

**VILLAGE OF KEREMEOS
BYLAW NO. 827, 2017
STREET AND TRAFFIC BYLAW**

WHEREAS, pursuant to Section 124 of the Motor Vehicle Act and Section 36(1) of the Community Charter, Council is authorized to regulate traffic and the use of highways;

And WHEREAS Council acknowledges that, other than Part IV (Parking), this Bylaw does not apply to Arterial Highways (Highway 3).

NOW THEREFORE the Council of the Village of Keremeos in open meeting assembled enacts as follows:

1.0 **SEVERABILITY**

If any section, subsection, clause, sub clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

2.0 Metric units (with standard equivalents in brackets) are used for all measurements in this Bylaw.

3.0 **Index**

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PART I – DEFINITIONS

In this Bylaw, unless the context otherwise requires, the expressions and definitions contained within the “Motor Vehicle Act”, the “Motor Carrier Act”, the “Highway Act”, the “Community Charter”, the “Interpretation Act” and the “Commercial Transport Act” and regulations thereto, shall be applicable and these additional interpretations shall prevail throughout:

- “ACCESS”** means the driveway intended for ingress and/or egress to abutting property from a street.
- “ACCESS PERMIT”** means a permit which authorizes provision of access to an abutting property from an adjacent street.
- “ANGLE PARKING”** means the parking of a vehicle other than parallel to a curb.
- “BOULEVARD”** means that portion of a street between the curb lines or the lateral lines of a roadway and the adjoining property line, exclusive of any sidewalk, and includes curbs, sidewalks, and ditches.
- “BYLAW ENFORCEMENT OFFICER”** means the person appointed as such by the Village and any person to assist him in enforcing municipal laws and regulations as set out in this Bylaw.
- “CHATTEL”** means any article of moveable, personal property.
- “CHIEF OF POLICE”** means the senior resident member of the Royal Canadian Mounted Police.
- “COMMERCIAL”** means a vehicle defined as such and licensed under the *Commercial Transport Act* and a vehicle not so licensed but used for collection or delivery of merchandise or other commodities in the ordinary course of a business undertaking.
- “CURB”** means the raised structural element which may be installed at the outside edge of a street or median parking area, primarily for a gutter.
- “CYCLE”** means a device having a number of wheels that is propelled by human power and on which a person may ride, including skateboards but not including a wheelchair, child’s stroller or child’s tricycle.
- “DISABLED PARKING ZONE”** means that portion of a street designated by a traffic device for exclusive use of vehicles displaying an authorized permit for persons with disabilities
- “DOUBLE PARKING”** means the standing of a vehicle in the travelled portion of the street, adjacent to a parked vehicle, or parking space.
- “FIRE CHIEF”** means the person appointed as such and any person delegated to assist him in carrying out his duties under this Bylaw.

- “HIGHWAY”** includes a street, sidewalk, boulevard, road, lane, bridge, via-duct, and any other way open to the use of the public, but does not include a private right-of-way on private property.
- “LANE”** means a street which is not designated for general travel and which is used primarily as a means of access to the rear of residences and business establishments.
- “LOADING ZONE”** means that portion of a street designated by a traffic control device for the exclusive use of vehicles loading or unloading passengers or property.
- “MOTOR HOME”** means a motor vehicle designed or used primarily for accommodation during travel or recreation.
- “PARADE”** means the procession or group of pedestrians (except members of the Armed Forces) numbering more than twenty, standing, marching, or walking on any street or sidewalk, or any group of vehicles numbering ten or more (except funeral processions) standing or moving on any street.
- “PARK”** means the standing of a vehicle, whether occupied or not, upon a 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 obedience of a traffic control device or a Peace Officer.
- “PARKING SPACE”** means any portion of a street marked by painted lines or other device indicating that it is intended for the parking of a vehicle.
- “PEACE OFFICER”** means any member of the Royal Canadian Mounted Police and any person delegated to assist him in carrying out his duties under this Bylaw.
- “PEDESTRIAN”** means a person afoot, a disabled person in a wheelchair, or child in a baby carriage.
- “PERMITS”** means all permits authorized to be issued under Section (1) 2.(c) of this Bylaw, and all such permits shall be in a form prescribed from time to time by the Public Works Foreman or the Chief Administrative Officer, subject to a required reference to the authorizing Section of this Bylaw.
- “PERSON”** means human being, male or female, and includes a Corporation or Firm.

