



CITY OF KAMLOOPS

Consolidated for Convenience Only

This is a consolidation of "City of Kamloops Road Right-of-way Usage Bylaw No. 24-23, 1984". The amendment bylaws listed below have been combined with the original bylaw for convenience only. This consolidation is not a legal document. The original bylaws should be consulted for all interpretations and applications on this subject.

Amendment Bylaw		Effective Date
Bylaw No. 24-36	Division Twelve - Commercial Uses Within the Road Right-of-way repealed and replaced and staff titles replaced throughout.	June 20, 2000
Bylaw No. 24-39	Schedules A - Road Usage Fees repealed and replaced.	January 6, 2004
Bylaw No. 24-45	Staff titles replaced throughout, Division Eight - replacing Sign Bylaw No., increasing permit fees, including references to sandwich board signs, including specifications in Outdoor Patio Guidelines and cost recovery provisions.	September 15, 2009
Bylaw No. 24-47	Address snow removal	January 11, 2011
Bylaw No. 24-48	Illegal Deposit of Refuse on Public Land	January 1, 2015
Bylaw No. 24-50	Update Section 1202, Permit Fee	February 28, 2023
Bylaw No. 44-13	Consequential amendments due to adoption of <i>Fees and Charges Bylaw No. 44-14</i> .	July 29, 2025

The bylaw numbers in the margins of this consolidation refer to the bylaws that amended the principal bylaw "City of Kamloops Road Right-of-way Usage Bylaw No. 24-23, 1984".

This is a consolidated bylaw prepared by the City of Kamloops for convenience only. The City does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

CITY OF KAMLOOPS

BYLAW NO. 24-23 (AS AMENDED)

A BYLAW RESPECTING CLOSURE OF AND CONSTRUCTION ON ROAD RIGHTS-OF-WAY WITHIN THE CITY OF KAMLOOPS

WHEREAS under the provision of the Municipal Act R.S.B.C. 1979, Chapter 290, Section 581 and 582, the Council may by bylaw regulate all uses of, or involving a highway or portion of it or public place, and, except under the terms and conditions imposed by the Council, a person shall not excavate in, cause a nuisance on, encumber, obstruct, injure, foul or damage any portion of a highway or other public place.

AND WHEREAS under the provisions of the Municipal Act, R.S.B.C. 1979, Chapter 290, Section 579, the Council may regulate the construction and maintenance of boulevards by or on behalf of the owners of land fronting on them; planting of trees, shrubs, bushes or hedges adjacent to a highway; access to and from a highway for adjacent lands, including the location and extent of access; and to require the owner of real property to remove snow, ice and rubbish from sidewalks or footpaths bordering his real property, or from the roof or other part of a structure adjacent to a highway.

NOW THEREFORE, the Municipal Council of the City of Kamloops in open meeting assembled, enacts as follows:

DIVISION ONE - PREAMBLE

100 This bylaw may be cited as the "City of Kamloops Road Right-of-way Usage Bylaw No. 24-23, 1984".

101 Metric Units

Metric units are used for all measurements in this bylaw. The approximate equivalent of those units in commonly used units of Canada measure (feet, inches, etc.) are shown in brackets for convenience only and do not form part of this bylaw.

102 Severability

If any provision of this bylaw is found invalid, such provision is severable and shall not affect the validity of the bylaw as a whole.

DIVISION TWO - PURPOSES

- 200 The purpose of this bylaw is to regulate the use of any highway within the municipal boundaries of the City of Kamloops. Without limiting the generality of the following, each section of this bylaw shall be interpreted as to:
- a) Regulate construction by any person or company within the highway right-of-way.
 - b) Control by permit the scheduling, application and nature of all temporary closures of a highway or a portion thereof.
 - c) Impose rents, rates or tolls on temporary closure or authorized use of City road right-of-way or portions thereof.
 - d) Regulate location and extent of highway access.
 - e) Regulate, require or prohibit erection of temporary or permanent signs within the road right-of-way.
 - f) Regulate the placement or stockpiling of any excavated material, equipment or structure whether temporary or permanent within a road right-of-way or public place.
 - g) Prohibit damage to and to regulate the cutting down or removal of trees, shrubs, plants, bushes, hedges, fences, signs or any other thing erected, planted or maintained within the road right-of-way.
 - h) Require the owner of real property to remove ice, snow and rubbish from sidewalks or footpaths bordering said property, or from the roof or other part of a structure adjacent to a highway.

