

DISTRICT OF COLDSTREAM

BYLAW NO. 1549, 2009

A BYLAW TO REGULATE TRAFFIC AND THE USE OF HIGHWAYS WITHIN THE BOUNDARIES OF THE DISTRICT OF COLDSTREAM

WHEREAS the *Transportation Act*, the *Motor Vehicle Act*, the *Commercial Transport Act*, and the *Community Charter* of the Province of British Columbia, provide that the Council of a municipality may by bylaw, not inconsistent with the said *Acts*, make regulations concerning traffic and highways;

AND WHEREAS the Council of the District of Coldstream deems it advisable to make regulations concerning traffic and highways;

THEREFORE the Council of the District of Coldstream in open meeting assembled, subject to approval of the Minister of Transportation, ENACTS AS FOLLOWS:

1. SHORT TITLE

This bylaw may be cited for all purposes as the "DISTRICT OF COLDSTREAM TRAFFIC AND HIGHWAY REGULATION BYLAW NO. 1549, 2009".

2. DIVISION OF BYLAW

This bylaw is divided into the following divisions:

Division I	-	General	-	Sections 3-6
Division II	-	Traffic Control	-	Sections 7-8
Division III	-	Highway Regulations	-	Sections 9-23
Division IV	-	Penalties	-	Section 24

DIVISION I - GENERAL

3. REPEAL OF BYLAW

Bylaw No. 582, being the "District of Coldstream Traffic and Highway Regulation Bylaw No. 582, 1972", and all amendments made thereto, is hereby repealed.

4. INTERPRETATION

In this bylaw, and in any resolution passed pursuant to this bylaw, unless the context otherwise requires, words and phrases shall have and bear the meaning ascribed to such words and phrases in the *Transportation Act*, the *Motor Vehicle Act*, and the *Commercial Transport Act* of the Province of British Columbia.

5. COVERAGE OF BYLAW

The provisions of this bylaw do not apply to arterial highways under provincial jurisdiction. Every person walking, standing, riding, driving, or propelling any vehicle or riding or driving or in control of any animal, shall be subject to the provisions of this bylaw and all resolutions passed pursuant to the provisions hereof, applicable to such person.

6. COMPLIANCE WITH THE *TRANSPORTATION ACT*, *MOTOR VEHICLE ACT* AND *COMMERCIAL TRANSPORT ACT*

In addition to compliance with all rules of the road and provisions of the *Transportation Act*, the *Motor Vehicle Act*, and the *Commercial Transport Act* or in any order, rule or regulation made thereunder, every person who drives or operates a vehicle on the highway within the boundaries of the District of Coldstream shall comply with the provisions of this bylaw.

DIVISION II - TRAFFIC CONTROL

7. SPEED RESTRICTIONS

- a. Unless specifically posted with a higher speed limit, no person shall drive or operate a vehicle upon any highway within the boundaries of the District of Coldstream at a greater rate of speed than 50 km per hour.
- b. Notwithstanding Section 7.a., no person shall drive or operate a vehicle upon any highway within the boundaries of the District of Coldstream at a greater rate of speed than that indicated on signs erected or placed on any portion of a highway by a person or persons duly authorized under the authority of the Council of the District of Coldstream.

8. PARKING AND TRAFFIC CONTROL DEVICES

a. Parking Regulations

Except when necessary to avoid conflicts with traffic, or to comply with the directions of a Peace Officer or traffic control device, and except while operating a government vehicle or vehicles of a public utility corporation while engaged in their duties, or except an emergency vehicle which is in actual use for official duties, or a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand, or park a vehicle:

- (1) so as to contravene a section of the *Motor Vehicle Act* or this bylaw;
- (2) in any place in contravention of a traffic control device that gives notice that stopping, standing, or parking is prohibited or restricted in that place, and at that time;
- (3) upon any highway for the principal purpose of storing or repairing any vehicle, except where repairs are necessitated by an emergency;
- (4) on any highway for a continuous period exceeding 48 hours;
- (5) in a manner which obstructs the free passage of traffic on any highway;
- (6) in any public off-street parking facility operated by the District of Coldstream in contravention of a traffic control device.

b. Traffic Control Devices

- (1) The Director of Engineering Services is hereby authorized to order the placing or erection of any applicable traffic control devices at such places as he may designate in such order to give effect to the provisions of this bylaw and the *Motor Vehicle Act*.
- (2) Such traffic control devices shall include all signs contained in the *Motor Vehicle Act Regulations*.
- (3) All traffic control devices not otherwise determined herein, shall conform to the *Manual of Uniform Traffic Control Devices for Canada*.

c. Temporary “NO PARKING”

The Director of Engineering Services or designate, the Fire Chief, the Chief of Police, or any Peace Officer may place, or cause to be placed, temporary “NO PARKING” signs or other applicable traffic control devices on a highway:

- (1) along the route of any parade;
- (2) in the vicinity of a large gathering or during special circumstances;
- (3) to facilitate the fighting of fires or other emergency;
- (4) to facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a highway being carried out by the District or any other utility;
- (5) in the interest of public safety.

