

THE DISTRICT OF WELLS

BYLAW NO. 68, 2004 TRAFFIC AND STREETS

A Bylaw to regulate traffic and the use of STREETS within the DISTRICT of Wells

WHEREAS, The COUNCIL of the DISTRICT of Wells is authorized under Part 3 of Division 5 of the Community Charter to establish a Bylaw to regulate traffic and the use of municipal STREETS; and

WHEREAS, a Bylaw is necessary to regulate traffic and STREET use for the purposes of public safety, orderly business and the preservation and protection of municipal infrastructure;

NOW THEREFORE, The Municipal COUNCIL of the DISTRICT of Wells, in open meeting assembled, enacts as follows:

INTERPRETATION

1. (1) In this Bylaw and any orders made hereunder, the expressions used shall have the respective meanings assigned to them in the *Motor Vehicle Act* and *Motor Vehicle Act Regulations*, except as set forth in this Section or where the context otherwise requires.
- (2) In this Bylaw,

Definitions

“BOULEVARD” means that portion of a STREET other than a ROADWAY or SIDEWALK;

“CHIEF ADMINISTRATIVE OFFICER” means the CHIEF ADMINISTRATIVE OFFICER of the DISTRICT of Wells or his delegate;

“COUNCIL” means the Municipal COUNCIL of the DISTRICT of Wells;

“DISTRICT” means the District of Wells;

“MUNICIPALITY” means the area within the geographical limits of the DISTRICT of Wells;

“PARK”, “PARKING” or “PARKED” means the standing of a vehicle, whether occupied or not, upon a STREET, otherwise than temporarily in compliance with a traffic

control device or for the purpose of and while actually engaged in loading or unloading of merchandise or passengers;

“PEDESTRIAN” means a person on foot, an invalid in a wheelchair or an infant in a stroller or carriage, and does not include a person using a cycle, skateboard, scooter, in-line skates or roller-skates for conveyance;

“RCMP” means members of the Royal Canadian Mounted Police;

“REGULATIONS” means the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58;

“RESIDENT” means a permanent or seasonal resident of the DISTRICT.

"ROAD EVENT" includes a block party, road race, marathon, walkathon, film production, theatrical or musical performance, parade, procession, demonstration, march or other extraordinary use which may affect normal traffic upon a STREET;

“ROADWAY” means that portion of a STREET, other than a SIDEWALK, which is commonly travelled over by vehicular traffic;

“SIDEWALK” means that portion of a STREET, between the curb lines or lateral lines of a ROADWAY and the adjacent property lines, which has been improved for the use of PEDESTRIANS;

“SNOWMOBILE CORRIDOR” means any STREET where COUNCIL authorizes the operation of snowmobiles and may also include any interconnecting trails and walkways.

“STREET” or “STREETS” means any municipal highway, road, ROADWAY, SIDEWALK, BOULEVARD, lane, alley, or bridge and includes any undeveloped municipal land or right-of-way designated for such future use.

- (3) Unless the context otherwise requires, wording importing the singular number or masculine gender shall include the plural or feminine gender, and the converse shall also apply.

TRAFFIC REGULATIONS

2. For the purpose of regulating the movement of traffic in the MUNICIPALITY, the COUNCIL may by order

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| No Right Turns | (1) | designate the locations where signs bearing words or symbols indicating that right hand turns are prohibited shall be placed; |
| No Left Turns | (2) | designate the locations where signs bearing words or symbols indicating that left hand turns are prohibited shall be placed; |
| Stop Signs | (3) | designate the locations, at intersections, where signs bearing the word "STOP" shall be placed; |
| Yield Signs | (4) | designate the locations, at or near intersections, where signs bearing words or symbols instructing traffic to yield the right of way shall be placed; |
| One Way STREETS | (5) | designate the locations where signs bearing words or symbols indicating that a STREET is a one way STREET shall be placed; |
| STREET Lines | (6) | designate the ROADWAY or part of a ROADWAY upon any STREET or part thereof to be a laned ROADWAY and providing for the marking thereof with suitable lines upon the ROADWAY; |
| Turning-Lanes | (7) | designate the lane or lanes upon a laned ROADWAY at or near an intersection where suitable traffic control devices shall be placed to direct that no turns or turns only in certain directions shall be made at the intersection by vehicles travelling in such lane or lanes; |
| Load and Size Restrictions | (8) | designate the maximum load, width, height, and length of vehicles operating or driven on municipal STREETS; |
| Schools & Playgrounds | (9) | designate the locations at or in the vicinity of schools and public playgrounds for children where signs stating a speed limit of 30 kilometres per hour, or upon which the numeral "30" is prominently shown shall be displayed for the purposes of Section 147 of the <i>Motor Vehicle Act</i> ; |
| SNOWMOBILE | (10) | designate STREETS to be part of the SNOWMOBILE |

