



DISTRICT OF CLEARWATER

BYLAW NO. 160, 2017

A Bylaw for the Regulation of Traffic within the District of Clearwater.

Council of the District of Clearwater, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This Bylaw may be cited for all purposes as "*District of Clearwater Traffic and Use of Highways Bylaw No. 160, 2017*".

2. INTERPRETATION

2.1 In this Bylaw:

"Bylaw enforcement officer" means a person appointed by the District to enforce the bylaws of the District;

"Boulevard" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjoining property line, excluding a sidewalk;

"Commercial vehicle" includes:

- (a) any motor vehicle
 - i. having a gross vehicle weight over 5500 kg;
 - ii. bearing a commercial licence plate;
 - iii. having permanently attached to it a Truck or delivery body;
 - iv. having an engine valve retardant braking system installed or employed in addition to the standard braking systems;
- (b) a casket wagon, limousine, hearse, motor bus, tow vehicle, road building machine, taxi, and a tractor;
- (c) any combination of truck, truck tractor, semi-trailer and trailer; and
- (d) other Vehicles as specified by regulation of the Lieutenant Governor in Council pursuant to the *Commercial Transport Act*.

"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 skateboard, roller skates or inline roller skates.

"Cycle Lane" means a portion of highway designated for Cycles and identified by a sign or marking.

"Council" means Council for the District.

“District” means the District of Clearwater.

“Fire Chief” means the person holding that position for the District.

“Highway” includes a street, road, lane, sidewalk, boulevard, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

“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 the 2 highways that join one another at or approximately at right angles, or the area within which vehicles travelling on different highways joining at any other angle may come in conflict, but does not include a lane or way less than 5 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 the lane or way.

“Owner”, with respect to a vehicle, means the person who holds the legal title to the vehicle, a person who is a conditional purchaser, a lessee or a mortgagor, and is entitled to be and is in possession of the vehicle, or the person in whose name the vehicle is registered.

“Permit”, when the word appears in upper case, means a Permit issued under this Bylaw.

“Person with Disabilities” means a person whose mobility is limited as a result of a permanent or temporary disability that makes it difficult or impossible to walk.

“Police Chief” means the chief commanding officer of the Royal Canadian Mounted Police (RCMP) for the Clearwater Detachment.

“Public Works Manager” means the person holding the position of Public Works Manager for the District.

“Seasonal ban route” means a route that has been identified to be in effect during snow removal season (November to March) (designated area map attached).

“Street event” means any parade, festival, demonstration, sports or athletic occasion, performance, film shoot, block party or neighbourhood gathering, or similar other event, whether public or private, that is held or takes place, in whole or in part, on any part of a highway, park or other public place within the District that may interfere with normal traffic flow; but does not include a funeral procession.

“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 the *Motor Vehicle Act* or the District for the purpose of warning, guiding, regulating, directing, stopping or parking traffic.

2.2 Except as otherwise defined in this Bylaw, words and phrases in this Bylaw are to be construed in accordance with their meanings under the *Community Charter*, *Local Government Act*, *Motor Vehicle Act* and *Interpretation Act*, as the context and circumstances require. A reference to a statute in this Bylaw refers to a statute of British Columbia unless otherwise indicated, and a reference to any statute, regulation,

code or bylaw refers to that enactment as it may be amended or replaced from time to time.

2.3 Words in the singular include the plural and gender specific terms include both genders and include corporations. The headings in this Bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this Bylaw.

2.4 If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion is severed, and the remainder continues to be valid. In the event of inconsistency between this Bylaw and a Provincial enactment, the more restrictive law prevails.

3. BYLAW APPLICATION AND EXEMPTIONS

3.1 Except as otherwise indicated, this Bylaw applies to all traffic and other uses of highways within the District.

3.2 This Bylaw does not apply to:

- (a) Provincial arterial highways;
- (b) provided that the operator has due regard for safety, having regard to all circumstances and any applicable regulations under the *Motor Vehicle Act*:
 - (i) the operator of a vehicle or other equipment while lawfully engaged in highway or public utility construction, maintenance or repair or accident rescue work on, over, under or adjacent to a highway;
 - (ii) the driver of an emergency vehicle while responding to an emergency call or incident;
 - (iii) a police constable in immediate pursuit of an actual or suspected violator of law or otherwise engaged in a policing duty that would be unduly hampered by a provision of this Bylaw;
 - (iv) a person with a physical disability operating a manual or electric wheelchair, scooter or other mobility aid for its intended use;
- (c) the stopping, standing or parking of a vehicle that is:
 - (i) owned, leased or used pursuant to an agreement with the District, the Thompson Nicola Regional District, or the government of British Columbia or Canada;
 - (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 District;
 - (iv) an armoured vehicle while picking up or delivering cash and other securities, using warning flags, lights or cones as necessary;

3.3 Section 5, 6 & 7 of this Bylaw do not apply to the District or its officials, employees, servants or agents in carrying out a function or purpose of the District.