- “PNEUMATIC TIRE”** means a tire made of rubber or other resilient material and which depends upon compressed air for the support of the load.
- “PUBLIC PLACE”** means any place, building or conveyance to which the public has access by right or by invitation, express or implied.
- “PUBLIC WORKS FOREMAN”** means the person appointed as such by the Village, and any person delegated to assist him in carrying out his duties under this Bylaw and shall also include the person appointed as the Public Works Sub-Foreman.
- “RESIDENTIAL AREA”** means any area zoned for residential use in the Zoning Bylaw.
- “SIDEWALK”** means that portion of a street intended exclusively for the use of pedestrians.
- “SIDEWALK CROSSING”** means that portion of a street between the roadway and the property line adjoining the street that is improved or designated for the passage of vehicular traffic.
- “SOLID TIRE”** means a tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- “TRAFFIC CONTROL DEVICE”** means a sign, traffic control signal, line, parking meter, marking, space, barricade, or other device, placed or erected under this Bylaw.
- “TRAILER”** means a vehicle that is at any time drawn on a highway by a motor vehicle, but excludes a disabled vehicle being towed by a tow vehicle.
- “VEHICLE”** means a device in, upon, or by which a person or thing is or may be transported or drawn upon a street, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.
- “VILLAGE”** means the Corporation of the Village of Keremeos.
- ”VILLAGE COUNCIL”** means the Council of the Village of Keremeos.

PART II – AUTHORITIES

(1) PUBLIC WORKS FOREMAN

1. Unless otherwise authorized by any provision of this Bylaw, any order(s) made by the Public Works Foreman pursuant to this Bylaw, shall be required to be approved by resolution of Village Council and shall come into force immediately upon such approval being given unless a later date is specified in the order(s).
2. The Public Works Foreman, or any person duly authorized, may:
 - (a) direct that any street where construction, re-construction, widening, repair, marking or other work is being carried out, traffic control devices

be erected or placed to indicate such work and to regulate or prohibit traffic in the vicinity of such work and/or limit the rate of speed of vehicles;

- (b) by order pursuant to 2(a) of this part, place, replace or alter traffic control devices at any location he may determine to give effect to the provisions of the Motor Vehicle Act and this Bylaw;
- (c) issue permits where so specified and required under this Bylaw.

(2) PEACE OFFICERS

Peace Officers, or any person duly authorized, may:

1. issue traffic notices for violations of this Bylaw;
2. direct and regulate traffic in any manner deemed necessary and, in doing so, may disregard any traffic control device;
3. impound any vehicle, trailer or cycle in violation of this Bylaw;
4. require the driver of any vehicle to weigh same at any weigh scale forthwith.

(3) BYLAW ENFORCEMENT OFFICER

The Bylaw Enforcement Officer, or any person duly authorized may:

1. issue traffic notices for violations of this Bylaw;
2. place temporary “No Parking” signs and barricades or other applicable traffic control devices;
3. impound any vehicle, trailer or cycle in violation of this Bylaw;

(4) FIRE CHIEF

The Fire Chief, or any person duly authorized may:

1. direct and regulate traffic in any manner deemed necessary and, in doing so, may disregard any traffic control device;
2. impound, if necessary, for the purposes of carrying out required duties, any vehicle or trailer;
3. designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

PART III – TRAFFIC REGULATIONS

(5) PEDESTRIAN REGULATIONS

No pedestrian shall:

1. stand on the travelled portion of a street while waiting to cross a street;
2. leave the curb, or other place of safety and walk or run into the path of a vehicle that is so close that it is impractical for the driver to stop;
3. walk on the travelled portion of a street if a sidewalk or shoulder or other space is available as a walking area;

4. when crossing a street where marked crosswalks exist, cross outside the limits of the markings;
5. cross a street in a crosswalk in contravention of a traffic control device;
6. stand upon or walk along a travelled portion of the street for the purposes of soliciting a ride;
7. when crossing a street at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection fail to give the right of way to all vehicles on the street.

(6) TRAFFIC CONTROL DEVICES

1. Notwithstanding any other provisions of this Bylaw, all traffic control devices installed in the Village shall be deemed to be duly authorized traffic control devices under this Bylaw.
2. Such traffic control devices shall include, but not be limited to, signs in locations which prohibit parking except for the parking of vehicles which display an authorized permit.

