

Sun Peaks Mountain Resort Municipality

“Parking and Traffic Bylaw No. 0009”

CONSOLIDATED FOR CONVENIENCE ONLY

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Bylaw No.	Adoption Date	Purpose
0009	December 20, 2010	<ul style="list-style-type: none">• Original Bylaw
0009-002	November 17, 2020	Deleting 6 (1) in its entirety and inserting: 6. (1) A person must not: a) dump or blow snow onto the Highway Running Surface; or b) push snow onto another property, without the owner’s permission, or onto the road right-of-way; or c) pile snow as to cause a visibility concern or create a hazard; or d) from November 1 st to May 1 st , cause, permit, suffer or allow to remain on a Highway or public right of way any vehicle, equipment, building materials, or other items that could obstruct or limit snow clearing and storage by or on behalf of the Municipality.
0009-003	April 14, 2026	(a) By deleting the definition of “Sun Peaks Road” (b) By adding the definition of “Director of Operations” to mean the senior staff member of the municipality responsible for managing municipal infrastructure and operations. (c) By changing 3(1)(g) to at any time on either side of Sun Peaks Road, Creekside Way, Village Way, Valley Drive and McGillivray Lake Drive; (d) By deleting “Chief Administrative Officer” in

		<p>section 6(2) and replacing with “Director of Operations.”</p> <p>(e) By deleting “Chief Administrative Officer” in the title for section 8 and replacing with “Director of Operations.”</p> <p>(f) By deleting “Chief Administrative Officer” in section 8(1) and replacing with “Director of Operations.”</p> <p>(g) By deleting “Chief Administrative Officer” in section 8(2) and replacing with “Director of Operations.”</p>
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SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

BYLAW NO. 0009, 2010

A bylaw to regulate parking and traffic at Sun Peaks.

WHEREAS the *Community Charter*, *Local Government Act* and the *Motor Vehicle Act* authorize Council to regulate and prohibit in relation to use of a highway and related matters in the Resort Municipality,

NOW THEREFORE the Council of the Sun Peaks Mountain Municipality, in open meeting assembled, ENACTS AS FOLLOWS:

Title

This bylaw may be cited as "Parking and Traffic Bylaw No. 0009, 2010".

Interpretation

2. (1) Except as otherwise indicated in this Bylaw, words and phrases herein are to be construed in accordance with their meanings in the *Community Charter*, the *Local Government Act*, the *Motor Vehicle Act*, the *Transportation Act* and the *Interpretation Act*, as the context and circumstances require.

- (2) In this Bylaw:

"Bylaw Enforcement Officer" means a person appointed to that position by the Municipality from time to time;

"Chief Administrative Officer" means the person holding the position of an officer for the Municipality under section 147 of the *Community Charter*, or a person acting as deputy or designated by Council to act in that position;

"Commercial Vehicle" includes:

any vehicle defined as a commercial vehicle in the *Commercial Transport Act*; or a vehicle not licensed as referred to in paragraph (a), but used for the collection, delivery or transportation of merchandise or another commodity in the ordinary course of a business;

"Council" means the Municipal Council of the Sun Peaks Mountain Resort Municipality;

"Curb" means a raised portion of highway forming a line of demarcation between the roadway and the boulevard of a highway, on some road classes ditching may be the demarcation line;

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"Director of Operations" to mean the senior staff member of the municipality responsible for managing municipal infrastructure and operations.

"Disabled Persons' Parking Permit" means a permit issued for the parking of vehicles which are used to transport persons with disabilities, in accordance with Division 38 of the *Motor Vehicle Act Regulations*;

"Disabled Persons' Parking Zone" means that portion of a highway designated by a traffic control device for the exclusive use of vehicles displaying a valid disabled persons' parking permit;

"Fire Chief" means the officer-in-charge of the Sun Peaks Fire Rescue Department;

"Fire Lane" means that portion of a highway designated as such by a traffic control device and reserved for unobstructed access by Fire Department emergency vehicles;

"Loading Zone" means that portion of a highway designated as such by a traffic control device and reserved for the exclusive use of loading or unloading of commercial vehicles;

"Highway" includes all Municipal Roads and Sun Peaks Road;

"Highway Running Surface" includes all portions of the road surface between the designated edges of the road whether it be a ditch or curb;

"Municipal Roads" means all public streets, roads, ways, trails, lanes, and any other public way, excluding Sun Peaks Road;

"Municipality" means the Sun Peaks Mountain Resort Municipality;

"No Parking Zone" means that portion of a highway designated as such by a traffic control device that specifies that parking is prohibited, either generally or at specified times;

"No Stopping Zone" means that portion of a highway designated as such by a traffic control device that specifies that stopping is prohibited, either generally or at specified times;

"Parking Space" means a section of a highway indicated by a traffic control device as a place to park one vehicle;

"Special Event Parking Pass" means a parking permit issued pursuant to Section 14 of this bylaw;

~~"Sun Peaks Road" refers to the main arterial road through the Municipality which has sections named "Sun Peaks Road", "Creekside Way", "Village Way", and "Valley Drive".~~

"Traffic Control Device" means a municipal device used to control traffic which may include cones, signs, road blocks for any other such device.