DIVISION THREE - DEFINITIONS

All words or phrases shall have their normal or common meaning except where this is changed, modified or expanded, as set forth in this division.

- 300 Applicant - means a person who is applying for a permit under the provisions of this bylaw, as the owner or certified agent of the owner.
- 301 Arterial Street - means a highway classified as arterial by the Official Street Classification Map of the City, as amended from time to time.
- (24-45) 302 Director of Development and Engineering Services or alternate - means the Assistant City Administrator, Public Services and Operations Branch, appointed from time to time by the Council of the City of Kamloops in accordance with the provisions of the Duties and Responsibility Bylaw as amended from time to time, and includes a person appointed to assist him.
- 303 Boulevard - means that portion of a highway between the curb line or the lateral line of a roadway and the adjoining property or roadway, and includes curbs, sidewalks, ditches and cycle paths.

- 304 Bylaw Enforcement Officer - means that person, whether officially titled as such or not, appointed by the City or any person delegated to assist him in enforcing the municipal laws and regulations set out in this bylaw.
- 305 Chattel - means a piece of personal property except real estate, freehold, and the things which are parcel of it.
- 306 City - means the City of Kamloops.
- 307 Collector Street - means a highway classified as collector by the Official Street Classification Map of the City as amended from time to time.
- (24-45) 308 Construction Inspector - means that person appointed by the Director of Development and Engineering Services or alternate of the City to inspect all works or portions thereof, authorized by permit in accordance with the provisions of this bylaw.
- 309 Council - means the Council of the City.
- 310 Curb - means the raised structural element which may be installed at the outside edge of a highway, primarily for a gutter.
- 311 Cycle Path - means the area between the curb and adjacent property improved for the use of cyclists or any other improved area set aside for cycle use.
- 312 Director of Parks - means the person appointed, from time to time, by the Council of the City of Kamloops in accordance with the provisions of the Duties and Responsibilities Bylaw as amended from time to time.
- 313 Dwelling, Single Family - means a detached building used for residential purposes and consisting of one (1) dwelling.
- 314 Dwelling, Two Family - means a detached building divided into two (2) dwellings each of which is used for residential purposes.
- 315 Footpath - means the area between the curb and the adjacent property line or any other area set aside for pedestrian use only.
- 316 Highway - means all public streets, roads, ways, trails, lanes, bridge trestles, ferry landings and approaches and any other public way or right-of-way designated or intended for or used by the general public for the passage of vehicles.
- 317 Lane - means a service road along the back of residential or commercial property not exceeding 8 m (26.25 feet) in width.
- 318 Local Street - means a highway classified as local by the Official Street Classification Map of the City as amended from time to time.
- 319 Official Street Classification Map - means the Street Classification Map adopted by Council and any amendments thereto.

- 320 Owner - means the person registered in the books of the Land Title Office as being the owner of the land or of any charge on the land.
- 321 Parking Lane - means the portion of a roadway designated as available for vehicle parking.
- 322 Permit - means a document in writing issued pursuant to this bylaw.
- 323 Person - means any individual, firm, company, association, society, corporation, group or municipality.
- 324 Road Right-of-way - means that portion legally dedicated as highway between adjacent property boundaries, and shall include the boulevard, roadway, sidewalk and cycle path.
- 325 Roadway - means the portion of a highway that is improved, designed or ordinarily used for vehicular traffic but does not include the boulevard.
- 326 Sidewalk - means the area between the curb and the adjacent property line improved for the use of pedestrians or any other improved area set aside for pedestrian use only.
- 327 Sidewalk Crossing - means the altered portion of a sidewalk or curb for the passage of vehicular traffic.
- 328 Sign - means a lettered board or other display used to identify or advertise a place of business, event, product, sale and/or hazard.
- 329 Utilities - means water, sanitary sewers, storm sewers, hydro, telephone, natural gas, cablevision lines and any other buried conduit or overhead cable.

