

Bylaw No. 416, 2015.

Being a bylaw to regulate traffic and parking within the Village of Radium Hot Springs.

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

NOW THEREFORE the Council of the Village of Radium Hot Springs in open meeting assembled enacts as follows:

1. INTRODUCTION

- 1.1 This bylaw may be cited as "Traffic and Parking Regulation Bylaw No. 416, 2015".
- 1.2 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.
- 1.3 The Village of Radium Hot Springs "Parking Regulation Bylaw No. 27, 1991" and all amendments thereto are hereby repealed in their entirety.
- 1.4 Words in this Bylaw have the same meaning as words defined in the Motor Vehicle Act, R.S.B.C., 1996, as amended, or regulations under that Act, unless otherwise defined in this Bylaw.
- 1.5 Metric units are used for all measurements in this Bylaw.
- 1.6 The provisions of this bylaw do not apply to Arterial Highways except where the provisions are consistent with the applicable Provincial Acts and Regulations.
- 1.7 Any Act referred to in this bylaw is a reference to an Act of the Province of British Columbia or Canada, as the case may be, and the applicable regulations, as amended, revised, consolidated or replace from time to time.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires, the expressions and definitions contained within the *Motor Vehicle Act*, shall be applicable and these additional interpretations shall prevail throughout:

"ACCESS" means a driveway intended for ingress or egress to the abutting property from a highway.

"ANGLE PARKING" means the parking of a vehicle other than parallel to a curb.

"BYLAW ENFORCEMENT OFFICER" means the person appointed as such by Council and any person appointed or designated to assist him or her in enforcing municipal laws and regulations as set out in this bylaw.

"BOULEVARD" means the area, other than a sidewalk, located between the curb lines of a highway, or located between the lateral lines of a highway, or encompassing the shoulder of a highway to the adjacent property line.

"BUS" means a motor vehicle which is designed, constructed and used for the transportation of more than nine passengers.

“BYLAW NOTICE” means a written warning or a Municipal information ticket issued in respect of this Bylaw.

“COMMERCIAL VEHICLE” means a passenger vehicle that has a seating capacity of more than nine passengers or a vehicle engaged or which is designed to carry goods, or merchandise, or resources.

“CURB” means the raised structural element which may be installed at the outside edge of a highway or median parking area, primarily for a gutter and drainage purposes.

“DOUBLE PARKING” means the standing of a vehicle in the travelled portion of the highway, adjacent to a parked vehicle or a parking space.

“LANEWAY” means a service road along the back of residential or commercial property.

“LIMITED PARKING” means regulated or restricted parking.

“OPERATOR” means any person who drives, operates, propels, or is in physical control of a vehicle, and shall be deemed to include the person in whose name the vehicle is registered.

“OWNER” means the person who holds the legal title to the vehicle OR the person who is entitled to be and is in possession of the vehicle OR the person in whose name the vehicle is registered.

“PARK” means the stopping or standing of a vehicle, whether occupied or not.

“PARKING SPACE” means a space of a section of a highway marked by painted lines or other device or sign that is intended for the parking of a vehicle.

“PEACE OFFICER” means any member of the Royal Canadian Mounted Police and any person delegated to assist him or her in carrying out his or her duties under this bylaw.

“PERSONS” means human beings, male or female OR a company or corporation.

“PUBLIC TRANSIT BUS” means any vehicle operated under the auspices of B.C. Transit for use by the general public.

“PUBLIC WORKS SUPERINTENDENT” means the person appointed as such by Council.

“RECREATION VEHICLE” means a chassis mounted camper, motor home, holiday trailer or boat trailer intended exclusively for recreational use.

“RESERVED PARKING” means a parking space reserved for a special use as indicated by a traffic control device.

“RESIDENTIAL” means any property zoned, in part, for residential land use in the Village of Radium Hot Springs Zoning Bylaw.

“SHOULDER” means the portion of the highway between the travelled portions of an uncurbed highway and the ditch or swale; or if there is no ditch or swale, the area between the travelled portion of the highway and the adjacent property line.

“SIDEWALK” means the portion of a highway intended exclusively for use by pedestrians.

“SIDEWALK CROSSING” means the portion of a sidewalk or curb intended for the passage of vehicular traffic.

“TRAFFIC CONTROL DEVICE” means a sign, signal, line, marking, space, or device, not inconsistent with this bylaw, placed or erected by authority of the Council or person duly authorized by the Council to exercise such authority.

