

VILLAGE OF ANMORE

BYLAW 586-2018

A bylaw to regulate highway use and control of traffic in the Village of Anmore

WHEREAS the *Community Charter SBC c26* authorizes a local government to, by bylaw, regulate traffic control and the use of highways;

NOW THEREFORE the Council of the Village of Anmore, in open meeting assembled, enacts as follows:

PART 1 - CITATION

1.1 That this bylaw may be cited as "*Anmore Highway Regulation Bylaw No. 586-2018*".

PART 2 – INTERPRETATION

Definitions

2.1 In this Bylaw, unless otherwise specified:

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| Access | means a part of a Highway that allows physical ingress or egress, or both, of Motor Vehicles from the Roadway to adjacent property; |
| Administrator | means the Chief Administrative Officer of the Municipality or a person designated to act in the place of that officer; |
| Angle Parking | means the parking of a vehicle other than parallel to a curb or the lateral lines of a Roadway; |
| Applicant | means, in relation to an Application, an owner or a representative duly authorized to act on an owner's behalf; |
| Application | means a written request by an Applicant for the issuance of a Permit in a form approved by the Administrator; |

Boulevard	means the area between the curb lines, the lateral lines or the shoulder of a Roadway and the adjacent property line; and in the case of a divided Highway, that portion between the inside curb lines, lateral lines or shoulders of Roadways;
Bus Stop Sign	means a sign designating where public transit buses may stop to allow passengers to embark or disembark;
Bylaw Enforcement Officer	means the person appointed by the Municipality to enforce the provisions of this Bylaw, and includes a Bylaw Inspector and any person employed by the Municipality to enforce parking regulations under this Bylaw;
Chattel	means a moveable item of personal property including, without limitation, a leased or rented dumpster or container;
Commercial Vehicle	means any and all of the following: <ul style="list-style-type: none"> (a) any Motor Vehicle having a Gross Vehicle Weight over 5,500 kilograms; (b) any Motor Vehicle bearing a commercial licence plate; (c) any Motor Vehicle having permanently attached to it a Truck or delivery body; (d) a casket wagon, limousine, hearse, motor bus, Tow Vehicle, road building machine, Taxi, or tractor; (e) any combination of truck, truck tractor, semi-trailer or trailer; (f) a Motor Vehicle having an engine valve retardant braking system installed or employed in addition to the standard braking systems; and

(g) any other vehicle as defined under the *Commercial Transport Act*.

Council	means the Council of the Municipality;
Cycle Lane	means a portion of the Highway designated for cycles and identified by a sign or marking;
Dangerous Goods	has the same meaning as defined under the <i>Transportation of Dangerous Goods Act</i> ;
Disabled Zone	means a parking zone on a Highway identified by a disabled parking sign or marking;
Extraordinary Vehicle	<p>means a Motor Vehicle used to carry goods or persons over a Highway that, in conjunction with the nature or existing condition of the highway, the Administrator considers is so extraordinary in:</p> <ul style="list-style-type: none">(a) the quality or quantity of the goods or the number of persons carried;(b) the mode or time of use of the Highway; or(c) the speed at which the vehicle is driven or operated; <p>that it is likely to substantially alter or increase the burden imposed on the Highway through its proper use by ordinary Traffic, or cause damage to the Highway or resulting expense to the Municipality beyond what is reasonable or ordinary;</p>
Extraordinary Vehicle Agreement	means an Agreement as described under section 6.12 of this Bylaw;
Gross Vehicle Weight (GVW)	means the number of kilograms derived by adding the weights on all the axles of a Commercial Vehicle;

Heavy Truck	means a Motor Vehicle which: <ul style="list-style-type: none"> (a) has a Gross Vehicle Weight (GVW) in excess of eleven thousand seven hundred and ninety-four (11,794) kilograms; or (b) comprises a truck tractor towing one or more trailers or semi-trailers; but does not include any camper, house trailer, motor home, Recreational Vehicle or farm implement;
Highway	includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;
Highway Use Permit	means a permit issued under section 10.9 of this Bylaw;
Lane	means a Highway abutting the rear or side boundaries of parcels of land and which is intended primarily to provide access to the rear or side yards of such parcels;
Motor Vehicle	means a vehicle or motorcycle, not run on rails, that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires or on board storage batteries, but does not include a motorized wheelchair or scooter;
Multi-use Pathway	means a pathway intended for non-motorized use physically separated from the Roadway which may or may not be within the highway dedication;
Municipality	means the Village of Anmore;
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;
Passenger Vehicle	means a Motor Vehicle that is registered and licensed under the <i>Motor Vehicle Act</i> as a private passenger vehicle;
Peace Officer	means an officer as defined under the <i>Motor Vehicle Act</i>