3.4 Except as otherwise provided, a person riding a cycle or an animal, or driving an animal-driven vehicle upon a highway, has the same obligations under this Bylaw as a driver of a motor vehicle.

4. GENERAL REGULATIONS

4.1 Every person must use the highways in accordance with this Bylaw, and without limiting the duty to comply with other provisions of this Bylaw, the *Motor Vehicle Act*, and other applicable enactments, every person must:

- (a) use highways with due care and attention and reasonable consideration for other persons;
- (b) obey the instructions of a traffic control device placed by or on behalf of the District or another local, provincial or federal government, unless otherwise directed by a police constable, firefighter or bylaw enforcement officer;
- (c) comply with the directions given by a police constable, firefighter or bylaw enforcement officer acting in the course of their duty; and
- (d) comply with the terms, conditions, restrictions and requirements of any Permit or order issued under this Bylaw;

4.2 A person must not:

- (a) cause a nuisance on, foul or damage any highway;
- (b) throw, or cause or allow to fall, place or remain on any part of a highway:
 - i. litter, garbage, rubbish, animal droppings or carcasses, or other waste materials;
 - ii. trees, branches, stumps, logs, leaves, lawn or garden clippings, agricultural waste or other vegetable matter;
 - iii. any earth, gravel, sand, snow or ice;
 - iv. discarded or abandoned paper, plastic, glass, electronics, appliances or furniture, or
- (c) deposit, or cause or allow the accumulation of litter, garbage, rubbish, or other discarded waste or materials or object on a sidewalk or gutter adjacent to, or that could be affected by, a parcel or premises of which the person is an owner or occupant;

- (d) deposit, or cause or allow to escape or remain substances such as fuels, oils, gas, or noxious liquids, solids or effluvia onto a highway or into a gutter, ditch, or storm drain system within, affixed or adjacent to or near any part of a highway;
- (e) drive or operate a vehicle or combination of vehicles without securing any load being carried in a manner that effectively prevents any part of the load slipping or falling onto the highway and that otherwise complies with applicable requirements of the *Motor Vehicle Act* and regulations;
- (f) while on a highway, interfere or fail to comply with the directions of a police constable, flag person, bylaw enforcement officer or firefighter acting in the course of their duties;
- (g) drag or skid anything along or over a highway;
- (h) remove, discard, obscure, alter or otherwise interfere with a notice placed on or affixed to a vehicle by a person authorized to enforce this Bylaw, unless the person is the owner or operator of that vehicle.

4.3 A person responsible for removing a damaged or wrecked vehicle from the scene of a collision on a highway must remove from the highway all glass, metal, rubber or other debris resulting from the accident and dispose of all such debris in accordance with law.

4.4 A person must not make any repairs to a vehicle while it is on a highway except as necessary for the removal of the vehicle.

4.5 A person must not use Engine Brakes in designated areas identified by posted signs.

5. PERMIT REQUIRED

5.1 Except as specifically authorized, directed or permitted by Council, the Public Works Manager, or a government minister or agency, a person must not:

- (a) excavate, alter, mark, build on or otherwise modify any highway;
- (b) obstruct or damage any part of a highway;
- (c) install, widen, repair, upgrade, remove or relocate a ditch, drain, culvert, sewer or other utility on, under or adjacent to any highway, or stop the ordinary flow of water through a drain, sewer or culvert on, under or adjacent to any highway;
- (d) construct an access road to and from a highway, or install a cattle guard, gate or fence across a highway;
- (e) construct a crossing over any part of a highway, curb or ditch;
- (f) develop, alter, excavate, plant trees, or build on real property or premises adjacent to a highway so as to encroach on a highway or obstruct traffic or sight lines;

- (g) obstruct, cover, alter, replace, damage, interfere with or remove any street lighting, or traffic control device;
- (h) establish, place, maintain or display a sign, signal, marker, or other device that purports to be, resembles or interferes with the effectiveness of a traffic control device;
- (i) deposit or leave rocks, earth, gravel or other things or materials on a highway;
- (j) alter or remove any fence or guardrail, or cut, prune, top or remove any trees, hedges, shrubs or other plantings from a boulevard, road allowance, park or other public place;
- (k) carry goods or persons over a highway by means that, in conjunction with the nature or existing conditions of the highway is so extraordinary in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use, or in the speed at which the vehicle or other mode of carriage is driven or operated, as to substantially alter or increase the burden imposed on the highway through its proper use by ordinary traffic, or cause damage and expense to the highway beyond what is ordinary or reasonable;
- (l) hold or participate in a Street Event or other activity that is likely to or does delay, obstruct or interfere with the ordinary passage of vehicles, equestrians and pedestrians on or along a highway or within a park or other public place;
- (m) erect or maintain a sign, guidepost or other similar device, whether temporary, portable or permanent, on or over a highway, except as set out in s. 5.2;
- (n) engage in any sales, advertisement, or other commercial activities on any portion of a highway;
- (o) while on a highway, make noise other than what is necessary for safe riding, driving or operating a vehicle, or allow sound from a radio, electronic player, instrument, megaphone or other amplification or sound device to be emitted from a vehicle, that is so loud as to be readily heard from beyond the roadway;
- (p) drive or operate a vehicle on a sidewalk, boulevard, trail or within a park; or
- (q) fail to comply with the terms, conditions, restrictions or requirements of a Permit.

