



December 10, 2013

File: 042-2012

Cliff: 222593

Peter Weeber
Chief Administrative Officer
Village of Queen Charlotte
PO Box 580
Queen Charlotte, BC V0T 1S0

Dear Peter Weeber:

Re: Street and Traffic Bylaw No. 56-2012

This is to advise that the Village of Queen Charlotte Street and Traffic Bylaw No. 56-2012, as submitted to the Ministry of Transportation and Infrastructure in an email dated June 5, 2012 from Sandra Brown, Village of Queen Charlotte to Kirk Rockerbie, Ministry of Transportation and Infrastructure, is approved by the Ministry of Transportation and Infrastructure pursuant to section 124(13) of the *Motor Vehicle Act* to the extent that the Bylaw applies to provincial public highways within the Village of Queen Charlotte.

I can be contacted at 250-953-3068 or Kirk.Rockerbie@gov.bc.ca should you have any questions.

Yours truly,

Kirk Rockerbie
Manager, Transportation Policy

copy: Lori Wiedeman, District Manager, Transportation, Skeena District Office

VILLAGE OF QUEEN CHARLOTTE

STREET AND TRAFFIC BYLAW NO. 56 - 2012

A Bylaw to regulate and prohibit the use of highways within the boundaries of the Village of Queen Charlotte.

WHEREAS the Council of the Village of Queen Charlotte wishes to ensure the safe and orderly use of highways within the boundaries of the Village;

WHEREAS pursuant to section 124 of the *Motor Vehicle Act* and section 36 of the *Community Charter*, Council for the Village of Queen Charlotte is authorized to regulate traffic and the use of highways;

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

Citation

1. This Bylaw may be cited as the "Street and Traffic Bylaw No. 56- 2012".

Definitions

2. In this Bylaw unless the context otherwise requires or another definition is set out below, the expressions and definitions in the *Motor Vehicle Act*, the *Community Charter* and the *Interpretation Act* apply and:
 - (a) "commercial trailer" includes a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle and constructed so that no appreciable part of its weight rests on or is carried by the motor vehicle, but does not include
 - (i) a trailer having a gross vehicle weight of less than 1,401 kg that is licensed under the *Motor Vehicle Act*,
 - (ii) a trailer that is
 - (A) designed, constructed and equipped for human habitation, or
 - (B) designed, constructed and equipped for human occupancy for industrial, professional or commercial purposes, or
 - (iii) a boat, horse, snowmobile, automobile or motorcycle trailer that is not used for business purposes or financial gain;
 - (b) "Council" means the council for the Village;

- (c) “cycle” has the meaning set out in Part 3 of the *Motor Vehicle Act*;
- (d) “highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;
- (e) “provincial public highway” means the portions of provincial highways 1020R and 1022R within Village boundaries
- (f) “Superintendent” means the Superintendent of Public Works for the Village, and any other person approved by the Council to act in his or her place;
- (g) “traffic control device” has the meaning set out in Part 3 of the *Motor Vehicle Act*;
- (h) “vehicle” has the meaning set out in the *Motor Vehicle Act*;
- (i) “Village” means the Village of Queen Charlotte; and

Traffic

- 3. The Superintendent, by order, or Council, by bylaw, may authorize:
 - (a) the placement or erection of traffic control devices to give effect to the *Motor Vehicle Act* or this Bylaw;
 - (b) the establishment of crosswalks and school crossings;
 - (c) the designation of highways on which vehicles must travel in one direction and for marking those highways with signs or signals to indicate the direction of travel;
 - (d) the erection or placement of traffic control devices to regulate or prohibit traffic on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out;
 - (e) the establishment and use of loading, commercial and passenger zones in the municipality and their designation; and
 - (f) the regulation, control or prohibition of the stopping, standing or parking of vehicles in the Village.
- 4.
 - (a) Any order by the Superintendent in respect of the placement or erection of stop signs must, before taking effect, be approved by a resolution of Council.

(b) Any order or bylaw pursuant to section 3(a) – (e) in respect of a provincial public highway must, before taking effect, be approved by the minister or staff of the Ministry of Transportation and Infrastructure or successor ministry.

5. Subject to the provisions of the *Motor Vehicle Act* and this Bylaw, the Superintendent may rescind, revoke, amend or vary an order made by him or her.
6. Council may, by resolution, rescind, repeal, amend or vary any order made by the Superintendent under this Bylaw.
7. Council may, by bylaw in accordance with the *Motor Vehicle Act*, direct the rate of speed at which a person may drive or operate a motor vehicle on a highway within the Village.

