

# DISTRICT OF VANDERHOOF

## BYLAW NO. 1046, 2009

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

**WHEREAS**, pursuant to the *Community Charter*, the soil and freehold of every highway in a municipality is vested in the municipality and a council may, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or part of a highway, and may assign a name or number to a highway;

**AND WHEREAS**, pursuant to the *Motor Vehicle Act*, a Council may, by bylaw, make certain regulations in respect of highways and traffic, authorize an officer or employee of the municipality to make orders in respect of matters comprised in such regulations, and exercise certain powers and rights of the Lieutenant Governor in Council and the Minister of Transportation under the *Motor Vehicle Act* in respect of highways in the municipality other than **Provincial Arterial Highways**;

**THEREFORE** be it resolved that the Municipal Council of the District of Vanderhoof in open meeting assembled, **ENACTS AS FOLLOWS**:

#### **SECTION 1 - TITLE**

This Bylaw may be cited for all purposes as "Traffic and Highways Regulation Bylaw No. 1046, 2009".

#### **SECTION 2 - INTERPRETATION**

##### **2.01 Applicability**

- (a) Except as otherwise indicated, this bylaw applies to all **Highways** within the area incorporated as the District of Vanderhoof.
- (b) Unless otherwise indicated, this bylaw does not apply to **Provincial Arterial Highways** classified as such by order of the Lieutenant Governor in Council pursuant to the *Transportation Act*.

##### **2.02 Successors of Delegated Authority**

Words in the bylaw directing or empowering any officer or employee of the District to do any act or thing, or otherwise applying by name of office, includes successors in such office and any lawful deputy, and any **Person** the **Council** may from time to time by bylaw or resolution designate to act in that officer or **Person's** place.

##### **2.03 Severability**

If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision shall not affect the validity of the remainder of this bylaw.

### **SECTION 3 - DEFINITIONS**

#### **3.01 Definition of Terms**

In this Bylaw, unless the context otherwise requires:

**"Access"** means a part of a Highway to provide physical ingress and/or egress of Motor Vehicles from the Roadway to adjacent property.

**"Authorized Person"** means the Person appointed by Council as head of the Public Works Department, or his/her designate.

**"Boulevard"** means that portion of a Highway between the curb lines or the lateral lines of a Roadway and the adjoining Property or Roadway, and includes curbs, Sidewalks and ditches.

**"Chattel"** means a moveable item of personal property.

**"Corporate Officer"** [or other title] means the person with responsibility for corporate administration appointed under section 148 of the *Community Charter*.

**"Council"** means the Municipal Council of the District of Vanderhoof.

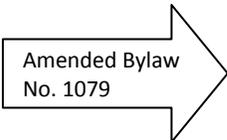
**"District"** means the District of Vanderhoof.

**"Emergency Vehicle"** means:

**"Personal Mobility Device or Scooter"** means a motorized wheelchair as defined by ICBC.

- (a) a motor vehicle carrying rescue or first aid equipment where there is an urgent emergency justifying a rate of speed in excess of any rate of speed provided for in this Bylaw or the *Motor Vehicle Act*;
- (b) a motor vehicle driven by a member of the District of Vanderhoof Fire Department in the discharge of his or her duties; and
- (c) a motor vehicle driven by a Peace Officer, Constable or member of the Police Branch of Her Majesty's Armed Forces in the discharge of his duties.

**"Extraordinary Traffic"** includes any carriage of goods or Persons over a Highway, whether in Vehicles drawn by animal power or propelled by other means, that in conjunction with the nature of existing conditions of the Highway is so extraordinary, hazardous, or improper in the quality or quantity of goods or the number of Persons carried, or in the mode or time of use of the Highway or in the speed at which the Vehicles are moved, that it substantially alters or increases the burden imposed on the Highway through its proper use by ordinary Traffic, and causes or is liable to cause damage and expense to the Highway, or risk to public health and safety, beyond what is reasonable or ordinary.



**"Gross Vehicle Weight (GVW)"** means the number of kilograms derived by adding the weights on all the Axels of a Commercial Vehicle.