For clarification, in addition to the placement of any sign or traffic control device, the Director of Engineering Services or designate, the Fire Chief, the Chief of Police, or any Peace Officer may also require that all or some types of traffic be temporarily restricted or prohibited on a highway, in relation to the matters specified in this section.

d. Traffic Regulation and Control Orders

- (1) The Director of Engineering Services is hereby authorized to issue traffic regulation and control orders pursuant to this section in the form attached to this bylaw as Schedule “A”, and the Municipal Clerk shall affix the Corporate Seal to the order and certify the same to be a true copy. Following this procedure, the order shall come into full effect.
- (2) The Director of Engineering Services may rescind, revoke, amend or vary any order made by him or her, provided such order does not require the doing of any act contrary to or inconsistent with this bylaw or the *Motor Vehicle Act*.
- (3) To vary or amend an order, the Director of Engineering Services shall issue a new order reflecting the variation or amendment, and revoking the original order, and the Municipal Clerk shall affix the Corporate Seal to the new order and certify the same to be a true copy.

DIVISION III - HIGHWAY REGULATIONS

9. POWER TO CLOSE HIGHWAYS TO TRAFFIC

- a. The Council may close to traffic or use any highway at such time and for such period of time and in respect of such classes of traffic or use, which in their opinion may be necessary for the construction or protection of any highway.
- b. The Director of Engineering Services may, by placing of signs or public notice, prohibit vehicles which are not equipped with chains or winter tires, all-wheel drive, or any combination of these which the Director of Engineering Services may consider adequate or necessary in view of prevailing conditions, from being driven or operated on a highway.
- c. The Director of Engineering Services is hereby vested with the authority to exercise the powers granted in subsections 9.a. and b. provided, however, that after said authority has been exercised the Council may, if it deems necessary, rescind or vary such restrictions.
- d. Where highways are closed or restricted for an indefinite period of time or more than five days under the provisions of subsection 9.a. and b., the Council shall except in an emergency advertise by Public Notice such closure or restriction in two consecutive issues of a newspaper published in or near the District of Coldstream.

10. PROTECTION OF HIGHWAYS AND BRIDGES

The Council may by resolution make, alter, and repeal, from time to time, rules and regulations governing traffic over any bridge or highway owned or subject to the control of the District of Coldstream for any of the following purposes:

- a. for defining the maximum load that may be hauled on and over any bridge or highway at one time;
- b. for closing a bridge or highway to or restricting the use of same to a particular class or classes of traffic;
- c. for prescribing the speed limit at which traffic may move across any bridge or highway.

11. CAMPING PROHIBITED

No person shall camp either by night or by day on any highway within the District of Coldstream.

12. FIRES PROHIBITED

No person shall make any fires within six (6) metres of any highway or make a fire at any place so as to endanger any bridge or cribbing or leave unextinguished any fire within the District of Coldstream.

13. ROAD USE PROHIBITIONS

- a. Tracked vehicles. No person shall operate tracked vehicles on sidewalks, boulevards, highways, or lanes except for the purpose of snow removal or grading or while equipped with pads approved by the Director of Engineering Services to prevent damage to the road surface.
- b. Leaflets. No person shall be on any highway for the purpose of distributing leaflets by placing the same on the windshield, or any other part, of a vehicle parked upon the highway or on any traffic control signal pole, traffic cabinet or any other traffic control device.
- c. Debris Removal. No person shall leave any glass or other debris from a wrecked or damaged vehicle on a highway when the vehicle is removed from the scene of an accident.
- d. Damage to Highway Surface. No person shall drive, drag, or skid anything along or over a highway so that the same damages the surface of the highway.
- e. Materials on Highway. No person shall place or permit to be placed any petroleum products, lumber, merchandise, soils, chattels, commodities, or other obstructions of any nature on a highway. Upon completion of construction, or at any time during construction where soil accumulates on a highway, sidewalk or in a drainage system as a result of construction activity in a subdivision or development, the owner of the subdivision or development must remove or dispose of the accumulated soil. If the person or owner fails to remove or dispose of the accumulated soil, or other products, or obstructions within seventy-two (72) hours of notification from the Director of Engineering Services, the District of Coldstream may remove and dispose of the accumulated soil at the expense of the person or owner of the property being subdivided or developed.

- f. Materials from Private Property. No person being the owner or occupier of property abutting a highway shall allow or permit any trees, stumps, earth, rocks, logs or other things from private property to cave, fall, crumble, slide or accumulate on a highway. Upon completion of construction, landscaping, or other improvement, or at any time during construction where soil accumulates on a highway, sidewalk or in a drainage system as a result of construction activity on a private property, the owner must remove and dispose of the accumulated soil. If the owner fails to remove or dispose of the accumulated soil within seventy-two (72) hours of notification from the Director of Engineering Services, the District of Coldstream may remove and dispose of the accumulated soil at the expense of the owner of the property.
- g. Garbage Collection Containers. No person being the owner or occupier of property abutting a highway, shall allow any garbage containers or other facilities related to garbage collection or recycling to be upon any portion of the highway except on the day of collection.
- h. Highway Water Damage. No person shall construct or maintain a ditch, drain or drainage system which causes water damage to any highway.
- i. Truck Restrictions. Where posted with a traffic control device indicating that trucks are prohibited on the route, no person shall operate a truck or a commercial vehicle with a gross vehicle weight in excess of 13,700 kg on a highway except:
 - (1) while such truck or commercial vehicle is making a collection or delivery of goods or materials to a property on that immediate route, provided that the operator proceeds by the most direct route from the point of collection or delivery, to or from the nearest truck route.
 - (2) while such truck or commercial vehicle is being operated in the service of the District of Coldstream while engaged in work upon such roadways provided that the operator proceeds to or from the work site by the most direct route.

