

THE CORPORATION OF THE TOWNSHIP OF SPALLUMCHEEN

BYLAW NO. 2085, 2022

A Bylaw to regulate highways and traffic within the Township of Spallumcheen

WHEREAS pursuant to the *Motor Vehicle Act*, the *Local Government Act* and the *Community Charter*, the Council is authorized to regulate traffic and use of highways within the municipality;

NOW THEREFORE, the Council of the Corporation of the Township of Spallumcheen, in open meeting assembled, **ENACTS** as follows:

1. CITATION

- 1.1. This bylaw may be cited, for all purposes, as the **"Township of Spallumcheen Highway and Traffic Regulation Bylaw No. 2085, 2022"**.

2. DEFINITIONS

- 2.1. In this bylaw and in any regulations or resolution passed pursuant to this bylaw, unless the context otherwise requires, words or phrases defined in the *Motor Vehicle Act* have the same meaning in this bylaw, unless otherwise defined in this bylaw or in the *Local Government Act* or the *Community Charter*.

"Angle Parking" means parking a vehicle other than parallel to a curb, or lateral boundary of a roadway;

"Building Bylaw" means the Township of Spallumcheen Building Bylaw;

"Bus Zone" means a space on a highway marked by a sign or signs designating it as an area for buses to stop for the purposes of loading or unloading passengers;

"Bylaw" means this bylaw and includes resolutions passed pursuant thereto;

"Bylaw Enforcement Officer" means the person appointed as such, by Council and any person appointed or designated to assist him or her in the enforcing municipal laws and regulations as set out in this bylaw;

"Boulevard" means the area other than a sidewalk between the curb lines of a highway of the lateral lines of a highway of the shoulder thereof and the adjacent property lines;

"Corporate Officer" means the person appointed by the Council as the officer assigned the responsibility of corporate administration;

"Council" means the Municipal Council of the Township of Spallumcheen;

"Disabled Person" is a disabled person as that term is defined in the Regulations;

"Disabled Persons Parking Permit" means a Disabled Persons Parking Permit issued pursuant to the Regulations;

"Disabled Zone" means that part of a highway or public place identified by the disabled parking sign specified in the Regulations;

"Extraordinary Traffic" means the carriage of more than 145,000 kilograms of goods in one day;

"Farm Vehicle" means a tractor or combine operating on a highway in connection with a farming operation;

"Fees" means the schedule of fees prescribed in the Township of Spallumcheen Fees and Charges Bylaw;

"Fees and Charges Bylaw" means the current Township of Spallumcheen Fees and Charges Bylaw, as amended from time to time;

"Fire Chief" means the person appointed by Council as the Fire Chief for the Township of Spallumcheen;

"Fire Lane" means areas including driveways and other traffic circulation areas where Fire Exit signs are displayed;

"Fire Zone" means that portion of a highway contained within the projected extension of the lateral boundaries of every parcel of land upon which a fire hall or fire station is constructed;

"GVW" means the Gross Vehicle Weight of a vehicle as indicated on the exterior of the vehicle or if not shown on the exterior, then on the licensing papers for that vehicle;

"Highway" means and includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare, and any other public way which does not include an arterial highway as defined by the *Transportation Act*;

"Lane" means a public thoroughfare not exceeding 8 meters in width separating the rear property lines of parcels fronting on highways more or less parallel to and on each side of that thoroughfare;

"Loading Zone" means a space on a highway marked by a sign or signs pursuant to this bylaw as an area for the purposes of loading or unloading vehicles;

"Manager of Operations" means the person appointed by Council to this position;

"Municipal Vehicle" means any vehicle owned or leased by the Township of Spallumcheen and includes vehicles operated on behalf of the Township;

"Municipal Ticket Information Bylaw" means the current Township of Spallumcheen Municipal Ticket Information Bylaw, as amended from time to time;

"Overload Permit" means a permit issued under Section 14.4(a);

"Oversize Permit" means a permit issued under Section 14.7(a);

"Pedestrian" means a person afoot, a child in a carriage, or an invalid in a non-motorized and/or motorized wheel chair;

"Private Road" means every way or place in private ownership and used for vehicles travel by the owner and those having permission from the owner;

"Procession" means any gathering of more than twenty (20) pedestrians or more than ten (10) vehicles (except funeral processions) upon a highway;

"Recreational Vehicle" means a chassis mounted camper, motor home, holiday trailer or boat trailer intended for the exclusively for recreational use;

"Regulations" means all regulations enacted pursuant to the Motor Vehicle Act;

"Residential Dwelling Units" means a housekeeping unit designed, occupied, or intended for occupancy, as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a family maintaining a household;

"Road Right-of-way" means that portion legally dedicated as highway between adjacent property boundaries, and includes the boulevard, roadway, sidewalk and cycle path;

"Township" means the Corporation of the Township of Spallumcheen, a municipality, as described in its Letters Patent;

"Traffic Officer" means any official or employee of the Township of Spallumcheen whose designated duties include the regulation or control of traffic or parking within the Township of Spallumcheen, and Peace Officers employed by any agency;

"Trailer" means a vehicle including a recreational vehicle that is at any time drawn upon a highway by a motor vehicle;

"Truck" means a vehicle licensed for a GVW of 4,600 kilograms or greater;

"Truck Route" means those highways listed in Schedule "A" and those highways may be changed and future highways added from time to time by a resolution or bylaw of Council and identified as a truck route by signage;