5.2 During the period of a federal, provincial or local government election, up to 5 signs per candidate within the District boundaries may be placed on District boulevards without a permit, subject to applicable legislation and the following requirements:

- (a) no sign shall be larger than 0.6 meters squared
- (b) no sign shall be located within 10 metres of an intersection or lane;
- (c) every sign must be effectively secured so as to avoid obstructing traffic, sight lines, injury to persons or damage to property; and

- (d) the person responsible for the signs must ensure all signs are safely removed within 5 days following the general voting day of the election.

6. PARKING RESTRICTIONS

- 6.1 Except when necessary to avoid conflict with traffic; to comply with the directions of a police constable, firefighter, bylaw enforcement officer or traffic control device; or as permitted under this or another bylaw of the District; a person must not stop, stand or park a vehicle:
- (a) within any crosswalk or highway intersection;
 - (b) within 5 metres of any fire hydrant;
 - (c) in front of or within 1.5 metres of any lane or private driveway;
 - (d) so as to obstruct or prevent access to or from a driveway, lane, or right of way or other access to an adjoining parcel of land;
 - (e) alongside or opposite any street excavation or obstruction when standing or parking obstructs traffic;
 - (f) on a sidewalk, crosswalk or boulevard
 - (g) within 6 meters of a pedestrian crosswalk;
 - (h) on the roadway side of any vehicle stopped or parked at the edge or curb of a highway;
 - (i) on the paved portion of any roadway without curbs, when the paved portion is 6.1 metres or less in width;
 - (j) on any driveway, lane or other entrance or access to real property or premises for longer than is necessary for the expeditious loading or unloading of passengers, property or materials;
 - (k) on either side of the highway in front of the driveway entrance to any fire hall for a distance of 15 metres on both sides from the centre of that driveway;
 - (l) on any school day, between 8:00 a.m. and 5:00 p.m., on the side and portion of any highway upon which any school or school property abuts;
 - (m) on any bridge;
 - (n) on any portion of highway that is indicated by traffic sign as being reserved for a class of vehicle, other than for stopping, standing or parking a vehicle that is clearly within that class;
 - (o) on any portion of a highway that is marked or indicated by another traffic control device as a bicycle lane; or

- (p) on any portion of a highway where any traffic sign or other traffic control device indicates that stopping, standing or parking the vehicle is prohibited or restricted;
- (q) on any portion of a highway for a longer period of time than that indicated on any traffic sign or other traffic control device applicable to that portion of the highway;
- (r) on any highway if:
 - i. the vehicle is not displaying a valid licence plate;
 - ii. the vehicle is not insured, as evidenced by the display of a valid insurance decal; or
- (s) within any residential zone of the District, between the hours of 8:00 p.m. and 8:00 a.m. if the vehicle is a commercial vehicle having a gross vehicle weight exceeding 5,500 kilograms, unless the vehicle is temporarily parked, and persons are engaged in the moving, loading, or unloading of furniture or other personal property of a resident within that zoning district;
- (t) on any highway that impedes snow removal.

6.2 Except where a traffic control device provides for angle parking, or as authorized under a Permit or by the Province, 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 right-hand wheels parallel to that side, and where there is a curb, within 30 cm (one foot) of the curb.

6.3 Where angle parking is provided or allowed, the driver of a vehicle must park in accordance with the traffic control device, Permit or other authority, and as close to the curb as practicable.

6.4 The following organizations are designated under Division 38.02 of the *Motor Vehicle Act Regulations* and may accept applications for, and may issue or cancel disability parking permits pursuant to Division 38 of those Regulations:

- (a) the Kamloops and District Society for People in Motion (PIM); and
- (b) the Social Planning and Research Council of British Columbia (SPARC BC);

and in addition to the matters relating to the issuance and cancellation of disability parking permits under Division 38, additionally, may establish:

- (c) criteria for issuing a disability parking permit;
- (d) the form of application for the permit;
- (e) information to be submitted on or with an application for the permit; and
- (f) duration of and substitution for a permit.

6.5 Seasonal Parking Ban

When a seasonal parking ban route has been designated as in effect by the Public Works Manager, a person must not park a vehicle on any portion of a highway identified as a seasonal parking ban route. If the vehicle has been parked in that location previous to the designation, the owner must remove the vehicle within 8 hours of the designation being posted.