- (3) A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code, or bylaw refers to that enactment as it may be amended or replaced from time to time.
- (4) If any part of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion is severed and the remainder of the Bylaw continues to be valid.

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General Parking and Stopping Prohibitions

3. (1) Subject to section 4, a person must not park any vehicle:
- a. within six (6) metres of a fire hydrant, measured from the point on the curb (or where there is no curb, the edge of the roadway) which is closest to the fire hydrant;
 - b. in an area designated as a Fire Lane;
 - c. in an area designated as a No Parking Zone;
 - d. in an area designated as a Loading Zone, except in accordance with section 5 (1)(a);
 - e. in an area designated as a Disabled Persons' Parking Zone or Handicapped Zone, unless such vehicle displays a valid disabled persons' parking permit;
 - f. adjacent to a curb that is painted yellow;
 - ~~g.~~ at any time on either side of Sun Peaks Road, Creekside Way, Village Way, Valley Drive and McGillvray Lake Drive; ~~from the western entrance into the Municipality to the east side of the skier's underpass on Valley Drive;~~
 - h. on any Highway within the Municipality from November 1st through April 30th;
 - i. on that side of any Municipal Road assigned odd building numbers from May 1st through October 31st, unless permitted by a traffic control device. For clarity, when permitted vehicles may park on the even side of the road;
 - j. at any time on a Municipal Road on that part of the road that forms a cul-de-sac;
 - k. so as to interfere with the normal flow of traffic;
 - l. on a sidewalk, boulevard, shoulder or any place reserved for pedestrians except where specifically designated as a parking zone;
 - m. so as to block a private driveway, except in accordance with section 5;
 - n. within six (6) metres of the nearest point to any intersection;
 - o. on any highway, including the shoulder thereof, for the purpose of:
 - i. advertising;
 - ii. repairing or performing maintenance on the vehicle, except when necessitated by an emergency; or
 - iii. selling any goods or services;
 - p. in contravention of any sign or other traffic control device posted or installed pursuant to this bylaw;
 - q. on any Highway for a period longer than thirty-six (36) hours if otherwise allowed by this bylaw;
 - r. in front of a barricade used to block off a roadway or access to a roadway;
 - s. in a public park, except in designated areas;
 - t. that is unlicensed or uninsured on a Highway; or

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- u. for the purposes of camping within an area designated as a Highway.
- (2) Subject to section 4, a person must not stop, stand or park a vehicle:
- a. in an area designated as a No Stopping Zone;
 - b. on the roadway side of another vehicle that is stopped or parked at the edge or curb of a roadway, except when necessary to avoid conflict with traffic or to comply with the law or directions of a peace officer or traffic control device; or
 - c. with the vehicle engine idling for a period longer than 3 consecutive minutes if otherwise allowed by this bylaw, unless the motor vehicle:
 - i. is idling while passengers are actively embarking or disembarking;
 - ii. is idling in lanes of traffic because of traffic congestion, an emergency, or mechanical difficulties;
 - iii. is an emergency vehicle;
 - iv. is an armoured vehicle involved in the secure delivery or pick up of goods;
 - v. is engaged in a parade or race authorized by the Municipality;
 - vi. is engaged in a mechanical test or maintenance procedure for which idling is required;
 - vii. must remain idling so as to power equipment or tools ancillary to the motor vehicles;
 - viii. must remain idling so as to power a heating or refrigeration system for the preservation of perishable cargo; or
 - ix. is being used by a meter reader or is otherwise marked as utility vehicle required to make frequent stops and starts of a short duration.

Exemptions from Parking Regulations

4. (1) Section 3 does not apply to the following:
- a. a vehicle being operated by the police, ambulance service, or Fire Rescue Department for a law enforcement or an emergency purpose;
 - b. a service vehicle being operated by officer or employee of the Municipality, the Province or a clearly identified utility provider in the course of carrying out a lawful purpose of the Municipality, Province or utility provider, provided that:
 - i. the service vehicle is visibly and clearly identified; and

- ii. if the service vehicle is parked within six (6) metres of a fire hydrant or within an area designated as a Fire Lane, the vehicle is attended at all times by a person who is competent to move the vehicle immediately at the request of the Fire Chief, an officer of the Fire Department in charge during response to an incident, a Bylaw Enforcement Officer, or another officer of the Municipality charged with parking enforcement.

Commercial Vehicle Parking

- 5. (1) A person must not park any commercial vehicle on any highway in the Municipality, except:
 - a. in an area designated as a Loading Zone for not more than thirty (30) consecutive minutes within an hour, while the operator is actively engaged in loading or unloading goods or materials;
 - b. to facilitate the embarking or disembarking of passengers from a taxi, bus or other licensed passenger service vehicle;
 - c. on land adjacent to the Highway where the operator is actively engaged in providing a tradesman's service, a moving service or other commercial service in relation to the adjacent land.

