



**District of Port Edward
Traffic Bylaw No. 711, 2020**

**A BYLAW TO REGULATE TRAFFIC AND THE USE OF HIGHWAYS
WITHIN THE DISTRICT OF PORT EDWARD**

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

NOW THEREOFRE the Council of the District of Port Edward in open meeting assembled enacts as follows;

1. CITATION

This Bylaw may be cited as “District of Port Edward Traffic Bylaw No.711”

2. REPEALS

That the “Traffic and Highway Regulation Bylaw No. 314” and amendments be repealed in its entirety.

3. DEFINITIONS

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 the *Local Government Act* or the *Community Charter*.

“**Angle Parking**” means the parking of a **Vehicle** other than parallel to a curb or lateral lines of the **Roadway**.

“**Arterial Highway**” means a **Highway** classified as such pursuant to the *Highway Act*.

“**Boulevard**” means the area between the curb lines, the lateral lines or shoulder of a **Roadway** and the adjacent property, and includes curbs, **Sidewalks** and ditches.

“**Bylaw Enforcement Officer**” means a **Person** or **Persons** appointed from time to time by resolution of **Council**;

“**Chief of Police**” means the Officer in Charge of the Royal Canadian Mounted Police detachment responsible for policing within the **District**.

“**Chief Administrative Officer**” means the **Person** appointed by the **District** as the **Chief Administrative Officer** under the *Local Government Act*;

“**Clerk**” means the Municipal **Clerk** for the District of Port Edward.

“**Combination of Vehicles**” means a combination of motor **Vehicle** and **Trailer**, or motor **Vehicle** and **Trailers**.

“**Commercial Vehicle**” means any **Vehicle** used for the collection or delivery, or both, of merchandise or another commodity in the ordinary course of a business undertaking, as defined in the *Commercial Transport Act*, including:

- (a) a **Motor Vehicle** having permanently attached to it a truck or delivery body;
- (b) an ambulance, casket wagon, fire apparatus, hearse, motor bus, tow car, road building machine and tractor, or taxi, other than a taxi in a prescribed class of taxi;
- (c) a **Combination Of Vehicles**; and
- (d) other **Vehicles** as specified by regulation of the Lieutenant Governor in Council.

“**Council**” means the **Council** of the District of Port Edward;

“**Crosswalk**” means:

- (a) any portion of the **Roadway** at an **Intersection** or elsewhere distinctly indicated for **Pedestrian** crossing by signs or by lines or other markings on the surface;
or
- (b) the portion of a **Highway** at an **Intersection** that is included within the connection of the lateral lines of the **Sidewalks** on the opposite sides of the **Highway**, or within the extension of the lateral lines of the **Sidewalk** on one side of the **Highway**, measured from the curbs, or in the absence of curbs, from the edges of the **Roadway**.

“**Cycle**” means a device having any number of wheels that is propelled by human power and on which a **Person** may ride and includes a motor assisted cycle, but does not include a skate board, roller skates or in-line roller skates.

“**District**” means the municipality of the District of Port Edward.

“**Engineer**” means a person who is registered or duly licensed as such under the provisions of the *Engineers Act of British Columbia*. This person may be appointed by the **Bylaw Enforcement Officer** to act on their behalf or may include a consultant who provides engineering services to the **District**.

“**Fire Official**” means a member of the District of Port Edward Fire Department or other such fire service deployed by the **District**.

“**Highway**” includes all roads, streets, **Lanes**, bridges, trails, ways, trestles, ferry landings and approaches and any other public way designed or intended for or used by the general public for the passage of **Vehicles**, and every place or passageway to which the public, for the purposes of off-street parking or **Pedestrian** or **Cycle Traffic**, has access or is invited, but does not include an **Arterial Highway**.

“**Intersection**” means the area embraced within the prolongation or connection of the lateral curb-lines, or if none, then the lateral boundary lines of the **Roadways** of two **Highways** which join one another at or approximately at right angles, or the area within which **Vehicles** travelling upon different **Highways** joining at any other angle may come in conflict; and, for the purpose of this definition, “**Highway**” does not include a **Lane** or way less than five metres in width separating the rear property-lines of parcels of land fronting

on **Highways** running more or less parallel to and on each side of such **Lane** or way.

“**Lane**” means any **Highway** not exceeding 10 m in width.

“**Motor Vehicle**” means a **Vehicle**, not run upon rails, that is designed to be self-propelled.

“**Owner**” as applied to a **Vehicle** includes:

- (a) the **Person** who holds the legal title to the **Vehicle**;
- (b) the **Person** who is entitled to be and is in possession of the **Vehicle**; or
- (c) the **Person** in whose name the **Vehicle** is registered.

“**Occupier**” includes any **Person** who resides or operates a business on the property or who has the right to possession of the property or any part thereof.

“**Off-Street Parking Facility**” means any property owned, leased, or otherwise held by the **District**, unless otherwise indicated as such, for the purpose of providing off-street parking.

“**Parade**” means a procession or body of **Pedestrians**, except members of the armed forces, numbering more than 30, standing, marching or walking upon any **Highway** or **Sidewalk**, or any group of **Vehicles** numbering 10 or more, except funeral processions, standing or moving on any **Highway**.

“**Park**” when prohibited, means the standing of a **Vehicle**, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading.

“**Peace Officer**” means a police officer or **Person** employed for the preservation and maintenance of the public peace and includes a **Bylaw Enforcement Officer** appointed under the *Police Act*.

“**Pedestrian**” means a **Person** afoot, a child in a carriage, or an invalid in a non-motorized and/or motorized wheelchair.,

“**Permit**” means a document issued pursuant to this Bylaw.

“**Person**” means a corporation, partnership or party, and the personal or other legal representatives of a **Person** to whom the context can apply according to law.