This subsection does not apply to transit buses or school buses while engaged in the pick-up or drop-off of passengers.

14. TREES, HEDGES, AND FENCES

- a. No owner or occupier of real property at the intersection of highways shall place or permit to be placed or grow any tree, shrub, plant, retaining wall, fence, or other structure of over one (1) metre in height or any lesser height which constitutes a traffic hazard, within a sighting triangle described as the area formed by a triangle created by three (3) lines interconnecting a point on the two intersecting lot lines (front and side) six (6) metres from the exterior lot corner.
- b. No owner or occupier of real property adjacent to any highway shall permit trees or shrubs on such property to extend over the highway at a height of less than 2.75 metres above the average ground level; and where a sidewalk exists such trees or shrubs shall not extend over the sidewalk at a height of less than 2.75 metres above the sidewalk.

15. ROAD USAGE PERMIT

- a. Road Usage Permits. The Director of Engineering Services may issue a road usage permit in accordance with the conditions outlined in Schedule "B" of this bylaw, and subject to payment of the \$50 application fee and the damage and security deposit authorizing one or more of those things otherwise prohibited under Section 15.b.

- b. Prohibitions.

Except as authorized by a road usage permit issued pursuant to this section, no person shall:

- (1) dig up, break or remove any part of a highway, or cut down or remove trees or timber growing on a highway, or excavate in or under a highway;
- (2) cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences, signs or other things erected by the District on a highway;
- (3) change the level of a highway in any way whatsoever, or stop the flow of water through any drain, sewer or culvert on, through or under a highway;
- (4) place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway;
- (5) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling nuisance or injury to any portion of a highway;

- (6) mark or imprint or deface in any manner whatsoever a highway or structure situated on a highway;
 - (7) ride, drive, lead, move or propel any vehicle or animal in excess of 270 kg over or across a boulevard including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing, except when in use to improve or maintain the boulevard or in any area of the District within the Agricultural Land Reserve or a Rural Zone as identified in the Zoning Bylaw;
 - (8) construct a boulevard crossing, including a curb, ditch or sidewalk crossing.
- c. Damage and Security Deposit. As a prerequisite to the issuance of a road usage permit, the Director of Engineering Services may request that the applicant deposit with the District a sufficient sum of money, or irrevocable letter of credit from a chartered bank of Canada if the amount required to be deposited is greater than five hundred (500.00) dollars, to secure the payment of the cost of repairing any damage done to the highway and the fulfillment of the obligations imposed by the road usage permit, including the remedy of any deficiencies in the work, and where applicable, the cost of one year's maintenance. The amount calculated to be 50% of the said works but not to exceed \$50,000.00.
- d. Deposit Refund. Where a deposit has been made in accordance with this section, upon satisfactory completion of the work, or in the case of excavation work, at the end of one year after the completion of the work, as outlined in Schedule "B", the deposit, less any deductions made pursuant to this section, shall be refunded to the Permittee.
- e. Default – District to Repair. Failure by the Permittee to repair damage and/or fulfill such obligations as are set out in the road usage permit within the specified time, shall enable the District of Coldstream to carry out the repair or fulfill the obligations that have not been met under the terms and conditions of that permit and to deduct the cost thereof from the monies on deposit or to call on the irrevocable letter of credit and to pay the costs therefrom and should there be an insufficiency of monies on deposit or through the letter of credit, then the Permittee shall pay the balance forthwith upon invoice of the District of Coldstream or should there be a surplus of funds over and above that required by the District to carry out the works or fulfill the obligation, such balance shall be paid to the Permittee less an administration charge of twenty-five (25.00) dollars.
- f. Plans. The applicant shall provide, in triplicate, accurate plans and specifications for any new works to be undertaken and when approved by the Director of Engineering Services and the necessary road usage permit issued, the work shall conform in every way to the plans and specifications so provided.

- g. Safety Devices. Any person doing work on or in any highway shall provide and place appropriate barricades, lights and other safety devices as are required to protect the public. All signs shall be installed in accordance with this bylaw and any other applicable regulatory requirement.
- h. Insurance. The applicant shall, without limiting its obligations or liabilities under this road usage permit, procure and maintain, at its own expense, the insurance policies listed on Schedule "C". The insurance policies shall be maintained continuously from the date of commencement of the work, services and/or occupancy to be provided under this permit until the date that the District certifies in writing completion of the work, services and/or occupancy or such further period as may be specified.
- i. Hold Harmless/Indemnification. The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the District, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this road usage permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees.