**"Highway"** includes every highway or boulevard within the meaning of the *Highway Act* and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passageway owned or operated by the District of Vanderhoof for the use of pedestrian traffic.

**"Motor Vehicle"** means a vehicle, not run upon rails, that is designed to be self propelled.

**"Parade"** means a procession or body of pedestrians numbering more than thirty (30) standing, marching or walking upon any street or sidewalk or any group of vehicles numbering ten (10) or more standing or moving on any street.

**"Park"** when prohibited, means the standing of a vehicle, whether occupied or not.

**"Peace Officer"** means a Constable or person having the powers of a Constable and includes a Bylaw Enforcement Officer appointed under the *Police Act*.

**"Pedestrian"** means a person afoot, or an invalid or child in a wheelchair or carriage.

**"Permit"** means a document in writing issued by the Authorized Person, pursuant to this bylaw.

**"Permittee"** means a Person issued a Permit under this bylaw by an Authorized Person.

**"Sidewalk"** means the area between the curb-lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians or any other improved area set aside for pedestrian use only.

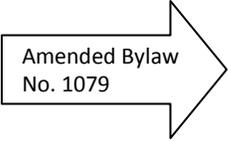
**"Traffic"** includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway for purposes of travel.

**"Traffic Control Device"** means a sign, signal, line, marking, space, barrier, or any other device, placed or erected by authority of the Council or person duly authorized by the Council to exercise such authority.

**"Vehicle"** means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

#### **SECTION 4.0 - RESTRICTIONS**

- 4.1 Except where otherwise directed by the Authorized Person, a Peace Office, or a person authorized by a Peace Officer to direct traffic, no person shall:



Amended Bylaw  
No. 1079

**DRIVING ON  
SIDEWALK OR  
BOULEVARD**

- (1) Drive a motor vehicle, cycle, or ride or herd any animals, along any sidewalks, walkways or boulevards, unless otherwise permitted to do so by an applicable traffic control device.  
Drive a Personal Mobility Device or Scooter at a speed in excess of 12 km per hour.

**DEBRIS LEFT ON  
HIGHWAY**

- (2) Being the person who has removed a wrecked or damaged vehicle from the scene of an accident, leave any glass or other debris from the accident upon a highway.

**OPEN EXCAVATION**

- (3) Leave any excavation or other obstruction upon a highway without sufficient protective measures, including but not limited to fencing, barricading and marking the same with warning devices to preserve public safety.

**OBSTRUCT TRAFFIC**

- (4) Stand or loiter in such a manner as to obstruct, impede or interfere with traffic on a roadway.

**CONSTRUCTION  
ZONE/MAXIMUM  
SPEED**

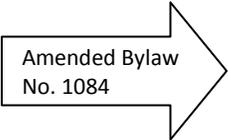
- (5) Unless otherwise indicated by a traffic control device, drive a vehicle at a speed in excess of the limit posted in a zone where signs are posted indicating that the road is being repaired, widened or marked.

**TRUCKS/ MAXIMUM  
WEIGHT (TRUCK  
ROUTES)**

- (6) Unless otherwise posted with traffic control devices indicating a truck route, drive a truck with a licensed gross vehicle weight in excess of 13,700 kg upon a roadway, except municipal or utility vehicles while engaged in work upon roadways, or trucks delivering goods and materials to properties on a street or streets directly serviced by the roadway.

**NO PASSING SCHOOL**

- (7) (a) Being the driver of a motor vehicle, overtake and pass another vehicle in a designated school or playground zone, as indicated by a traffic control device, or at a crosswalk.  
  
(b) Being the driver of a motor vehicle, drive through a crosswalk when a person or traffic patrol indicates that vehicles are required to stop, in order to allow pedestrians to safely cross the highway.



Amended Bylaw  
No. 1084

**SPEED LIMITS**

- (8) Drive at a speed in excess of 50 km/h where signs are not posted in the District.  
(9) The speed limit starting from the 50 kph zone at top of Kenny Dam Road to the municipal boundary is established as 60 kph.

