director**, by the issuance of a written permit, may authorize the driving or operation on a **Highway** of a commercial vehicle that does not conform to this section 8.

9. VEHICLE IMPOUNDMENT

9.1. The **Director**, a peace officer, **Bylaw Enforcement Officer**, or any person acting under their instructions are authorized to remove, detain and impound any vehicle unlawfully occupying a portion of a **Highway**, or in contravention of section 6.1 of this Bylaw, including, without limiting the generality of the foregoing, any vehicle parked in contravention of the parking regulations of this Bylaw.

- 9.2. Any **Vehicle** removed pursuant to this section shall be impounded at a place designated for vehicle or cycle impoundment by the **Director**.
- 9.3. The **Owner** of a **Vehicle** removed or impounded under this section must pay to the District all of the fees, costs and expenses of removal, impoundment and storage of the **Vehicle** before the **Vehicle** will be released to the **Owner** including but not limited to:
 - a. A removal fee equivalent to the actual cost of removal including towing fees;
 - b. An impoundment fee of \$10.00 per day or the actual cost paid to a commercial storage facility or tow yard for each day or part of a day for which the vehicle is impounded.
- 9.4. A **Vehicle** that has been impounded for 30 consecutive days may, ten (10) days after the mailing of a notice to the **Owner** by registered or certified mail, be sold at public auction and the fees prescribed herein deducted from the proceeds of sale returned to the Owner.
- 9.5. A sale at auction pursuant to subsection 10.4 shall not prevent the District from recovering the fees prescribed in subsection 10.3 by action in a Court of competent jurisdiction.

10. OFFENCE

- 10.1. This Bylaw may be enforced by a peace officer, **Bylaw Enforcement Officer**, the **Director**, or anyone so authorized by the **Director** and the foregoing persons are empowered to do all things reasonably necessary to carry out the enforcement of this Bylaw. Every person who:
 - a. contravenes any of the provisions of this Bylaw;
 - b. causes, permits, suffers or allows any act or thing to be done in contravention or violation of any provisions of this Bylaw;
 - c. neglects or fails to do anything required to be done by any of the provisions of this Bylaw;commits an offence and each day that the offence continues constitutes a separate offence.
- 10.2. Every person who commits an offence under this Bylaw is liable to
 - a. a fine and penalty of not more than or less than as described in the Municipal Ticket Information Bylaw;
 - b. a fine and penalty of not more than \$10,000.00 and not less than \$300.00 for each offence if prosecuted pursuant to the provisions of the Offence Act, R.S.B.C., 1996 Chapter 338.
- 10.3. No person other than the owner or operator of a **Vehicle** shall remove or alter any traffic ticket or other notice placed upon a **Vehicle** by a peace officer or **Bylaw Enforcement Officer** or other person empowered to enforce this Bylaw.
- 10.4. The owner of a **Vehicle** shall be held responsible for any violation of this Bylaw committed with regard to the **Vehicle**, notwithstanding that, the **Vehicle** was unattended or in

possession of another person, unless it is proven that the person in possession of the **Vehicle** was not a person entrusted by the owner with possession.

11. SEVERABILITY

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion may be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph,

12. REPEAL

The District of Elkford Traffic and Streets Bylaw No. 425, 1994 and all amendments thereto are hereby repealed.

READ A FIRST TIME this 22nd day of January, 2024.

READ A SECOND TIME this 22nd day of January, 2024.

READ A THIRD TIME, AS AMENDED, this 11th day of March, 2024.

ADOPTED this 8th day of July, 2024.

Stephen Fairbairn, Mayor

Chantel Dawson, Director of Corporate Services