DIVISION FOUR - PROHIBITIONS

- (24-45) 400 No person shall construct, excavate, place material or objects, erect a sign, impede or divert traffic on or cause damage to any highway in the City without first obtaining written approval for said work from the Director of Development and Engineering Services or alternate.
- (24-45) 401 No person shall gain access to any highway or plant, cause damage to, cut down, remove or erect any trees, shrubs, plants, bushes, hedges, fences or any other things erected on any highway in the City without first obtaining written approval for said work from the Director of Development and Engineering Services or Alternate.
- 402 No owner of real estate shall allow the accumulation of snow, ice or rubbish on sidewalks or footpaths adjacent to said real estate, or on the roof or other structure adjacent to the highway.
- (24-45) 403 No person shall amend any approved plan or plans without first having obtained approval in writing from the Director of Development and Engineering Services or alternate.
- 404 Every person shall comply with any order or notice issued pursuant to this bylaw.

DIVISION FIVE - PERMIT APPLICATION FOR HIGHWAY EXCAVATION500 Permit Application

Application for a Road Right-of-way Usage Permit shall be made in writing on the form provided for that purpose giving a legal description and municipal address of the property fronting the road right-of-way and all other information as may be required in Section 501.

501 Plans

- (24-45) The applicant shall provide, in triplicate, plans and/or specifications, site plans, construction details and any other information, deemed necessary by the Director of Development and Engineering Services or alternate, of the proposed work and upon approval shall complete all works in accordance with the information submitted.

- (44-13) 502 Any permit issued under the provisions of this Division shall be subject to the payment of the permit processing fee and the applicable usage toll as outlined in *Fees and Charges Bylaw No. 44-14*.

503 As-Built Drawings

The applicant shall, upon request, provide a plan, drawn to a suitable scale, showing all works installed and shall indicate the location, size, description and date of installation.

DIVISION SIX - ISSUANCE OF PERMIT600 Standard Conditions

Where a permit has been issued in accordance with the provision of this bylaw, the following standard conditions shall apply:

- (24-45)
- a) All construction and maintenance of said works shall be carried out to the satisfaction of the Director of Development and Engineering Services or alternate.
 - b) Prior to commencing work on any highway the Construction Inspector must be notified in writing of the intention to do so at least three working days in advance.
 - c) The applicant shall, at all times, accept full responsibility for any liability to any person or property whatsoever caused directly or indirectly by their work or duties, and shall save harmless and keep indemnified the City from all claims and demands whatsoever in respect of the works or duties.
 - d) Permission herein granted is not to be construed as being granted for all time, and shall not be deemed to vest in perpetuity any rights, title or interest whatsoever in or to the land upon which the works are being performed.

- (24-45) e) All works approved under the provisions of this bylaw, carried out in, on or through any City land, with the exception of a sign or the works of a private utility company, shall upon completion to the satisfaction of the Director of Development and Engineering Services or alternate, become the property of the City and shall not be modified further without obtaining a further permit to do so.
- f) Any permit issued under the provisions of this bylaw will be valid only for the work specified and any variations or additions thereto must be covered by a separate permit.
- (24-45) g) This permit may be cancelled at the discretion of the Director of Development and Engineering Services or alternate without recourse, should the Applicant fail to comply with any or all of the conditions and regulations that may be imposed.
- 24-45) h) In granting any permit, the Director of Development and Engineering Services or alternate may attach such other conditions thereto as may be necessary to prevent damage to public or private property, or to prevent the operation from being conducted in a manner which may be hazardous to any person or in a manner likely to create a nuisance.

DIVISION SEVEN - GENERAL REGULATIONS FOR HIGHWAY EXCAVATION

700 Excavations

Unless otherwise approved:

- a) No excavation in any street shall extend beyond the road centre line before being backfilled and the surface temporarily restored.
- b) No more than 60 m measured longitudinally shall be opened at any one time.
- c) All trench and tunnel excavations shall conform to the safety requirements of the Workers' Compensation Board of British Columbia.
- d) Saw cutting of bituminous pavement surface ahead of excavation shall be required in order to confine pavement damage to the limits of the trench. All edges shall be trimmed to a vertical face and aligned parallel to the centre line of the trench.
- e) Unstable pavement shall be removed over cave outs and over breaks, and the sub-grade shall be treated as a portion of the main trench.
- f) Sections of sidewalk requiring removal shall be removed to the nearest contraction joint.