“**Roadway**” means the portion of the **Highway** that is improved, designed, or ordinarily used for vehicular **Traffic**, but does not include the shoulder; and where a **Highway** includes two or more separate **Roadways**, the term “**Roadway**” refers to any one **Roadway** separately and not to all of the **Roadways** collectively.

“**Sidewalk**” means the area improved for use of **Pedestrians** between the curb lines or lateral lines of a **Roadway** and the adjacent property lines.

“**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, yellow curb, marking, space, barrier, or other device, placed or erected by authority of the minister responsible for the administration of the *Transportation Act*, **Council** or the **Bylaw Enforcement Officer**.

“**Traffic Patrol**” means an adult school crossing guard or a school pupil acting as a member of a school patrol where such guards or pupils are provided under the *School Act* or authorized by the **Chief of Police**.

“**Trailer**” means a **Vehicle** that is at any time drawn upon a **Highway** by a **Motor Vehicle** and includes a semi-trailer as defined in the *Commercial Transport Act*, except:

- (a) an implement of husbandry;
- (b) a side-car attached to a motorcycle; and
- (c) a disabled **Motor Vehicle** that is towed by a tow **Vehicle**.

“**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.

“**Winter Tire**” means a tire that is advertised or represented by its manufacturer or a **Person** in the business of selling tires to be a tire intended principally for winter use and that provides or is designed to provide adequate traction in snow, mud or ice and is in such condition respecting tread, wear and other particulars as the regulations under the *Motor Vehicle Act* may prescribe;

4. TRAFFIC CONTROL DEVICES

4.1 The provisions of this Part do not apply to **Arterial Highways**.

4.2 The **Chief Administrative Officer**, or an **Engineer** employed by the **District**, is hereby authorized to order the placement or erection of **Traffic Control Devices** at such places as they designate in order to give effect to the provisions of this Bylaw and the *Motor Vehicle Act*.

4.3 An order shall not come into effect until it has been signed and dated by the **Bylaw Enforcement Officer**.

4.4 The **Bylaw Enforcement Officer** may rescind, revoke, amend or vary any order made pursuant to this Bylaw provided such order does not require the doing of any act contrary to, or inconsistent with, this Bylaw or the *Motor Vehicle Act*.

4.5 To revoke or amend an order, the **Bylaw Enforcement Officer** shall issue a new order reflecting the amendment or revoking the original order.

4.6 **Traffic Control Devices** authorized by the **Engineer** shall, where applicable, comply with the sign regulations set out in the *Motor Vehicle Act* or the Manual of Uniform Traffic Control Devices for Canada.

5. REMOVAL AND DETENTION OF VEHICLES AND CHATTELS

5.1 The provisions of this Part do not apply to **Arterial Highways**.

5.2 The **Peace Officer**, a **Bylaw Enforcement Officer**, a **Fire Official** or a contractor acting in accordance with the directions of the **District** may move, detain or impound a **Vehicle**, chattel, or obstruction, or direct the removal, detention or impoundment of any **Vehicle**, chattel, or obstruction for unlawfully occupying any portion of a **Highway** or public place that:

- (a) is in violation of a provision of this Bylaw;
- (b) is in a position that interferes with removal of snow, ice, or sand from a **Highway**;
- (c) is in a position that interferes with emergency services including fire fighting, police, and ambulance services;
- (d) is in a position that interferes with construction, marking, repair, or maintenance of a **Highway**;
- (e) is in a position that interferes with a portion of a **Highway** that is designated as a “bus stop” as indicated by signs erected;
- (f) is in a position that interferes with a portion of a **Highway** that is designated as a “no stopping zone” as indicated by signs erected;
- (g) is a **Vehicle** without license plates displayed as required by the *Motor Vehicle Act*; or
- (h) is deemed to be a hazard or public safety issue by the **Peace Officer**, **Bylaw Enforcement Officer**, or **Fire Official**.

5.3 The **Peace Officer** or **Bylaw Enforcement Officer** may impound a **Vehicle** for violation of any of the items outlined in Section 5.2 after two tickets have been issued in accordance with Schedule B of this Bylaw by the **District** for such **Vehicle** within a 48-hour period.

5.4 Upon impoundment of any **Vehicle**, the **Bylaw Enforcement Officer** or **Peace Officer** shall cause enquiry to be made as to who is the **Owner** of the impounded **Vehicle**, or is entitled to claim possession thereof:

- (a) In respect of **Vehicles** registered in British Columbia, the **Bylaw Enforcement Officer** or **Peace Officer** shall within fourteen days of the impounding forward a notice in writing to the registered **Owner**.

- (b) In respect of **Vehicles** registered outside of British Columbia, the **Bylaw Enforcement Officer** or **Peace Officer** shall forward such notice within twenty-one days of the impounding to such **Person** as the **Bylaw Enforcement Officer** or **Peace Officer** shall deem to be the **Owner** of the said **Vehicle**.
- (c) The notices shall contain a description of the **Vehicle**, a statement of the scale of impounding charges and the date after which the **Vehicle** will be sold or disposed of, which date shall be at least ninety days from the date that such **Vehicle** came into possession of the **Bylaw Enforcement Officer** or **Peace Officer**.

5.5 Upon impoundment of any chattel or personal property, the **Bylaw Enforcement Officer** or **Peace Officer** shall cause enquiry to be made as to who is the **Owner** of the chattel or personal property, or is entitled to claim possession thereof:

- (a) The **Bylaw Enforcement Officer** or **Peace Officer** may recover possession of the chattel or personal property to the **Owner** once proof of ownership has been provided to the satisfaction of the **Bylaw Enforcement Officer** or **Peace Officer** within a period of ninety days from the time of impounding.

5.6 Schedule "B" of this Bylaw outlines the fees to be charged to any **Person** who causes the **District** to:

- (a) remove a **Vehicle**, chattel or obstruction from a **Highway** or public place;
or
- (b) detain or impound a **Vehicle**, chattel or obstruction.