Pedestrian	means a person on foot, or in a wheelchair, or carriage;
Permit	means a permit issued under this Bylaw;
Permit holder	means a person holding a valid Permit under this Bylaw;
Recovery Vehicle	means a Motor Vehicle that is equipped with a winch and boom device or a wheel lift device or both, and that is designed for towing other Motor Vehicles by means of that device;
Recreational Vehicle	means a vehicle designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed, or transported;
Residential District	means an area zoned residential under the <i>Anmore Zoning Bylaw 568-2017</i> ;
Roadway	means the portion of a Highway that is improved, designed, or ordinarily used for vehicular Traffic, but does not include the shoulder, Sidewalk or Boulevard; 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 Permit	means a permit to use a portion of Sidewalk issued by the Administrator under section 10 of this Bylaw;
Skater	means a person who is skateboarding, or roller skating with any form of skate or similar means of conveyance;
Stop or Stand	means: <ul style="list-style-type: none"> (a) when required, a complete cessation from movement; and (b) when prohibited, the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other Traffic or to comply with the directions of a Peace Officer or Traffic Control Device.

Tilt and Slide Deck Truck	means a Motor Vehicle that is equipped with: <ul style="list-style-type: none"> (a) a deck that tilts and slides, (b) a winch for self-loading not more than two vehicles onto the deck, and (c) either a lifting tow bar or a wheel lift device designed for towing other Motor Vehicles by means of that bar or device.
Towing Contractor	means the company contracted by the Municipality to tow vehicles;
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, painted line, meter, marking, space, cone barricade, barrier or any other device, erected or placed under the authority of this Bylaw;
Traffic Control Signal	means a Traffic Control Device, whether manually, electrically, or mechanically operated by which Traffic is directed to Stop and to proceed;
Truck	means a Motor Vehicle, other than a bus, station wagon, Recreational Vehicle, passenger van, or car that is either permanently fitted with special equipment, or is designed to, and normally used to, convey a load, and that which may operate as a single unit or may pull a full trailer or pony trailer;
Unattached Trailer	means a trailer that is not attached to its motive power unit;
Unlicensed Vehicle	means a vehicle that is not displaying a current valid licence plate or is not insured to be driven;
Utility	means any pipe, conduit, line, cable, pole, tower, box, vault, or other fixture installed on, in, under, or over a Highway for the purpose of providing, carrying, or transmitting a service.

- 2.2 Unless otherwise defined in this Bylaw, words and phrases shall have the meanings established in the *Community Charter*, the *Motor Vehicle Act* and the *Local Government Act*, as the context may require. Any reference to a statute or regulation refers to an enactment of British Columbia, and any reference to a bylaw refers to a bylaw of the Municipality, as amended or replaced from time to time. Headings in this bylaw are for convenience only and do not limit the scope or intent of any provisions herein.
- 2.3 If any section, subsection, paragraph, clause or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of this Bylaw is deemed to continue as valid and enforceable.

PART 3 – APPLICABILITY

- 3.1 Except as otherwise indicated, this Bylaw applies to all Highways within the Municipality and to any person involved in an activity or subject matter covered by this Bylaw.
- 3.2 A person riding a cycle or an animal, or driving an animal-drawn vehicle upon a Highway, has all the rights and is subject to all the duties, limitations and responsibilities that apply to the driver of a vehicle under this Bylaw.

Exemptions

- 3.3 This Bylaw does not apply to:
- (a) Provincial arterial highways;
 - (b) drivers of vehicles or persons using other equipment while lawfully engaged in Highway or public utility construction, maintenance or repair work on, over, under or adjacent to the surface of a Highway;
 - (c) the Stopping, Standing or Parking of vehicles that are:
 - (i) owned, leased or used pursuant to an agreement with the Municipality, by another local government, the provincial government or the federal government;
 - (ii) owned or leased by a public utility for the purposes of the public utility;
 - (iii) used as a Tow Vehicle for the authorized business purpose of its owner or operator under a licence issued by the Municipality; or

- (d) the driver of an Emergency Vehicle, provided that the Emergency Vehicle is driven with due regard for safety, having regard to all circumstances of the case, including the following:
 - (i) the nature, condition and use of the Highway;
 - (ii) the amount of Traffic that is on, or might reasonably be expected to be on, the Highway;
 - (iii) the nature of the use being made of the Emergency Vehicle at the time; and
 - (iv) regulations under the *Motor Vehicle Act* that apply to emergency vehicles.

3.4 Sections 4.1 and 4.2 of this Bylaw do not apply to the Municipality or its officials, employees, servants or agents in carrying out a function or purpose of the Municipality under the direction of Council or the Administrator, pursuant to an agreement with the Municipality.