"Vehicle Projections Permit" means a permit issued under Sections 14.10(a) and 14.10(b); and

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

3. ADMINISTRATION

- 3.1. No person shall obstruct or interfere with the free flow of traffic or control or detour traffic on any highway or lane, whether by use of signs or flagmen or barricades or other physical obstruction on the highway, provided this section shall not apply to:

(a) a Peace Officer acting in the course of his duty;

(b) a School Patrol acting under the authority of the *School Act*;

- (c) emergency vehicles, public utility or municipal vehicles while making repairs or improvements to or on a highway or lane; and
 - (d) vehicles while obeying the instructions of a traffic control device or peace officer.
- 3.2. Where traffic control devices are erected or placed on or adjacent to any highway, no person shall act contrary to the traffic control device, except where directed to do so by a Traffic Officer or appointed personnel.
- 3.3. The Manager of Operations or the Fire Chief may erect temporary traffic control devices:
 - (a) in the interest of public safety; or
 - (b) to facilitate the fighting of a fire; or
 - (c) to enable work to be done on a highway, such as clearing of snow, cleaning, repairing, excavating, or decorating; or
 - (d) to prohibit operation of vehicles which are not equipped with chains or winter tires.
- 3.4. The Manager of Operations shall:
 - (a) have traffic control devices and signs erected, where necessary or desirable, to give notice of a regulation made pursuant to this bylaw; or
 - (b) replace or alter traffic control devices to give effect to the provisions of the *Motor Vehicle Act* and/or this bylaw; or
 - (c) prohibit the use of vehicles not equipped with chains, snow tires, or sanding devices.
- 3.5. The provisions to this bylaw prohibiting the stopping, standing or parking of vehicles shall not apply to:
 - (a) emergency vehicles;
 - (b) municipal vehicles or public utility vehicles while engaged in highway or public utility construction or maintenance work, under or over the surface of a highway;
 - (c) tow trucks while such vehicles are engaged in work requiring them to be stopped in a manner contrary to this bylaw, provided this exemption shall not relieve the operations of such vehicles from taking precautions to indicate the presence of such vehicle on the street while so parked or stopped; or
 - (d) any vehicle stopped on the highway where the vehicle is stopped on the highway by reason of an emergency, provided this shall not relieve the operators of such vehicles from taking sufficient precautions to indicate the presence of the vehicle on the highway to other vehicles on the highway.

4. APPLICATION

- 4.1. This bylaw shall not apply to an arterial highway as defined in the *Transportation Act* unless application has been approved by the Ministry of Transportation and Infrastructure.
- 4.2. Unless the context otherwise requires:
 - (a) provisions of this bylaw relating to pedestrians and operation of vehicles, refer to pedestrians and operation of vehicles upon a highway within the boundaries of the Township of Spallumcheen; and
 - (b) a person riding an animal, or driving an animal-drawn vehicle, upon a highway has all the rights and is subject to all the duties that a driver of a vehicle has under this bylaw.
- 4.3. No part of this bylaw, except sections 14.1(a) and 14.5(a), applies to farm vehicles operating on a highway.
- 4.4. Every provision of this bylaw that refers to a vehicle applies equally to a combination of vehicles.

5. GENERAL REGULATIONS

- 5.1. Except where otherwise directed by a Peace Officer or a person authorized by a Peace Officer to direct traffic, every person shall obey all instructions, regulations or
- 5.2. prohibitions contained in this bylaw, including any traffic control devices erected or placed under the provisions of this bylaw.
- 5.3. No person shall mark or imprint on, or in any manner whatsoever deface, damage or interfere with any traffic control device which is erected or placed under the provisions of this bylaw.
- 5.4. No person other than the owner or operator of a vehicle shall remove any notice placed thereon or affixed thereto by a Peace Officer or Bylaw Enforcement Officer under the provisions of this bylaw.
- 5.5. No person shall drive or operate a vehicle upon a lane at a speed in excess of 20 kilometers per hour.
- 5.6. No person shall:
 - (a) Throw or cause to be deposited or to flow upon a highway any noxious, offensive or filthy water, oil, gasoline or grease, soil, sand, gravel or rock, snow, garbage or litter, or any other substance, article or thing, whether broken or intact;
 - (b) coast, slide or use roller blades, roller skates, skateboards, sleighs, ice skates, skis or other similar means of conveyance on the travelled portion of a highway;
 - (c) leave any excavation or other obstruction on a highway without placing barricades and warning lights for the protection of the public;