7. VEHICLE WEIGHT AND LOAD

7.1 When so required by a police constable or a bylaw enforcement officer, the driver of a vehicle must:

- (a) stop the vehicle, or drive it to the nearest weigh scales, as directed by the officer, for the purpose of
 - i. weighing the vehicle or part of it;
 - ii. measuring the dimensions of the vehicle and its load;
 - iii. measuring and inspecting the load carried; and
- (b) rearrange the load carried by the vehicle or remove all or part of the load from the vehicle, in order to comply with any restrictions prescribed by this Bylaw or another enactment.

7.2 For the purposes of this Bylaw, the gross vehicle weight of any vehicle, or combination of vehicles, shall be the sum of the individual gross axle weights of all the axles of the vehicle or combination of vehicles.

7.3 Except as authorized under a Permit, a person must not operate on a highway within the District a commercial vehicle in any of the following circumstances:

- (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 of the commercial vehicle exceeds the weight permitted under the Motor Vehicle Act and applicable regulations;
- (c) the dimensions of the commercial vehicle do not comply with applicable regulations either with the load included or without the load;
- (d) the distances between the axles, group of axles or axle units do not comply with applicable regulations.
- (e) where a seasonal load restriction is in force as indicated by a sign, notice or other traffic control device.

7.4 A person who owns, drives or operates a vehicle or combination of vehicles on a highway must ensure that any load being carried is secured effectively to prevent its coming loose or detached, or falling, spilling or blowing away from the vehicle.

7.5 In the event a load or any part of it does become loose or detached, or falls, spills or blows away from the vehicle, the driver or operator of the vehicle must immediately take reasonable steps to secure the load, and to safely remove or cause to be removed from the highway any material or items that have escaped from the vehicle that may present a safety risk to others using the highway or in the vicinity.

8. PUBLIC WORKS MANAGER

8.1 The Public Works Manager is authorized to do any of the following:

- (a) make orders in respect of the matters comprised in this Bylaw, and to alter, amend, vary, suspend, revoke or cancel any such order as the Public Works Manager deems necessary or reasonable to ensure compliance with this Bylaw and for the safety, protection and convenience of the public in relation to traffic and use of the highways, boulevards, sidewalks, parks and other public places;
- (b) as the Public Works Manager deems necessary or reasonable in the circumstances to promote compliance with this Bylaw and otherwise for safe and efficient flow of traffic and use of the highways, boulevards, sidewalks, parks and other public places, and taking into account normal use by pedestrians, particular vehicles, real property circumstances, and road conditions:
 - i. to locate, install and maintain traffic control devices upon any highway or part of a highway, or on land owned or held by the District;
 - ii. to designate parking spaces reserved for use by persons with disabilities or emergency vehicles on any highways or within areas owned or held by the District;
 - iii. to establish locations for loading areas adjacent to an entrance of any multi-unit residential institutional or business premises, as may be warranted;
- (c) to grant time-limited Permits under this Bylaw, in a form set out in a Schedule to this Bylaw or as otherwise approved by the Public Works Manager, for any of the following purposes:
 - i. excavation, construction, maintenance, repair, widening or upgrading of any highway, adjacent right of way, crossing, or ancillary thing;
 - ii. installation, maintenance, repair, upgrading, removal or relocation of a ditch, drain, culvert, sewer or other utility on, under or adjacent to any highway, park or other public place;
 - iii. to facilitate construction of buildings or other structures, or their demolition, on properties adjacent to the highway;
 - iv. to allow the construction of highway access to adjacent properties or the installation of cattle guards, gates or fences across a highway or within a road allowance;
 - v. to prevent load-carrying or heavy vehicles from travelling on roads or portions of roads that may be weakened by water runoff or accumulation;
 - vi. to allow for temporary parking of vehicles, unattached trailers, containers, equipment or other items on a highway, park or other public place;

- vii. for the parking of vehicles within zones or spaces designated for the use of persons with disabilities;
 - viii. to allow or facilitate a Street Event or similar activity on a portion of highway, park or other public place;
 - ix. to allow amplified sound, pyrotechnics, or another potential disturbance on a highway or within a park or other public place,
 - x. to accommodate commercial film production involving the use of a highway, park or other public place or that would potentially interfere with ordinary traffic or parking;
 - xi. to allow signs, guideposts, banners, road markings or other forms of display to be placed on or over a highway or on road allowances, park or other public places;
 - xii. to allow the temporary deposit or leaving of any rocks, earth, gravel or related materials on a highway;
 - xiii. to allow extraordinary traffic to use the highway; and
 - xiv. to allow a vehicle described in s. 7.3 [*overweight, overload, or oversize vehicles*] to be operated on a proposed route.
- (d) to establish terms, conditions, restrictions and requirements for the granting of a Permit, and to refuse, suspend, amend, vary, revoke or cancel any Permit if the Public Works Manager 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, residents or businesses in the vicinity, or to the public generally.
- (e) to temporarily restrict, prohibit, divert or redirect traffic on a highway, by causing posted signs, notices, or other traffic control devices:
- i. to accommodate activity authorized under a Permit;
 - ii. to facilitate work being carried out on, under, over or near a highway by or on behalf of the District or another local, provincial or federal government or an agency, or a provider of electrical, telecommunications or other utility;
 - iii. to facilitate the work of police, ambulance or fire and rescue services;
 - iv. where hazardous or impassable conditions exist on or near a highway; or
 - v. otherwise for the safety and protection of the public, as the Public Works Manager deems necessary or reasonable in relation to traffic and other activity on or use of a highway; and