- g) All material excavated from trenches or tunnels and stored adjacent to the excavation shall be piled and maintained in such a manner as to not endanger those working in the trench, pedestrians or users of the street. In order to expedite the flow of traffic or to abate a dust or dirt nuisance, the applicant may be required to provide toe boards or bins for material storage, and where limited space is available, shall haul the excavated material away to a storage or disposal site.

701 Accommodation of Traffic

- (24-45) a) Where any excavation is made across any public street, alley or sidewalk, the Director of Development and Engineering Services or alternate may require that one safe crossing shall be maintained at all times for vehicles and/or pedestrians.
- b) The applicant shall take appropriate measure to ensure that during the performance of any work, traffic conditions as near normal as practical are maintained so as to cause as little inconvenience as possible to the occupants of adjacent lands and to the general public. The applicant may be required to give notification to various public agencies and to the general public.
- (24-45) c) Warning signs or other means of traffic control shall be suitably placed in advance of the construction zone to alert traffic of any detour, channelization or closure. Where deemed necessary by the Director of Development and Engineering Services or alternate, the applicant shall provide flagmen to assist traffic through the construction area.
- d) Where the normal traffic flow cannot be maintained from sunset to sunrise on any day, barricades or barriers displaying electric markers or flashers shall be placed to indicate a hazard to traffic. Such markers or flashers shall emit light of a sufficient intensity and frequency to be visible at a clear distance of 200 m.
- e) Access to private driveways, lanes and loading areas shall be provided at all times, except when actual construction is in conflict with such areas. A minimum 24 hours prior to closure of any private driveway or loading area, the persons so affected shall be notified by the applicant in order that vehicles may be removed if necessary.

702 Protection of Existing Facilities

- (24-45) a) The applicant shall in no way interfere with existing utilities without the written consent of the Director of Development and Engineering Services or alternate and the owner of the utility. Any relocation work shall be done by the owner of the utility at the applicant's expense.
- b) Existing utilities should be exposed sufficiently prior to construction in order to minimize damage and permit their relocation, if required.

- c) The applicant shall, at all times, support and protect all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work. Should any existing utilities be damaged in any manner, they shall be repaired by the owner and the cost of such repairs shall be borne by the applicant.
- d) Where work performed by the applicant interferes with the established drainage system of any street, provision shall be made by the applicant to install alternate drainage protection during the construction period.
- (24-45) e) Monuments set for the purpose of locating or preserving the lines of any street or property subdivision, or precise survey reference point, or a permanent survey benchmark shall not be removed without the written consent of the Director of Development and Engineering Services or alternate. Removal of such monuments shall be upon the condition that the applicant shall pay all costs incurred to properly replace the monuments.
- (24-45) f) Wherever it is necessary to trench through any boulevard, planted median or other landscaped area, all construction work shall be done in a manner so as to leave the area in its original good condition. Under no circumstances shall the applicant remove, even temporarily, any trees, shrubs or other plant material without first obtaining the written consent of the Director of Development and Engineering Services or alternate.

703 Cleanup and Restoration

- a) City crews are authorized to carry out all permanent restoration of asphalt and concrete works at the applicant's expense, unless prior agreement has been made between the City and the applicant.
- b) As work progresses, all streets shall be cleaned thoroughly of all rubbish, excess earth, rock and other debris, and immediately upon completion of said work, the applicant shall, at his own expense, remove all unused materials from the area.
- c) Where weather conditions prohibit permanent restoration of excavations, the applicant shall provide temporary resurfacing of approximately 50 mm (2 inches) of bituminous material, compacted to the level of the adjoining paved surface, and shall maintain such temporary works in a safe condition for pedestrian and vehicular traffic until permanent restoration is completed.
- d) The applicant shall ensure that permanent restoration of all sub-base, base, concrete and asphalt materials meet the City of Kamloops specifications and standards for new construction, as outlined in the City of Kamloops Design Manual and shall provide compaction test results and other related information to document same.