- (d) interfere with any barricade, sign, warning lamp, warning light, or other device which is lawfully occupying any highway at or near any excavation, obstruction or work being performed thereon;
 - (e) engage in any sport, amusement, or occupation on a highway or stand or loiter in such a manner as to obstruct, impede or interfere with the passage of vehicles on a highway;
 - (f) drive or operate a vehicle on a highway between the persons or vehicles comprising a parade or funeral procession.
- 5.7. Every person who removes a wrecked or damaged vehicle from the scene of an accident on a highway shall remove all glass and other debris caused by the accident from the highway.
- 5.8. Every owner or occupier of a commercial premises shall remove all snow and ice from any sidewalk bordering such commercial premises within 24 hours of a snow event
- 5.9. Every owner or occupier of real property shall remove all snow, ice and debris from any sidewalk bordering the real property not later than 10:00 o'clock in the forenoon of the day following the accumulation of the snow, ice or debris.
- 5.10. Any owner or occupier of real property must keep the boulevard free of vegetation and noxious weeds.
- 5.11. No person shall drive or operate on a highway:
- (a) a vehicle equipped with solid tires, the thickness of which between the rim of the wheel, and the surface of the highway is less than 32 mm; or
 - (b) a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, rib clamps, flanges, hubs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tire or track, provided that this section shall not preclude the use of tire chains of reasonable proportions when required for safety or the use, during the period from October 1st of any year to April 30th of the year next following, of studs that do not protrude more than 3.5 mm from the tread or traction surface of a tire. No tire shall have more than a total of 130 studs on a motor vehicle having a gross vehicle weight of 4,600 kg or less or 175 studs on a motor vehicle having a gross vehicle weight greater than 4,600 kg. No studs shall be used in a tire on a non-drive wheel unless each drive wheel has at least one studded tire.
- 5.12. No person shall drive or operate on a highway:
- (a) a solid rubber tired vehicle at a speed of greater than 20 kilometers per hour;
 - (b) a vehicle with any load, unless the construction and equipment of the vehicle and the manner in which the load is distributed and secured are such as to prevent any of the load from shifting or swaying in such a manner as to affect the safe operation of the vehicle or from dropping, sifting, leaking or otherwise escaping from the vehicle, provided that sand may be dropped for the purpose of securing traction;

- (c) a vehicle with any load, unless the load and any covering thereon is securely fastened so as to prevent any part of the load or the covering from becoming loose, detached or in any manner hazardous to other users of the highway.

6. GENERAL PARKING RESTRICTIONS

- 6.1. Except when necessary to avoid conflict with traffic or to comply with direction of a Peace Officer or traffic control device, no person shall stop, stand, or park a vehicle:
 - (a) upon or within six (6) meters of any intersecting highway or crosswalk, unless permitted by a traffic control device; or
 - (b) in a bus zone; or
 - (c) within five (5) meters of a fire hydrant measured from a point on the curb or edge of the roadway that is closest to the fire hydrant; or
 - (d) alongside a curb painted yellow or a yellow line painted on the side of the roadway where no curb is present, which shall designate restricted parking; or
 - (e) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted; or
 - (f) on any portion of a highway where lines, markings, or other signs are placed indicating the manner in which vehicles shall be parked, except in conformance with such lines, markings and/or signs; or
 - (g) upon or in any lane unless the vehicle is being continuously and expeditiously loaded or unloaded for a maximum time of fifteen (15) minutes; or
 - (h) on the paved portion of a highway where the pavement is six (6) meters or less in width; or
 - (i) on a sidewalk or boulevard; or
 - (j) on a highway in such a manner as to obstruct or impede the normal flow of traffic; or
 - (k) with the right hand side of a vehicle and wheels no further than thirty (30) centimeters from the face of the curb except where authorized by a sign authorizing an angled parking space; or
 - (l) on the left hand side of a highway in the opposite direction of the normal flow of traffic; or
 - (m) in front of or within one (1) meter of a driveway access, private road; or
 - (n) having a length in excess of six (6) meters including a load or trailer upon a portion of a highway reserved for angle parking; or
 - (o) offering commodities and/or displaying the vehicle for sale; or
 - (p) within two (2) meters of any intersecting lane; or

- (q) at any angle to the street line except where authorized to do so by sign establishing an angled parking space pursuant to this bylaw; or
 - (r) at any angle to the street line except where authorized to do so by sign establishing an angled parking space pursuant to this bylaw; or
 - (s) on a highway for consecutive periods longer than forty-eight (48) hours; or
 - (t) in a fire zone; or
 - (u) in any loading zone unless actually engaged in loading or unloading of goods or passengers; or
 - (v) upon a bridge except as permitted by any applicable traffic control device; or
 - (w) on a walkway or crosswalk; or
 - (x) in a disabled zone, unless that vehicle has a permit that is suspended from the rear-view mirror inside the vehicle so it is on plain view of any person looking through the windshield from a point adjacent to the vehicle; or
 - (y) no person shall park a vehicle, recreational vehicle or trailer on a highway or boulevard without a valid licence plate and insurances as required under the *Motor Vehicle Act* to operate on public roadways; or
 - (z) in a manner that would interfere with snow removal operations; or
 - (aa) no recreational vehicles, campers, commercial vehicles and/or trailers whether attached or not to a vehicle, shall park on a highway, boulevard or any Township owned land overnight, except as deemed permissible by the Bylaw Officer or appointed Township designate.
- 6.2. No person shall park or leave unattended, a vehicle or loaded or unloaded trailer used for conveyance of hazardous materials. Temporary parking is permitted when making deliveries only.
- 6.3. No person shall park a vehicle in a parking space designated for use by disabled persons, unless such vehicle displays a valid identification sticker.
- 6.4. No person shall double-park a vehicle on a highway.