- (f) to temporarily restrict or prohibit traffic to use any highway or sidewalk, or portion thereof, for the purposes mentioned in this section, and for such time and for such periods in respect of any type of traffic or use, and for that purpose may cause to be placed and maintained any signs, markings, barriers, cones, or other traffic control devices to indicate such closing.

9. TRAFFIC CONTROL PERSON

- 9.1 A police constable, firefighter, ambulance driver or attendant or a bylaw enforcement officer, while acting in the course of their duties and subject to the direction of the Chief of Police or the Fire Chief, may direct and control traffic on any highway or adjacent land at or near the scene of a collision or other accident, while attending at or near a fire scene or other hazardous or emergency incident, to direct, restrict, divert and prohibit traffic on any highway.

10. HIGHWAY USE PERMITS

- 10.1 A Municipal Highway Permit may be issued in the form prescribed in Schedule "D", subject to payment of an application fee set out in District of Clearwater Fees and Charges Bylaw, as applicable, and subject to other conditions contained in this Section.
- 10.2 The effective period of a Permit shall be as stipulated in this Bylaw or on the Permit itself, subject to any variation or amendment authorized in writing by the District or to a suspension, revocation or cancellation of the Permit, but in any case, shall not exceed **six (6) months**.

11. AVAILABILITY OF PERMIT

- 11.1 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 Public Works Manager, a Peace Officer or a Bylaw Enforcement Officer.

12. PERMIT FEES AND SECURITIES

- 12.1 Every applicant for a Permit must pay to the District the fee established in District of Clearwater Fees and Charges Bylaw.
- 12.2 As a condition of issuing a Permit under this Bylaw for work or activity affecting the paved portion of a Highway, or other infrastructure or real property owned or held by the District, the Public Works Manager may require a deposit of security to ensure compliance with this Bylaw and the performance of any terms or conditions imposed under a Highway Use Permit, in an amount that is, in the opinion of the Public Works Manager, sufficient to pay the cost of either or both of the following:
- (a) repairing any damage to the Highway, structure, or other public or private property, that could result 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,
- and Schedule E of this Bylaw applies as a condition of the Permit that is issued.

13. REVIEW BY COUNCIL

- 13.1 An Applicant who has been refused a Permit, or a Permit holder whose Permit has been suspended, revoked or cancelled by the Public Works Manager, 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 District, with a copy to the Public Works Manager, within five (5) business days of receiving a notice of the Public Works Manager's decision.
- 13.2 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, revoke or cancel a Permit.
- 13.3 In addition to information and submissions by the Applicant and a report from the Public Works Manager as to the Public Works Manager'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 Public Works Manager.

14. REMOVAL AND IMPOUNDMENT

- 14.1 A police officer, an employee of the District, or a towing contractor retained by the District may arrange for or cause a vehicle or other chattel that occupies a portion of the highway or other public place in contravention of this Bylaw to be removed, and detained or impounded at a location approved by Council.
- 14.2 The owner of a vehicle or other chattel that has been removed, detained or impounded under this Bylaw is responsible to pay the applicable fees for its detention or impoundment and must pay for all costs and expenses incurred by the District for its removal as set out in an invoice by the District in accordance with District of *Clearwater Fees and Charges Bylaw*. Any amount outstanding after 30 days of the invoice being delivered becomes a debt owing to the District.
- 14.3 If the owner of a vehicle or other chattel detained or impounded under this Bylaw has not paid the amounts owing under s. 15.2 within 30 days after the date of its detention or impoundment, or has not arranged within that time period to pay the amounts owing by a schedule of payments that is satisfactory to the District's financial officer, the District may arrange for the vehicle or other chattel to be sold or otherwise disposed of to recover applicable fees, costs and expenses for its removal, detention and impoundment.

15. ENFORCEMENT

- 15.1 This Bylaw may be enforced by the Public Works Manager, any member of the Clearwater Detachment of the Royal Canadian Mounted Police, the Fire Chief, or a Bylaw Enforcement Officer.
- 15.2 This bylaw may be enforced:

- (a) by means of a ticket issued under Division 3 of Part 8 of the *Community Charter*, and Bylaw Enforcement Municipal Ticket Regulation;
- (b) by prosecution under the *Offence Act*; or
- (c) by way of civil action as authorized by statute.