- 4.2 Any officer or member of the District Fire Department while in the course of duty in or about any fire or at the scene of any accident, in order to expedite traffic or safeguard pedestrians, may direct traffic on any street in the vicinity and it shall be unlawful for any pedestrian or a driver of any vehicle to fail to comply with the directions of any such officer or member of the Fire Department.
- 4.3 No Person driving or operating any vehicle, save an emergency vehicle, shall follow closer than 150 m to any vehicle of the District Fire Department travelling in response to any fire, or drive or stop any vehicle over or across a fire hose laid on the street, unless directed to do so by a Peace Officer or a member of the District Fire Department.
- 4.4 No parade shall be held unless Council has received and approved by resolution of Council an application in writing specifying the nature of the parade the place or places of formation, the route to be taken and day and hour it is to be held.

### **SECTION 5.0 – PARKING REGULATIONS**

Except when necessary to avoid conflicts with traffic, or to comply with the directions of a Peace Officer, traffic control device or traffic patrol and except while operating a government vehicle or vehicles of a public utility corporation or contractor 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:

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| <b>SIDEWALK</b>       | (1)  | On a sidewalk or a boulevard where a curb is present.  |
| <b>DRIVEWAY</b>       | (2)  | In front of a public or private driveway.  |
| <b>INTERSECTION</b>   | (3)  | Within an intersection except as permitted by a traffic control device.  |
| <b>HYDRANT</b>        | (4)  | Within 5m of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant. |
| <b>CROSSWALK</b>      | (5)  | On a crosswalk or within 6m of the approach side of a crosswalk.   |
| <b>STOP SIGN</b>      | (6)  | Within 6m upon the approach to a stop sign or traffic control device located at the side of a roadway.                     |
| <b>EXIT</b>           | (7)  | Within 6m on either side of the entrance to or exit from a fire hall.  |
| <b>RAILWAY</b>        | (8)  | Within 15m of the nearest rail of a railway crossing.  |
| <b>OBSTRUCTION</b>    | (9)  | Alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic.            |
| <b>DOUBLE PARKING</b> | (10) | On the roadway side of a vehicle stopped or parked parallel to the edge of curb of a roadway.                              |

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| <b>BRIDGE</b>                                 | (11) | Upon a bridge except as permitted by an applicable traffic control device.   |
| <b>WHERE PROHIBITED BY SIGN</b>               | (12) | 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.   |
| <b>IN VIOLATION OF TRAFFIC CONTROL DEVICE</b> | (13) | On a portion of a highway in which parking is regulated by a traffic control device in violation of the traffic control device.  |
| <b>OBSTRUCT VISIBILITY</b>                    | (14) | In such a manner as to obstruct the visibility of any standard traffic control device erected by or with the authority of the Public Works Superintendent.   |
| <b>WRONG SIDE/ WRONG FACING DIRECTION</b>     | (15) | On other than the right side of a two-way highway with the right hand wheels of the vehicle parallel to that side; except where there is provision for angle parking, as signified by traffic control devices consisting of lines painted on the surface of the highway. |
| <b>DISTANCE FROM CURB</b>                     | (16) | More than 30 cm from the curb of a roadway if a curb has been constructed.   |
| <b>RESERVED PARKING</b>                       | (17) | In a space on any highway adjacent to any Federal, Provincial or Municipal public building which is designated as being reserved for the use of officials, unless the operator is such an official.  |
| <b>24 HOURS MAXIMUM</b>                       | (18) | On any highway for a continuous period exceeding 24 hours, without first obtaining the written permission of the Public Works Superintendent.  |
| <b>OBSTRUCT</b>                               | (19) | In a manner which obstructs the free passage of traffic on any roadway.  |
| <b>IN DESIGNATED AREA ONLY</b>                | (20) | Upon any portion of a highway where traffic control devices consisting of lines painted upon the surface of the highway designate parking, in any location other than the designated spaces.   |
| <b>CYCLES OR PEDESTRIANS</b>                  | (21) | Upon a portion of a highway that has been improved for the travel of cycles and/or pedestrians, and which is designated as such by traffic control devices.  |