5.7 Where a **Vehicle**, chattel or obstruction has been removed, detained or impounded pursuant to Section 5.2, the fees, costs and expenses payable pursuant to Schedule "B" of this Bylaw, as well as any other costs incurred by the **District** as a result of the aforementioned removal, detention, or impounding shall be a debt payable by the **Owner** of the **Vehicle**, chattel or obstruction to the **District** and may be recovered by civil action in any court of competent jurisdiction.

5.8 Notwithstanding any provision of this Bylaw, where a **Vehicle**, chattel or obstruction is removed from a **Highway** or public place it need not be detained or impounded but may be removed to such place as the **Bylaw Enforcement Officer** may direct, and the failure to detain or impound shall not affect the liability of the **Owner** for the fees, costs and expenses of removing the chattel, obstruction or **Vehicle**.

5.9 Where a **Vehicle**, chattel or obstruction is detained or impounded and the fees payable for the removal, detention or impounding have not been paid within ninety days of the removal, detention or impoundment, and the **Bylaw Enforcement Officer** or **Chief Administrative Officer** has deemed the **Vehicle**, chattel or

obstruction to have monetary value, the **Bylaw Enforcement Officer** may cause a notice to be published at least once in any newspaper circulating in the **District** stating that the **Vehicle**, chattel or obstruction is to be sold at public auction and naming the date, time, and place of the auction, which shall be a minimum of ten days following the date of publication of the notice.

5.10 Where a **Vehicle**, chattel or obstruction is detained or impounded and the fees payable for the removal, detention or impounding have not been paid within ninety days of the removal, detention or impoundment, and the **Bylaw Enforcement Officer** or **Chief Administrative Officer** has deemed the **Vehicle**, chattel or obstruction to not have monetary value, the **Bylaw Enforcement Officer** may cause a notice to be published at least once in any newspaper circulating in the **District** stating that the **Vehicle**, chattel or obstruction is to be scrapped or disposed of for parts in the least costly method that will best serve the interests of the District, no sooner than seven days after the date of publication of such notice.

5.11 Where a notice has been published pursuant to Section 5.9 the fees payable for the removal, detention or impounding of the **Vehicle**, chattel or obstruction have not been paid prior to the date and time for the auction as published in the notice, the **Vehicle**, chattel or obstruction shall be sold by public auction conducted at the date, time and place as set out in the notice published and the proceeds of sale shall be applied in the following order:

- (a) in payment of any and all costs or expenses incurred by the **Bylaw Enforcement Officer** in conducting the sale and publishing the notice pursuant to Section 5.9;
- (b) in payment of the fees payable for the removal, detention or impounding of the **Vehicle**, chattel or obstruction;
- (c) the balance, if any, to be paid to the **Owner** of the **Vehicle**, chattel or obstruction and if such **Owner** is unknown or cannot be determined, the proceeds of any sale must be held for 180 days from the date of the sale at which time any such balance shall be paid into the general revenue fund of the **District**.

5.12 In the event that the proceeds of sale of a **Vehicle**, chattel or obstruction sold pursuant to Section 5.9 are insufficient to pay the expenses of publishing the notice required by Section 5.9 and conducting the sale, the amount of such expenses not paid from the proceeds of sale shall be a debt payable by the **Owner** of the **Vehicle**, chattel or obstruction to the **District** and may be recovered by civil action in any Court of competent jurisdiction.

6. PARKING

6.1 Except where necessary to avoid conflict with **Traffic**, or to comply with the directions of a Peace Officer, **Traffic Control Device** or **Traffic Patrol**, or where

operating a government or public utility **Vehicle** while engaged in their duties, or except an emergency **Vehicle** which is in actual use for official duties, or a **Vehicle** rendered immobile, or in accordance with a **Permit** issued pursuant to Section 6.5, no **Person** shall stop, stand or **Park a Vehicle**:

- (a) on a **Sidewalk** or **Boulevard**
- (b) in front of a public or private driveway;
- (c) in any **Lane**, unless the **Vehicle** is an attended **Commercial Vehicle** in the process of loading or unloading and placed so as to leave 3 m of clear **Roadway**;
- (d) within an **Intersection** except as permitted by a **Traffic Control Device**;
- (e) within 5 m of a fire hydrant measured from a point on the curb or edge of the **Roadway** which is closest to the fire hydrant;
- (f) on a **Crosswalk** or within 6 m of a **Crosswalk**;
- (g) within 6 m upon the approach of a stop sign or **Traffic** control signal located at the side of a **Roadway**;
- (h) within 6 m on either side of the entrance to or exit from any hotel, theatre, public meeting place, fire hall or playground;
- (i) within 15 m of the nearest rail of a railway crossing;
- (j) upon any **Highway** for the principal purpose of:
 - i. displaying a **Vehicle** for sale;
 - ii. advertising, greasing, painting, wrecking, storing or repairing any **Vehicle**, except where repairs are necessitated by an emergency;
 - iii. displaying signs; or
 - iv. selling flowers, fruit, vegetables, seafoods, or other commodities or articles;
- (k) alongside or opposite an excavation or obstruction when stopping, standing or parking obstructs **Traffic**;
- (l) alongside a **Vehicle** stopped or parked at the edge or curb of a **Roadway**;
- (m) upon a bridge except as permitted by any applicable **Traffic Control Device**;
- (n) in any place in contravention of a **Traffic Control Device** that gives notice that stopping, standing or parking is prohibited or restricted in such place;
- (o) in such manner as to obstruct the visibility of any **Traffic Control Device**;
- (p) upon a two-way **Roadway** other than the right side of the **Roadway** and with the right-hand wheels parallel to that side;
- (q) on a **Roadway** more than 30 cm from the curb of such **Roadway** if a curb has been constructed;
- (r) where **Traffic Control Devices** consisting of lines have been painted on the surface of a **Highway** to designate parking spaces for **Vehicles**, other than within the said lines;