7. MANAGER OF OPERATIONS POWERS

- 7.1. The Manager of Operations is authorized to order the placing or erection of traffic control devices at such locations as he deems appropriate for regulation of the following traffic matters, and by those orders to exercise the following powers of the Township of Spallumcheen under this bylaw:
- (a) regulation, control, prohibition of pedestrian traffic, animal traffic, vehicular traffic, and cycle traffic on sidewalks, walkways, boulevards, lanes at intersections of lanes or walkways;
 - (b) regulation, control, or prohibition of stopping, standing or parking of vehicles;

- (c) setting apart and allotting portions of highways adjacent to federal, provincial or Township buildings for the exclusive use of officials and officers engaged therein for the parking of vehicles, and regulations of such parking;
- (d) providing for establishment and use of loading, commercial and passenger zones and for designation of such zones;
- (e) on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out, providing an indication that crews or equipment are working;
- (f) regulating or prohibiting pedestrian traffic on highways other than at crosswalks;
- (g) establishing school crossings and regulating and controlling pedestrian and vehicular traffic with respect to such crossings;
- (h) regulating traffic passing by or in the vicinity of schools through the use of traffic patrols, and vesting in school children or other persons employed in traffic patrols power to require vehicles to stop at school crossings or other designated places on a highway;
- (i) providing for the establishment and use of taxi stands and their designation; and
- (j) providing for the establishment and use of bus zones and their designation.

8. TRAFFIC CONTROL DEVICES

- 8.1. Traffic control devices shall have the same meaning as the corresponding device in the regulations, and where a device is not included in the *Motor Vehicle Act* and the regulations, it shall have the meaning ascribed to it in the latest edition of the "Manual of Uniform Traffic Control Devices of Canada", as the manual may be amended from time to time.
- 8.2. Traffic control devices may, from time to time, be placed by a Traffic Officer, Fire Chief or by the Manager of Operations, in the interest of public safety, to facilitate the fighting of a fire, to prohibit operation of vehicles which are not equipped with chains or winter tires, or to regulate or prohibit traffic in the vicinity of work as required by a highway where construction, reconstruction, widening, repair, marking, or other work is being carried out.
- 8.3. The Manager of Operations may rescind, revoke, amend, or vary an order made under this bylaw.
- 8.4. The Manager of Operations may place or erect, or cause to be placed or erected, traffic control devices to give effect to any provision of this bylaw.

9. SPEED LIMIT

- 9.1. No person shall drive or operate a vehicle or other means of conveyance on a highway at a speed greater than seventy (70) kilometres per hour, except as otherwise posted on a traffic control sign.

- 9.2. Notwithstanding Section 9.1, no person shall drive or operate a vehicle or other means of conveyance upon any lane or in school or playground zones or other locations posted, at a speed greater than thirty (30) kilometres per hour.

10. DISABLED ZONES

- 10.1. The Manager of Operations may:
- (a) make orders for the designation and specification of disabled zones; and
 - (b) rescind, revoke, amend, and vary an order under subsection (a).
- 10.2. Council designates the Social Planning and Research Council of British Columbia as the organization responsible for issuing and cancelling Disabled Persons Parking Permit pursuant to their regulations.
- 10.3. An application for a permit shall be made by or on behalf of a disabled person to the Social Planning and Research Council of British Columbia.

11. CONTROL OF TRAFFIC

- 11.1. Temporary highway closure permits may be issued to persons requiring partial or complete closure of a highway for the purpose of construction on or adjacent to a highway:
- (a) as a condition of issuance of a permit, a fee in the amount set out in the Township's Fees and Charges Bylaw shall be submitted with every application; and
 - (b) the permit issued by the Manager of Operations under this section shall be in a form similar to that contained in the Road Right of Way Usage Permit.
- 11.2. Except as authorized in writing by the Manager of Operations, in the form of a permit, no person shall:
- (a) build, construct, place, or maintain, or cause to be built, constructed, placed, or maintained in, upon, or over any highway or lane, any structure, sign, building fence or thing, or plant any tree, shrub or plant other than grass upon any boulevard;
 - (b) break, tear up, remove or otherwise interfere with any sidewalk, curb or surfacing of any highway, walkway or lane, or excavate in any highway, walkway, or lane, or under any highway, walkway, or lane, or remove trees or timber growing on a highway;
 - (c) construct a boulevard crossing;
 - (d) change the level of a highway whatsoever, or stop the flow of water through any drain, sewer or culvert on or under a highway;
 - (e) open up, construct or develop any highway, or improve any highway, or do works of any kind on any highway or lane allowance dedicated for public use by any plan, bylaw of the Township of Spallumcheen, or notice in the local newspaper(s) and over which the Township has right of possession; or

- (f) interfere in any way with any barrier, lamp, sign or other device placed under the authority of the Township of Spallumcheen upon any highway at or near any excavation or other work being performed under the authority of the Township.

12. PARADES, PROCESSIONS, ASSEMBLIES AND SOLICITATIONS

- 12.1. No person, or group of persons, shall be present on a highway in such a manner as to obstruct free passage of pedestrian or vehicles, except with written permission of the Manager of Operations under this section in the form similar to that contained in the Road Right of Way Usage Permit.
- 12.2. No person shall:
 - (a) engage in any sport, amusement, exercise, or occupation on the traveled portion of any highway; or
 - (b) unnecessarily delay the passenger vehicle; or
 - (c) cause any obstruction or encumbrance whatsoever on any highway; or
 - (d) coast, slide or use roller-skates, skateboards, sleighs, ice skates, skis, or other similar means of conveyance on any highway or sidewalk.
- 12.3. No person shall be a member of, or take part in, a procession unless:
 - (a) such procession is under direction or control by one person as Marshall, or organizer; and
 - (b) a written permit for such procession has been issued by Council to such Marshall or organizer.
- 12.4. Application for a permit for a procession shall be made, in writing, to the Manager of Operations prior to the date of the procession specifying the nature of the procession, date and hour which the procession is to be held, place of formation, route to be taken and point of disbandment.
- 12.5. Sections 12.1 through 12.4 do not apply to funeral processions.
- 12.6. Where a procession is lawfully in progress, or a funeral procession is in progress, no pedestrian or vehicle shall cross or interfere with the procession.
- 12.7. The Manager of Operations may grant to any organization the privilege of using any highway, or highways or portions thereof, on certain specified dates.