“TRAILER” means a vehicle, including a recreation vehicle that is at any time drawn upon a highway by a motor vehicle.

“VEHICLE” includes any means of conveyance in, upon, or by which any person or property is or may be transported or drawn upon a highway irrespective of the motive of power.

“VILLAGE” means the Village of Radium Hot Springs.

3. AUTHORITIES

3.1 PUBLIC WORKS SUPERINTENDENT

The Public Works Superintendent may:

- (1) on any highway place or erect or cause to be placed or erected traffic control devices to regulate or prohibit traffic, including parking, where deemed necessary to ensure the orderly movement of traffic, or to prevent injury or damage to persons or property or to prevent injury or damage to the highway and where such traffic control devices are so placed or erected they shall have the same force and effect as if placed or erected by resolution of Council;
- (2) authorize and empower by order to place, replace or alter traffic control devices at any location he or she may determine to give effect to the provisions of the *Motor Vehicle Act* and this bylaw;
- (3) impound, cause to be removed, or detain if necessary for the purpose of carrying out required duties, any vehicle or trailer, and;
- (4) issue, or cause to be issued, orders or directives issued pursuant to the provisions of this Bylaw.

3.2 PEACE OFFICER

A Peace Officer may:

- (1) issue warnings, directives, bylaw notices and municipal information tickets for violations of this bylaw;
- (2) direct and regulate traffic, including parking, in any manner deemed necessary and in doing so, may disregard any traffic control devices, and;
- (3) impound, cause to be removed, or detain any vehicle or trailer that is in violation of this bylaw.

3.3 FIRE CHIEF

The Fire Chief may:

- (1) direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any traffic control device;
- (2) impound, cause to be removed, or detain if necessary for the purpose of carrying out required duties, any vehicle or trailer;

- (3) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass;
- (4) issue or cause to be issued warnings, directives, bylaw notices and municipal information tickets for violations of this bylaw.

3.4 BYLAW ENFORCEMENT OFFICER

The Bylaw Enforcement Officer may:

- (1) issue warnings, directives, bylaw notices and municipal information tickets for violations of this bylaw;
- (2) place temporary "No Parking" signs and barricades or other applicable traffic control devices;
- (3) impound, cause to be removed or detain any vehicle or trailer in violation of this bylaw, and;
- (4) issue, or cause to be issued, orders or directives pursuant to the provisions of this Bylaw.

4. GENERAL TRAFFIC REGULATIONS

4.1 APPLICATION

Unless the context otherwise requires the provisions of this bylaw do not apply to persons, vehicles and to other equipment while actually engaged in highway construction or maintenance work upon, under or over the surface of a highway while at this site of the work, but do apply to them when travelling to or from the site of the work.

4.2 CONFORMANCE

No person shall park, drive or operate a vehicle in contravention of a traffic control device.

4.3 DAMAGE TO DEVICES

No person shall drive or walk on or over a newly painted line or marking, nor remove or alter any traffic control device.

4.4 OBEY COMMANDS

Every person shall at all times comply with any lawful order, direction, signal or command made or given by a peace officer, bylaw enforcement officer, the Public Works Superintendent, the Fire Chief and designate, including firemen in the performance of their duties, ambulance and First Responder attendants, flag person or school patrol.

4.5 SPEED LIMITS HIGHWAY

The maximum speed on any highway in the Village of Radium Hot Springs shall be forty (40) kilometers per hour unless otherwise posted.

4.6 DAMAGE TO SIDEWALKS

- (1) No person operating a vehicle shall park, drive on, over or upon any sidewalk, walkway or curb so as to encumber, obstruct, or damage same;

- (2) No person operating a vehicle shall park, drive on, over or upon any boulevard so as to obstruct or damage same;
- (3) When a sidewalk crossing is not available, crossing by a vehicle will be permitted upon adequate provision being made to protect the sidewalk or boulevard from damage by the use of suitable planking or other material, having due consideration for the size and weight of the vehicle and load.

4.7 BLOCKING INTERSECTIONS

No person operating a vehicle shall block an intersection or a marked crosswalk, notwithstanding any traffic control device.

4.8 VEHICLE WHEELS

- (1) No person shall drive any vehicle of any kind having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the highway along, on or across any bridge or hard surface highway within the Village, without first obtaining the written permission from the Public Works Superintendent who shall determine which bridges and highways may be used and the conditions of such use. Nothing herein contained shall be construed as prohibiting the use of tire chains or studded winter tires.
- (2) The Public Works Superintendent may, by public notice or by the placing of signs on highways, prohibit the operation of vehicles which are not equipped with chains or winter tires or sanding devices or any combination of these which he or she may consider adequate and necessary in view of the prevailing highway conditions and no person shall drive any vehicle in contravention of such notice or signs.