PART 4 – GENERAL REGULATIONS

Hazards and Obstructions

- 4.1 A person must not:
- (a) while removing a wrecked or damaged vehicle from the scene of an accident, leave any glass or other debris on the Highway;
 - (b) being the owner or occupier of real property within the Municipality, allow any garbage containers or other facilities related to garbage collection or recycling to be placed upon the travelled portion of the Highway;
 - (c) place any ice or snow or leaves or yard waste upon a Highway;
 - (d) place or allow to be placed, any fence, wall, vegetation, or other obstruction at or near the intersection of two Highways, and in such a location as to reduce or impede the driver sight distance required for the safe operation of the intersection;
 - (e) drive any vehicle into or over, or otherwise move or remove, any Traffic Control Device placed on a Highway by the Municipality or by a person pursuant to a Highway Use Permit;

- (f) place or permit to be placed any garbage or litter on a Highway;
- (g) herd horses, cattle, goats, or swine on a Highway;
- (h) drag or skid anything on or over a Highway, so as to damage the surface of the Highway;
- (i) cause or allow any noxious, offensive or filthy water or other substance, or any other article or thing, whether broken or intact, to be deposited on a Highway; or
- (j) expectorate, urinate or defecate on a Highway.

Activities Requiring Highway Use Permit

4.2 Except as authorized by a Highway Use Permit issued by the Administrator pursuant to this Bylaw, a person must not:

- (a) throw, leave, place, or otherwise cause, permit or allow the deposit of any earth, refuse, debris, gravel, rocks, stones, fuel, logs, stumps, lumber, blocks, merchandise, Chattel or other debris to cave, fall, crumble, slide, or accumulate onto a Highway;
- (b) leave any excavation or other obstruction on a Highway;
- (c) dig up, break up or 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;
- (d) change the level of a Highway whatsoever, or stop the flow of water through any drain, sewer or culvert on or through a Highway;
- (e) place, construct or maintain a retaining wall, loading platform, hoarding, skid, rail, mechanical device, building, signs, or any other structure or thing on a Highway;
- (f) construct or maintain a ditch, sewer or drain, the effluent from which is likely to or does cause damage, erosion, fouling, injury or nuisance to any portion of a Highway;
- (g) mark, imprint or deface in any manner whatsoever a Highway or structure thereon;

- (h) ride, drive, move or propel any vehicle over or across a Boulevard, including any curb, Sidewalk or ditch therein unless such Boulevard has been constructed or improved to form a suitable crossing;
- (i) cause damage to, cut down, or remove trees, shrubs, plants, bushes and hedges, fences, irrigation, bollard posts or other things erected by the Municipality on a Highway;
- (j) operate a vehicle while sounding a loudspeaker or other noise making device unless the vehicle is being operated as an ice cream vendor vehicle for which there has been issued a valid business licence and in accordance with that licence;
- (k) march, drive or otherwise take part in a parade or procession, except a funeral procession;
- (l) conduct construction on a Highway or traffic control relating to such construction;
- (m) conduct construction on land adjacent to a Highway where access from the Highway to the land is required for that purpose;
- (n) block or redirect Traffic on a Highway using barricades, traffic cones, or other means;
- (o) occupy any portion of a Highway or the airspace above a Highway to maintain, clean, construct, alter, repair, demolish, or move a building, structure, sign, awning, or part thereof;
- (p) install, erect, or cause to be installed or erected, a Traffic Control Device, or the likeness thereof, on or within sight of a Highway;
- (q) damage, obstruct, deface, remove, replace or in any way interfere with a Traffic Control Device;
- (r) construct an Access, whether or not the access is on privately owned land or over a curb, ditch, Boulevard or Sidewalk crossing;
- (s) operate any vehicle transporting Dangerous Goods on any Highway on which the movement of Dangerous Goods is restricted by the Municipality;
- (t) camp on a Highway or Boulevard on any day between 9:00 a.m. and 6:00 p.m., whether in a tent, tent trailer, Truck camper, trailer, motor home or other Recreational Vehicle;

- (u) use a crane or forklift to pick up or carry a load on or over a Highway or other public property;
- (v) blast or use explosives on or over a Highway;
- (w) obstruct or interfere with the free flow of Traffic or attempt to control or detour Traffic on any Highway or Lane, whether by use of signs or flag person or by barricades or other physical obstruction on the road, unless the person:
 - (i) is a Peace Officer, Bylaw Enforcement Officer, parking patroller or firefighter acting in the normal course of his or her duties;
 - (ii) is a student or adult school patrol acting under the authority of the *Public Schools Act* or as approved by the Administrator;
 - (iii) is operating an emergency vehicle during an emergency;
 - (iv) is carrying out a lawful purpose of a public utility;
 - (v) is an officer, employee, servant, contractor or agent of the Municipality for the purpose of making repairs, undertaking an inspection or carrying out a survey; or
 - (vi) has parked their vehicle lawfully on a Highway or Lane, or otherwise in accordance with a Traffic Control Device or the direction of a Peace Officer;
- (x) place, cause or allow anything to project across, onto or over a Highway so as to impede the normal flow of Traffic; or
- (y) in managing, supervising or operating construction equipment or vehicles, allow the counter-weight of any overhead climbing crane in the full arc of its swing to extend beyond the designated building site or hoarding.

No Stunting

- 4.3 A person must not perform or engage in an activity on a Highway that is likely to distract, startle or interfere with other users of the Highway.