Snow Clearance

- 6. (1) A person must not:
 - a. dump or blow snow onto the Highway Running Surface; or
 - b. push snow onto another property, without the owner's permission, or onto the road right-of-way;
or
 - c. pile snow as to cause a visibility concern or create a hazard; or
 - d. from November 1st to May 1st, cause, permit, suffer or allow to remain on a Highway or public right of way any vehicle, equipment, building materials, or other items that could obstruct or limit snow clearing and storage by or on behalf of the Municipality.

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- ~~(1) A person must not:~~
 - ~~dump or blow snow onto the Highway Running Surface; or~~
 - ~~A person must not from November 1st to May 1st, cause, permit, suffer or allow to remain on a Highway or public right of way any equipment, building materials, or other items that could obstruct or limit snow clearing and storage by or on behalf of the Municipality.~~

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- (2) The ~~Chief Administrative Officer~~ **Director of Operations** or Fire Chief may order the removal of items that are in contravention of section (1)(b) at the expense of their owner or a contractor, developer or other person responsible for their use or removal.

Removal and Impoundment

- 7. (1) Whenever any vehicle is parked in contravention of this bylaw, a Bylaw Enforcement

Officer, peace officer, or an employee of a service provider contracted by the Municipality to provide bylaw enforcement, may authorize the removal and impoundment of that vehicle to a location approved by the Municipality.

- (2) A vehicle impounded under subsection (1) may be released to its owner upon the person proving his or her identity as the registered owner and paying to the Municipality all costs incurred for removal and impoundment of the vehicle.
- (3) Where any vehicle is parked so as to interfere with access or response at an emergency incident by the Fire Department, the Fire Chief, Deputy Fire Chief, or Chief Administrative Officer may cause the parked vehicle to be removed temporarily to another location that he considers reasonable and appropriate in the circumstances.

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~~Chief Administrative Officer~~ Director of Operations

8. (1) The ~~Chief Administrative Officer~~ Director of Operations, having regard to public safety, the efficient flow of traffic and the convenience of persons using or adjacent to the Highways in the Municipality may designate and arrange for any of the following:

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- a. the placing of permanent traffic control devices at suitable locations;
- b. parking areas for persons with disabilities on Highways or municipal property;
- c. loading, commercial and passenger areas;
- d. the temporary placement of traffic control devices:
 - i. at the scene of an accident or to permit proper action in an emergency;
 - ii. to facilitate repair, cleaning, snow clearance, placement of markings, signs, traffic control devices, decoration or structures on or near a Highway or road allowance;
 - iii. on any Highway in the vicinity of construction, reconstruction, widening, repair, marking or other work being carried out;
 - iv. indicating that people or equipment are working on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out;
 - v. to facilitate a procession or other event involving the use of a Highway.
- e. the location of school crossings and persons to act as school crossing guards; and
- f. the location of taxi stands.

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- (2) The ~~Chief Administrative Officer~~ Director of Operations may temporarily restrict or prohibit traffic on a Highway:
 - a. to allow for construction activity or work on or adjacent to the Highway;
 - b. to allow for a procession or other event that has been approved by Council.

Enforcement

9. (1) This Bylaw may be enforced:
- a. by a peace officer, a Bylaw Enforcement Officer, the Chief Administrative Officer or the Fire Chief or his designate.
 - b. by proceedings brought under the *Offence Act*;
 - c. by means of a ticket issued under Division 3 of Part 8 the *Community Charter*; or
 - d. by means of a bylaw notice issued under the *Sun Peaks Bylaw Notice Enforcement Bylaw No. 0011, 2010*.

Contravention

10. (1) A person who:
- a. contravenes, violates or fails to comply with any provision of this Bylaw;
 - b. suffers or allows any act or thing to be done in contravention of this Bylaw or any permit or order issued under it; or
 - c. fails or neglects to do anything required to be done under this Bylaw; or
 - d. commits an offence and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- (2) On being found guilty of a contravention under this Bylaw, a person is liable to pay:
- a. a fine of up to Ten Thousand (\$10,000) Dollars, if proceedings were brought under the *Offence Act*;
 - b. a fine of up to One Thousand (\$1,000) Dollars, if proceedings were brought by issuance of a ticket; and
 - c. a penalty of up to Five Hundred (\$500) Dollars, if the contravention was dealt with by notice under the *Sun Peaks Bylaw Notice Enforcement Bylaw No. 0011, 2010*

READ A FIRST TIME this 15th day of November, 2010

READ A SECOND TIME this 6th day of December, 2010

READ A THIRD TIME this 6th day of December, 2010

ADOPTED this 20th day of December, 2010.

Al Raine
Mayor

Byron Johnson
Director of Corporate Services

I HEREBY CERTIFY that this is
a true copy of "Parking and Traffic Bylaw
No. 0009, 2010"

Byron Johnson
Director of Corporate Services