16. CONTRAVENTION AND PENALTIES

16.1 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
- (c) fails or neglects to do anything required to be done under this Bylaw,

or of any permit or order issued under this Bylaw, commits an offence and upon conviction, shall be liable to paying a fine of up to Two Thousand Dollars (\$2,000) and to pay any further amounts that may be ordered under the *Offence Act*, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

17. SCHEDULES

17.1 The following Schedules are attached to and form part of this Bylaw:

- Schedule A: Fine Schedule for Contravention
- Schedule B: Application for Extraordinary Traffic Permit
- Schedule C: Application for Oversize / Overload / Overweight & Restricted Route Permit
- Schedule D: Municipal Highway Permit Application
- Schedule E: Security and Insurance Conditions

18. SEVERABILITY

18.1 Each portion or section of this Bylaw is intended to be independent to the extent that a decision of a court of competent jurisdiction that a portion or section is invalid does not affect the validity of any other portion or section, and the invalid portion shall be severed.

READ A FIRST TIME this 3rd day of April, 2018.

READ A SECOND TIME this _____ day of _____ 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Corporate Officer

Mayor Harwood

Certified to be a true and correct copy of
Bylaw No. 160, 2018 cited as
“District of Clearwater Traffic and Use of Highways
Bylaw No. 160, 2017,
as adopted by the Council of the
District of Clearwater this day of , 2018.

Leslie Groulx, Corporate Officer

SCHEDULE A

District of Clearwater Traffic Bylaw No. 160, 2017

Fine Schedule for Contravention

Section	Offence	Fine
4.1 (c) or 4.2 (f)	Fail to obey person directing traffic	500.00
4.2 (b)	Deposit garbage / vegetable matter / large items on highway	100.00
4.2 (c)	Debris left on highway	100.00
4.2 (d)	Leave substance on highway, gutter, ditch or drain	100.00
4.2 (e)	Fail to safeguard traffic from debris falling from vehicle	100.00
4.2 (g)	Drag or skid on or along highway	100.00
4.3	Fail to remove debris after accident	100.00
5.1 (a)	Excavation of highway without permit	500.00
5.1 (a)	Alter or modify highway	500.00
5.1 (a)	Unauthorized work on highway	500.00
5.1 (b)	Obstruct or damage highway without permit	500.00
5.1 (c)	Disrupt flow of drain / sewer / culvert without permit	500.00
5.1 (e)	Construct boulevard crossing without permit	100.00
5.1 (i)	Deposit rock or dirt on highway, without permit	100.00
5.1 (j)	Remove fence or guardrail without permit	500.00
5.1 (j)	Top or remove trees, plants, on boulevard without permit	100.00
5.1 (l)	Street Event without permit	50.00
5.1 (m)	Post sign without permit	50.00
5.1 (n)	Business or sales on highway without permit	50.00
5.1 (p)	Vehicle on trail or within park without permit	50.00
6.1 (b)	Park within 5 metres of fire hydrant	100.00

6.1 (f)	Park on sidewalk or boulevard	50.00
6.1 (r)	Unlicensed vehicle on highway	50.00
6.5	Park on any portion of designated highway during seasonal parking ban	50.00
7.3	Overweight or oversize vehicle without permit	500.00
7.4	Unsecure load	100.00



SCHEDULE B

District of Clearwater Traffic Bylaw No. 160, 2017

Application for Extraordinary Traffic Permit

Applicant: _____

Address of Applicant: _____

Phone: _____ Fax: _____ Email: _____

Type of Extraordinary Traffic: _____

Proposed Route: _____

Date and Time (start to end of use): _____

Deposit Required: Yes No Amount: \$ _____

Approved:

Rejected:

Public Works Manager

I assume responsibility for any damage or expense which in the opinion of the Chief Administrative Officer has been caused by the above noted Extraordinary Traffic and agree I will pay the District of Clearwater for any said damage or expense.

Signature of Applicant: _____

Personal information on this form is collected under the authority of the *Freedom of Information & Protection of Privacy Act* (the Act) for administrative purposes of the District of Clearwater. Personal information is protected from unauthorized use and disclosure in accordance with the Act and may only be used and disclosed as provided by the Act. Questions regarding the collection of personal information can be directed to the Administrator or FOI Coordinator, District of Clearwater, PO Box 157, 209 Dutch Lake Road, 250-674-2257, coperateservices@docbc.ca.



SCHEDULE C

District of Clearwater Traffic Bylaw No. 160, 2017

Application for Oversize / Overload / Overweight & Restricted Route Permit

Applicant: _____ Email: _____ Phone: _____

Address of Applicant: _____ Fax: _____

Purpose: _____

Proposed Route: _____

Date and Time: _____ Make of Truck: _____

Licence No: _____ Overall Length: _____ Overall Width: _____

Specify Oversize Length: _____ Width: _____

Fee: _____ for Oversize Vehicle
_____ for Overload Vehicle
_____ for Overweight Vehicle

Pilot Car Required: Yes No

Approved:

Rejected:

Public Works Manager

I assume responsibility for any damage or expense which in the opinion of the Chief Administrative Officer has been caused by the above noted extraordinary traffic and agree I will pay the District of Clearwater for any said damage or expense.