CORRIDOR	CORRIDOR on which the operation of snowmobiles in compliance with Section 19 of this Bylaw will be permitted.
Speed Limits	(11) designate speed limits on a STREET and the locations for speed limit signs
Fire Department	3. Any officer or member of a Fire Department in attendance at or near any fire or other emergency may direct, stop or prohibit traffic on any STREET in the vicinity of such fire or other emergency and every person shall comply with such direction.
Work in STREETS	4. The CHIEF ADMINISTRATIVE OFFICER may, without benefit of an order, direct on any STREET where construction, reconstruction, widening, repair, marking or other work is being carried out, that temporary traffic control devices be erected or placed indicating that crews or equipment are working upon the STREET, and regulating traffic in the vicinity of such work, and every person shall comply with such traffic control devices, and with directions from flag persons appointed by the DISTRICT to control traffic in such areas.
Temporary STREET Closures	5. The CHIEF ADMINISTRATIVE OFFICER may, without benefit of an order, direct on any STREET where construction, reconstruction, widening, repair, marking or other work is being carried out or for the purpose of facilitating the staging of a ROAD EVENT or for the passage of extraordinary traffic, that temporary traffic control devices be erected or placed to prohibit traffic in the vicinity of such work, event, or passage and every person shall comply with such traffic control devices.
Temporary Signs (RCMP)	6. The RCMP may, without benefit of an order, direct that such temporary traffic control devices as he deems necessary to control traffic or PARKING be placed <ul style="list-style-type: none"> (1) along the route or in the vicinity of a ROAD EVENT or large public gathering; and (2) in any other location where special circumstances require, and every person shall comply with same.

**Closed
STREETS**

7. No person shall permit any vehicle to be in or upon, or shall drive or propel any vehicle in or upon, any STREET or part of a STREET that is closed to traffic except where such closure is for the passage of extraordinary traffic and such exemption would be only for such extraordinary traffic. Every STREET or part of a STREET shall be deemed to be closed to traffic upon which there appears any barrier or written or printed notice purporting to be from the DISTRICT, stating or indicating that such STREET or part of a STREET is closed to traffic.

PARKING REGULATIONS

8. The COUNCIL may by order

No PARKING Zones

- (1) designate certain STREETS or portions thereof as “No PARKING” zones and, if applicable, fix the hours of the day during which such zones are to be in effect;

Loading Zones

- (2) designate certain STREETS or portions thereof as “Loading” zones and, if applicable, fix limits on the time during which a vehicle may remain standing in such;

**Traffic Control
Devices**

- (3) provide for the erection, placing, printing or marking upon any STREETS or portions thereof such traffic control devices as the RCMP or the CHIEF ADMINISTRATIVE OFFICER deems necessary or expedient to give effect to the provisions of this Bylaw, any orders made hereunder, the *Motor Vehicle Act* or any REGULATIONS made thereunder, and such provision may be included in any order made pursuant to this Bylaw or may be set forth in a separate order or orders;

**No PARKING
Zones**

9. No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to remain standing in a “No PARKING” zone for a period in excess of two minutes when such zone is in effect, which shall be at all times unless otherwise designated.

**Miscellaneous
Prohibitions**

10. Except when necessary to comply with the directions of a peace officer or traffic control device, no person being in charge, control or possession of a vehicle shall stop, stand or PARK such vehicle
- (1) on a SIDEWALK;
- (3) within 3 metres of a fire hydrant measured from a point

in the curb or edge or the ROADWAY which is closest to the fire hydrant;

- (4) within 3 metres of the approach to a flashing beacon, STOP sign or traffic control signal located at the side of a ROADWAY;
- (5) on a STREET for the principal purpose of
 - (a) displaying a vehicle for sale;
 - (b) servicing, greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency;
- (6) alongside or opposite a STREET excavation or obstruction when stopping, standing or PARKING obstructs traffic;
- (7) in a place in contravention of a traffic control device that gives notice that stopping, standing or PARKING there is prohibited or restricted.