(7) TIME LIMITS APPLY TO CIVIC BLOCKS

Unless otherwise specified, posted parking time limits apply to the entire civic block within which the sign is located.

(8) CONFORMANCE

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

(9) 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.

(10) SIDEWALK CROSSING

1. No person shall drive on or over any sidewalk, curb or boulevard so as to encumber, obstruct, or damage the same.
2. When a sidewalk crossing is not available, crossing by a vehicle will be permitted upon the adequate provision being made to protect the sidewalk or boulevard from damage by the use of suitable planking or other material, having due consideration for the size and weight of the vehicle and load and approved by the Public Works Foreman.

(11) OBEY COMMANDS

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

(12) SPEED LIMITS – STREET

1. No person shall operate a vehicle on any street at a greater rate of speed than 50 km/h unless otherwise posted.
2. No person shall operate a vehicle on any gravel street at a greater rate of speed than 30 km/h unless otherwise posted.

(13) SPEED LIMITS – LANE

No person shall operate a vehicle on any lane at a greater rate of speed than 20 km/h unless otherwise posted.

(14) SPEED LIMITS – CONSTRUCTION

No person shall operate a vehicle within a construction zone, at a speed greater than 30 km/h unless otherwise posted.

(15) SPEED LIMITS – SCHOOLS AND PLAYGROUNDS PURSUANT TO MOTOR VEHICLE ACT SECTION 147

1. A person driving a vehicle on a regular school day and on a highway where signs are displayed stating a speed limit of 30 km/h must drive at a rate of speed not exceeding 30 km/h while approaching or passing the school building and school grounds to which the signs relate, between 8 am and 5 pm or between any extended times that are stated on the signs. Such extended times may not begin later than 8 am or end earlier than 5 pm.
2. A person driving a vehicle on a highway must drive the vehicle at a rate of speed not exceeding 30 km/h when approaching or passing, between dawn and dusk, a public playground for children where signs are displayed stating a speed limit of 30 km/h.

(16) NOISE INCREASE OR FLAME PROHIBITED

Pursuant to Motor Vehicle Act Regulation No. 26/58, (7), Sec. 7.03(5), no person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is attached any device which increases the noise of the expulsion of the gases from the engine or allows a flame to be emitted from the exhaust system.

(17) JAKE BRAKES

No person shall operate a commercial vehicle using or causing to be used, an engine braking device, or "jake" brake within the Village.

(18) CYCLES

No person shall:

1. ride a cycle on any sidewalk;
2. leave a cycle on a street or public place in a position which obstructs the free movement of pedestrian or vehicle traffic;

3. use roller skates, skateboards, roller blades, skis or other similar means of conveyance on any street or sidewalk within the specified downtown commercial area of the Village (see Appendix “A”), or on any street or sidewalk within the Village of Keremeos.

PART IV – PARKING & STOPPING REGULATIONS

(19) UNLAWFUL PARKING

No person shall park a vehicle in any public place unless such person is in compliance with all conditions of this Bylaw and other regulations posted by traffic control devices.

(20) TIME LIMITS

Notwithstanding any other provisions of this Part, no person shall park a vehicle on any highway for more than twenty-four (24) hours continuously unless such vehicle is legally parked by the owner or occupier of real property on a section of street (on which parking is not prohibited by traffic control device) abutting the property he owns or occupies.

(21) PROHIBITED PARKING

Except when necessary to avoid conflicts with traffic, parking or to comply with the law or the directions of a peace officer or traffic control device or traffic patrol, and except when operating a Municipal or Provincial utility vehicle or vehicles of a public utility corporation while engaged in their duties, or except a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand or park a vehicle:

1. on a sidewalk;
2. in front or within two (2) metres of a public or private driveway;
3. within an intersection;
4. within 6m of an intersection;
5. in any lane unless actively engaged in the loading or unloading of goods, providing such vehicle does not stop the normal flow of traffic in the lane;
6. within 5m of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant;
7. on a crosswalk;
8. within 6m of the approach side of a crosswalk;
9. within 6m upon the approach to a stop sign or traffic control device located at the side of a roadway;
10. adjacent to a painted yellow curb;
11. where vehicles are parked parallel to the edge of the roadway, no closer than 1m to any other parked vehicle;
12. upon any street for the purpose of:
 - (a) displaying a vehicle for sale;
 - (b) advertising, greasing, painting, wrecking, storing, or repairing any vehicle, except where repairs are necessitated by an emergency;
13. unless so authorized by permit, in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited, reserved or otherwise restricted;
14. in such a manner as to obstruct the visibility of any standing traffic sign;