Signature of Applicant _____

Personal information on this form is collected under the authority of the *Freedom of Information & Protection of Privacy Act* (the Act) for administrative purposes of the District of Clearwater. Personal information is protected from unauthorized use and disclosure in accordance with the Act and may only be used and disclosed as provided by the Act. Questions regarding the collection of personal information can be directed to the Administrator or FOI Coordinator, District of Clearwater, PO Box 157, 209 Dutch Lake Road, 250-674-2257, coperateservices@docbc.ca.



SCHEDULE D

MUNICIPAL HIGHWAY PERMIT APPLICATION

District File No: _____
Your File No. _____

I(We) hereby apply for permission to construct, use, and maintain works within the limits of highway right-of-way under the jurisdiction of the District of Clearwater, British Columbia, in accordance with the particulars, plans, * and specifications submitted herewith in two. It is understood that the completion of this form constitutes an application on and that the works applied for will not be commenced until a covering permit has been issued. The proposed works consists of and are described as follows:

I(We) hereby propose the following use or occupation requiring authorization under the *Community Charter*, in accordance with the attached plans and specifications submitted. It is understood that this application is not complete until a covering permit has been issued.

(Please check the category below which best describes your proposal)

Works on the right-of-way

- | | |
|---|---|
| <input type="checkbox"/> Bus Stops, Shelters and Benches | <input type="checkbox"/> Cattle Guards and gates |
| <input type="checkbox"/> Digital Communications | <input type="checkbox"/> Fencing |
| <input type="checkbox"/> Luminars and Signals | <input type="checkbox"/> Mailboxes and Newsletter Boxes |
| <input type="checkbox"/> Pipelines | <input type="checkbox"/> Pole lines |
| <input type="checkbox"/> Sewer lines | <input type="checkbox"/> Sidewalks and Landscaping |
| <input type="checkbox"/> Underground Cable, Telephone and Power | <input type="checkbox"/> Water lines <input type="checkbox"/> Signs |

Access

- Ordinary Access Multifamily Access Industrial / Commercial

Special Events

- Filming Special Events (Parades, Runs, Walks)

Structures

- Encroachment Setback

Miscellaneous (Describe)

Location (include Civic Address)

This proposal consists of and is described as follows:

Description

Dates (Proposed) _____

Times: From _____ a.m./p.m. To _____ a.m./p.m.

Full Legal Description of the Property to Be Served

Highway Name (s)

N/S/E/W side of highway

Between _____ and _____

Attached Drawing or Sketch Drawing Number _____

Have the necessary applications been filed with the proper authorities? (i.e. R.C.M.P., road and bridge maintenance contractor or as documented in the notes below)

Other Authorities

Submitted/Approved

I (We) wish to have the permit issued in the name of:
Name / Organization (include affiliated agency, if applicable)

Is this company registered with the Registrar of Companies of British Columbia? Yes No

Mailing Address

Telephone: _____

Cell: _____

Fax: _____

Email Address: _____

Contacts (if not as above)

Project / Location Public Works Manager Name

Telephone: _____

Cell / Pager: _____

Fax: _____

Email Address: _____

Site Contact Person: _____

Telephone: _____

Cell / Pager: _____

Fax: _____

Email Address: _____

Traffic Control Company Name: _____

Telephone: _____

Cell / Pager: _____

Fax: _____

Email Address: _____

Signature (Applicant)

Print Name

Date

Notes for Structures Permits:

- 1) Permits shall be metric, scalable, and shall show:
 - The exact offsets of the foundation and overhang of proposed or existing structure from the right-of-way boundary and the nearest internal property line.
 - Any feature or structure which limits the placement of the subject structure from being constructed at the required setback distance.
 - Any other structure on the subject property within the required setback area.
 - An inset or additional plan showing the profile of the structure and terrain to the travelled road edge.
 - The nearest edge of shoulder of the physical road.
 - The road name, legal description, any property pins evident and a north arrow
- 2) In cases where setback is to legalize and/or add to an existing structure, the plans are to be prepared by a registered legal surveyor.
- 3) It is the responsibility of the applicant to assure that design and construction of the structure conforms to all applicable legislation, bylaws and codes and that all necessary permits are applied for.
- 4) A certificate of title and a letter of authorization from the registered owner[s] are to be provided where the applicant is not the owner.
- 5) In addition, you may be required to have the property lines and extremities of the footings of the proposed structure clearly flagged on site prior to municipal inspection.