MISCELLANEOUS REGULATIONS

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| STREET Signs | 11. | The CHIEF ADMINISTRATIVE OFFICER may affix or cause to be affixed upon any STREET, signs bearing the name of such STREET or an intersecting STREET, or indicating the direction to any STREET or place, and no person shall injure, deface or remove such signs or supports thereof. |
| Conduct on STREETS | 12. | No person, other than an RCMP member or an employee or agent of the DISTRICT in the execution of their duties shall, either directly or indirectly, hinder or interfere with PEDESTRIAN or vehicular traffic on or obstruct the free use of any STREET. |
| Parades and ROAD EVENTS | 13. | No person shall cause, organize, promote, be a member of or take part in any public event or parade of any kind or nature whatsoever through or on a STREET unless permission for the event has first been obtained from the COUNCIL. |
| STREET Occupancy | 14. | (1) No person shall occupy any STREET or portion thereof in connection with or incidental to the construction, alteration, repair, maintenance, demolition, painting or cleaning of any building or other structure without first having obtained a STREET Occupancy Permit from the CHIEF ADMINISTRATIVE OFFICER. Such permit shall |

be in the form set out and attached as Schedule "A" to this Bylaw. As conditions for the issuance of a STREET Occupancy Permit, the CHIEF ADMINISTRATIVE OFFICER may require such person to obtain public liability and property damage insurance covering all liability with respect to the occupancy in an amount satisfactory to the CHIEF ADMINISTRATIVE OFFICER. The CHIEF ADMINISTRATIVE OFFICER shall require such person to deposit funds with the DISTRICT in an amount of Two Hundred Dollars (\$200.00) that shall be used to make good any and all injury, destruction, defacement or disturbance to or cleanup of municipal property caused by such occupancy. Nothing in this paragraph shall prevent the DISTRICT from recovering for injury, destruction, defacement or disturbance to property in excess of any deposit.

(2) Every applicant for a STREET occupancy permit shall pay an administration fee to the DISTRICT of Twenty Dollars (\$20.00).

Unauthorized Construction

15. (1) Except as otherwise provided in this Bylaw, no person except the agents, servants or employees of the DISTRICT acting in the course of their employment shall cause or permit any structure, object or thing to be built, constructed, placed or maintained on any STREET without first obtaining permission from the COUNCIL, and any structure, object or thing shall be built, constructed or placed only in accordance with the terms and conditions set out by COUNCIL.

(2) The DISTRICT may remove or cause to be removed any unauthorized SIDEWALK, doorstep, porch, railing, fence, wall or any other object or thing which projects, encroaches or sits under, upon or over any STREET. The costs, charges and expenses of such removal shall be paid by the owner of the property from which the projection or encroachment projects or encroaches on the STREET, and if unpaid on the thirty-first day of December next ensuing, such costs, charges and expenses shall be added to and form part of the taxes payable in respect of that property as taxes in arrears.

Objects on STREETS

16. (1) No person shall abandon, place, deposit or leave upon, above or in any STREET any chattel, obstruction, or other thing which is or is likely to be a nuisance, and no

person being the owner or person entitled to the possession or control of any such chattel, obstruction or thing shall permit or suffer the same to remain upon or in such STREET.

(2) The RCMP or CHIEF ADMINISTRATIVE OFFICER may remove, detain and impound, or cause the removal, detention or impoundment of, any chattel, obstruction, or other thing occupying a STREET in contravention of Subsection (1).

(3) After removal, detention or impoundment, the person entitled to the possession of the chattel, obstruction, or thing may obtain its release upon payment to the DISTRICT of a removal and detention fee of One Hundred Dollars (\$100.00).

(4) If the person entitled to the possession of any detained object does not, within 20 days of its detention, including the date of detention, pay the fees, costs and expenses as specified in Subsection (3), and it appears to the RCMP or CHIEF ADMINISTRATIVE OFFICER that the object detained has a market value, the RCMP or CHIEF ADMINISTRATIVE OFFICER may immediately thereafter cause it to be sold by public auction to the highest bidder, but may otherwise cause it to be disposed of as garbage.

**Abandoned
Vehicles**

(5) Without restricting the generality of Section 16, no person shall permit a vehicle to be abandoned, left upon or to be unlawfully occupying any STREET, and no person being the owner or person entitled to the possession or control of any such vehicle shall permit or suffer the same to unlawfully remain upon or in such STREET.