15. on a street or lane in such a manner as to obstruct or impede the normal flow of traffic;
16. between the hours of 9:00 pm and 6:00 am on a highway in a residential area, if it is a commercial vehicle of either:
 - (a) a gross vehicle weight of 4 tonne (8000 lbs.) or greater;
 - (b) a manufacturer's rated capacity of 1 tonne (1 ton) or more.

(22) LIMITED TIME PARKING AREAS

1. No person shall stop, stand, park or over-park a vehicle on a highway, for any length of time, in excess of the maximum period of parking time posted.
2. Notwithstanding paragraph (22) 1. of this section, where signs referred to in that paragraph signify the hours applicable, the multiple of two of the total of such hours, including fractions of hours, shall be applicable to vehicles which display a valid numbered permit for persons with disabilities.
3. For the purpose of calculating time in (22) 1., moving a vehicle from one parking location directly to another in the same block does not interrupt the continuity of time of parking for application of the time regulations specified in this Bylaw. Failure to remove the parked vehicle to a place other than in the block in which it had been parked, after the parking time limit regulating that block has expired, shall be considered an infraction of Section (22) 1. "parking over time posted".

(23) RIGHT HAND SIDE FROM CURB

No person shall park a vehicle on a street except on the right-hand side thereof, and the right-hand wheels shall be no further than 0.3 m (1 ft.) from the face of the curb.

(24) DOUBLE PARKING

No person shall double park a vehicle on a street.

(25) LOADING ZONES

No person shall park a vehicle in a loading zone unless he is actively engaged in the loading or unloading of goods or passengers from a vehicle, and the maximum duration of parking shall be ten minutes, unless otherwise posted.

(26) ANGLE PARKING (other than on Arterial Highways)

1. No person shall park a vehicle within an "Angle Parking Zone" except so that it shall stand within 0.3 m (1 ft.) of and at an angle with the curb as indicated by the lines, markings or other signs placed for that purpose;
2. No person shall park a vehicle having an overall length in excess of 6m (19'8") in an "Angle Parking Zone", or otherwise overhang a line delineating a parking stall.

(27) SCHOOL BUS STOP ZONE

No person shall stop or park a vehicle in a school bus stop zone unless it is an authorized school bus.

(28) DISABLED PARKING ZONES

No person shall park a vehicle in a parking space designated for use by disabled persons, unless such vehicle displays a valid numbered Social Planning and Research Council of British Columbia (S.P.A.R.C.) permit, or in the case of an out of province vehicle, any similarly authorized permit.

(29) REMOVAL OF TRAFFIC NOTICES OR CHALK MARKS

1. No person, other than the owner or operator of a vehicle, shall remove from a vehicle any traffic notice issued under the authority of this Bylaw;
2. No person shall remove, obliterate, or otherwise interfere with any markings used to determine the length of a time a vehicle remains parked in one location.

PART V – LOADS & TIRES

(30) GENERAL RESTRICTIONS

No person shall, without a permit issued by the Village of Keremeos pursuant to this Bylaw, drive or operate on any street:

1. **Pneumatic Tires**

a vehicle, any wheel of which is not equipped with a pneumatic tire in good order or with a solid tire, the thickness of which between the rim of the wheel and the surface of the street is less than 35mm (1 3/8”);

2. **Spikes, Cleats, Studs**

a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread or track but not to prohibit the use of tire chains of reasonable proportion, when required for safety and winter studded tires pursuant to the “Motor Vehicle Act”;

3. **Escaping Loads**

a vehicle that is not constructed or loaded as to prevent any of its load:

- (a) from dropping, sifting, leaking or otherwise escaping there from;
- (b) from shifting or swaying in such a manner as to affect the operation of the vehicle;

4. **Secure Loads**

a vehicle, the load of which and any covering or coverings thereof which is not securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street;

5. Over Height & Over Width

a vehicle, with or without load, which is in excess of:

- (a) 4.15 m (13'7") in height;
- (b) 2.6 m (8'6") in width.