The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this road usage permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.
- j. Materials to Complete Work. The applicant shall ensure all materials, labour and equipment which are needed to complete the work within the time period specified are available to the applicant before applying for a road usage permit.
- k. As-built Plan. The applicant shall provide the Director of Engineering Services, following completion of the work, with a plan, drawn to scale, showing the location, size and description of the works installed or affected, and the date of installation. The plan will be approved by the Director of Engineering Services prior to the return or refund of any deposit or security posted as a condition of the road usage permit.

16. CONVEYANCE OF WATER

- a. No person shall by ditch pipe or flume or other works, convey water on, along or across any highway without first obtaining a road usage permit issued under Section 15 from the Director of Engineering Services.
- b. Any works installed under a road usage permit issued under Section 16.a. shall be installed in such a manner, form and location as the Council may direct and shall be kept in good repair at the Permittee's expense.
- c. The Director of Engineering Services may order the Permittee to perform any necessary repairs or maintenance to the works described in Section 16.a. and if repairs or maintenance so ordered are not made within ten (10) days of the issuance of said order, the Director of Engineering Services is empowered to make or have made any necessary repairs at the expense of the Permittee.

17. EXTRAORDINARY TRAFFIC

- a. Where in the opinion of the Council any highway is liable to damage through extraordinary traffic thereon, the Council may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic or owning the goods carried thereby or the vehicles used therein. Extraordinary traffic is traffic as so defined in the *Transportation Act*.
- b. The driver of any vehicle on a highway when so required by a Peace Officer or by any person authorized in writing by the Minister of Transportation shall:
 - (1) stop the vehicle at the time and place specified by such Peace Officer or authorized person for the purpose of weighing the whole or part thereof by means of stationary or portable scales, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried or for any other purpose;
 - (2) drive the vehicle to the nearest public or Department of Commercial Transport stationary or portable scales for the purpose of weighing the vehicle and load;
 - (3) rearrange the load upon the vehicle or remove the whole or part of the load from the vehicle in order to comply with regulations pursuant to the *Motor Vehicle Act* and the *Commercial Transport Act*, before continuing to drive or operate the vehicle.

18. PUBLIC ACCESSES

- a. It shall be an offence to water ski from or to any public access to Kalamalka Lake which public access has been posted "No Skiing".
- b. It shall be an offence to park or leave parked any vehicle or trailer at any public access to Kalamalka Lake between the hours of 11 o'clock in the afternoon and 6 o'clock in the forenoon, which public access has been posted "No Parking Between the Hours of 11:00 p.m. and 6:00 a.m.".
- c. It shall be an offence to "picnic" at any public access to Kalamalka Lake which public access has been posted "No Picnics".

19. RUBBISH PROHIBITED

No person shall throw, drop, deposit or leave, or let fall from or out of any vehicle or conveyance any bottles, bottle, glass crockery, nails, tacks, wood sawdust, or refuse or household waste, garbage or refuse, or any object or materials whatever, on or upon any highway or upon either side of a highway within the District of Coldstream.

20. PROPERTY ACCESS TO A MUNICIPAL HIGHWAY

- a. No person shall construct an access from a highway under the District of Coldstream's jurisdiction to an adjacent property prior to obtaining an access permit from the District, and subject to such conditions as may be contained in this section and stated in the access permit in the form attached to this bylaw as Schedule "D".
- b. No person shall alter the access, in contravention of this bylaw, after final approval has been provided.
- c. Access Regulations:
 - (1) New Construction
 - (a) For residential use, one 7.5 metre wide access shall be permitted for each approved dwelling unit. Under special circumstances, the Director of Engineering Services may consider the alternative of two driveway accesses not exceeding a total width of 7.5 metres.
 - (b) For all other uses, one 7.5 metre wide access shall be permitted for each sixty (60) metres of lot frontage, to a maximum of two accesses.

- (c) In the case of farm land classification as specified under the *Assessment Act*, one additional 7.5 metre wide access shall be permitted for each additional sixty (60) metres of frontage to a maximum of three accesses.
 - (d) Where an additional agricultural use access is permitted for farm land, the additional access, in addition to the setback required in Section 20.c.1(g) below, shall have a minimum separation of fifty (50) metres from any other access serving that lot, or as approved by the Director of Engineering Services.
 - (e) Where a lot has road frontage on more than one side, access shall be obtained from the road with the lowest classification.
 - (f) For corner lots, no access shall be located closer than ten (10) metres from the edge of the pavement line of the roadway parallel to the driveway.
 - (g) Where a second access is permitted, it shall have a minimum separation of ten (10) metres from a highway.
- (2) Existing Accesses
- (a) Acting on complaint, the District will review existing access(es) exceeding the allowed number as stated in Section 20.c.(1).
 - (b) The Director of Engineering Services will provide comments to the complainant and the property owner, in accordance with Section 20.c.
- (3) Construction
- (a) Access from the highway shall have a maximum width of 7.5 metres.
 - (b) All works constructed within the highway right-of-way shall be to District of Coldstream standards and approved by the Director of Engineering Services.