(6) The RCMP or CHIEF ADMINISTRATIVE OFFICER may;

(a) remove or cause to be removed any vehicle occupying a STREET in contravention of Subsection (6) or the *Motor Vehicle Act*, and

(b) cause the vehicle to be detained or impounded until the owner of the vehicle pays to the DISTRICT a removal fee of

One Hundred Dollars (\$100.00) plus all towing service costs and storage charges payable to the towing company retained by the DISTRICT for the purpose of this Bylaw.

Vandalism and litter

17. No person, other than an employee or agent of the DISTRICT in the performance of their duties shall break, tear up, damage, disfigure or remove any pavement, SIDEWALK, curbing, or other STREET surface, or make any excavation in or under any STREET without having first obtained permission in writing from the CHIEF ADMINISTRATIVE OFFICER. No person shall deposit or suffer or cause to be deposited any debris, waste, refuse, rubbish, matter or thing injurious to public health or dangerous to traffic upon any STREET.

Damage to STREETS

18. Where, in the opinion of the CHIEF ADMINISTRATIVE OFFICER, any STREET or infrastructure within the STREET is liable to damage through traffic loading or volume thereon he may, without benefit of an order, regulate, place limits upon or prohibit the use of the STREET by any type or class of vehicles and all such vehicles so designated shall comply with the regulation, limits or prohibition.

- 18a. Wherein the opinion of the CAO, a health or safety issue exists on a street without benefit of an order, he may regulate, place limits upon or prohibit the use of the Street by any type or class or vehicles and all such vehicles , so designate shall comply with the regulation, limits or prohibition.

Snow-mobiles

19. No Person shall operate a snowmobile on a STREET unless that STREET is part of the SNOWMOBILE CORRIDOR except that a RESIDENT may operate a snowmobile on a STREET when it is the most direct route between their residence and the SNOWMOBILE CORRIDOR. Snowmobiles operated on STREETS, other than STREETS closed to other traffic, must be in conformance with all Provincial REGULATIONS for operating on or crossing a highway. Snowmobiles may only travel on STREETS between the hours of 7 A.M. and 11:00 P.M. and at a speed not to exceed 30 kilometres per hour.

AUTHORIZATION

Authorization to make Administrative

20. The CHIEF ADMINISTRATIVE OFFICER is authorized to make orders in respect of the matters comprised in this bylaw and by those orders to exercise the powers of the MUNICIPALITY

Orders under this bylaw, subject to the terms and conditions prescribed in this bylaw.

Penalties 21. **PENALTIES** Every person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to the penalties set out in this Bylaw or as set out in the *Offence Act* but not less than the amounts set out in Schedule "B" and not exceeding a maximum of two thousand dollars (\$2000) plus the costs of prosecution.

Sale of Impounded Vehicles 22 (1) Where a vehicle has been impounded under this Bylaw and the owner or driver does not pay the necessary fees, costs and expenses to obtain the release of the vehicle within twenty (20) days of impoundment, the vehicle may be sold at public auction.

(2) A vehicle shall not be sold at public auction until notice of intention to sell the vehicle has been

- (a) mailed by registered mail to the registered owner of the vehicle at the address shown on the record of registration maintained by the Insurance Corporation of British Columbia; and
- (b) published in a newspaper circulating in the MUNICIPALITY not less than 10 days before the auction.

23. From the proceeds of any auction sale held pursuant to this bylaw, the CHIEF ADMINISTRATIVE OFFICER shall firstly, deduct the costs of the auction; secondly, deduct all fees and costs payable to the DISTRICT and its agents; thirdly, pay the surplus, if any, to the person entitled if that person's identity and whereabouts are known. If the identity or whereabouts of the person entitled to the surplus is not known, the CHIEF ADMINISTRATIVE OFFICER shall hold any surplus for one year from the date of the auction and if any surplus is not claimed within that period, shall pay the amount into the general revenue of the DISTRICT and it shall be forfeited to the DISTRICT.

24. No action taken pursuant to this or any of the preceding Sections shall be a bar to the prosecution of any person who contravenes any provision of this Bylaw.

Repeal of 25. DISTRICT of Wells ***TRAFFIC AND STREETS BYLAW No. 58,***

**Former
Bylaw**

2003 is hereby repealed.

26. This Bylaw may be cited as the ***TRAFFIC AND STREETS
BYLAW No. 68, 2004.***

READ A FIRST TIME THIS 16th day of November 2004.