- (24-45) e) The applicant must notify the Construction Inspector a minimum 48 hours prior to the commencement of any and all phases of permanent restoration work. The Construction Inspector is authorized to carry out all necessary inspections of the work and the Director of Development and Engineering Services or alternate is authorized to issue a Certificate of Completion, provided the said work has been completed in accordance with City specifications.

DIVISION EIGHT - SIGNS IN ROAD RIGHT-OF-WAY

800 Signs

- (24-45) All signs erected within any road right-of-way shall be subject to the terms and conditions of the City of Kamloops Sign Bylaw No. 11-77 and amendments thereto, in effect from time to time. A separate permit must be obtained as required in the Sign Bylaw. Excludes the use of Sandwich Board Signs (see Division Twelve - Commercial Uses Within the Road Right-of-way).

801 Approval

- (24-45) Where Council has authorized the right to install or remove a sign within the road right-of-way, a permit approved by the Director of Development and Engineering Services or alternate must be obtained prior to commencing work on said sign.

802 Requirements for Permit

- (24-45) Any application to permit the construction, erection or removal of a sign within the road right-of-way must be accompanied by a site plan, construction details and any other information deemed relevant by the Director of Development and Engineering Services or alternate.

- (44-13) 803 Any permit issued under the provision of this Division shall be subject to the payment by the permittee of a permit processing fee outlined in the *Fees and Charges Bylaw No. 44-14*.

804 Special Conditions

Any sign erected subsequent to the enactment of this bylaw, whether approved by permit or not, may be removed by the City without obligation to replace said sign in the following cases:

- (24-45) a) In the event of the installation of any utilities, sidewalk and any other service facilities deemed necessary by the Director of Development and Engineering Services or alternate.
- b) In the event that the area occupied by the sign is required for the implementation of any current or future construction plans.
- c) In the event that the sign is located in a manner which impedes proper traffic sight distance or jeopardizes the safety of vehicle and pedestrian traffic.

- d) In the event that a sign has been installed without a valid permit.
- e) In the event that a sign has been installed subsequent to the expiration of the permit approval period.

DIVISION NINE - HIGHWAY ACCESS

900 Approval

- (24-45) Where a request access from any highway within the municipal boundaries has been made, a permit approved by the Director of Development and Engineering Services or alternate must be first obtained prior to the construction of said access.

901 Requirements for Permit

- (24-45) A permit application must be completed and submitted along with a site plan outlining the extent and location of the proposed access, and any other information deemed necessary by the Director of Development and Engineering Services or alternate.

902 Special Conditions

- (24-45) In accordance with the Municipal Act, R.S.B.C. 1979, Chapter 290, Section 612, the Director of Development and Engineering Services or alternate may require the applicant of a permit cited in Section 900 to provide sufficient funds to the City, to defray the cost of any culvert installation necessitated by the provision of access in areas serviced by rural drainage systems.

DIVISION TEN - BOULEVARDS AND CITY-OWNED TREES

- 1000 The owner of property contiguous to any boulevard shall improve said boulevard to a standard consistent with the improvements made on the owner's property.
- 1001 The owner of property contiguous to any improved boulevard is required to water the shrubs, shade or ornamental trees and water, cut and maintain the grass in a manner consistent with Section 1000 herein.
- 1002 Every owner of land contiguous to a boulevard shall maintain and keep the said boulevard in a tidy and sightly condition.
- 1003 Whenever any person is in default of doing any matter or thing required to be done under the provisions of this bylaw, the City, through its officers, employees or agents may do that which is required to be done, at the expense of a person in default and may recover the expense of the work done, with interest at the rate applicable thereto, including all costs, in the same manner as it may recover municipal taxes.
- 1004 No person shall damage any grass, shrub, tree, asphalt, concrete, gravel or curb in or upon any boulevard.
- 1005 No person shall throw, leave or deposit, or allow any accumulation of dirt, debris or rubbish on any boulevard.

- 1006 All pruning and pesticide application to City-owned trees on boulevards may be completed by City crews upon the approval of the Director of Parks. In general this work will take place on a first come first served basis, unless a safety hazard exists or the life of the tree is determined to be in jeopardy.