- (s) where **Traffic Control Devices** consisting of lines applied upon the surface of a **Highway** designate **Angle Parking** spaces if the length of such **Vehicle** and any **Trailer** attached thereto exceeds 6 m;
- (t) on any **Highway** in a space adjacent to any government building designated as being reserved for the use of officials unless the operator is such an official;
- (u) on any **Highway** for a continuous period exceeding 48 hours without first obtaining an order of the **Bylaw Enforcement Officer** permitting such stopping, standing or parking;
- (v) which is a **Commercial Vehicle** having a licenced **Vehicle** weight in excess of 7,300 kg between the hours of 9:00 pm and 6:00 am on any **Highway** where the nearest lot to the place where the **Vehicle** is parked is zoned Residential pursuant to the District Zoning Bylaw;
- (w) within 3 m of the entrance or exit of a **Lane**;
- (x) upon a **Roadway** in such a manner as to obstruct the free passage of **Traffic** on the **Roadway**;
- (y) on any **Highway** where **Traffic Control Devices** indicate the length of time allowed for parking, in contravention of the length of time indicated;
- (z) adjacent to or alongside any curb which has been painted yellow, except as permitted by a **Traffic Control Device** adjacent to or at one or both ends of the yellow curb;
- (aa) in a loading zone as designated by a **Traffic Control Device** unless actively engaged in the loading or unloading of a **Vehicle**;
- (bb) on a **Highway** abutting a school ground or playground from dawn until dusk unless the school ground or playground is separated from the **Highway** by a fence;
- (cc) in a bus stop, as indicated by the appropriate **Traffic Control Device**, any **Vehicle** other than a **Vehicle** operated by a public transit authority or a School District;
- (dd) in a fire zone, as indicated by a **Traffic Control Device**;
- (ee) in a Disabled Persons Parking space unless that **Vehicle** has a valid **Permit** which is suspended from the rear view mirror inside the **Vehicle** so that it is prominently visible from the exterior of the **Vehicle**;
- (ff) overnight in an **Off-Street Parking Facility** unless otherwise permitted by a **Traffic Control Device** on the property; or
- (gg) Without valid and proper vehicle insurance that is visibly displayed.

6.2 The **Bylaw Enforcement Officer** may designate a portion of an **Off-Street Parking Facility** to be used for Disabled Persons Parking Spaces.

6.3 A **Person** who is permanently disabled and who is the holder of a valid and subsisting licence from the Government of the Province of British Columbia authorizing the **Person** to operate a **Motor Vehicle** in the Province of British

Columbia, may apply to the **Bylaw Enforcement Officer** for a **Permit** to park in a Disabled Persons Parking space.

6.4 The **Bylaw Enforcement Officer** or **Peace Officer** may place or cause to be placed temporary “No Parking” signs or other applicable **Traffic Control Devices** on a **Highway**:

- (a) Along the route of any **Parade**;
- (b) In the vicinity of a large gathering or during special circumstances;
- (c) To facilitate the fighting of fires;
- (d) To facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a highway being carried out by the District or under its authority; and
- (e) In the interest of public safety.

Commercial Vehicle Parking Permit

6.5 The operator of a **Commercial Vehicle** may apply to the **Bylaw Enforcement Officer** for a Commercial Vehicle Parking **Permit** in the form provided in Schedule “A” of this Bylaw for a fixed period of time to allow the **Vehicle** to be parked contrary to certain Subsections of Section 6.1, and on receipt of the application, a monetary deposit and payment of a daily fee, both established by Bylaw, for the number of days the Commercial Vehicle Parking **Permit** is requested, and on being satisfied that the operator and **Owner** of the **Commercial Vehicle** have satisfied all of the provisions of this bylaw and all applicable legislation, the **Bylaw Enforcement Officer** shall issue a **Permit** allowing the **Vehicle** to be parked at specific locations, under specified conditions, contrary to the Subsections of Section 6.1 as specified by the **Bylaw Enforcement Officer** in writing on the **Permit**.

6.6 **Permits** issued pursuant to this Section are:

- (a) Valid for a period of up to 30 days; and
- (b) may be revoked by the **Bylaw Enforcement Officer** where the **Permit** is used contrary to this Bylaw.

6.7 On the termination or revocation of such Commercial Vehicle Parking **Permit**, if the permittee has complied with all of the terms of the **Permit** and returned the **Permit** and any signs provided by the **District** to the **Bylaw Enforcement Officer**, the **Bylaw Enforcement Officer** shall refund to the permittee the sum of the daily fee for each day that the **Permit** would still be in effect except for revocation, less the cost of any damage to any sign provided by the **Bylaw Enforcement Officer** to the permittee at the time of the granting of the **Permit**.

7. SCHOOL CROSSINGS

7.1 The **Bylaw Enforcement Officer** may by order establish school crossings at any place within the **District**.

7.2 **Persons** employed in **Traffic Patrols** by or for schools within the **District**, whether school children or others, may require the stopping of **Vehicles** and otherwise direct **Traffic** at school crossings, **Intersections**, and in any areas where signs are displayed stating a speed limit of 30 km per hour, or upon which the numerals "30" are prominently shown in the vicinity of a school.

7.3 No **Person** driving a **Motor Vehicle** shall overtake and pass another **Vehicle** on any **Highway** where signs are displayed stating a speed limit of 30 km per hour, or upon which the numerals "30" are prominently shown, in the vicinity of a school to which the signs relate.