(31) TRUCK WEIGHT

No person shall, without a permit issued by the Village of Keremeos, drive or operate a vehicle where, in the opinion of the Public Works Foreman, any street is liable to damage through extraordinary traffic thereon, he may regulate, limit or prohibit the use of the street by any vehicles in excess of 12,000 kg or in excess of 60% legal axle weight.

(32) OVERLOAD, OVERSIZE PERMITS

The Public Works foreman may issue overload and/or oversize permits to persons transporting extraordinary commodities on Village streets.

(33) LOAD WEIGHING

The driver of a vehicle on a street, when so required by a Peace Officer or other person duly authorized, shall stop the vehicle at the time and place specified for the purpose of weighing the whole, or part thereof, by means of a portable or stationery scale, or for vehicle inspection, and may be required to remove the whole or part of the load in order to comply with this part.

PART VI – GENERAL STREET REGULATIONS

(34) FUNERAL PROCESSIONS

1. The operator of a vehicle in the lead of a funeral procession approaching an intersection where a traffic control device exists, shall comply with the instruction of such device and shall not enter the intersection until it is safe to do so;
2. Every person operating a vehicle in a funeral procession shall have the headlamps of such vehicle on for the duration of the procession;
3. No driver of a vehicle shall drive between the vehicles comprising a funeral procession or other authorized procession while it is in motion, except in obedience to the directions of a traffic control device or of a Peace Officer, providing that during the hours of daylight a vehicle shall be deemed not to be in a procession unless the headlamps thereof are highlighted.

(35) PARADE OR PROCESSION PERMIT

No person shall be a member or take part in any parade or procession with the exception of funeral processions, on any street within the Village unless there has first

been obtained a permit for such from the Village, or permission has been granted by Council Resolution.

(36) NOISE AND ADVERTISING

No person shall operate upon a vehicle any loudspeaker or other noise-making device on the streets of the Village for advertising or other purposes unless a permit has been applied for and granted.

(37) LITTERING

No person shall place, throw, deposit or discard on any street any rubbish, litter or waste material of any description.

(38) LEAFLETS AND FLYERS

No person shall distribute leaflets, flyers, pamphlets, circulars or other printed matter upon any street by placing same on the windshield on a motor vehicle parked upon the street, save for traffic violation notices by any person so authorized.

(39) CHATTELS AND OBSTRUCTIONS

Other than for loading, unless a permit has been obtained from the Village, no person shall place, deposit or leave upon or in any street or public place any chattel, obstruction or other thing which is, or is likely to be a nuisance, cause damage to the street or impede traffic.

(40) TEMPORARY RESIDENCE

A person must not park a vehicle on a highway or public parking space for the purpose of sleeping overnight in the vehicle as a temporary residence or overnight accommodation between the hours of 9 pm and 6 am.

(41) MOTORHOME, BUS, TRAILER RESTRICTIONS

1. Motorhomes, buses and trailers shall not park on highways in residential zones.
2. Motorhomes, buses and trailers shall not park on any Village highway between the hours of 10 pm and 6 am.

(42) VILLAGE-OWNED PARKING LOTS

Vehicles, motorhomes, buses and trailers shall not park in Village public parking lots between the hours of 10 pm and 6 am.

(43) MERCHANT SIDEWALK SALES OR STREET VENDING

Unless permitted by the Business License issuer, and complying with the provisions with the Business License Bylaw, no person or merchant shall use a Village highway for merchant sidewalk sales or street vending.

(44) LIQUID WASTE, EARTH

No person being the owner or occupier of property abutting a street shall allow or permit any earth, rocks, stones, liquids, logs or stumps or other things to cave, fall, crumble, slide, flow or accumulate from such property onto or over such street, or being there to remain thereon, without authorization or a permit issued by the Public Works Foreman.

(45) DEBRIS FROM ACCIDENTS

The operator of a tow truck, or any other person who has removed a wrecked or damaged vehicle from the scene of an accident, shall be responsible for cleaning the street of any glass or other debris from the accident.

(46) SKIDDING

No person shall drag or skid anything along or over a street so that the surface of the street is, or is likely to be damaged.