Obedience to Peace Officers, Bylaw Enforcement Officers and Firefighters

- 4.4 A Peace Officer, Bylaw Enforcement Officer, or firefighter in order to expedite the movement of Traffic or to safeguard Pedestrians or property, may direct and

control Traffic and in doing so may disregard any Traffic Control Device that is contrary to that purpose.

- 4.5 Every person must comply with any lawful order, direction, signal or command made or given by a Peace Officer, Bylaw Enforcement Officer or firefighter acting in the performance of his or her duty in directing or regulating Traffic under this Bylaw.

PART 5 – TRAFFIC CONTROL DEVICES

Authority of the Administrator

- 5.1 The Administrator may order the placement, erection, and maintenance of applicable Traffic Control Devices where and when necessary, to give effect to the provisions of this Bylaw and under the *Motor Vehicle Act*, and to regulate, prohibit, warn, direct, or inform Traffic for the safety and convenience of the public.
- 5.2 Orders for Traffic Control Devices shall be issued in written form, and be dated and signed by the Administrator.
- 5.3 The Administrator may rescind, revoke, amend or vary any order concerning Traffic Control Devices where the Administrator considers the conditions which gave rise to the need for the order have been rectified or otherwise removed.
- 5.4 In accordance with this Bylaw and any other Village of Anmore bylaw regulating signs, the Administrator may order the alteration, repainting, tearing down, or removal and disposal of an unauthorized sign, advertisement, Traffic Control Device, or guide post that has been erected or maintained on or over any Highway. No compensation shall be paid to any person for loss or damages related to the lawful exercise of this authority.

Temporary Restrictions

- 5.5 The Administrator may control Traffic on a Highway or temporarily restrict or prohibit any kind of Traffic on any Highway at such time and for such period of time and in respect of such classes of Traffic or use as in the opinion of the Administrator may be necessary for the construction or protection of any Highway or other public work, or for the protection of the public, or to enable permitted Traffic to be handled safely and expeditiously.

PART 6 – VEHICLE REGULATIONS

Vehicle Loading

- 6.1 A person must not drive or operate on a Highway without a Highway Use Permit:
- (a) a vehicle so loaded that any part of the load extends beyond the sides of the vehicle, or more than 185 centimetres (6 feet) beyond the back of the vehicle;
 - (b) a vehicle with a load that is shifting, swaying, bouncing, dropping, leaking, dragging or in any manner escaping from the vehicle onto a Highway.

Traffic Control Device Standard

- 6.2 A person who erects a Traffic Control Device must, in addition to any other conditions and requirements of a permit issued by the Administrator, comply with sign regulations under Division 23 of the *Motor Vehicle Act*.

Commercial Vehicles

- 6.3 For the purpose of this section, “regulations” means a regulation under Division 7 of the *Commercial Transport Regulations*. References in the regulations to the Minister shall be interpreted as references to the Administrator and references to a Permit shall be interpreted as references to a Highway Use Permit issued under this Bylaw.
- 6.4 A person must not operate on a Highway a Commercial Vehicle if:
- (a) the Gross Vehicle Weight of the Commercial Vehicle exceeds its licensed Gross Vehicle Weight;
 - (b) the weight of an axle, group of axles or axle unit exceeds the weight permitted by the regulations;
 - (c) the dimensions of the Commercial Vehicle do not conform to the regulations
 - (i) with load included; and
 - (ii) without load; or

- (d) the distances between the axles, group of axles, or axle units do not conform to the regulations;

unless the person is holding a valid and subsisting Highway Use Permit issued by the Administrator.

- 6.5 A person must not operate a Commercial Vehicle on a Highway if that vehicle exceeds the approved Gross Vehicle Weight under a Highway Use Permit.
- 6.6 Except in the case of an emergency, a person must not use an engine brake of any kind (including a brake commonly known as a Jacobs Brake or Jake Brake) to slow or stop a Motor Vehicle on a Highway within a residential district of the Municipality.

Extraordinary Vehicles

- 6.7 Subject to subsections 6.10 and 6.11, a person must not drive a vehicle on any Highway, if the Administrator has notified the owner or driver that in his opinion, the vehicle is an Extraordinary Vehicle.
- 6.8 A person who has been notified that a vehicle is an Extraordinary Vehicle under section 6.7 may apply to the Administrator to enter into an Extraordinary Vehicle Agreement so that the vehicle may be safely operated, driven, stopped, stood or parked on a Highway within the Municipality, with reduced burden on the Municipality and reduced risks of damage to Highways and other property.
- 6.9 The Administrator may, on behalf of the Municipality, enter into an Extraordinary Vehicle Agreement under this section with either the owner or driver of the vehicle, or both.
- 6.10 An Extraordinary Vehicle Agreement may include any terms, conditions, restrictions and requirement the Administrator considers necessary or appropriate for reducing the risks associated with an Extraordinary Vehicle and any further risks identified in the circumstances. Without limiting the foregoing, the Extraordinary Vehicle Agreement may include a requirement for security, insurance, for indemnifying the Municipality against risks associated with the subject vehicle, and for a payment to the Municipality in compensation for any damage, or expense which may be caused to the Municipality as a result of the vehicle being driven or operated within the Municipality. The regulations under Part 7 of this Bylaw may be varied as the Administrator considers necessary in the circumstances for public safety and to reduce or mitigate the burdens or risks associated with stopping, standing or parking the vehicle that is the subject of an Extraordinary Vehicle Agreement.