8. TRAFFIC REGULATION

8.1 No **Person** shall:

- (a) except where directed by a **Peace Officer** or a **Person** authorized by a **Peace Officer** to direct **Traffic**, fail to obey the instructions of an applicable **Traffic Control Device**;
- (b) fail to obey the instructions of a **Peace Officer**;
- (c) unless expressly permitted by a **Traffic Control Device**, drive a **Vehicle** or ride or herd any animal along any **Sidewalk**, walkway or **Boulevard**;
- (d) being a **Person** other than the **Bylaw Enforcement Officer** or their designate erect, maintain, alter, repaint or remove any sign, advertisement or guidepost erected on any **Highway**, other than an **Arterial Highway**, in the **District**;
- (e) be a member of or take part in any **Parade** except as or under the direction of the **Person** who has been granted a **Parade Permit** under Section 8.5 of this Bylaw;
- (f) interfere or drive between the **Vehicles** in any funeral procession;
- (g) use roller skates, skateboards, sleighs, skates, skis, snowmobiles or other similar means of conveyance on any **Roadway**;
- (h) stand or loiter in such a manner as to obstruct, impede or interfere with **Traffic** on a **Roadway**;
- (i) being the driver of a **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**;
- (j) being the driver of a **Vehicle**, pass a school bus with lights flashing while it is unloading or loading passengers; or

(k) being the driver of a **Vehicle**, drive over any fire hoses or fire fighting equipment without permission of fire fighters at the scene.

8.1 The **Bylaw Enforcement Officer** may close or limit the use of any **Highway** or other public work for the protection of **Persons** using the **Highway** or to enable permitted **Traffic** to be handled safely and expeditiously.

8.2 Where, in the opinion of the **Bylaw Enforcement Officer**, any **Highway** is liable to damage through extraordinary **Traffic** thereon, they may regulate, limit or prohibit the use of the **Highway** by any **Person** operating or in charge of the extraordinary **Traffic**, or owning the goods carried thereby or the **Vehicles** used therein.

8.3 Any **Person** to whom this Section might otherwise apply may, with the approval of the **Bylaw Enforcement Officer**, enter into an agreement for the payment to the **District** of compensation in respect of the damages or expenses which may, in the opinion of the **Bylaw Enforcement Officer** be caused by the extraordinary **Traffic**, and thereupon that **Person** shall not in respect of that **Traffic** be subject to any prohibition or penalty prescribed in this Section.

Parade Permits

8.4 The **Clerk** may issue a **Parade Permit** in the form provided under Schedule "A" of this Bylaw to host a **Parade** on a **Highway** where the **Clerk** has deemed that **Traffic** interferences that will be caused by a **Parade** are warranted and that the **Chief of Police** would be able to divert **Traffic** as required. The **Clerk** may refer the matter to **Council** to give or withhold consent.

8.5 Payment of the application fee for issuance of a **Parade Permit** listed under Schedule "A" of this Bylaw is required by the **Person** applying for such **Permit** prior to **Permit** issuance by the Clerk.

8.6 No **Parade Permit** shall be valid for a period of longer than one day.

9. VEHICLE REGULATION

9.1 **Council** may, by resolution:

- (a) prohibit **Vehicles** which are not equipped with chains, **Winter Tires**, or sanding devices, or any combination of these which **Council** may consider necessary in view of prevailing road conditions, from being driven or operated on a **Highway**; and

- (b) regulate the speed of **Vehicles** in respect of any designated **Highway** or class of **Highway**.

9.2 Resolutions of **Council** pursuant to Section 9.1 shall not be effective until signs have been posted on or adjacent to the **Highways** affected or until public notice has been given in such manner as may be directed by **Council**.

9.3 No **Person** shall:

- (a) exceed any speed limit set pursuant to this Bylaw;
- (b) drive a **Vehicle** with solid rubber tires at a rate of speed greater than 20 km per hour;
- (c) drive a **Combination of Vehicles** at a rate of speed greater than 30 km per hour;
- (d) drive a **Vehicle** that is not equipped with pneumatic tires in good condition, except as permitted by sub-section 9.03(h);
- (e) drive or operate on a **Highway** a **Vehicle** equipped with solid tires, the width of which between the rim of the wheel and the surface of the **Highway** is less than 32 mm;
- (f) except for the purpose of snow removal or grading, drive or operate on a **Highway** a **Vehicle** having wheels or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread or track, excluding studded **Winter Tires** and tire chains of reasonable proportions when required for safety between October 1st and April 30th of each calendar year; or
- (g) unless otherwise posted, drive a **Vehicle** at a rate of speed greater than 20 km per hour where signs are posted indicating that the road is being repaired, widened, or marked.

10. VEHICLE DIMENSIONS AND LOADS

10.1 No person shall:

- (a) operate on a **Highway** a **Vehicle** that is not designed to carry a load the actual weight which exceeds the Gross Vehicle Weight Rating (GVWR) for that **Vehicle**;
- (b) drive a **Vehicle** unless it is constructed and loaded so as to prevent any of its load:
 - i. from shifting or swaying in such a manner as to affect the operation of the **Vehicle**; or
 - ii. from dropping, sifting, leaking or otherwise escaping from the **Vehicle**, excepting that sand may be dropped for the purpose of

securing traction, and water or other substances may be sprinkled on a **Roadway** for cleaning and maintenance;

- (c) drive a **Vehicle** with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner hazardous to other users of the **Highway**; or
- (d) drive a passenger **Vehicle** loaded in such a manner that any part of the load extends beyond the sides of the **Vehicle** or more than 185 cm beyond the back of the **Vehicle**.

10.2 The maximum height, length, or width of a **Vehicle** or load permitted on a **Highway** or portion of a **Highway** shall be indicated on a **Traffic Control Device** erected under the authority of the **Bylaw Enforcement Officer** and the direction of an **Engineer**.