- (c) Commencing at the edge of the finished highway surface (back of curb or sidewalk, whichever is applicable), or the edge of the gravel shoulder where no curb and gutter exists, an access shall be as close to right angles as practicable to the property boundary for a minimum distance of six (6) metres, and the access slope shall be not greater than five percent (5%) over that distance.
- (4) Culverts:
 - (a) A culvert shall be installed in all accesses except where:
 - (i) approved curb and gutter exists; or
 - (ii) the requirement for a culvert is exempted in writing by the Director of Engineering Services.
 - (b) The minimum culvert diameter is 300 mm unless otherwise requested by the Director of Engineering Services. Installation of culverts and any other related works shall be to District of Coldstream standards and approved by the Director of Engineering Services.
- (5) Shared Access:
 - (a) The sharing of one (1) access by two or more properties is not permitted except where individual accesses are not practicable in the opinion of the Director of Engineering Services, due to excessive slopes, irregular lot configurations, or overriding safety concerns. The owners of all properties benefiting from and intending to use the access shall apply to the District of Coldstream, jointly, for an access permit. Reciprocal easements over the affected properties will be required to be registered on title over said lands utilizing that access. The Director of Engineering Services must first approve the wording of any and all private easement agreements prior to their being registered with the Land Title Office.
 - (b) The owners of all properties benefiting from and intending to use the access shall hold the District harmless from all loss, costs, damages, and expenses whatsoever incurred or suffered in connection with the performance or non-performance of the shared access.

- (c) Notwithstanding the provisions of Section 20.c.(5)(a), strata subdivisions created pursuant to the provisions of the *Strata Property Act* shall be permitted to share one common access. The owners of all the properties benefiting from and intending to use the access shall apply to the District of Coldstream, jointly, for an access permit.
- (6) Maintenance:
 - (a) Except as herein provided, every person owning or occupying property, which has a culvert in the highway access area, shall be responsible for any necessary maintenance or replacement of the culvert at the expense of the owner.
 - (b) The Director of Engineering Services may order the owner or occupier of property to which there is an access from any highway to perform or have performed any necessary maintenance of the access, or culvert repair or replacement, and where said order is not complied with within ten (10) days of the date of said order, the Director of Engineering Services is empowered to have such maintenance or replacement carried out at the expense of the owner.
 - (c) Where the District of Coldstream is doing construction on any highway, the District may install or cause to be installed or replaced any culverts as may be necessary, and the cost of such installation or replacement shall be included as part of the cost of reconstruction of the highway.
- (7) Permit Termination:

An access permit shall expire if construction of the access has not commenced within six (6) months of the date the permit was obtained.
- (8) Penalties:
 - (a) If in the opinion of the Director of Engineering Services, in accordance with this bylaw, it is deemed that an access is not in compliance, the District will allow the owner the opportunity to rectify the deficiency.

- (b) If a new, approved access makes the existing access unnecessary and is in contravention of this bylaw, the owner may be required to remove the old access at the owner's expense. Charges may include, and are not limited to, street lighting, traffic signage, curb, roadway, ditch or sidewalk reinstatement, water and hydro boxes, etc., as determined by the Director of Engineering Services.
- (c) If by way of complaint regarding the acceptability of an existing access, the number of accesses, or width(s) of an existing access is questioned, the District may, upon direction of the Director of Engineering Services, require that the non-conforming access be removed, altered, or be allowed to remain, in accordance with 20.c.(8)(b).
- (d) Any person who does anything or permits anything to be done in contravention of this bylaw or who fails to do anything required to be done under this bylaw commits an offence and shall be liable to the penalties as may be imposed under the *Offence Act*.

21. SIGNS

- a. No person shall tear down, remove, displace, or in any way interfere with any traffic sign or guidepost erected on any highway by the District of Coldstream, or by any person with approval of the Council.
- b. No person shall erect, place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles any traffic control sign or traffic sign, or which hides from view or interferes with the effectiveness of any authorized traffic control device.
- c. No person shall, unless with permission by resolution of the Council, erect, place, maintain, or display on, over or adjacent to any highway any unauthorized sign or other form of advertising.
- d. The Director of Engineering Services may order the alteration, repainting, tearing down or removal of any sign, advertisement or guidepost erected or maintained on or over any highway and in the exercise of this authority no compensation shall be paid to any person for loss or damage resulting from the alteration, repainting, tearing down or removal of any sign, advertisement or guidepost placed upon or over any highway.
- e. The Council may from time to time by resolution designate the location of such signs as the Council deems necessary to identify school speed zones.

- f. The Council may from time to time by resolution designate the location of such signs as the Council deems necessary to identify playground speed zones.
- g. The Council may from time to time by resolution direct that warning and pedestrian signs which in their opinion are deemed advisable be erected.
- h. The Director of Engineering Services or any Peace Officer may erect or place a temporary traffic control device at any time or place, in the interest of public safety.