(24-47) DIVISION ELEVEN - REMOVAL OF SNOW, ICE OR RUBBISH

- 1100 Every owner or occupier of real property, excluding single family dwellings, shall remove any accumulation of snow or ice upon any sidewalk abutting the land or premises so owned or occupied, not later than 10:00 hours of any day, except Sunday.
- 1101 Every owner or occupier of real property shall remove any dirt, debris, or rubbish from any sidewalk abutting land or the premises so owned or occupied.
- 1102 Every owner or occupier of real property, excluding single family dwellings, shall remove any accumulation of snow, ice or rubbish from the roof or other part of a structure adjacent to a highway within the time limit set forth in Section 1100 of this bylaw.
- 1103 No owner or occupier of any single family dwelling shall permit any accumulation of snow, ice or rubbish on a sidewalk adjacent to any property owned or occupied by the person to such an extent that the snow, ice or rubbish impedes pedestrian traffic.
- 1104 The City, by or through its officers, employees or agents, may give notice to the owner or occupier of land, real property or premises on which there is an accumulation of snow, ice, dirt, debris or other material on the sidewalk abutting the said land, real property or premises, requiring that the accumulation be removed forthwith or within a specified period of time and in default of such removal, the City by its workmen or authorized agent may carry out such removal at the expense of the owner or occupier and may recover the expense of said removal, with interest at the rate applicable thereto, and costs in the same manner as municipal taxes.

- (24-47) 1105 No owner or occupier of any real property shall shovel, place, move or otherwise deposit or suffer or permit the shoveling, placing, moving or depositing of snow or ice from any real property owned or occupied by them or any sidewalk, footpath, driveway access, road right-of-way or boulevard abutting the real property owned or occupied by them, onto the travelled portion of a roadway.

(24-36) DIVISION TWELVE - COMMERCIAL USES WITHIN THE ROAD RIGHT-OF-WAY

1200 Approval

- (24-45) A permit approved by the Director of Development and Engineering Services or alternate for the right to provide, install or place chairs, tables, benches, sandwich board signs, or any other objects within the road right-of-way for the purpose of extending a business outdoors must first be obtained prior to the placement of said objects.

(24-45) 1201 Requirements for Permit

The permit application required for the placement of any objects cited in Section 1200 must be completed and submitted for approval according to the specifications listed in

the City of Kamloops Outdoor Patio Guidelines as well as any other information deemed relevant by the Director of Development and Engineering Services, or their alternate.

For outdoor patios, table and chairs are permitted to be used by customers for food or beverage consumption. Barrier enclosures and all design and function elements of the outdoor patio must conform to the standards established in the City of Kamloops Outdoor Patio Guidelines. Barricade height can be no less than 0.9 m and no more than 1.06 m. All patios must be removed from the public right-of-way no later than October 31 of each calendar year. Special, short-term provisions to extend this deadline must receive prior approval from the Development and Engineering Services Department.

No barrier is to be attached to the sidewalk or have any sharp or pointed pickets that could cause injury. The projection of awnings, umbrellas or other structures is not permitted over any barricade and access to any patio area cannot occur from the frontage of an adjacent business and must open directly to the property frontage. All patios must maintain a clear and passable minimum thoroughfare of 1.5 m between the patio barrier and any portion of adjacent street furniture, including tree wells.

- (44-13) 1202 1202.1 Unless otherwise stated, any permit issued under the provisions of this Division will be valid from January 1 through December 31, upon the payment of a permit fee outlined in *Fees and Charges Bylaw No. 44-14*, for the following:
- (a) sandwich board signs;
 - (b) new outdoor patios;
 - (c) recurring, previously approved patios;
 - (d) display tables or areas;
 - (e) patios that require bypass sidewalks; and
 - (f) new parklet.
- 1202.2 The permittee may only have one of the following on the road allowance at any one time:
- (a) a sandwich board;
 - (b) tables and chairs; or
 - (c) display tables.
- 1202.3 No permit will be issued for tables and chairs unless approved barricades are in place as per Section 1201.

1203 Special Conditions

- (24-45) Whether approved by permit or not, if, in the opinion of the Director of Development and Engineering Services or alternate, placement of any objects described in this Division obstructs, hinders or restricts pedestrian use of the sidewalk or walkway, removal of said

objects by the owner shall be required upon receiving written notification from the Director of Development and Engineering Services or alternate to do so.