13. DIRECTIONAL SIGNAGE

- 13.1. The Manager may issue a permit as per the fees and charges bylaw for the installation of a Business Direction Sign and arrange for the purchase and installation of the sign.
- 13.2. Each subsequent year on March 1 an annual fee per sign will be billed as per the fees and charges bylaw. If the fee is not paid within 20 days of billing, the Township will remove the respective sign.

14. VEHICLE DIMENSIONS AND LOADS

14.1. Truck Routes

- (a) No person shall operate a truck on any highway other than on a truck route, except a person may operate a truck on a highway that is not a truck route for the purpose of moving the truck by the most direct route between a truck route and either:
 - (i) the location where the truck is loaded or unloaded;
 - (ii) the construction or maintenance site where the truck is engaged; or
 - (iii) the location where the truck is stored.
- (b) For certainty, the restriction in this Section 14.1 applies even if the operator is in compliance with the other parts of this bylaw or even if an overload permit, oversize permit or vehicle projections permit has been issued under this bylaw.

14.2. Limit on Vehicle Weights

- (a) Unless an overload permit has been issued pursuant to Section 14.4(a), no person may operate on a highway, a vehicle that is not designed to carry a load the actual weight which exceeds the GVW of that vehicle.

14.3. Limit on Loads

- (a) Unless an overload permit has been issued pursuant to Section 14.4(a), no person may operate on a highway, a vehicle designed to carry a load if the actual weight of the vehicle, with load, is greater than:
 - (i) 70% of the legal axle loading at times that signage to this effect is posted; and
 - (ii) the GVW of that vehicle at other times.
- (b) The Manager of Operations is authorized to post signage pursuant to Section 14.3(a)(i) of this bylaw at times when the Manager of Operations considers that temperatures or excess water in the road base, or other road conditions warrant this restriction.

14.4. Overload Permits

- (a) On application by the owner or operator of a vehicle which exceeds the weight limit in either Section 14.2(a) or Section 14.3(a), the Manager of Operations may issue an Overload Use Permit upon payment of the fee stipulated in the Fees and Charges Bylaw.
- (b) No Overload Use Permit may be issued for longer than one month and no more than three Overload Use Permits may be issued in respect of the same vehicle within one calendar year.
- (c) No Overload Use Permit may be issued which would cause the vehicle to exceed the Gross Vehicle Weight (GVW) Rating for that vehicle.

- (d) No Overload Use Permit may be issued unless the owner or operator of the vehicle provides to the Township of Spallumcheen security in the form of a bond, cash deposit, or irrevocable letter of credit, in the amount of \$1,000.00, for potential highway damage that may be caused by that overloaded vehicle.

14.5. Carrying of Loads

- (a) No person shall use or have present on a highway a vehicle unless it is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping.

14.6. Limit on Sizes

- (a) Unless an oversize permit has been issued pursuant to Section 14.7(a), no person may operate a vehicle on a highway, with or without a load, of a size larger than permitted for that vehicle and, if applicable, vehicle with load under the Commercial Transport Regulations.

14.7. Oversize Permits

- (a) On application by the owner or operator of a vehicle, with or without a load, which exceeds the size permitted under the Commercial Transport Regulations, the Manager of Operations may issue an Overload Use Permit upon payment of the fee stipulated in the Fees and Charges Bylaw.
- (b) No oversize permit may be issued for longer than one month and no more than three oversize permits may be issued in respect of the same vehicle within one calendar year.
- (c) No oversize permit may be issued which would cause the vehicle and/or its load to exceed the dimensions authorized by a provincial oversize permit under the Commercial Transport Regulations.

14.8. Extraordinary Traffic

- (a) Notwithstanding the issuance of an overload permit, oversize permit or other written permission by the Operations Manager, no owner, operator, or other person in charge of a vehicle, or person owning the goods carried by a vehicle, shall use a Designated Route for extraordinary traffic.
- (b) If a person enters into an extraordinary traffic agreement with the Township of Spallumcheen pursuant to Section 42 of the *Community Charter*, agreeing to pay reasonable compensation to the Township for the damage to any municipal roadway caused or the resulting expense to the Township that may be caused by the person's use of any municipal roadway, then for so long as the person is in compliance with the agreement, the person is not subject to Section 14.8(a) of this bylaw.

14.9. Vehicles with Spikes, Cleats

- (a) No person shall drive any vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other

attachments or projections engaging the roadway unless a vehicle projections permit has been issued under Section 14.10(a).

14.10. Vehicle Projections Permit

- (a) On application by an owner or operator of a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the roadway, the Manager of Operations may issue a vehicle projections permit in a form similar to that of a Overload Use Permit upon payment of the fee stipulated in the Fees and Charges Bylaw.
- (b) No vehicle projections permit may be issued for longer than one month and no more than three vehicle projections permits may be issued in respect of the same vehicle within one calendar year.