- 6.11 The Administrator may require that a person wanting to enter an Extraordinary Vehicle Agreement provide information respecting the following matters:
- (a) time(s), date(s), duration, route, and speed traveled by the permitted vehicle;
 - (b) vehicle type, size, dimensions, axle spacing;
 - (c) vehicle ownership and licensing;
 - (d) nature and amount of load carried, and how the load is secured, provision of signs, flagging, lights, reflectors and other safety equipment;
 - (e) provision of pilot cars or police escorts or both;
 - (f) provision of inspection, provision of vehicle trip logs, in the case of multiple journeys; and
 - (g) repairs, adjustments, or cleaning of the subject Highway(s), and any Traffic Control Devices, signs or other structures thereon, affected by the vehicle movement.
- 6.12 The person identified in the Extraordinary Vehicle Agreement must carry a copy of the Agreement at all times during which the subject vehicle is being operated or driven on a Highway, and produce it on request to a Peace Officer or Bylaw Enforcement Officer.
- 6.13 The owner, driver and any other person identified as being responsible for a vehicle that is the subject of an Extraordinary Vehicle Agreement must ensure that the vehicle is only driven and operated strictly in accordance with that Agreement.

PART 7 – PARKING REGULATIONS

Manner of Parking

- 7.1 Unless otherwise directed by a person authorized under section 4.4, a person must not Stop, Stand or Park a vehicle on a Roadway other than on the right side of the Roadway and with the rear right hand wheels parallel to that side, and where there is a curb, be within 30 centimetres (1 foot) of the curb;
- 7.2 A person must not allow a Motor Vehicle to Stand unattended or parked unless the person has:

- (a) locked it and made it secure in a manner that prevents its unauthorized use; and
- (b) if the Motor Vehicle is Standing on a grade, turned the front wheels of the vehicle to the curb or side of the Roadway;

7.3 Unless otherwise directed by a person authorized under section 4.4, a person must not:

- (a) Park a vehicle so as to obstruct the free passage of Traffic on a Highway;
- (b) Park a vehicle where a Traffic Control Device indicates that Angle Parking is permitted other than at an angle indicated by parking lines marked on the Highway and with the right front wheel not more than 30 centimetres (1 foot) from the curb; or
- (c) where vehicles are parked parallel to the edge of the Roadway, Park a vehicle closer than one (1) metre from any other parked vehicle.

7.4 Unless otherwise directed by a person authorized under section 4.4, a person must not Stop, Stand or Park a vehicle:

- (a) on a Sidewalk, Boulevard, Multi-use Pathway or marked or signed Cycle Lane;
- (b) in front of, or within 2 metres on either side of, a public or private driveway;
- (c) in an intersection;
- (d) within 5 metres of a fire hydrant measured from a point in the curb or edge of the Roadway which is closest to the fire hydrant;
- (e) on a Crosswalk;
- (f) within 15 metres of the approach of, or 6 metres beyond, a marked Crosswalk;
- (g) within 6 metres of the approach of a flashing beacon, stop sign or Traffic Control Signal located at the side of a Roadway;
- (h) within 30 metres of the nearest rail of a railway crossing;
- (i) on a Highway, Boulevard, or on a Village of Anmore right-of-way for the purpose of:

- (i) displaying the vehicle for sale;
 - (ii) advertising, greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency;
 - (iii) displaying signs; or
 - (iv) selling flowers, fruit, vegetables, seafood, produce or other commodities or articles;
- (j) alongside or opposite any street excavation or obstruction when stopping, standing or parking obstructs Traffic;
- (k) on the Roadway side of a vehicle stopped or parked at the edge or curb of a Roadway;
- (l) on a bridge or other elevated structure on a Highway, or in a Highway tunnel, except as permitted by a Traffic Control Device;
- (m) in a place in contravention of a Traffic Control Device that gives notice that stopping, standing or parking there is prohibited or restricted for residents, pick-up and drop-off, or any other reason;
- (n) in a manner that obstructs the visibility of any Traffic Control Device erected pursuant to this Bylaw;
- (o) in a designated Angle Parking zone where the length of the vehicle or Trailer, or the Vehicle and Trailer in combination, exceeds 5.7 metres;
- (p) within 20 metres of the approach of, or 10 metres beyond, any Bus Stop Sign;
- (q) within 9 metres of the lateral line of an intersecting Roadway; or
- (r) in a way so as to obstruct the entrance to a building or to obstruct Pedestrians or vehicles using the Highway. This does not apply to persons participating in or assembled to watch a parade for which a Highway Use Permit has been issued.