- (24-45) Whenever any person is in default of doing any matter or thing required to be done under the provisions of this bylaw, the City, through its officers, employees or agents may do that which is required to be done, at the expense of a person in default and may recover the expense of the work done, with interest at the rate applicable thereto, including all costs, in the same manner as it may recover municipal taxes.

DIVISION THIRTEEN - DECORATIVE SIDEWALKS

1300 Where development or redevelopment of a property occurs within the area outlined on Schedule "B" attached to and forming part of this bylaw, the installation of decorative sidewalks by City crews at the property owner's expense as defined on Schedule "B" will be required in the following cases:

- (24-45) a) No length of concrete sidewalk exists contiguous to the property.
- b) Prior to building construction, fifty per cent (50%) of the total length of sidewalk contiguous to the property is in need of repair or is deemed unsafe by the Director of Development and Engineering Services or alternate; or
- c) During building construction, removal of or damage to existing sidewalk exceeds fifty per cent (50%) of the total length of sidewalk contiguous to the property.
- d) During building construction, should the accumulation of conditions indicated in subclauses b) and c) exceed 50%, the installation of decorative sidewalk as outlined in Division 1300 shall be required.

DIVISION FOURTEEN - PENALTIES

1400 Removal of Chattel or Obstruction

- (24-45) Any chattel or obstruction unlawfully occupying any portion of a highway under the provisions of this bylaw may be removed, detained or impounded by any person authorized to do so by the Director of Development and Engineering Services or alternate.

1401 Recovery of Chattel or Obstruction

Any chattel or obstruction removed, detained or impounded may be recovered by the owner upon presenting proof of ownership and upon payment of all costs incurred to remove, detain or impound any such chattel or obstruction, and any penalty which may be imposed under the provision of this bylaw.

1402 Public Auction

- a) Any chattel or obstruction not claimed by its owner within thirty (30) days of it's impounding or detention may be sold at a public auction, and such auction shall be advertised at least once in a daily newspaper circulated in the City.
- b) The proceeds of such auction sale shall be applied firstly to the costs of the sale, secondly to the fees, costs or expenses of the City, and thirdly, the balance, if any, shall be held by the City for six (6) months from the date of sale for the owner. If unclaimed during that period of time, such sum shall be placed into the General Revenue of the City.
- c) Should any chattel or obstruction not be purchased at the public auction, such chattel or obstruction shall be disposed of in any manner the City sees fit.

(24-48) 1403 Penalties

- a) No person shall do any act or permit any act or thing to be done in contravention of this bylaw.
- b) With the exception of cost recovery for work that may be recoverable through municipal taxes, anyone failing to comply with the provisions of this bylaw within the time limited therefore, or within a reasonable time upon notice to that effect by the City, shall be subject to the City carrying out any such work at the expense of the offender, and any charges or costs incurred by the City in this regard, shall be recoverable by it in any Court of competent jurisdiction.
- c) Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and:
 - i) Any person found in violation of Section 1005 shall be liable to a penalty of not less than Five Hundred Dollars (\$500) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*; or
 - ii) Where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty provided under the Community Charter of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*; or
 - iii) Any combination of the above.
- d) Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
- e) Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or regulation.

DIVISION FIFTEEN - CONSEQUENTIAL AMENDMENTS

- 1500 City of Kamloops Snow Removal Bylaw No. 24-20 is hereby repealed.
- 1501 City of Kamloops Boulevard Construction and Maintenance Bylaw No. 24-21, as amended, is hereby repealed.

ORIGINAL SIGNED BY R. M. LATTA

MAYOR

ORIGINAL SIGNED BY G. R. HAYWARD

CITY ADMINISTRATOR

(44-13)

SCHEDULE "A" *[REPEALED]*

A horizontal number line with tick marks at 0, 100, 200, and 400. The label "400 Meters" is at the right end.

- 1. Wescon Inter-Lock Paving Stones Munich II - Grey
- 2. Wescon Inter-Lock Paving Stones Unistone - Brown
- 3. Wescon Inter-Lock Paving Stones Unistone - Red
- 4. Aggregate Concrete Sidewalk Exposed