4.9 TRUCK ROUTES

Every person operating a vehicle and trailer combination exceeding the Gross Vehicle Weight Rating of 10,900 kilograms upon a highway shall travel by the closest and most direct route to the destination of the trip upon entering or leaving the Village.

4.10 TRAFFIC AND LOAD RESTRICTIONS

Where in the opinion of the Public Works Superintendent any highway is liable to damage through extraordinary traffic, he or she may:

- (1) regulate, limit or prohibit the use of the highway to any person
 - (a) operating or in charge of the extraordinary traffic;
 - (b) owning the goods carried therein or;
 - (c) owning the vehicles used therein.

4.11 REMOVAL OF BYLAW NOTICE

No person, other than the owner or operator of a vehicle, shall remove from a vehicle any bylaw notice issued under the authority of this bylaw.

4.12 IMPOUNDMENT, REMOVAL OR DETAINMENT OF VEHICLES

- (1) Where a vehicle is standing or parked
 - (a) in violation of any of the provisions of this bylaw;

- (b) in a position that causes it to interfere with removal of snow, ice or sand from a highway, boulevard or sidewalk;
- (c) in a position that causes it to interfere with firefighting or medical response;
- (d) in a position that causes it to interfere with the normal flow of traffic on a highway;
- (e) in a position that causes it to interfere with the construction, improvement, alteration, extension, widening, marking repair or maintenance of a highway;
- (f) apparently abandoned on a highway, or:
- (g) without proper or valid license plates displayed as required by the Motor Vehicle Act,

The Public Works Superintendent, the Fire Chief or designated Incident Commander at a fire scene, First Responders at a medical response scene, a Peace Officer or a Bylaw Enforcement Officer may

- (a) remove or impound such vehicle and thereupon shall cause it to be taken to a place of storage, or;
- (b) take the vehicle into his custody and cause it to be detained, and;

All costs and charges for the removal, detention, care and storage of a vehicle removed under this Section shall be paid by the owner of the vehicle and shall be a lien thereon in favour of the keeper of any repair shop, garage or storage place in which such vehicle is stored and the same may be enforced upon him or her in the manner provided by the *Warehouses Lien Act*.

4.13 SALE

(1) Subject to the *Community Charter*, if a chattel, obstruction, vehicle or trailer is removed, detained or impounded, and not claimed by its owner within one month from date of seizure, the chattel, obstruction, vehicle or trailer may be sold at public auction at the direction of the Chief Financial Officer.

(2) Despite any other provision of this Bylaw, if in the opinion of the Chief Financial Officer a chattel, obstruction, vehicle or trailer removed, detained, or impounded is a perishable article, has an apparent market value of less than \$2,000.00 or if its custody involves unreasonable expense or inconvenience, the Chief Financial Officer may decide not to proceed to public auction, and may dispose of the chattel, obstruction or vehicle in any manner in which he or she deems expedient.

4.14 REGULATED PARKING ZONES

All highways and Village parking lots where parking is permitted or restricted are hereby designated as regulated parking zones and traffic control devices may be placed from time to time to indicate such regulations or restrictions.

5. PARKING REGULATIONS

5.1 UNLAWFUL PARKING

(1) No person shall park a vehicle in any public place unless such person complies with all conditions of the bylaw and other regulations posted by traffic control devices.

- (2) No person shall park any commercial vehicle or combination of vehicle and trailer with a Gross Vehicle Weight Rating exceeding 5,500 kg on any highway or street in the Village between the hours of 11:00 p.m. and 6:00 a.m.
- (3) No person shall park, store, or let stand, any commercial vehicle or combination of vehicle and trailer with a Gross Vehicle Weight Rating exceeding 5,500 kg in or on any private property zoned for residential purposes.
- (4) No person shall park a commercial vehicle on any highway abutting property used for public park or residential purposes unless such vehicle is required for a service call or is required at a construction site.
- (5) no person shall park a vehicle on any highway for more than seventy two (72) hours continuously.