(47) EXCAVATIONS

1. No person, except agents or employees of the Village acting in the course of their employment, shall dig up, break up or remove any part of any highway, or disturb the surface of any highway, except as authorized by a permit issued by the Public Works Foreman who may impose such terms and conditions as deemed necessary.
2. The applicant shall provide satisfactory plans and/or specifications of the work to be undertaken and when such plans are supplied and approved by the Public Works Foreman and the necessary permit issued, the work shall conform in every way to the plans and specifications provided. All work shall be done to MMCD or Village of Keremeos Technical Standards.
3. Any person doing work on or in any highway shall provide and place appropriate barricades, lights and other safety devices as are required for the safety of the public.
4. The applicant shall provide evidence satisfactory to the Public Works Foreman that all materials, labour and equipment which are needed to complete the work within a reasonable time are available.
5. Following completion of the work, the applicant shall provide the Public Works Foreman with an engineered as-built plan, or equivalent to the satisfaction of the Public Works Foreman, showing the works installed by the applicant and such plan shall be drawn to a scale approved by the Public Works Foreman showing the exact location, size and description of the work and date of installation.
6. If required by the Public Works Foreman, the applicant shall provide evidence satisfactory to the Public Works Foreman that he is insured against all claims for damages for personal injury and property damage which may arise out of the performance of the work covered by the permit in an amount not less than Two Million Dollars (\$2,000,000.00) for each occurrence and if required, the Village shall be added to the policy as an additional insured.
7. If required by the Public Works Foreman, the applicant shall deposit with the Village a sum of money or irrevocable Letter of Credit from a Chartered Bank of Canada sufficient to pay for the cost of repairing any damage likely to be done to

the highway and as sufficient security that the obligations imposed by the permit are fulfilled within the time specified in by the permit and where applicable one (1) years maintenance.

8. Failure by the permit holder to repair damage and/or fulfill such obligations as are set out in the permit within the specified time, shall enable the Village to carry out the repair or fulfill the obligations that have not been met under the terms and conditions of the permit and to deduct the costs from the monies on deposit or to call the irrevocable Letter of Credit. Should there be insufficient monies on deposit or through the Letter of Credit to cover the costs, the Permittee shall pay the balance upon invoice from the Village.
9. The Public Works Foreman may issue a permit, or waive the requirement for a permit, to a company regulated under the Utilities Commission Act permitting such company over the calendar year for which the permit is applicable to carry out such work as may be necessary in the case of an emergency to repair any break or damage to the utilities under their control and subject to the terms of any other agreement entered into by the utility and the Village.

(48) PROPERTY ACCESS

No person shall alter any existing access to a property or construct a new access to a property without obtaining an access permit from the Public Works foreman in the case of a Municipal Street, and from the Ministry of Transportation in the case of an Arterial access.

(49) BOULEVARD TREES

No person shall at any time destroy or injure any tree, shrub, flower, foliage, grass or other growing things upon any boulevard without first obtaining a permit from the Public Works Foreman.

(50) TREES AND SHRUBS SET-BACKS

1. No person shall plant any tree, shrub, bush or hedge closer than 1m (3'28") to the street line.
2. 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, so as to prevent physical obstruction and visibility impairment to pedestrian and vehicle traffic on the sidewalk or street.

(51) HORSES

1. No person in charge of a horse-drawn vehicle or animal shall allow or permit such vehicle or animal to proceed on, along or across any sidewalk or boulevard, except at a recognized crossing of such sidewalk or boulevard;
2. No person shall race with or drive furiously any horse or other animal upon any highway.

(52) SNOWMOBILES

No person shall operate any snow vehicle on any street.

(53) CLEANING OF SIDEWALK

Every person being an occupant or owner of any property abutting or fronting upon a portion of a sidewalk in a commercially zoned area shall cause such portion of the sidewalk to be cleared and kept clear of all snow, ice, dirt, litter and rubbish and shall dispose of same otherwise than by leaving it upon the street.

(54) SNOW REMOVAL ROUTE

Each and every Highway and portion of Highway within the jurisdiction of the Village shall be designated a Snow Removal Route.

(55) SNOW ON HIGHWAY

Except as authorized, no person shall place, or permit or allow to be placed, any snow or ice upon a Highway.

(56) PARKING ON SNOW REMOVAL ROUTE

Except when necessary to comply with the law, or the directions of a Peace Officer or other duly authorized person, and except while operating a Municipal or Provincial utility vehicle or vehicles of a public utility corporation while engaged in their duties, no person shall stop, stand or park a vehicle on any Highway designated as a Snow Removal Route during such period of time as may be declared by the Mayor of the Village of Keremeos or his/her designate.