Parking Time Limits

- 7.5 Notwithstanding any other provision of this Bylaw, a person must not Park a vehicle on any Highway, public place, or other public right-of-way for a period exceeding seventy-two (72) consecutive hours.

Parking of Trailers and Commercial Vehicles

- 7.6 A person must not Park on a Highway an Unattached Trailer that is:
- (a) licensed as a commercial Trailer;
 - (b) licensed as other than a commercial Trailer; or
 - (c) unlicensed.

Loading Zones

- 7.7 Subject to subsection 7.8, a driver of any vehicle must not Stop in a loading zone for a period exceeding:
- (a) three (3) minutes for the loading or unloading of passengers; or
 - (b) ten (10) minutes for the loading or unloading of materials.
- 7.8 A driver of a vehicle that is employed as a licensed Taxi may Stop in a loading zone, providing that the driver:
- (a) does not leave the vehicle unattended at any time; and
 - (b) if not in the process of loading or unloading passengers, vacates the area immediately when the loading zone is required for pickup or delivery services;

Disabled Parking

- 7.9 A person must not Stop, Stand or Park a vehicle on any portion of a Highway designated as a Disabled Zone unless there is displayed on the vehicle:
- (a) a valid disabled person's parking permit issued by the Social Planning and Research Council of B.C., or

- (b) a permit of similar nature issued by another jurisdiction.

Parking of Recreational Vehicles

- 7.10 A person must not Park a Recreational Vehicle or any vehicle having a licensed Gross Vehicle Weight in excess of 5,500 kilograms, on any Highway in the Municipality, except where the vehicle is temporarily parked and engaged in the moving, loading and unloading of furniture, equipment or other effects.

Uninsured Vehicles

- 7.11 A person must not Park or leave any Unlicensed Vehicle on a Highway.

PART 8 – OTHER REGULATIONS

Driving on Sidewalk

- 8.1 A driver must not drive on a Sidewalk, walkway or Boulevard, except when entering or leaving a driveway or Lane or when entering or leaving land adjacent to a Highway.

Obeying Flag person

- 8.2 Where a flag person, authorized by a Highway Use Permit, is controlling the movements of Traffic around a portion of Highway on which work is being carried out, a person must not drive or operate a vehicle other than as directed by the flag person.

Obeying Traffic Patrol

- 8.3 Every Pedestrian, cyclist and driver of a Motor Vehicle must obey the instructions of an adult school crossing guard or a school student acting as a member of a traffic patrol.

Motor Vehicle Noise

- 8.4 A person must not start, drive, turn or Stop any Motor Vehicle, or accelerate the vehicle engine while the vehicle is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, exhaust system, braking system, audio system, or from the contact of the tires with the Roadway.

PART 9 – REMOVAL OF VEHICLES AND CHATTELS

Authority to Remove Vehicles and Chattels

9.1 If a Motor Vehicle or Chattel:

- (a) interferes with any fire fighting, Emergency Vehicle, emergency operation or equipment;
- (b) interferes with the normal flow of Traffic on a Highway;
- (c) interferes with the construction, improvement, maintenance, alteration, extension, widening, marking, repair, removal of snow or ice from, or sweeping of a Highway;
- (d) is Standing or parked in violation of this Bylaw or another bylaw of the Municipality;
- (e) has apparently been left unattended on a Highway for a period of at least seventy-two (72) hours;
- (f) is found on a Highway and is an Unlicensed Vehicle; or
- (g) is unlawfully occupying any portion of a Highway, Boulevard, Access or Sidewalk;

a Peace Officer, a Bylaw Enforcement Officer, or the Administrator may take any of the following actions:

- (i) direct, move or cause to be moved, the Motor Vehicle or Chattel to a location or position that the Peace Officer, Bylaw Enforcement Officer, or Administrator considers to be necessary or appropriate in the circumstances;
- (ii) require the driver, owner or other person who is apparently responsible for the Motor Vehicle or Chattel to move it, or cause it to be moved, to a location or position that the Peace Officer, Bylaw Enforcement Officer, or Administrator considers to be appropriate in the circumstances; or
- (iii) where neither of the actions under subparagraphs (i) or (ii) is practicable, seize, detain, or impound the Motor Vehicle or Chattel, or cause the Motor Vehicle or Chattel to be seized, detained or impounded.

Recovery

- 9.2 Any Motor Vehicle, Chattel or other obstruction that has been removed, detained or impounded by the Municipality's Towing Contractor may be recovered by the owner during the Towing Contractor's normal business hours by paying to the Towing Contractor the fees for removal, care and storage of the vehicle or Chattel in the same amounts that are set out in *Towing and Storage Rate Payment Schedule* established by the *Insurance Corporation of British Columbia* and are in effect on the date of recovery.