- OVERTIME PARKING** (22) (a) On any portion of a highway in contravention of the length of time allowed for parking on that portion of highway as indicated by an applicable traffic control device.
- (b) Notwithstanding (a), no person shall cause a vehicle to remain on any portion of a highway for a period of time which exceeds two times the maximum posted time as indicated by an applicable traffic control device.
- LOADING ZONE** (23) In a loading zone as designated by a traffic control device for a longer period than 15 minutes at any one time.
- SNOW REMOVAL** (24) In a position that causes it to interfere with the removal of snow from a highway by a person authorized to do so by the District.

#### **SECTION 6.0 - REMOVAL OF VEHICLE**

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

#### **SECTION 7.0 - REMOVAL OF CHATTEL**

Any chattel 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 Public Works Superintendent or a Peace Officer.

- (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 applicable fees, costs and expenses prescribed in Schedule "A" of this Bylaw 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 motor vehicle is removed, detained or impounded, and not claimed by the owner within 72 hours, then the vehicle shall be disposed of pursuant to section 8 of the *Highways Scenic Improvement Act*.

**SECTION 8.0 – TRAFFIC CONTROL DEVICES**

The Authorized Person may order the placing or erection of any applicable traffic control devices at such places, except arterial highways, as he may designate in such order to give effect to the provisions of this Bylaw and the *Motor Vehicle Act*.

Such traffic control devices shall include all signs contained in the B.C. Motor Vehicle Act Regulations and without limiting the generality of the foregoing shall also include:

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| <b>SIDEWALKS BRIDGES,<br/>LANES</b>  | (1)  | Signs to regulate, control or prohibit pedestrian traffic, ridden or herded animals, vehicular traffic and cycle traffic on sidewalks, bridges, walkways or boulevards, or in lanes.   |
| <b>STOP SIGNS</b>                    | (2)  | Signs to regulate, control or prohibit the stopping of vehicles.   |
| <b>PARKING</b>                       | (3)  | Signs for the regulation, control or prohibition of standing or parking of vehicles.   |
| <b>CONSTRUCTION<br/>ZONE/DETOURS</b> | (4)  | Signs where construction, reconstruction, widening, repair, painting or marking or other work is being carried out to regulate or prohibit traffic in the vicinity of such works.  |
| <b>PEDESTRIANS</b>                   | (5)  | Signs to regulate or prohibit pedestrian traffic on highways other than at crosswalks.   |
| <b>TRUCK SIGNS</b>                   | (6)  | Signs in locations where truck traffic is prohibited or restricted.  |
| <b>LOAD RESTRICTIONS</b>             | (7)  | Signs indicating a maximum of 70% of GVW at locations where due to seasonal weakening of road surfaces, obsolescence of bridges or pavement, or roadway repairs, loads in excess of 70% constitute a hazard to traffic or may cause excessive damage to the roads. |
| <b>MAXIMUM SPEED</b>                 | (8)  | Signs at locations where due to limitations of sight distances, road surfaces, traffic flows and frequency of intersections, speeds in excess of those prescribed on the signs constitute a hazard to traffic or may cause excessive damage to the roads.          |
| <b>WARNING</b>                       | (9)  | Signs at locations where it is required to warn traffic of hazardous conditions, either on or adjacent to the roadway or to prohibit traffic from using the roadway.   |
| <b>NO STOPPING</b>                   | (10) | Signs at locations where free flow of traffic is required, and where it is desirable, therefore, to permit no stopping on the roadway, except in the case of an emergency.   |