PART VII – IMPOUNDMENTS

(57) IMPOUNDMENT OF VEHICLES, CYCLES, AND CHATTELS

1. Any Chattel, including any vehicle or cycle, or any obstruction unlawfully occupying any portion of a street or public place may be removed, detained or impounded by the Bylaw Enforcement Officer or other person duly authorized.
2. Prior to the redemption of the impounded chattel or obstruction, all fees and charges for the removal, care or storage of a vehicle, chattel or obstruction removed and/or impounded under this Bylaw shall be paid by the owner of such vehicle or property.
3. If a motor vehicle is removed, detained or impounded, written notice shall be given to the registered owner at his address as shown on the records of the Registrar of Motor Vehicles advising him of the seizure, the sum payable to release the vehicle and the date of advertising for sale by public auction if unclaimed.
4. Any vehicle, chattel or obstruction not claimed by its owner within thirty (30) days of its impounding or detention may be sold at public auction which auction shall be advertised at least once in a newspaper circulating in the Village.

5. The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the Village or its contractors and thirdly the balance, if any, shall be held by the Village for one (1) year from the date of the sale for the owner. If unclaimed at the end of the year such sum shall be paid into the General Revenue of the Village.

(58) REMOVAL OF VEHICLES ON PRIVATE PROPERTY

Where a vehicle is standing or parked on private property in violation of this Bylaw, a Peace Officer, with the permission of the owner of the private property on which the vehicle is standing or parked:

1. move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position determined by the Peace Officer; or
2. move the vehicle or take the vehicle into his custody and cause it to be taken to and stored at a safe and otherwise suitable place.
3. Notwithstanding Sections (56) 1. & 2., where a vehicle is standing or parked in violation of the Bylaw on private property in respect of which off-street parking has been provided in accordance with any bylaw enacted pursuant to the Local Government Act, the owner or occupier of that property on which the vehicle is standing or parked shall move the vehicle or require the driver or person in charge of the vehicle to move it.

PART VIII – PENALTIES

(59) GENERAL PENALTY

Every person who violates any of the provisions of this Bylaw for which a specific penalty has not otherwise been designated, shall be deemed to have committed an offence against this Bylaw and shall be liable for a fine of not more than Two Thousand (\$2000.00) Dollars plus the cost of prosecution for each offence.

(60) SPECIFIC PENALTIES

1. Every person who violates any of the provisions of Section VI of this bylaw shall be liable to a fine of not less than Fifty (\$50.00) Dollars;
2. Every person who destroys a tree under the provision of (47) 1. of this bylaw shall be liable to a fine of not less than one thousand (\$1,000) per tree;
3. Every person who violates any of the provisions of Part IV of this bylaw shall be liable to a fine if not less than Fifty (\$50.00) Dollars.

(61) DEFAULT

In addition to any other penalty which may be incurred, anyone failing to comply with the provisions of Part VII of this Bylaw within the time limited therefore, or within a reasonable time upon notice to that effect by the Village, shall be subject to the Village carrying out such work at the expense of the offender, and any charges or costs incurred

by the Village in this regard, shall be recoverable by it in any Court of competent jurisdiction.

(62) RESPONSIBILITY OF OWNER

1. The owner of a vehicle shall incur the penalties provided for any violation of this Bylaw with respect to any vehicle owned by him unless at the time of such violation the vehicle was in the possession of some person other than the owner without the owner's consent; but nothing in this Section shall relieve the operator of a vehicle not being the owner, from incurring the penalties provided for such violation;
2. The onus of establishing that the vehicle was in the possession of some person other than the owner rests with the owner.

4.0 This Bylaw repeals Street and Traffic Bylaw No. 660, 2003, and amendments thereto.

5.0 This Bylaw may be cited as "Street and Traffic Bylaw No. 827, 2017

READ a first and second time by Municipal Council this 6th day of March, 2017.

READ a third time by Municipal Council this 20th day of March, 2017.

ADOPTED by Municipal Council this 3rd day of April, 2017.



MAYOR



CORPORATE OFFICER

APPENDIX "A"

**Map of downtown Keremeos area where cycles are prohibited
(7TH Avenue, 5th Street to 7th Street)**