Overload Permits

- 10.3 The **Bylaw Enforcement Officer** may issue an Overload **Permit** in the form provided in Schedule "A" of this Bylaw to allow for the operation of a **Vehicle** on a **Highway** that exceeds the provisions outlined for **Vehicle** heights, lengths, widths, and loads on the **Traffic Control Device** erected on such **Highway**.
- 10.4 No Overload **Permit** may be issued for a period of longer than one month and no more than three Overload **Permits** may be issued in respect of the same **Vehicle** within one calendar year, unless otherwise permitted at the discretion of the **Bylaw Enforcement Officer**.
- 10.5 No Overload **Permit** may be issued until the **Owner** or operator of the **Vehicle** has entered into an agreement with the **District** that requires the **Owner** to provide monetary compensation to the **District** for any damage or expenses which may, in the opinion of the **Bylaw Enforcement Officer, Engineer, or Chief Administrative Officer**, be caused by the **Vehicle** operation permitted under the issuance of the Overload **Permit**, and such agreement may require a security deposit prior to issuance of the **Permit**.
- 10.6 No Overload **Permit** may be issued unless the **Owner** or operator of the **Vehicle** provides to the **District** payment of the application fee outlined in Schedule "A" of this Bylaw.

11. HIGHWAY REGULATION

- 11.1 The provisions of this Part do not apply to **Arterial Highways**.

11.2 Except as directed by the **Bylaw Enforcement Officer, a Peace Officer, or Fire Official**, no **Person** shall:

- (a) leave any glass or other debris from a wrecked or damaged **Vehicle** upon a **Roadway**;
- (b) excavate in, cause a nuisance upon, encumber, obstruct, or damage any portion of a **Highway** or other public place;
- (c) place or permit to be placed any fuel, lumber, merchandise, chattel, or ware of any nature on a **Highway**;
- (d) drag or skid anything along or over a **Highway** in such a manner that the object damages the surface of the **Highway**;
- (e) being the **Owner** or **Occupier** of property abutting a **Highway**, allow or permit any earth, rocks, stones, logs, or stumps or other things to cave, fall, crumble, slide or accumulate from any such property onto a **Highway**, or being there to remain thereon;
- (f) being the **Owner** or **Occupier** of property abutting a **Highway** at an **Intersection** of another **Highway**, construct a fence or grow a hedge or permit a fence or hedge to remain so that the fence or hedge is more than 1 m higher than the finished grade of the abutting **Highways** for a distance of 8 m back along both abutting property lines of the lot from the point of **Intersection** of the two abutting property lines with the **Highway**;
- (g) construct or maintain a ditch, sewer or drain, the effluent from which causes damage to any portion of a **Highway**;
- (h) distribute leaflets upon any **Highway** by placing the same on the windshield or other parts of a **Motor Vehicle** parked upon the **Highway**;
- (i) being the **Owner** or **Occupier** of property abutting a **Highway**, allow any garbage containers or other facilities related to garbage collected to be on any portion of the **Highway**;
- (j) place, construct; or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structures on a **Highway**;
- (k) cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences, signs, or other items erected by the **District** on a **Highway**;
- (l) Remove any part of a **Highway**, or cut down or remove trees or timber growing on a **Highway**, or excavate in or under a **Highway**;
- (m) change the grade of a **Highway**, or stop the flow of water through any drain, sewer or culvert on or through a **Highway**;
- (n) mark or imprint or deface in any manner whatsoever a **Highway** or structure thereon;
- (o) erect or maintain any sign, advertisement or guidepost on or over any **Highway** or alter, repaint, or remove any sign, advertisement or guide-post erected or maintained on any **Highway**;

- (p) ride, drive, lead, move or propel any **Vehicle** or animal in excess of 270 kg over or across a **Boulevard** including any curb, **Sidewalk** or ditch unless such has been constructed or improved to form a suitable crossing; and
- (q) construct a **Boulevard** crossing, including a curb, ditch or **Sidewalk** crossing.

Road Use Permits

- 11.3 The **Bylaw Enforcement Officer** may issue a Road Use **Permit** in the form prescribed in Schedule “A” to this Bylaw to do those things otherwise prohibited by Section 11.2 of this Bylaw subject to payment of the application fee established in Schedule “B” of this Bylaw.
- 11.4 The applicant must enter into an agreement with the **District** that requires monetary compensation to be paid to the **District** for any damage or expenses which may, in the opinion of the **Bylaw Enforcement Officer, Engineer, or Chief Administrative Officer**, be caused by the issuance of the Road Use **Permit**, and such agreement may require a security deposit prior to issuance of the **Permit**.
- 11.5 Prior to Road Use **Permit** issuance, the applicant shall provide:
 - (a) satisfactory plans and/or specifications of the work to be undertaken, which shall be approved by the **Bylaw Enforcement Officer**;
 - (b) evidence satisfactory to the **Bylaw Enforcement Officer** that all materials, labour and equipment which are needed to complete the work with reasonable dispatch are available;
 - (c) payment in the form of an irrevocable letter of credit for a security required under Section 11.4 of this Bylaw; and
 - (d) evidence satisfactory to the **Bylaw Enforcement Officer** that the applicant is insured against all claims for damages for personal injury and property damage which may arise out of the performance of the work authorized by the **Permit** in an amount not less than the amount of two million dollars (\$2,000,000.00) established by **Council** Policy for Third Party Liability Coverage for each occurrence and if deemed necessary by the **Bylaw Enforcement Officer**, the **District** shall be added to the policy as a co-insured. The Permittee shall waive rights of subrogation to the District.
- 11.6 No Road Use **Permit** shall be issued for a period of longer than three months.
- 11.7 All work carried out by the **Permit** holder shall be in accordance with the plans and specifications approved by the **Bylaw Enforcement Officer** in Section 11.5 a).