22. OPEN LIQUOR

No person shall, as a pedestrian, be in possession of open liquor on a highway, including sidewalks or boulevards.

23. REMOVAL OF VEHICLES, CHATTELS, OR OBSTRUCTIONS

a. Removal of Vehicle

- (1) A Peace Officer, or a person authorized by the Council to enforce this bylaw may move or cause to be moved a vehicle, or seize, detain or impound a vehicle or cause a vehicle to be seized, detained or impounded and taken to and stored in a safe and otherwise suitable place if the vehicle is unlawfully occupying any portion of a highway or public place.
- (2) The driver or person in charge of the vehicle may be requested to move the vehicle to a position so determined by the Peace Officer, or person authorized by the Council to enforce this bylaw.

b. Removal of Chattel or Obstructions

Any chattel, soil or other material, or obstruction unlawfully occupying any portion of a highway or public place may be removed, detained or impounded by any person authorized to do so by the Director of Engineering Services or a Peace Officer or Bylaw Enforcement Officer. The District of Coldstream may levy the costs of such removal, detention and/or disposal of such chattels, soils, materials, or obstructions at the expense of either the party owning the material or the developer of any property originating the accumulation or obstruction.

c. Removed, Detained or Impounded Vehicles, Chattels or Obstructions

- (1) Any chattel, obstruction or vehicle removed, detained or impounded may be recovered by the owner upon presenting proof of ownership and upon payment in full of any fees, costs and expenses which may be levied pursuant to the provisions of this bylaw or any contract currently in effect with an authorized contractor or agent to:
 - (a) the District's towing contractor or authorized agent in the case of a vehicle;
 - (b) the District office during regular business hours in the case of any chattel or obstruction.
- (2) If a vehicle is removed, detained or impounded, and not claimed by the owner within thirty (30) days, then the vehicle may be disposed of at public auction, which auction shall be advertised at least once in a newspaper circulating in the immediate area.
- (3) 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, and such action shall be advertised at least once in a daily newspaper circulating in the District of Coldstream.
- (4) 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 District of Coldstream or its contractors or authorized agents as set out above, and thirdly the balance, if any, shall be paid to the owner or, if unclaimed for one (1) year from the date of sale, shall be paid into the General Revenue of the District of Coldstream.

DIVISION IV - PENALTIES

24. PENALTIES

a. Ticketable Offences

It shall be the duty of any Peace Officer or other person appointed by the Council to enforce the provisions of Section 8 of this bylaw to record on a "Bylaw Violation Notice", the following:

- (1) the licence number and a general description of the vehicle;

- (2) a general description of the location which indicates where the vehicle was parked in violation of the provisions of Section 8 of this bylaw;
- (3) the time during which such vehicle was parked or stopped;
- (4) any other facts which may be necessary to understand the circumstances of the violation.

No person shall remove any notice or ticket affixed or placed on a vehicle for a violation of this bylaw unless that person is the owner or operator of such vehicle.

b. Violation

Notwithstanding Section 24.a., any person who operates a vehicle, or who, being the owner or operator of a vehicle, permits it to stand or be parked in contravention of a traffic control device is liable on summary conviction to a fine of not more than two thousand (2000.00) dollars.

c. Penalty

- (1) Except as otherwise provided in this bylaw, any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty or obligation imposed by this bylaw commits an offence and is liable on summary conviction to a fine not exceeding two thousand (2000.00) dollars.
- (2) Notwithstanding the provisions of Section 24.c.(1), a person who violates any provision of Section 8 and who has received a "Bylaw Violation Notice", shall pay to the District of Coldstream a fine in the sum of twenty-five (25.00) dollars, in full satisfaction of each violation; however, this amount shall be reduced to fifteen (15.00) dollars, if paid within forty-eight (48) hours, and further, that in the event the vehicle has been impounded, the additional costs of impoundment, removal and storage, as provided in Section 23.c. shall be applicable and due and payable.

d. Default

Where in this bylaw any matter or thing is required to be done by any person, in default of it being done by such person, such matter or thing shall be done at the expense of the person in default and the expense thereof may be recovered, with interest at six percent (6%) per annum, with costs in like manner as municipal taxes.

e. Inspection

Any Peace Officer or other person appointed by Council to enforce the provisions of this bylaw may enter, at all reasonable times, upon any property subject to the regulations of this bylaw in order to ascertain whether such regulations or directions are being obeyed.

25. COMES INTO FORCE

This bylaw shall have full force and effect upon the date of final adoption thereof.

READ a first time this 23rd day of February, 2009.

READ a second time this 23rd day of February, 2009.

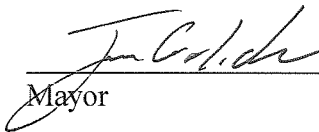
READ a third time this 23rd day of February, 2009.

RECEIVED THE APPROVAL of the
Ministry of Transportation this 2nd day of March, 2009.

FINALLY PASSED AND ADOPTED this 9th day of March, 2009.