Notice of Impoundment

- 9.3 If a Motor Vehicle or Chattel is removed, detained or impounded, and not claimed by its owner within 30 days from date of seizure, written notice shall be given in the case of a Motor Vehicle to the owner at the last known owner's address, if available, as shown on the records of the *British Columbia Superintendent of Motor Vehicles*, and, in the case of any other Chattel, to the owner if the identity of the owner can be established, advising of the seizure, the sum payable to recover the Motor Vehicle or chattel, and the date of planned disposal of the property.

Disposal of Impounded Property

- 9.4 The Municipality may dispose of any vehicle or Chattel not claimed by its owner, following 90 days after delivering, by registered mail or courier service, a notice to the owner. If the vehicle or Chattel is disposed of by public auction, the auction shall be advertised at least once in a local newspaper.

Disposal Proceeds

- 9.5 The proceeds of disposal shall be applied firstly to the cost of the disposal and secondly to the fees incurred by the Municipality, for the removal and impoundment. Any remaining balance shall, in the case only of a vehicle or Chattel that has a realized disposal value, be held for the owner by the Municipality for 6 months from the date of disposal. If the balance remains unclaimed at the end of that period, such balance shall be paid into the general revenue account of the Municipality or as otherwise directed by Council.

PART 10 – PERMITS

10.1 The Administrator is hereby authorized:

- (a) To issue Permits under this Bylaw; and
- (b) to refuse, suspend, amend, vary or cancel any Permit if the Administrator considers that the activities proposed or contemplated under the Permit cannot be or are not being carried out safely and with a minimum risk of injury to persons, damage or loss to property, inconvenience to others using the Highway, or to residents or businesses in the vicinity, or to the general public.

Availability of Permit

10.2 Once issued, a Permit must at all times be available at the site or in the vehicle for which the Permit was issued, and a person responsible for the activity under the Permit must immediately produce the Permit at the request of the Administrator, a Peace Officer or a Bylaw Enforcement Officer.

Effective Period of Permit

10.3 The effective period of a Permit shall be as stipulated by this Bylaw or by the date set on the Permit itself, unless suspended, amended, varied, revoked or cancelled; and in any case, shall not exceed twelve (12) months.

Permit Fees and Securities

10.4 Every Applicant for a Permit must submit an Application to the Administrator and pay to the Municipality the applicable fees established under the *Anmore Fees and Charges Bylaw No. 557-2016*.

10.5 In the case of work or an activity affecting the paved portion of a Highway, the Administrator may require an Applicant to provide a security deposit as a condition of issuing the Permit, in an amount sufficient to remedy any damage to or loss of pavement integrity resulting from the work carried out under the Permit.

10.6 The Administrator may require additional security to ensure compliance with this Bylaw and the performance of any term or condition imposed under a Highway Use Permit, in an amount that is, in the opinion of the Administrator, sufficient to pay the cost of either or both of the following:

- (a) remedying any damage to the Highway, structure, or other public or private property, or to replace or compensate for loss or injury resulting from the activity for which the Permit was issued and, where applicable, maintenance for up to one year following completion of any such repair; and
 - (b) fulfilling the obligations imposed by the Permit within the time specified by the Permit on default of the Permit holder.
- 10.7 An Applicant who is required to provide a Permit deposit as a condition of the issuance of a Permit may, at the Applicant's option, provide the Permit deposit by:
- (a) a cash deposit,
 - (b) an irrevocable letter of credit, or
 - (c) another form of security satisfactory to the Administrator.
- 10.8 If a Permit holder fails to promptly repair any damage, compensate for any injury or loss resulting from work, activity or other thing that is subject to the Permit, or fails to fulfill the obligations of the Permit within the specified time, the Municipality may draw upon the deposit or security provided by the Permit holder and may take steps to remedy the damage, compensate for loss or injury, or fulfill the obligations of the Permit holder. If there are not sufficient funds on deposit or available through the security provided to cover the costs, the Municipality may recover any shortfall from the Permit holder, and the amount of any such shortfall, as indicated by an invoice, becomes a debt owing to the Municipality.

Highway Use Permit

- 10.9 Every Permit holder must ensure that the work carried out under a Highway Use Permit conforms in every respect to plans and specifications approved by the Administrator, meets all terms and conditions of the Permit, and that the work, and any related work or activity, be in compliance with this Bylaw and other applicable enactments.
- 10.10 Where any completed work on, over or under a Highway is to be taken over by the Municipality, the Permit holder shall maintain such work for a period of one year from the date of completion of the work, as certified by the Administrator. The Permit holder must place an additional deposit in the amount to cover the maintenance period.

10.11 Upon final completion of work carried out under a Highway Use Permit or the end of a maintenance period, as applicable, any amount that is not used or required by the Municipality to remedy a default of the Permit holder or any loss, injury or damage otherwise resulting from the work or from non-compliance with the Permit or this Bylaw will be refunded to the Permit holder.

Sidewalk Use Permits

10.12 A person must not use or permit the use of any portion of Sidewalk adjacent to premises owned or occupied by them for any purposes without first obtaining a Sidewalk Use Permit.