- 11.8 Any **Person** doing work on or in any **Highway** shall provide and place appropriate barricades, lights and other safety devices as are required to protect the public.
- 11.9 The applicant shall provide the **Bylaw Enforcement Officer**, following completion of the work, with a plan showing the works to be installed by the applicant, and such plan shall be drawn to a scale satisfactory to the **Bylaw Enforcement Officer** showing the location, size and description of the works and the date of installation. The plan shall be supplied prior to the return or refund of any deposit or security posted as a condition of the permission.
- 11.10 A **Permit** issued under this Section shall be valid only for the work specified in Sections 11.5 a) and b), and any alterations or additions to that work shall be covered by a separate **Permit**.
- 11.11 Where a deposit has been made in accordance with this Section, and upon satisfactory completion of the work within the time specified the deposit shall be refunded to the applicant less an inspection fee established by Bylaw where applicable.
- 11.12 Failure by the **Permit** holder to repair damage and/or fulfill such obligations as are set out in the **Permit** within the specified time, shall enable the **District** to carry out the repair or fulfill the obligations that have not been met under the terms and conditions of the **Permit** and to deduct the cost thereof from the monies on deposit or to call on the irrevocable Letter of Credit and to pay the costs therefrom and should there be an insufficiency of monies on deposit or through the Letter of Credit then the Permittee shall pay the balance forthwith upon invoice of the **District** or should there be a surplus of funds over and above that required by the **District** to carry out the works or fulfill the obligation such balance shall be paid to the Permittee less and administration charge of twenty-five dollars (\$25.00).
- 11.13 A Road Use **Permit** may be cancelled by the **Bylaw Enforcement Officer** without recourse should the Permittee fail to comply with all terms of the **Permit**.

Highway Utilities Permit

- 11.14 The **Bylaw Enforcement Officer** may issue a Highway Utilities **Permit** in the form prescribed in Schedule "A" of this Bylaw to a company regulated under the *Energy Act* or the *Water Act* permitting such company, over the calendar year for which the **Permit** is applicable, to carry out such work as may be necessary in the case of an emergency to repair any break or damage to the utilities under their control and subject to the terms of any franchise or other agreement entered into between such utility and the **District**.

Removal of Snow, Ice, and Rubbish

- 11.15 The **Owner** and the **Occupier** of any real properties zoned for Commercial, Institutional, and Light Industrial uses pursuant to the District Zoning Bylaw shall follow the Sanding & Snow Removal of Port Edward Streets, Buildings and Parking lots – Policy and Procedures to remove any snow and ice.
- 11.16 The **District** through its employees, contractors and others may enter and effect removal of snow, ice or rubbish from the **Sidewalks** and footpaths bordering on any property at the expense of the **Owner**, which in this instance shall mean a **Person** who is the registered **Owner** of the property in the Land Title Office or who is the purchaser pursuant to an agreement for sale or right to purchase or who is entitled by virtue of any instrument to acquire the fee simple to the property, or **Occupier** of such property, and the charges for so doing (including all expenses incidental thereto), if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of that land or real property as taxes in arrears.

12. ENFORCEMENT

- 12.1 Any **Bylaw Enforcement Officer, Peace Officer, Engineer,** or **District** employee who has been authorized by **Council** resolution to do so, may enter at all reasonable times upon any property subject to the regulations of this Bylaw in order to determine whether such regulations are being complied with.
- 12.2 A **Person** who contravenes any condition of this Bylaw or a condition contained in a **Permit** issued pursuant to this Bylaw commits an offence and is liable to a fine not exceeding two thousand dollars (\$2,000.00) and, except as otherwise expressly provided by this Bylaw, or the *District of Port Edward Ticket Information Bylaw No. 522* as amended, not less than fifty dollars (\$50.00).
- 12.3 The **Owner** of a **Vehicle** shall be held liable for any violation of this Bylaw committed with or in respect of that **Vehicle** unless on a prosecution of an **Owner** under this Section the defendant proves, on the balance of probabilities, that the **Person** in possession of the **Vehicle** was not a **Person** entrusted by the **Owner** with possession and that the **Person** had possession without the consent of the **Owner**.
- 12.4 No **Person**, other than the **Owner** or operator of a **Vehicle**, shall remove a **Traffic** ticket or a notice of offence from a **Vehicle**.

- 12.5 No **Person** shall remove, erase, obliterate or conceal any mark or sign made or affixed upon a **Vehicle** by a **Bylaw Enforcement Officer or Peace Officer** except at the time the **Vehicle** is moved from the location at which it was parked.
- 12.6 In the case of a breach of Section 6.1(y), each successive period of time equal to the length of time allowed for parking during which a **Vehicle** remains parked constitutes a separate violation of this Bylaw for which a separate **Traffic** ticket, notice of offence, or summons, as the case may be, may be issued.
- 12.7 For all purposes of this Bylaw, if a **Vehicle** which is parked is moved and is again parked without entering onto the travelled portion of a **Roadway**, such **Vehicle** is deemed to be and to have remained parked at the location where it was first parked.
- 12.8 Nothing in this part interferes with the right to commence proceedings and charge by way of the procedures as set out in the *Offence Act*.

READ a first time on the 23rd day of June, 2020
READ a second time on the 23rd day of June, 2020
READ a third time on the 23rd day of June, 2020

RECONSIDERED AND FINALLY ADOPTED on the 14th day of July, 2020.