Corporate Officer



Mayor

Attachments:

Schedule "A" – Traffic Regulations and Control Order
Schedule "B" – Road Usage Permit
Schedule "C" – Certificate of Insurance
Schedule "D" – Access Permit

DISTRICT OF COLDSTREAM
TRAFFIC REGULATION AND CONTROL ORDER

Order No.: _____

Date: _____, 20__

WHEREAS the *Motor Vehicle Act* empowers the Council of a municipality to authorize an officer or employee of the municipality to make, rescind, revoke, amend or vary orders in respect of the matters comprised in a bylaw adopted under the *Act*;

AND WHEREAS, the Council of the District of Coldstream, has adopted a "District of Coldstream Traffic and Highway Regulation Bylaw No. 1518, 2008", and in accordance with that bylaw has authorized the Director of Engineering Services to make, rescind, revoke, amend or vary orders in accordance with the aforementioned bylaw;

NOW THEREFORE, I, _____, the duly appointed Director of Engineering Services, make the following order(s):

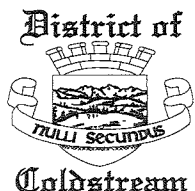
IN ACCORDANCE with the *Motor Vehicle Act*, the following Traffic Control Device(s) shall be placed and maintained at the following locations within the boundaries of The Corporation of the District of Coldstream:

THE ABOVE ORDER(S) is hereby imposed in accordance with the "District of Coldstream "Traffic and Highway Regulation Bylaw No. 1518, 2008".

DATED at Coldstream, B.C. this _____ day of _____, 20__.

Director of Engineering Services

Clerk



REQUEST FOR ROAD USAGE PERMIT

Fax to District of Coldstream Fax #: 250-545-4733 Phone: 250-550-1505 Mail to: 9901 Kalamalka Road, Coldstream, BC V1B 1L6

Contact Information

Business _____ Phone # _____ Fax # _____

Email: _____

Contact Person _____ Cell # _____
(Please print)

Notice to Proceed: _____ Yes _____ No

Purpose of Permit _____

Start Date _____ End Date _____ From _____ am/pm To _____ am/pm

Surface Disruption Data (please check all surfaces that will be disrupted as result of excavation)

Asphalt ☐ Gravel ☐ Turf ☐

Curb ☐ Sidewalk ☐ Not disrupting any surfaces ☐

Location: Address _____

Between _____ And _____

Traffic Information (please choose one box per column)

<u>Traffic Control</u>	<u>Lane Affected</u>	<u>Disruption (choose all that apply)</u>
Not Required ☐	Not Affected ☐	Detour ☐
Open Two Lanes ☐	Alternating Single Lane Traffic ☐	Local Business Open ☐
Single Lane Traffic ☐	Curb Lane ☐	Local Traffic Only ☐
Road Closed ☐	Median Lane ☐	Traffic Control Person ☐
		No Disruption ☐

Estimate of Works _____ Security Deposit Paid (amount) _____

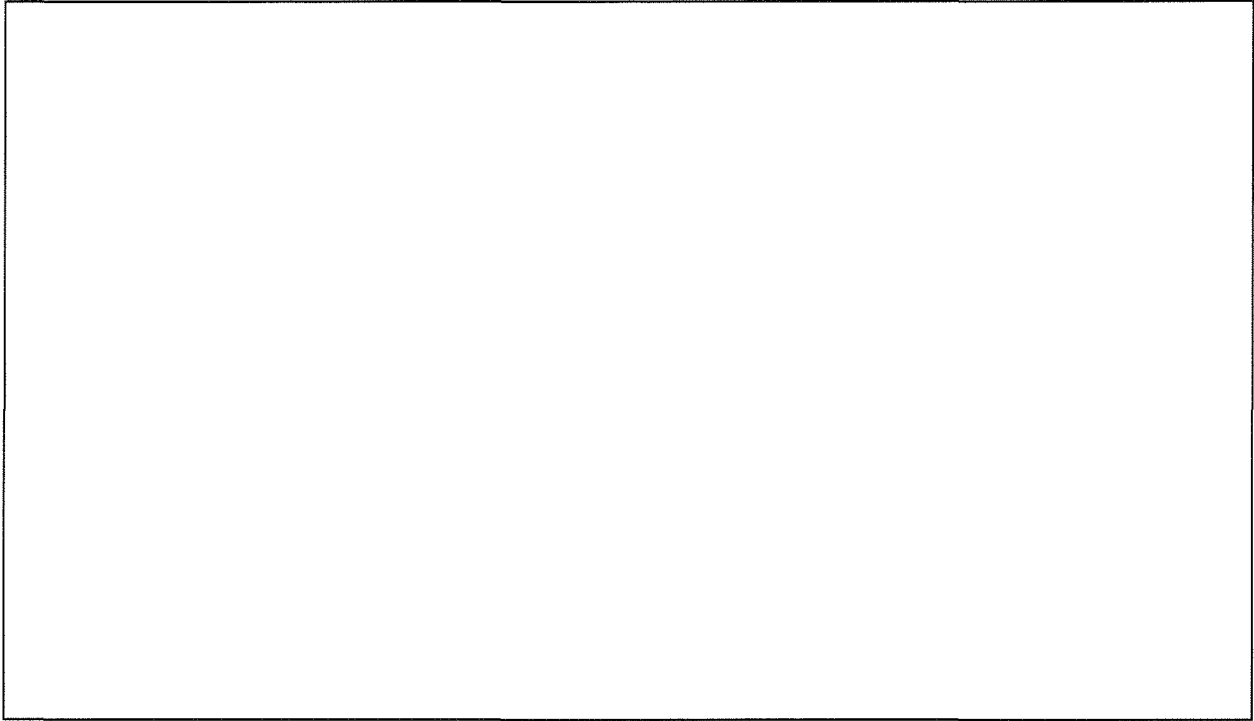
Locates are required by the contractor prior to excavating under WCB Industrial Health & Safety regulations and failure to do so will invalidate the Road Usage Permit.