READ A SECOND TIME THIS 16th day of November 2004.

READ A THIRD TIME THIS 16th day of November 2004.

FINALLY ADOPTED this 7th day of December 2004 by a two-thirds majority of
COUNCIL.

Mayor David Hendrixson

Gary Champagne
Chief Administrative Officer

Sealed with the Seal of The District of
Wells.

THE DISTRICT OF WELLS
Bylaw 68, 2003

SCHEDULE "A"

STREET OCCUPANCY PERMIT

Subject to the conditions hereon noted, permission is hereby given to:

name of person or group

to occupy

name of STREET or location

for the purpose of:

name of event or activity

This permit covers the _____ day period from _____ to _____

number of days

month and day

_____, _____ inclusive.

month and day

year

CONDITIONS OF PERMIT

This Permit is approved and issued upon the following conditions, which are hereby accepted by the Permittee and the DISTRICT:

1. That the STREET, BOULEVARD and/or SIDEWALK affected by this Permit, and all services below them, are of this date agreed to be in a reasonable state of repair, except as otherwise indicated hereon:

2. That the Permittee agrees to clear, clean and otherwise leave the area to be occupied under this Permit in a clean and tidy condition at the expiration of the period noted above.
3. That the Permittee agrees that all materials, structures and objects occupying the STREET shall be properly marked by the Permittee with appropriate signage as determined by the CHIEF ADMINISTRATIVE OFFICER, in a manner which shall be visible from all directions of approaching traffic.
4. That the Permittee agrees to deposit with the CHIEF ADMINISTRATIVE OFFICER the sum of Two Hundred dollars (\$200.00) to secure payment for injury to, destruction, defacement or disturbance of municipal property, installations, STREETS and accesses that occurs as a result of STREET occupancy.
5. That the Permittee agrees to reimburse the DISTRICT in full for all costs over and above the amount of security deposited in accordance with (4) above, as may be incurred by the DISTRICT for the repair of any damage to, or the replacement of, municipal property, installations, STREETS and accesses that occurs as a result of STREET occupancy.
6. That the DISTRICT agrees to return to the Permittee any portion of the security deposited in accordance with (4) above not required to make good injury to, destruction, defacement or disturbance of municipal property, installations, STREETS and accesses that occurs as a result of STREET occupancy, when danger of further injury, destruction, defacement or disturbance is past.
7. That the Permittee shall indemnify and save harmless the DISTRICT against all claims, liabilities, judgements, costs and expenses of whatever kind which may in any way accrue against the DISTRICT in consequence of, or in any way incidental to, the granting of this Permit. If required by the CHIEF ADMINISTRATIVE OFFICER, the Permittee shall deposit with the DISTRICT a certificate of insurance acceptable to the Municipal Insurers, certifying that the Permittee is the holder of a public liability and property damage insurance policy covering all legal liability with respect to the STREET occupancy.
8. That the Permittee pay an administration fee to the DISTRICT of twenty dollars (\$20).

Permittee or Authorized Agent

APPROVED

CHIEF ADMINISTRATIVE OFFICER

Schedule “B” of Traffic and Streets Bylaw No. 68, 2004

Unless otherwise specified in this Bylaw, the minimum penalties provided for offences under this Bylaw are as follows:

BYLAW SECTION	CATEGORY OF OFFENCE	FINE
7.	Driving on a street that is closed to traffic	\$25.00
9.	Parking in a No Parking Zone	\$25.00
10.	Parking in violation of Parking Prohibitions	\$25.00
12.	Hindering the passage of traffic	\$25.00
14.	Occupying a Street to undertake building construction without a permit	\$50.00
15.	Unauthorized Construction on a Street without Council Permission	\$200.00
17.	Causing Damage to a Street	\$200.00
17.	Depositing any debris, waste, refuse, rubbish, matter or thing injurious to public health or dangerous to traffic	\$50.00
18.	Failure to comply with a regulation, limit, or prohibition of use of a street	\$25.00
19.	Operating a snowmobile between the hours of 11:00 PM and 7 AM on a STREET	\$25.00
19.	Operating a snowmobile at a speed greater than 30 kilometres per hour on a STREET	\$25.00
19.	Operating a snowmobile on a STREET that is not part of the SNOWMOBILE CORRIDOR when the snowmobile is not being operated by a RESIDENT moving between his or her residence and the SNOWMOBILE CORRIDOR by the most direct route	\$25.00