

**DISTRICT OF LAKE COUNTRY
BYLAW 98-186**

CONSOLIDATED VERSION
(Includes amendment as of March 6, 2018)

This is a consolidated copy to be used for convenience only. Users are asked to refer to the Highways and Traffic Regulation Bylaw as amended from time to time to verify accuracy and completeness.

Amending Bylaw	Summary of Amendments	Adoption
988	<ul style="list-style-type: none">• Amend Section 2• Delete and replace Sections 14, 39, 41 & 70• Amend Section 48• Delete Schedule A	January 17, 2017
1010	<ul style="list-style-type: none">• Amend Section 2• Delete and replace Sections 14, 39, 41 & 70• Amend Section 48• Delete Schedule A <p><i>*See Report to Council of July 4, 2017</i></p>	July 18, 2017
1047	<ul style="list-style-type: none">• Amend Section 3• Delete and replace Sections 11.01 to 11.04• Delete and replace Section 22	March 6, 2018

**DISTRICT OF LAKE COUNTRY
BYLAW 98-186**

**A BYLAW TO REGULATE TRAFFIC AND THE USE OF HIGHWAYS
WITHIN THE DISTRICT OF LAKE COUNTRY**

WHEREAS the Council of the District of Lake Country is authorized under Section 124 of the Motor Vehicle Act, RSBC 1996 and Sections 542, 543 and 545 to 548 inclusive of the Municipal Act, RSBC 1996 to regulate traffic and the use of highways within the municipality;

NOW THEREFORE, the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

Citation

1. This bylaw may be cited as “District of Lake Country Highways and Traffic Regulation Bylaw 98-186”.

Application

2. The provisions of this bylaw do not apply to arterial highways.
- 2.1 At the time of application the applicant will pay the District all applicable fees as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time.

Added by
Bylaws 988 &
1010

PART 1 - INTERPRETATION

Definitions

3. In this bylaw, unless the context otherwise requires:

“angle parking” means the parking of a vehicle other than parallel to a curb or the lateral lines of the roadway;

“axle” means a structure supported by wheels and on or with which such wheels revolve. Any 2 axles of a vehicle, or combination of vehicles, the center of which are less than 106 cm apart, shall be considered to be one axle for the purpose of this bylaw;

“arterial highway” means a highway classified as such pursuant to Section 27 of the Highway Act;

“boulevard” means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or roadway, and includes curbs, sidewalks and ditches;

“Building Inspector” means an officer, employee, or agent of the District authorized by Council resolution to administer the Building Bylaw, and includes a lawful deputy of that person;

“bus stop” means a space on a highway marked by a sign or signs designating the area for buses to stop for the purpose of loading or unloading passengers.

“Bylaw Enforcement Officer” means an officer, employee, or agent of the District authorized by Council resolution to enforce the District bylaws;

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

“Clerk” means the Municipal Clerk of the District, and includes the lawful deputy of that person and his designate;

“combination of vehicles” means a combination of motor vehicles and trailer, or motor vehicle and trailers;

“commercial vehicle” means a vehicle as defined by, and licensed under the Commercial Transport Act, or a vehicle not so licensed but used for the collection or delivery, or both, of merchandise or another commodity in the ordinary course of a business undertaking;

“Council” means the Municipal Council of the District;

“crosswalk” means:

- (a) any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the roadway surface; or
- (b) the portion of a highway at an intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of the highway, or within the extension of the lateral lines of the sidewalk on one side of the highway, measured from the curbs or, in the absence of curbs, from the edges of the roadway;

“cycle” means a device having any number of wheels that is propelled by human power and on which a person may ride, but does not include a skate board, roller skates or in-line roller skates;

“disabled person” means a person with impaired or limited mobility due to illness, injury or other circumstances;

~~“disabled persons parking permit” means a Disabled Persons Parking Permit issued pursuant to the regulations of the Social Planning and Research Council of British Columbia;~~

Deleted by Bylaw
1047, 2018

“disabled persons parking zone” means that part of a highway or public place identified by a disabled parking sign.

Added by Bylaw
1047, 2018

~~“disabled zone” means that part of a highway or public place identified by the disabled parking sign;~~

Deleted by Bylaw
1047, 2018

“District” means the municipality of the District of Lake Country;

“drive axle” means an axle that is or may be connected to the power source of a towing vehicle and transmits tractive power to the wheels.

“emergency vehicle” means any of the following:

- (a) a motor vehicle, or cycle as defined herein, carrying rescue or first aid equipment where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this bylaw or the Motor Vehicle Act;
- (b) a motor vehicle, or cycle as defined herein, driven by an officer or member of a fire department in the discharge of the duties of the driver; and
- (c) a motor vehicle, or cycle as defined herein, driven by a peace officer, constable, police officer or member of the police branch of Her Majesty’s Armed Forces in the discharge of his or her duty;

“Engineer” means the person appointed as Director of Engineering Services of the District and includes any person appointed or designated to act on his behalf;

“farm vehicle” means a commercial vehicle owned and operated by a farmer, rancher, market gardener, the use of which is confined to purposes connected with the farm, ranch, business in which the owner may be engaged.