15. PEDESTRIAN TRAFFIC

- 15.1. Where a traffic device is provided to facilitate crossing a highway, no pedestrian shall, within a distance of one hundred (100) meters from that device, cross the highway at any place other than at that traffic control device.
- 15.2. Upon being approached by an emergency vehicle displaying flashing lights or sounding a siren or other audible signal, a pedestrian on a highway shall immediately move off the traveled portion of a highway until such vehicle has passed the pedestrian or stopped.
- 15.3. When water, mud, snow, or slush is on any highway, the driver of a vehicle shall reduce the speed of the vehicle so as to avoid splashing any pedestrian.

16. BICYCLES

- 16.1. No person shall leave a bicycle in a reclining position on a highway, walkway, or any public place.
- 16.2. Where stands are provided for use by bicycles, no person shall leave a bicycle on any highway or public place except in an upright position in the bicycle stand.
- 16.3. No person shall ride a bicycle on a walkway, unless authorized to do so by a traffic control device.

17. INTERFERENCE WITH TRAFFIC AND SIGNS

- 17.1. No person shall establish, place, maintain, or display in, upon, or in view of a highway, any sign, signal, or other device that purports to be, or is in imitation of, or in any way resembles any traffic sign or traffic control device, except as authorized by this bylaw.
- 17.2. No person shall obliterate, deface, damage, injure, move, obstruct, or otherwise interfere with any traffic control device erected, placed, or maintained pursuant to this bylaw.
- 17.3. Any person having driven a vehicle involved in an accident and which vehicle has been wrecked or damaged as a result thereof, shall be responsible for the removal

of any glass or other injurious substances deposited upon the highway surface as the result of the accident or the removal of the vehicle.

- 17.4. Except as authorized in writing by the Manager of Operations, no person shall deposit, or permit to be deposited, any oil, gasoline, or similar substance on any highway.
- 17.5. No person shall place, throw, or cause to be placed, deposited, or to flow upon a highway or walkway, any noxious, offensive or filthy water or substance or any empty bottle, glass container, or any other article, whether broken or intact or any earth, refuse, debris, derelict motor vehicle or any other thing.
- 17.6. No person owning or occupying a parcel abutting on or contiguous to a highway or walkway, shall allow or permit earth, rock, stone, logs, stumps, fencing or other substances or materials to cave in, fall, crumble, slide, accumulate or be otherwise deposited from the parcel onto the highway or walkways or having been so deposited to remain on the highway or walkway.
- 17.7. No owner or occupier of a parcel shall permit any flow of water on or over any highway or walkway from the parcel.
- 17.8. No person shall construct or maintain a ditch, sewer, or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a highway or walkway.
- 17.9. Every owner or occupier of land contiguous to a road right-of-way will maintain and keep the said road right-of-way or boulevard in a tidy and sightly condition.
- 17.10. No person will throw, leave or deposit, or allow any accumulation of dirt, debris or rubbish on any road right-of-way or boulevard.
- 17.11. No person will throw, leave or deposit or allow any accumulation of snow or ice from their driveway or sidewalk on any highway or lane.

18. ACCESS TO HIGHWAYS

18.1. Prohibitions

- (a) No person shall, without the written consent of the Manager of Operations:
 - (i) construct, install, or replace any access culvert or ditch enclosure in or upon any drainage ditch or boulevard on a highway; or
 - (ii) construct any drainage ditch on a highway; or
 - (iii) deposit material of any kind into any drainage ditch or upon any boulevard on a highway.

18.2. Removal at Owner's Cost

- (a) Any access culvert or ditch enclosure constructed or installed in violation of this bylaw may be removed by the Township of Spallumcheen at the expense of the owner of the parcel fronting the access culvert or ditch enclosure.

- (b) Material of any kind which is deposited in any drainage ditch or facility may be removed by the Township of Spallumcheen at the expense of the owner of the parcel fronting the location where the material was removed.

18.3. Procedure for Obtaining Access to Highways

(a) Application

A person must apply to the Manager of Operations for access from a parcel to Township highways when:

- (i) A new access is required;
- (ii) There is a change in occupancy to the property;
- (iii) There is a new or proposed new subdivision on the property;
- (iv) An existing access requires widening by the property owner.

- (b) A maximum of two (2) accesses per road frontage may be permitted at the discretion of the Manager of Operations.

18.4. Where an access requires a culvert, as determined by the Manager of Operations, it shall be between eight (8) and twelve (12) metres in length.

18.5. Lot line adjustment subdivisions do not require an access permit.

18.6. Procedure for Obtaining Ditch Enclosure or Ditch Construction

(a) Application

A person may apply to the Manager of Operations for construction of a ditch enclosure or excavation of a drainage ditch in the Township of Spallumcheen in the form of a Road Right of Way Usage Permit

(b) Cost

The cost of the Township of Spallumcheen installing a ditch enclosure for constructing a drainage ditch shall be actual costs, plus an administrative fee as per the Township's Fees and Charges Bylaw. A deposit in the amount of the estimated costs plus 18% is to be made to the Township prior to commencement of the construction or excavation. The final payment is due within 30 days of receipt of the final invoice.