5.2 LANE PARKING

- (1) Whenever access can be had to any laneway, all deliveries or collections of goods to or from any commercial building shall be made there from.
- (2) No person shall park a vehicle in a laneway unless he or she is actively engaged in the loading or unloading of goods from a vehicle in which case parking will be permitted for a period of up to fifteen (15) minutes.
- (3) No person shall park a vehicle in a laneway for the purpose of loading and unloading where a loading zone is provided on site.

5.3 PROHIBITED PARKING

Except when necessary to avoid conflict with traffic or to comply with the directions of a designated Authority under Section 3 of this bylaw, or a traffic control device, no person shall stop, stand, or park a vehicle:

- (1) on a sidewalk;
- (2) in front of nor within one (1) meter of a public or private driveway;
- (3) within an intersection;
- (4) within five (5) meters of a fire hydrant measured from a point in the curb or edge of the highway which is closest to the fire hydrant;
- (5) on a crosswalk;
- (6) within six (6) meters of a crosswalk or an intersection or any flashing beacon, stop sign, or traffic control signal located at the side of a highway;
- (7) within fifteen (15) meters of the nearest rail of a railway crossing;
- (8) upon any highway for the purpose of displaying a vehicle for sale;
- (9) upon any highway for the purpose of advertising, greasing, painting, wrecking, storing, or repairing any vehicle, except where repairs are necessitated by an emergency;
- (10) upon any highway for the purpose of displaying signs;
- (11) upon any highway for the purpose of selling any product;
- (12) alongside or opposite a highway excavation or obstruction when stopping, standing, or parking obstructs the traffic;
- (13) on a highway in such a manner as to obstruct or impede the normal flow of traffic;
- (14) on a marked lane of a laned highway;
- (15) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is thereby prohibited or restricted;
- (16) in such manner as to obstruct the visibility of any standard traffic sign;

- (17) on any portion of a highway where lines, markings or other signs are placed indicating the manner in which vehicles shall be parked, except in accordance with such lines, markings or other signs;
- (18) notwithstanding any provisions of this section alongside a curb painted white or yellow which shall designate restricted parking, or;
- (19) with the vehicle engine idling for a period longer than ten minutes if the total combined gross vehicle weight rating exceeds 5,500 kg.

5.4 PARKING DISTANCE FROM CURB

- (1) No person shall park a vehicle on a highway except on the right-hand side thereof, and the right-hand wheels shall be no further than thirty (30) centimeters from the face of the curb.
- (2) No person shall park a vehicle where a traffic control device indicates that angle parking is required other than at an angle indicated by parking lines marked on the highway and with the right front wheel of the vehicle not more than fifteen (15) centimeters from the curb.

5.5 DOUBLE PARKING

No person shall double park a vehicle on a highway.

5.6 TRAILER PARKING

No person shall park any trailer unattached to a vehicle upon any highway with the exception of a short duration emergency situation, such duration not to exceed 24 hours.

5.7 BUS STOP ZONE

No person shall stop or park a vehicle in a bus stop zone, except operators of buses.

5.8 HANDICAPPED

No person shall park a vehicle in a parking space designated for use by handicapped persons, unless such vehicle displays a valid handicap parking permit pursuant to the *Motor Vehicle Act*.

5.9 LENGTH AND WEIGHT RESTRICTIONS

Notwithstanding any other provisions of this bylaw,

- (1) no person shall park any vehicle having a length in excess of 6 (six) meters in any diagonal parking space;
- (2) no person shall park any vehicle having a gross vehicle weight exceeding 5,500 kilograms, or a length in excess of seven and one-half (7.5) meters on a local highway within a residential area for a consecutive period longer than four (4) hours.

5.10 HAZARDOUS MATERIALS

No person shall park or leave unattended, a vehicle or trailer loaded or unloaded and used for the conveyance of hazardous materials, except;

- (1) at secured chemical plants;
- (2) at repair garages, for service only, or;

- (3) for a period of time not exceeding two (2) hours when making deliveries.

6. USE OF HIGHWAYS REGULATIONS

6.1 SNOW REMOVAL

- (1) No person shall deposit, pile or spread snow or ice cleaned from roofs, parking lots, car lots, automobile service stations or garages or any other surface or property, on any highway, sidewalk, boulevard, or other public place, except the place designated therefore by Public Works Superintendent.
- (2) Nothing herein contained shall be construed as prohibiting the Village from plowing snow to the property line of any highway or from removing such plowed snow.
- (3) From November 1st to April 30th of each year, vehicles shall only park in designated parking spaces on highways so as not to obstruct the Village's snow clearing operations.
- (4) Every owner or occupier of commercial premises shall remove the accumulation of snow or ice upon any constructed means of access to the commercial premise, including but not limited to sidewalks, stairs or driveways adjacent to the land or premises owned or occupied no later than 11:00 a.m. of any day, provided the business is in operation on that day.