General Prohibitions

8. *A person must not use or occupy a highway or part of a highway , including carry out tree removal, construction, reconstruction, widening, repair, filling in a ditch, marking or other work on a highway, unless the person is authorized to do so in accordance with a permit issued under this Bylaw.*
9. *A person must not transport a constructed house, including a manufactured home under the *Manufactured Home Act*, or other over-height, over-weight or over-width load on a highway except in accordance with the terms of a permit issued under this Bylaw or other applicable Act or Regulation.*
10. *A person must not dump snow, organic debris, garbage or other refuse on a highway, including for certainty on or in any ditch or boulevard within any public right of way.*
11. *A person must not place, store or leave any structure, object or thing (other than a vehicle) on a highway, including building materials, timber, lumber or waste bins, except in accordance with the terms of a permit issued under this Bylaw.*

Parking

12. Except when necessary to avoid conflict with traffic, to comply with the law, a traffic control device or the directions of a person authorized to direct traffic under this Bylaw or the *Motor Vehicle Act*, a person must not stop, stand or park a vehicle as follows:
 - (a) on a sidewalk or boulevard;
 - (b) in front of a public or private driveway;

- (c) in an intersection, except as permitted by a sign;
- (d) within 5 metres of a fire hydrant measured from a point in the curb or edge of the roadway that is closest to the fire hydrant;
- (e) on a crosswalk;
- (f) within 6 metres of the approach side of a crosswalk or an intersection;
- (g) within 6 metres on the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (h) within 6 metres either side of the entrance to or exit from a hotel, theatre, public meeting place, dance hall, fire hall or playground;
- (i) unless authorized under the *Transportation Act*, on a highway for the principal purpose of advertising, greasing, painting, wrecking, storing or repairing a vehicle, unless repairs are necessitated by an emergency;
- (j) alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
- (k) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
- (l) on a bridge or other elevated structure on a highway except as permitted by a traffic control device;
- (m) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted;
- (n) in a manner that obstructs the visibility of a standard traffic sign erected by or with the authority of the minister responsible for the administration of the *Transportation Act* or the Village;
- (o) in a manner that obstructs or impedes access to a highway;
- (p) in a manner that blocks a driver's line of sight through an intersection;
- (q) on a highway where the vehicle is not registered and insured in accordance with the *Motor Vehicle Act*;
- (r) where the vehicle is a commercial trailer, for over 48 hour consecutive hours on a highway, unless it is attached to a vehicle that is capable of towing it;
- (s) in a manner that interferes with

- (i) the removal of snow from a highway,
- (ii) the provision of emergency services including fire fighting and emergency health services, or
- (iii) the construction, improvement, alteration, extension, widening, marking or repair of a highway.

Permits

13. With the exception of provincial public highways, the Superintendent may issue a permit to:

- (a) *use or occupy a highway or municipal right of way;*
- (b) *carry out tree removal, construction, reconstruction, widening, repair, marking or other work on a highway;*
- (c) transport a constructed house, over-height, over-weight or over-width load on a highway; or
- (d) place, store or leave a structure, object or thing on a highway

and establish such terms and conditions that must be met to obtain and continue to hold the permit as the Superintendent considers reasonable or necessary including without limitation to

- (e) protect persons or property;
- (f) protect the Village from liability;
- (g) avoid interference with traffic;
- (h) avoid damage to the highway;
- (i) ensure any damage done to the highway will be repaired, including by requiring payment of security;
- (j) avoid the creation of nuisances or other disturbances.

14. In order to obtain a permit under this Bylaw, a person must

- (a) complete and submit to the Superintendent the form set out in Schedule A to this Bylaw;
- (b) and pay the fee set out in Schedule A to this Bylaw.

15. The Superintendent may suspend or cancel a permit issued under this Bylaw if the permit holder fails to comply with a term or condition of the permit.

Traffic Direction

16. If a member of the Village fire department or any person who is a bylaw enforcement officer under section 22 of this Bylaw considers it necessary to
 - (a) ensure orderly movement of traffic,
 - (b) prevent injury or damage to persons or property, or
 - (c) permit proper action in an emergency,

the member of the Village fire department or the bylaw enforcement officer may direct traffic according to his or her discretion despite anything in this Bylaw, and everyone must obey his or her directions.

Towing and Impoundment of Vehicles

17. Any person who is a bylaw enforcement officer under section 22 of this Bylaw may remove, detain and impound any vehicle, structure, object or thing unlawfully occupying a portion of a highway or public place including for certainty a vehicle, structure, object or thing standing or parked in a position that causes it to interfere
 - (a) with the removal of snow from a highway by a person authorized to do so by the minister responsible for the administration of the *Transportation Act* or the Village, or
 - (b) the provision of emergency services including fire fighting and emergency health services.

The owner of the vehicle, structure, object or thing shall be responsible for the fees, costs and expenses set out in Schedule B.

18. If the owner of the vehicle, structure, object or thing fails to pay any fees, costs or expenses of removal, detention or impoundment assessable under this Bylaw within thirty days of removal, the Superintendent may sell the vehicle at public auction or take action in a court of competent jurisdiction to recover those fees, costs or expenses.