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| <b>TRUCK ROUTES</b>     | (11) Signs on streets where the Public Works Superintendent has designated truck routes for movement of truck traffic through the District.  |
| <b>SCHOOL</b>           | (12) Signs at locations where it is required to give advance information and warning, such as the presence of a school adjacent to a roadway, a school crosswalk, or a school maximum speed zone. For the purposes of this subsection, the term "school" refers to all schools in the District of Vanderhoof which are not used for playground purposes. Schools used for playground purposes are as designated in Schedule "J", attached to and forming part of this Bylaw. |
| <b>PLAYGROUND</b>       | (13) Signs at locations where it is required to give advance information and warning of a playground adjacent to a roadway, or its maximum speed zone  |
| <b>PARKING</b>          | (14) Signs at the entrance to a highway or upon highways where provision is made for parking of motor vehicles under the conditions of "No parking unless valid and subsisting passes or tickets are displayed on the dashboard of the vehicle and which are in full view through the front windshield of the vehicle."  |
| <b>NO PASSING</b>       | (15) Signs at a location approaching crosswalks, school and park zones indicating that passing is prohibited.  |
| <b>FIRE ZONE</b>        | (16) Signs at locations where standing, stopping or parking of a vehicle would impede the passage or operation of fire fighting equipment, indicating that the area is a "FIRE ZONE" and that standing, stopping or parking is prohibited in that area.  |
| <b>REDMOND PIT ROAD</b> | (17) Despite anything in this section, no person shall drive a vehicle having a GVW in excess of 5,500 kg on Redmond Pit Road located within the Municipal Boundaries of the District of Vanderhoof, except by special permit issued under this section.   |

**SECTION 9.0 - ORDERS**

- (1) The Authorized Person may issue orders pursuant to section 8.0 of this Bylaw, and the Corporate Officer 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) A single order may contain any number of orders related to the matters set out in section 8.0.

**SECTION 10.0 - RESCIND, REVOKE, AMEND or VARY ORDER**

- (1) The Authorized Person may rescind, revoke, amend or vary any order made by him, provided such order does not require the doing of any act contrary to or inconsistent with this Bylaw or the *Motor Vehicle Act*.
- (2) To vary or amend an order, the Authorized Person shall issue a new order reflecting the variation or amendment, and revoking the original order, and the Corporate Officer shall affix the Corporate Seal to the new order and certify the same to be a true copy.
- (3) If requested in writing the Authorized Person may issue a short term variance for up to 100% of a load restriction. The Authorized Person shall issue the short term variance indicating the length of time and the roads to be travelled using the variance. The Corporate Officer shall affix the Corporate Seal to the variance and certify the same to be a true copy.

**SECTION 11.0 - ENFORCEMENT**

- (1) A Peace Officer or bylaw enforcement officer may enforce this Bylaw.

**SECTION 12.0 – VIOLATION**

Any person who operates a motor vehicle, or who, being the owner or operator of a motor vehicle, permits it to stand or be parked in contravention of a traffic control device or signal is punishable in accordance with the *Offence Act*.

**SECTION 13.0 – PENALTY**

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, or omits or neglects to fulfil, observe, carry out or perform any duty or obligation imposed by this Bylaw commits an offence and is punishable in accordance with the *Offence Act*.

**SECTION 14.0- REPEAL**

Traffic Regulation Bylaw No. 464, 1980 and all amendments thereto, are repealed.

READ A FIRST TIME THIS 11<sup>th</sup> day of March 2009.

READ A SECOND TIME THIS 11<sup>th</sup> day of March 2009.

READ A THIRD TIME THIS 11<sup>th</sup> day of March 2009.

FINALLY ADOPTED THIS 22<sup>nd</sup> day of April 2009.

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Mayor

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Corporate Officer

**SCHEDULE "A"**

**District of Vanderhoof  
Traffic and Highways Bylaw**

**Fee Schedule  
Removal of Chattels, Obstructions and Vehicles**

(1) The following fees, costs and expenses shall be paid by the owner of any chattel, obstruction or vehicle removed, detained or impounded pursuant to Section 7 of this Bylaw.

Minimum charge of	\$50.00
For any chattel weighing over 45 kg or having a dimension exceeding 1m, the actual cost of removal of the chattel, plus a storage fee per day, or any part thereof	\$10.00
For any obstruction the total cost of removal of the obstruction plus the cost of disposing of the obstruction or other such fees as may be charged by any contractor of the District engaged by the District to two and store a vehicle.	\$50.00