19. IMPOUNDING PROVISIONS

19.1. When any vehicle, recreational vehicle, trailer or other chattel or obstruction is unlawfully occupying a portion of a highway, public place or boulevard:

- (a) in violation of a provision of this bylaw; or
- (b) in a position that interferes with removal of snow, ice, or sand from a highway; or

- (c) in a position that interferes with an Emergency Vehicle or equipment; or
 - (d) in a position that interferes with construction, marking, repair, or maintenance of a highway; or
 - (e) apparently abandoned on a Highway; or
 - (f) without license plates displayed as required by the *Motor Vehicle Act*; or
 - (g) the Manager of Operations, Bylaw Enforcement Officer, or a Peace Officer, may take such vehicle, chattel, or obstruction into custody and cause it to be removed, detained, or impounded.
- 19.2. The Township of Spallumcheen may recover its fees, costs and expenses for such removal, detention, or impounding and storage, either from the owner or by sale at public auction.
- 19.3. The fees of the Township of Spallumcheen for such storage, in addition to any other costs or expenses which might be incurred for removal and storage are as set out in the Township's Fees and Charges Bylaw.
- 19.4. Before offering a vehicle, recreational vehicle, trailer for sale, pursuant to this bylaw's Impounding Provisions, a demand for payment within thirty (30) days shall be sent by registered mail to the address of the owner as shown on the records of the Superintendent of Motor Vehicles of the province or state in which the vehicle was licensed.

20. OFFENCE

- 20.1. Any person who breaches any provision of this bylaw commits an offence and is liable, on summary conviction, to a fine not exceeding Two Thousand Dollars (\$2,000.00) or to imprisonment to not more than six (6) months, or to both, plus the cost of prosecution.
- (a) When notice of an offence is issued pursuant to this bylaw, fines for that offence are as set out in the Township of Spallumcheen Municipal Ticket Information Bylaw where applicable.
- 20.2. Any vehicle, recreational vehicle, trailer or chattel unlawfully occupying any portion of a highway or public place may be removed or impounded by order of the Manager of Operations or Bylaw Enforcement Officer. A removal fee in the amount invoiced by the towing company and an impoundment fee of the greater of the rate set in the Fees and Charges Bylaw per day or the actual invoice from storage company for each day, or part of a day, during which the vehicle recreational vehicle, trailer is impounded shall be paid by the owner of the vehicle recreational vehicle, trailer or chattel before release of the vehicle, recreational vehicle, trailer or chattel. The Township of Spallumcheen may recover all removal and impoundment fees imposed under this bylaw on a vehicle or chattel by sale of the vehicles, recreational vehicle, trailer or chattel by public auction sale, not less than thirty (30) days after the date of impoundment of the vehicle or chattel or by auction in a Court of competent jurisdiction.

- 20.3. Any sign, advertisement, or guidepost placed or maintained in contravention of this bylaw may be altered, repainted, torn down, or removed by the Manager of Operations, or a traffic officer, without compensation to any person.
- 20.4. In addition to any other penalty which may be incurred, 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 Township of Spallumcheen, shall be subject to the Township carrying out any such work at the expense of the offender, and any charges or costs incurred by the Township in this regard shall be recoverable.
- 20.5. Owner of a vehicle, recreational vehicle and trailer shall incur the penalties provided for any offence of this bylaw with respect to any vehicle owned by them unless at the time of such offence, the vehicle, recreational vehicle, trailer was in possession of another person without the owner's consent. The onus of establishing that the vehicle, recreational vehicle and trailer were in possession of some person other than the owner rests with the owner.

Nothing in this section shall relieve the operator of a vehicle, recreational vehicle, trailer not being the owner, from incurring penalties provided for such offence.

- 20.6. The Bylaw Enforcement Officer or Peace Officer or any person duly authorized may:
- (a) issue offence notices for violation of this bylaw; or
 - (b) impound any vehicle, recreational vehicle or trailer or cycle that is in violation of this bylaw; or
 - (c) require the driver of any vehicle to weigh same at any weigh scale forthwith.

21. **GENERAL**

- 21.1. Schedules "A" and "B" are attached hereto and form part of this bylaw.
- 21.2. When notice of an offence is issued pursuant to this bylaw, fines for that offence are as set out in the Township of Spallumcheen Municipal Ticket Information Bylaw, as amended from time to time, where applicable.

22. **SEVERABILITY**

- 22.1. If any provision contained in the bylaw is found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions contained herein shall not be, in any way, affected or impaired thereby to the extent that the purpose of the bylaw may be fulfilled in the absence of the impugned provision or provisions of the bylaw.

23. REPEAL BYLAWS

23.1. Upon adoption of this bylaw, the “Township of Spallumcheen Highway and Traffic Regulation Bylaw No. 2012, 2020” and amendments thereto are hereby repealed.

Read a **FIRST** time this 16 day of January, 2023.

Read a **SECOND** time this 16 day of January, 2023.

Read a **THIRD** time this 16 day of January, 2023.

ADOPTED this 6 day of February, 2023.

Certified Correct:

‘ORIGINAL SIGNED’

Cindy Webb
Corporate Officer

‘ORIGINAL SIGNED’

Christine Fraser
Mayor

SCHEDULE "A"

List of Township of Spallumcheen Truck Routes

Route 1	Salmon River Road
Route 2	Otter Lake Road
Route 3	Pleasant Valley Road
Route 4	Back Enderby Road
Route 5	Larkin Cross Road
Route 6	Otter Lake Cross Road

**TOWNSHIP OF SPALLUMCHEEN
CERTIFICATE OF INSURANCE**
Addendum to Agreement/Lease/Permit

**SCHEDULE "B"
EXAMPLE**

PERMIT No	EFFECTIVE DATE
LOCATION AND DESCRIPTION	

INSURED

NAME
ADDRESS

BROKER

NAME	AGENT'S NAME
ADDRESS	PHONE# FAX#

This document certifies that the policies of insurance described below have been issued to the insured(s) named above and are in full force and effect.