Temporary Sidewalk Use Permit

10.13 The Administrator may consider applications for the temporary use of a Sidewalk and may issue a Permit for that use, on receiving a completed Application in a form approved by the Administrator, provided that:

- (a) the Administrator is satisfied that the proposed use will not:
 - (i) obstruct normal Traffic in the area;
 - (ii) interfere with other uses in the vicinity;
 - (iii) result in unsightliness;
 - (iv) create a substantial safety hazard or distraction to drivers;
 - (v) result in injury to persons or loss of or damage to property;
 - (vi) be left unattended; or
 - (vii) inconvenience adjacent residents or businesses;
- (b) any structures used are of appropriate size and proportion for the proposed location and are safe and capable of being readily removed; and in any case, at the end of each day they are used;
- (c) the use is limited to eight (8) hours per day and does not, in any case, continue longer than seven (7) days within any six (6) month period;
- (d) the applicant pays the fee(s) set under the *Fees and Charges Bylaw*; and

- (e) the applicant provides the Municipality with insurance, security, and deposits as the Administrator considers necessary or appropriate in the circumstances.

10.14 A person who has been issued a Sidewalk Use Permit must ensure that this Bylaw and all of the restrictions, requirements, terms and conditions of the Sidewalk Use Permit have been met.

Review by Council

10.15 An Applicant who has been refused a Permit, or a Permit holder whose Permit has been suspended or cancelled by the Administrator, may request that Council review the decision by delivering a written request, along with related information and supporting reasons, to the corporate officer of the Municipality, with a copy to the Administrator, within five (5) business days of receiving a notice of the Administrator's decision.

10.16 At a date and time to be arranged by the corporate officer, the Applicant may appear before Council and be heard regarding a decision to suspend or cancel a Permit.

10.17 In addition to information and submissions by the Applicant, and a report from the Administrator as to the Administrator's decision, Council may consider any other information it considers relevant; and after reviewing the matter, may confirm, vary or cancel the decision of the Administrator.

PART 11 – ENTRY AND COST RECOVERY

Entry for Inspection

11.1 Any Peace Officer, Bylaw Enforcement Officer, the Administrator and any employee of the Municipality acting under the direction of the Administrator may, in accordance with section 16 of the *Community Charter*, enter upon any property subject to this Bylaw in order to inspect the property and determine whether all regulations, restrictions and requirements are being met.

Remedy and Cost Recovery for Default

11.2 Where, in this Bylaw, any activity, matter or thing is required to be done by any person, where default occurs, such activity, matter or thing may be done by the Municipality at the expense of the person in default, and the expense may be recovered from the person as a debt owing to the Municipality. Without limiting the foregoing, where the Municipality provides work or service in relation to land or improvements, any costs incurred by the Municipality that are not paid in full

by December 31 in the calendar year in which the costs were incurred, may be collected from the property owner in the same manner as for property taxes.

PART 12 – ENFORCEMENT AND PENALTY

Fines and Penalties

12.1 A person who:

- (a) contravenes, violates or fails to comply with any provision of this Bylaw;
- (b) suffers or allows any act or thing to be done in contravention of this Bylaw, or any permit or order issued under this Bylaw; or
- (c) fails or neglects to do anything required to be done under this Bylaw;

commits an offence, and upon conviction shall be liable to a fine of not more than ten thousand (\$10,000.00) dollars; and each day that the offence is continued shall constitute a separate offence.

12.2 This Bylaw may be enforced:

- (a) by a Peace Officer, Bylaw Enforcement Officer, or the Administrator;
- (b) by means of a ticket in a form prescribed for such purpose in accordance with the *Community Charter*, and with fines imposed for offences as set under the *Anmore Municipal Ticket Information and Utilization Bylaw No. 479-2009*;
- (c) by proceedings brought under the *Offence Act*; or
- (d) by means of a bylaw notice and penalty imposed by a bylaw of the Municipality under the *Local Government Bylaw Notice Enforcement Act*.

12.3 A Peace Officer, Bylaw Enforcement Officer, or the Administrator may refer any disputed tickets to the Provincial Court and may represent the Municipality in any related proceedings.

PART 13 – REPEALMENT and EFFECTIVE DATE

13.1 The *Village of Anmore Highway Regulation Bylaw No. 64, 1991* and all amendments thereto are hereby repealed on adoption of this Bylaw.

13.2 This Bylaw comes into force and effect on the date of adoption.

READ a first time the 8th day of January, 2019
READ a second time the 8th day of January, 2019
READ a third time the 8th day of January, 2019
ADOPTED the 22nd day of January, 2019

J. McEWEN

MAYOR

J. HALLIWELL

CORPORATE OFFICER

Certified as a true and correct copy of "Anmore Highway Regulation Bylaw No. 586-2018".

JANUARY 23, 2019

J. HALLIWELL

DATE

CORPORATE OFFICER