6.2 DRAINAGE

No person shall alter or stop the flow of water through any drain, sewer, ditch or culvert on any highway.

6.3 LITTERING

- (1) No person shall operate on a highway, a vehicle or combination of vehicle and trailer unless it is so constructed, loaded, or covered as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom.
- (2) Should any material, due to any cause whatsoever, fall from a vehicle or combination of vehicle and trailer, the operator shall take all reasonable precautions to safeguard traffic from the consequences thereof and shall remove such material from the spillage area.
- (3) No person shall place, throw, deposit or discard on any highway any rubbish, litter or waste material of any description.

6.4 CONSTRUCTION

- (1) No person shall excavate, construct any works or occupy the highway for the purposes of construction adjacent to the highway unless otherwise authorized by permit.
- (2) Where authorized works are carried out on, over, or under any highway, appropriate signs, flashers, barricades or other warning devices shall be provided around the construction zone to the satisfaction of the Village.

6.5 IMPEDING TRAFFIC, DAMAGE TO HIGHWAYS

- (1) No person shall cut, saw, break, split, place, or pile firewood, lumber, blocks, stone, debris or other material or mix mortar upon any highway.
- (2) No person shall use any highway for any purpose other than that of lawful traffic, except with the permission of the Public Works Superintendent.
- (3) Every person who in any way damages any pavement, sidewalk or curbing or gutter while leaving, entering, or using the travelled portion of the highway, shall be liable to the Village and shall pay for the cost of repairing such damage to the satisfaction of the Village.

6.6 STRUCTURES OVER HIGHWAYS

No person shall, except as provided herein or by any other bylaw, or unless otherwise authorized by Council, erect or maintain any structure which encroaches on or over any highway or public land.

6.7 PUBLIC UTILITIES

No person or gas, telephone, pipeline company, radio or televisions broadcasting company or closed circuit television company shall use the highways in the Village for the construction and installation of the aforementioned utilities until they have first supplied the Village with complete plans and specifications of the proposed work to be constructed or installed and have in turn received written permission from the Village.

6.8 BOULEVARDS

Every owner or occupier of a business or residential premises, including strata corporations, shall be responsible for the general maintenance, including but not limited to grass cutting and removal of accumulation of leaves, on the boulevards abutting the business or residential lands or premises.

6.9 DEFAULT

In addition to any other penalty which may be incurred, anyone failing to comply with the provisions of this Section within the time specified or within a reasonable time upon notice to that effect by the Village, shall be subject:

- (a) to the Village carrying out any such work at the expense of the offender, and;
- (b) to any charges or costs incurred by the Village in this regard.

7. PENALTIES, ENFORCEMENT AND LEGALESE

7.1 GENERAL PENALTIES

- (1) Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or who does any act which violates any of the provisions of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence under this by-law.
- (2) A person who is deemed to have committed an offence against this Bylaw is liable, on summary conviction under the *Offence Act*, to the penalties deemed appropriate by

the presiding Provincial Court Judge or Justice of the Peace.

- (3) An Authority under Section 3 of this Bylaw, or other authorized Bylaw Enforcement Officer may, at their discretion, and with respect to any contravention of any of the provisions of this bylaw, issue a notice warning of such contravention, issue a fine under the Municipal Ticket Information process, commence prosecution under the Offence Act, or seek a court injunction.
- (4) The fine, under the Municipal Ticket Information process, for a single infraction against this bylaw, shall be \$50.00.

7.2 SEPARATE INFRACTIONS

Any offence under this bylaw which continues for a period in excess of one calendar day shall be deemed to be and is punishable as a separate offence for each and every subsequent day until such infraction ceases.

7.2 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, such decision shall not affect the validity of the remaining portions of this bylaw.

7.3 EFFECTIVE DATE

This Bylaw is effective, in force, and binding on all persons as from the day following the date of its adoption.

READ A FIRST SECOND AND THIRD TIME THIS 16TH DAY OF DECEMBER, 2015.

RECONSIDERED AND ADOPTED THIS 13TH DAY OF JANUARY, 2016.



Mayor Clara Reinhardt



Clerk Mark Read

HEREBY CERTIFIED AS A TRUE COPY OF
BYLAW NO 416, 2015.