Knut Bjorndal, Mayor

Polly Pereira, Director of Corporate Administrative Services

SCHEDULE "A"- TRAFFIC PERMIT

Date of Application: _____	
<u>Application Fees:</u> Road Use Permit 3-month period (<i>Section 11.6</i>) Inspection fee (<i>Section 11.11</i>) Commercial Vehicle Permit Per day, up to 30 days (<i>Sections 6.5, 6.6a</i>) Parade Permit 1-day period (<i>Section 8.7</i>) Highway Utilities 1-year period (<i>Section 11.14</i>) Overload Permit No more than one month period and no more than three permits issued to the same vehicle within one calendar year unless agreed upon (<i>Section 10.4</i>)	Paid: \$100 <input type="checkbox"/> \$300 <input type="checkbox"/> \$10 <input type="checkbox"/> \$50 <input type="checkbox"/> N/A Amount to be determined as per Agreement (<i>Section 10.5</i>)
<u>Details of Request:</u> _____ _____ _____	
<u>Applicant Information (Owner or Agent as applicable)</u>	
Applicant's Name: _____	
Applicant's Address: _____ _____ _____	
Telephone: _____	Email: _____

Location of Stated Activity

Civic Address:

Proof of Insurance: Yes ____ No ____

Conditions of Permit:

Permit Validity

Permit Authorization Date: _____

Permit Expiry Date: _____

The District of Port Edward Bylaw Enforcement Officer hereby _____
(grants / denies) approval for the authorization of this permit on this _____ day of
_____, 20____.

(signature of Bylaw Enforcement Officer)

SCHEDULE "B" – OFFENCES AND FEES

Offence	Bylaw Section No.	Fees
Vehicle, Chattel or Obstruction Removal	5.2	\$500.00
Vehicle or Chattel Impoundment (per day)	5.2	\$50.00
Notice of Publication	5.9	At Cost
Parking on a sidewalk	6.1(a)	\$35.00
Blocking a driveway	6.1(b)	\$35.00
Parking in a lane	6.1(c)	\$35.00
Stopping in an intersection	6.1(d)	\$35.00
Parking too close to a hydrant	6.1(e)	\$35.00
Parking too close to a crosswalk	6.1(f)	\$35.00
Parking too close to a stop sign	6.1(g)	\$35.00
Parking too close to an exit	6.1(h)	\$35.00
Parking too close to a railway crossing	6.1(i)	\$35.00
Unauthorized parking on highway	6.1(j)	\$35.00
Parking at an excavation	6.1(k)	\$35.00
Double Parking	6.1(l)	\$35.00
Stopping on a bridge	6.1(m)	\$35.00
No parking zone	6.1(n)	\$35.00
Obstructing a sign	6.1(o)	\$35.00
Parking in the wrong direction	6.1(p)	\$35.00
Too far from curb	6.1(q)	\$35.00
Parking outside the lines	6.1(r)	\$35.00
Unauthorized angle parking	6.1(s)	\$35.00
Parking in a reserved area	6.1(t)	\$35.00
Unauthorized long-term parking	6.1(u)	\$35.00
Residential parking of a commercial vehicle	6.1(v)	\$35.00
Parking within 3 m of a lane	6.1(w)	\$35.00
Obstructing traffic	6.1 (x)	\$35.00
Overparked time	6.1 (y)	\$35.00
Parking at a yellow curb	6.1 (z)	\$35.00
Parking in a loading zone	6.1 (aa)	\$35.00
Parking next to a school or playground between dawn and dusk	6.1 (bb)	\$35.00
Parking in a bus stop	6.1 (cc)	\$35.00

Parking in a fire zone	6.1 (dd)	\$35.00
Parking in a Disabled Persons Parking space without a permit	6.1 (ee)	\$35.00
Parking overnight in an off-street parking facility	6.1(ff)	\$35.00
Parking without the display of valid vehicle insurance	6.1(gg)	\$35.00
Failure to obey school patrol	7.2	\$50.00
Overtaking in a school zone	7.3	\$100.00
Failure to obey a traffic light or sign	8.1(a)	\$50.00
Failure to obey Peace Officer	8.1(b)	\$100.00
Driving on sidewalk	8.1(c)	\$50.00
Removal of a traffic sign	8.1(d)	\$50.00
Unauthorized parade	8.1(e)	\$50.00
Interference with a funeral procession	8.1(f)	\$50.00
Roller skating/sleigh/snowmobile (etc.) on a roadway	8.1(g)	\$25.00
Obstructing traffic by loitering	8.1(h)	\$50.00
Driving through a crosswalk	8.1(i)	\$100.00
Overtaking a school bus with lights flashing	8.1(j)	\$100.00
Driving over fire equipment	8.1(k)	\$100.00
Speeding	9.3(a) and (g)	\$100.00
Vehicle with solid tires	9.3(b)	\$100.00
Speeding – Combination of Vehicles	9.3(c)	\$150.00
Unsafe tires	9.3(d) and (e)	\$100.00
Driving with chains	9.3 (f)	\$100.00
Overweight load	10.1(a)	\$100.00
Unfastened load	10.1(b) and (c)	\$100.00
Load extends beyond vehicle	10.1(d)	\$100.00
Failure to remove debris from highway	11.2(a)	\$100.00
Nuisance on highway	11.2(b)	\$150.00
Goods on a highway	11.2(c)	\$100.00
Dragging a load	11.2(d)	\$50.00
Accumulation of material from adjoining property	11.2(e)	\$50.00

Construct an unauthorized fence or hedge	11.2(f)	\$50.00
Construct an unauthorized ditch	11.2(g)	\$150.00
Distributing leaflets on a highway	11.2(h)	\$50.00
Allow garbage facilities on a highway	11.2(i)	\$50.00
Construct a structure on a highway	11.2(j)	\$100.00
Removal of trees	11.2(k)	\$150.00
Excavation of a highway	11.2(l)	\$150.00
Interference with drainage	11.2(m)	\$150.00
Defacing highway	11.2(n)	\$150.00
Erecting a sign	11.2(o)	\$50.00
Driving over boulevard	11.2(p)	\$50.00
Unauthorized boulevard crossing	11.2(q)	\$50.00
Conduct work on a highway not in conformance with plans	11.7	\$50.00
Failure to clear snow	11.15	\$50.00
Removing a traffic ticket	12.4	\$50.00
Removing a mark	12.5	\$50.00