TYPE OF INSURANCE	COMPANY AND POLICY NUMBER	POLICY DATES EFFECTIVE EXPIRY YR/MM/DD YR/MM/DD		LIMITS OF LIABILITY/AMOUNTS
Commercial General Liability				Bodily Injury & Property Damage \$ _____ Inclusive \$ _____ Aggregate \$ _____ Deductible
Tenants Legal Liability				\$ _____ Unit
Liability extensions specifically required by the owner:	It is understood and agreed that the Township of Spallumcheen is added as an additional named insured. _____ _____ _____ _____ _____ _____ _____ _____			

Each of the policies herein described include conditions as shown on the reverse hereof and as specified in the Insurance Requirements which form part of the above permit.

Authorized to Sign on Behalf of Insurers

Date

Print or Type Name

ADDITIONAL CONDITIONS ARE SHOWN ON THE REVERSE/NEXT SHEET OF THIS CERTIFICATE OF INSURANCE

Notwithstanding any other terms, conditions or exclusions elsewhere in the insurance policy(s) it is understood and agreed that the insurance policy(s) is extended to include insuring conditions as follows:

CONDITIONS APPLICABLE TO COMMERCIAL GENERAL LIABILITY INSURANCE

A. LIMIT

Limit of not less than Three Million Dollars (\$3,000,000) inclusive per occurrence for body injury, death or damage to property including loss of use of property in question.

B. ADDITIONAL INSURED CLAUSE

The insurance shall be issued the name of the Contractor and shall also cover as Unnamed Insureds, the Owner, the Engineering Consultant of the Owner, all Subcontractors and anyone employed directly or indirectly by the Contractor or their Subcontractors to perform a part or parts of the Work but excluding suppliers whose only function is to supply and/or transport products to the project site.

C. EXTENSION OF COVERAGE

- (i) premises and operations liability
- (ii) products or completed operations liability
- (iii) blanket contractual liability
- (iv) cost liability
- (v) occurrence property damage
- (vi) hoist liability
- (vii) contingent employer's liability
- (viii) personal injury liability arising out of false arrest, detention or imprisonment or malicious prosecution; libel, slander, or defamation of character, invasion of privacy, wrongful eviction or wrongful entry, discrimination
- (ix) shoring, blasting, excavating, underpinning, demolition, pile driving and caisson work, work below ground surface, tunneling and grading, as applicable
- (x) liability with respect to non-owned licensed vehicles
- (xi) any other extensions specifically required by the Owner

D. PRODUCTS AND COMPLETED OPERATIONS HAZARD

Products and Completed Operations Hazard coverage shall be provided and such coverage shall remain in full force and effect for a period of twelve (12) months after the contracted work has been completed, irrespective of the expiry date of the policy.

CONDITIONS APPLICABLE TO PROPERTY INSURANCE POLICIES

A. PROPERTY INSURANCE

The full value of the work in the amount of the contract price and the full value as stated of property to be provided by the Owner for incorporation into the work.

B. ADDITIONAL INSURED CLAUSE

The insurance shall be issued in the name of the Contractor and will include the interest of the Contractor, the Owner, the Subcontractors and all others having an insurable interest in the work. The policies will include all Subcontractors as Unnamed Insureds or if they specifically request as Named Insureds.

C. EXTENSION OF COVERAGE

Insure against "ALL RISKS" of physical loss or damage and be issued on a broad form "ALL RISKS" builder's risk policy to apply to:

- (a) all products and supplies of any nature whatsoever, the property of the Insureds or of others for which the Insureds may have assumed responsibility, to be used in or pertaining to the site preparations, demolition of existing structures, erection and/or fabrication and/or reconstruction and/or repair of the insured project; while on the site or in transit, subject to exclusions to be agreed to by the Owner;
- (b) the installation, testing, and any subsequent use of machinery and equipment including boilers, pressure vessels or vessels under vacuum; and
- (c) damage to the Work caused by an accident to and/or the explosion of any boiler(s) or pressure vessel(s) forming part of the work.

D. LOSS PAYABLE CLAUSE

The Township of Spallumcheen as directed by the Township.

E. WAIVER OF SUBROGATION

In the event of any third party loss of damage or any physical loss or damage to the work of Contractor's equipment, the settlement or payment of a subsequent claim shall be made without the right of subrogation against the Township of Spallumcheen or anyone insured thereunder.

CONDITIONS APPLICABLE TO ALL POLICIES EXCEPT AUTOMOBILE LIABILITY INSURANCE ISSUED BY the Insurance Corporation of British Columbia.

CANCELLATION

These policies shall not be cancelled, or amended in any way without thirty (30) days written notice by Registered Mail to:

**Township of Spallumcheen
Attn: Corporate Officer
4144 Spallumcheen Way
Spallumcheen, BC V0E 1B6**

or to the Township representative as noted in the contract.

ISSUANCE OF THIS CERTIFICATE SHALL NOT LIMIT OR RESTRICT THE RIGHT OF THE TOWNSHIP OF SPALLUMCHEEN TO REQUEST AT ANY TIME CERTIFIED COPIES OF ANY INSURANCE POLICY(S)