Offences and Penalties

19. Any person who contravenes this Bylaw commits an offence and is liable on summary conviction to a fine.

20. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.
21. This Bylaw is designated pursuant to section 264(1)(a) of the *Community Charter* as a bylaw enforceable by means of a ticket in the form prescribed in the *Community Charter Bylaw Enforcement Ticket Regulation*.
22. Members of the Royal Canadian Mounted Police, the Village corporate officer, any bylaw enforcement officer for the Village appointed under section 36 of the *Police Act*, the Village's local assistant to the Fire Commissioner under section 6 of the *Fire Services Act*, the Superintendent and any person authorized to act on behalf of the Village for the purpose of enforcement of a Village bylaw are designated pursuant to section 264(1)(b) of the *Community Charter* as a bylaw enforcement officer for the purpose of enforcing this Bylaw.
23. The words or expressions set forth in Column 1 of Schedule C of this Bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the Bylaw section number appearing in Column 2.
24. The amounts appearing in Column 3 of Schedule C of this Bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1, except a fine will be reduced by 15% if the fine is paid on or before the 30th day from the date on which the ticket assessing the fine is served.

Severability

25. If any section or portion of this Bylaw is held to be invalid by a court, such invalidity shall not affect the remaining portions of this Bylaw.

READ A FIRST TIME this 6th day of February, 2012

READ A SECOND TIME this 19th day of March, 2012

READ A THIRD TIME this 5th day of December, 2012

APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE this 10th day of December, 2013

ADOPTED this 16 day of December, 2013



MAYOR



CORPORATE OFFICER

Schedule A

Village of Queen Charlotte

Permit Application - Street and Traffic Bylaw No. 56- 2012

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone Number: _____

1. Use of or Access to a Highway or Right of Way (Section 8)

Location: _____

Purpose: _____

Timeframe: _____

2. Transporting a House or Manufactured Home or other over-height, over-weight or over-width load: (section 9),

Addresses of origin and destination of house to be transported

Origin: _____

Destination: _____

Size of house: _____

Intended date and time of transporting house: _____

3. Storing an item on the Right of Way (section 11):

Structure, object or thing to be left on highway: _____

Reason for leaving structure, object or thing on highway: _____

Date for placing structure, _____
object or thing on highway:

Date for removal of _____
structure, object or thing
from highway:

The fee for this permit application is \$25 and must be paid concurrently with submission of this permit application.

Applicant's signature: _____

PERMIT CONDITIONS

1. _____
2. _____
3. _____
4. _____
5. _____

NOTE: PERMITS WILL ALSO BE REQUIRED FROM THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE FOR APPLICATIONS PERTAINING TO OCEANVIEW DRIVE IN THE VILLAGE OF QUEEN CHARLOTTE

Date Permit is Issued: _____

Date Permit Expires: _____

Signatures:

Superintendent of Public Works

Applicant - I have read and acknowledge the conditions of this permit.

Schedule B**Scale of Fees, Costs and Expenses for Removal, Detention and Impounding of Vehicles**

Action	Fee, Cost or Expense
Towing or removal of vehicle, structure, object or thing	The higher of: • \$100 per item towed or removed; or • the actual cost of towing or removal.
Storage fee per item	The higher of: • \$10 per day or part thereof; or • the actual cost of storage.

Schedule C

Column 1	Column 2	Column 3
Offence	Bylaw Section Number	Fine
Use or occupy a highway without a permit	8	First Offence: \$25 Each Subsequent Offence: \$50
Transporting house without permit	9	First Offence: \$25 Each Subsequent Offence: \$50
Dumping on highway	10	First Offence: \$25 Each Subsequent Offence: \$50
Structure, object or thing on highway without a permit	11	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping on a sidewalk or boulevard	12(a)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping in front of a public driveway	12(b)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping in intersection	12(c)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping within 5 metres of fire hydrant	12(d)	First Offence: \$25 Each Subsequent Offence:

		\$50
Parking or stopping on a crosswalk	12(e)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping within 6 metres of crosswalk or intersection	12(f)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping within 6 metres of beacon, stop sign or traffic control signal	12(g)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping within 6 metres of entry or exit	12(h)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping to advertise, grease, paint, wreck, store or repair vehicle	12(i)	First Offence: \$25 Each Subsequent Offence: \$50
Obstructing traffic	12(j)	First Offence: \$25 Each Subsequent Offence: \$50
Double parking or stopping	12(k)	First Offence: \$25 Each Subsequent Offence: \$50
Parking on bridge	12(l)	First Offence: \$25 Each Subsequent Offence: \$50
Parking or stopping in breach of sign or other traffic control device	12(m)	First Offence: \$25 Each Subsequent Offence: \$50

Obstructing traffic sign	12(n)	First Offence: \$25 Each Subsequent Offence: \$50
Obstructing access to highway	12(o)	First Offence: \$25 Each Subsequent Offence: \$50
Blocking driver's line of sight	12(p)	First Offence: \$25 Each Subsequent Offence: \$50
Vehicle not registered or insured	12(q)	First Offence: \$25 Each Subsequent Offence: \$50
Commercial trailer parked over 48 hours	12(r)	First Offence: \$25 Each Subsequent Offence: \$50
Interference with snow removal, emergencies or highway maintenance	12(s)	First Offence: \$25 Each Subsequent Offence: \$50
Failure to follow traffic directions	16	First Offence: \$25 Each Subsequent Offence: \$50