Notes for Highway Access Permits:

- 1) Property described must have highway frontage.
- 2) Insert number of accesses requested.
- 3) Insert specific land use proposed (for example, single family dwelling, car sales, office, industrial, etc.)
- 4) Indicate the permitted uses for the existing zoning on the property.
- 5) Insert figures indicating number of dwelling units, square metres of floor area of buildings, sleeping units, employees, seats in restaurant, etc.
 - Insert the word "indefinitely" if required for long-term use; or
 - Insert the specific number of months or years, if required for temporary period.
- 6)
 - Insert "myself" or "ourselves" if required by owner or lessee; or
 - Insert name and address of person or company who will actually develop and construct, use and maintain the access works, if required by other party (for example, property is under option and owner proposes to sell or lease same); or
 - If access is required for land beyond, give name of owner[s] and legal description of parcel involved.

Notes for Filming Permits

- 1) For location, please specify the highway name and landmarks that indicate the outer boundaries of where you are filming.
- 2) Your description should include:
 - The dates and times of filming
 - The nature of what you are filming
 - Whether you will be using special effects and/or stunts.
- 3) Specify the production company name and phone number and its Certificate of Incorporation number, if applicable.
- 4) Authorities you will need to notify include:
 - The R.C.M.P.
 - The road and bridge maintenance contractor
- 5) Provide appropriate Certificate of Insurance

Notes for Works Permits:

The Plans submitted may be blueprints and shall consist of key-map, general plan, profile and, where necessary, detail plan on the following scales: **key-map**, according to the size of the undertaking; **general plan**, 1:5,000; **profile**, horizontal 1:5,000, vertical 1:250; **details**, on suitable scales. For minor undertakings, such as small water-pipes or culverts, etc. under a road, sketches will be accepted and sections and details as to dimensions, depth of cover, etc.

The plans shall supply at least the following information:

- a) The boundaries of highway right-of-way affected;
- b) The position of all existing public works within such boundaries and relative thereto and the name of the authority in control of same;
- c) The position of all private works (with the name of the owners) within such boundaries and relative thereto. (Note: Where the proposed works are upon or above the ground, only such private works as are upon or above the ground, or as may be interfered with under the ground, need be shown.);
- d) The proposed position within such boundaries and relative thereto which would be occupied by the works;
- e) The details of all tanks, manholes, lamp-poles, surface boxes, bridges, culverts, retaining walls, or other structures to be constructed and used for the support of traffic, and details showing the method to be employed in supporting any proposed work, where any public works are affected;
- f) Full information showing exactly in what manner and to what extent it is proposed to use any land or works under the control of the District of Clearwater.

Specifications for the carrying-out of the work within the boundaries of all highway rights-of-way shall also be submitted.

When application is made in respect of the following works, the requisite particulars, plans and specifications must be submitted to the proper authorities before the approval of the application by the District of Clearwater.

Works	Authority to Whom Particular's, Etc. Must be Submitted
1) Electrical Undertakings	
a) Telegraph and telephone lines	Inspector of Electrical Energy
b) Energy generated otherwise than by water-power	Inspector of Electrical Energy
c) Energy generated by water-power	Inspector of Electrical Energy Comptroller of Water Rights
d) Electrical railways	Inspector of Electrical Energy Deputy Minister of Transportation
2. Sewerage and sewerage-disposal	
• Large systems	District office
• Small systems	Interior Health Authority
3. Water – supply for domestic purposes	District office



SCHEDULE E

District of Clearwater Traffic Bylaw No. 160, 2017

Security and Insurance Conditions for Permits

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 Public Works Manager.

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 District 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 District may recover any shortfall from the Permit holder.

Every Applicant for a Highway Use Permit must:

- (a) if required, place a deposit with the District in an amount sufficient:
 - i.) to pay the cost of repairing any potential damage to the Highway, or any installations therein or thereon, by reason of the things to be done pursuant to the Permit; or
 - ii.) to ensure that any obligations imposed by the Permit are fulfilled and completed within the time specified in such Permit; and
- (b) provide the Public Works Manager with complete, accurate and current plans and specifications of any work to be undertaken on, over or under a Highway.

Where any completed work on, over or under a Highway is to be taken over by the District, 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 Public Works Manager.

Where any alterations or adjustments to completed works on, over or under a Highway are required due to reconstruction of a Highway during the one-year maintenance period, the Permit holder shall pay the cost of such alterations and adjustments.

An applicant for a Highway Use Permit must obtain and maintain insurance against liability throughout the term of the Permit, and for any applicable maintenance period, on terms acceptable to the Public Works Manager. The insurance policy must name the District as an additional insured, include a cross-liability clause and provide that the policy shall not be cancelled or materially altered unless and until the District has received thirty (30) days notice in writing.

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 District 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.

Work carried out under a Highway Use Permit must conform in every respect to plans and specifications approved by the Public Works Manager.

Every Permit holder must ensure compliance with this Bylaw and other applicable enactments, and that all terms and conditions of a Highway Use Permit are met.