I (we) hereby acknowledge I have read and understood the District of Coldstream Traffic and Highway Regulation Bylaw #1518, 2008 and agree to be bound by its provisions and amendments, if any, specifications and regulations to the District governing excavations in or under municipal streets and to such special conditions, restrictions and regulations as may be imposed by the Director of Operational Services.

Date of Application: ____/____/____ Signature of Applicant: _____
Yr/Month/Day

Print Name: _____

Sketch: **Attach Drawing**



Date of Approval: / /
 Yr Mo Day

Director of Engineering Services: _____



DISTRICT OF COLDSTREAM

CERTIFICATE OF INSURANCE

This Certificate is issued to: District of Coldstream
9901 Kalamalka Road
Coldstream, BC V1B 1L6

Insured

Name:

Address:

Broker

Name:

Address:

Location and nature of operation or permit to which this Certificate applies:

Type of Insurance	Company and Policy Number	Policy Dates		Limits of Liability / Amounts
		Effective	Expiry	
Section 1 Comprehensive General Liability including: • Products/Completed Operations • Blanket Contractual • Contractor's Protective • Contingent Employer's Liability • Broad Form Property Damage • Non-Owned Automobile				Bodily Injury and Property Damage \$ <u>5,000,000</u> Inclusive \$ _____ Aggregate \$ _____ Deductible
Section 2 Automobile Liability				Bodily Injury and Property Damage \$ <u>3,000,000</u> Inclusive
Section 3 Umbrella/Excess Liability				\$ _____ Excess of Section 1 \$ _____ Excess of Section 2

It is understood and agreed that the policy/policies noted above shall contain amendments to reflect the following:

1. Any Deductible or Reimbursement Clause contained in the policy shall not apply to the District of Coldstream and shall be the sole responsibility of the party named above.
2. The District of Coldstream is named as an Additional Insured.
3. 30 days prior written notice of material change and/or cancellation will be given to the District of Coldstream.

 Print Name

 Authorized Signatory

 Date

DISTRICT OF COLDSTREAM**PERMISSION TO CONSTRUCT, USE, AND MAINTAIN
ACCESS TO A MUNICIPAL HIGHWAY, SUBJECT TO THE
PROVISIONS OF THE DISTRICT OF COLDSTREAM TRAFFIC
& HIGHWAY REGULATION BYLAW NO. 1518, 2008**

ROLL NO. _____

B.P. NO. _____

The works comprising of the construction, use and maintenance of one (1) _____ metre access to serve _____, legally described as Lot _____ Plan _____, in accordance with the application and sketch submitted by _____ dated _____ is **hereby approved** insofar as it relates to the use of highway right-of-way, interference with public works, or other matters under the jurisdiction of the District of Coldstream, and permission to construct, use, maintain and operate the said works **is hereby granted, subject to the following conditions:**

1. **That construction of the said works and the installation of culvert pipe (if required) is done in accordance with District of Coldstream standards.**
2. The access shall be constructed with _____ culvert pipe manufactured to CSA standards. Maintenance and periodic cleaning of this culvert is the responsibility of the permittee.
3. The access shall be gravelled / paved to an extent satisfactory to the Public Works Superintendent or delegate to prevent the tracking of mud and soil onto the highway surface.
4. **Any mud, soil, debris, or other material tracked onto the highway from the access during or after construction shall be removed by the permittee at his/her expense.**
5. That any person appointed by the District for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
6. That the safety and convenience of the public must at all times be recognized.
7. That the permittee shall at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and keep indemnified the District from all claims and demands whatsoever in respect of the works. That, prior to proceeding with any excavation, the permittee will be responsible for notifying any utility company whose works may be close to or affected by the installation.
8. **This permission shall not be deemed to vest in the permittee any right, title, or interest whatsoever in or to the lands upon which the works are constructed.**
9. That while reasonable care will be taken on the part of the District to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the District and its employees accept no responsibility of any kind for such damage.
10. That, after receiving notice in writing of the intention of the District to construct, alter, or improve any public works, the permittee shall within 30 days move or alter works authorized by this permit at his own expense to such new position or in such manner as may be necessitated by the construction, etc., and that there shall be no claim for damages against the District.

Comments _____

APPROVED this _____ day of _____, 20_____

For District of Coldstream