“Fire Chief” means the person appointed from time to time as the head of the Fire Department, and includes a Deputy Fire Chief and any person appointed or designated by the Fire Chief to act on his behalf;

“Fire Department” means the Fire Department of the District of Lake Country.

“fire zone” means that portion of a highway contained within the projected extension of the lateral boundaries of every parcel of land upon which a fire hall or fire station is constructed;

“government vehicle” means a vehicle operated by the District, the Regional District of Central Okanagan, the Province of British Columbia, or the Government of Canada;

“gross vehicle weight” means the licensed vehicle weight of a vehicle.

“highway” includes every highway or boulevard within the meaning of the Highway Act and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage-way owned or operated by the District for the purpose of providing off-street parking or for the use of pedestrian or cycle traffic, and does not include an arterial highway as defined by the Highway Act.

“holder of a Building Permit” means the person in whose name a current Building Permit has been issued;

“horsepower” means the gross horsepower of the engine of the towing vehicle as customarily rated by the manufacturer.

“lane” means any highway not exceeding 8 m in width;

“motor vehicle” means a vehicle, not run upon rails, that is designed to be self propelled, and excludes a motorized wheelchair or other device designed and used to transport a person with impaired mobility;

“Municipality” means the District of Lake Country.

“Municipal Plate” means a licence plate issued to a commercial vehicle pursuant to Division 2 of Part 20 of the Municipal Act;

“municipal vehicle” means any vehicle owned or leased by the District and includes vehicles operated on behalf of the District;

“occupier” shall have the meaning described in Section 1 of Part 1 of the Municipal Act;

“off-street parking facility” means any real property owned, leased, or otherwise held by the District for the purpose of providing off-street parking, and designated as an “Off-street Parking Facility”;

“owner” in respect of real property shall have the meaning described in Section 1 of Part 1 of the Municipal Act, and in respect of a motor vehicle means the registered owner of the motor vehicle;

“park” means the standing of a vehicle, whether occupied or not;

Added by Bylaw
1047, 2018

“Parking Permit for People with Disabilities” means a parking permit issued under this bylaw and the regulations of the *Motor Vehicle Act*.

“Peace Officer” means a police officer or person employed for the preservation and maintenance of the public peace, and includes a bylaw enforcement officer appointed under the Police Act;

“pedestrian” means a person on foot and includes a person in a wheelchair or a motorized wheelchair or other device designed and used to transport a person with impaired mobility, or a child in a carriage;

“permit” means a document issued pursuant to this bylaw;

“person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“residential area” means any area zoned for residential use in the District Zoning Bylaw, and includes any highway abutting or adjacent to such zones; and where the zones are different on the two sides of the highway the dividing line shall be taken to be the centerline of the highway;

“regulations” means all regulations enacted pursuant to the Motor Vehicle Act;

“roadway” means the portion of the highway that is improved, designed, or ordinarily used for vehicular traffic, but does not include the shoulder; and where a highway includes 2 or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively;

“semi-trailer” means a vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and which is so constructed that some part of its weight and some part of the weight of its load rests upon and is carried by the towing vehicle or truck tractor, and includes a pole trailer, but does not include a vehicle having a gross vehicle weight of less than 700 kg which is licensed pursuant to the Motor Vehicle Act;

“sidewalk” means the area between the curb-lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians or any other improved area set aside for pedestrian use only;

“taxi” means a motor vehicle designed to carry not more than 10 persons that, with its driver, is operated for hire;

“traffic” means pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway for purposes of travel;

“traffic control device” means a sign, signal, line, marking, yellow curb, space, barrier, or any other device placed or erected by authority of Council or a person to whom Council has delegated such authority;

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

“trailer” includes a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle and constructed so that no appreciable part of its weight rests upon or is carried by the motor vehicle, but does not include a house trailer or a trailer having a gross vehicle weight of less than 700 kg which is licensed under the Motor Vehicle Act;

“truck” means a vehicle licensed for a gross vehicle weight 4600 kg or greater;

“truck route” means a highway where vehicles licensed for a gross vehicle weight of 4600 kg or greater are allowed to travel;

“truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle so drawn and of the load of the other vehicle;

“vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks;

“width of tire” means, with respect to rubber tires, the width of tire as customarily measured and rated by manufacturers of motor vehicles and tires and, with respect to metal tires or solid rubber tires, the transverse width of the outer circumference of the metal tire or solid rubber tire;

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

“yellow curb” means a traffic control device that, in accordance with the regulations pursuant to the Motor Vehicle Act, prohibits the stopping, parking, leaving or standing of any motor vehicle, either attended or unattended, except where necessary to avoid conflict with other traffic or in compliance with the direction of a Peace Officer.

PART 2 - ENFORCEMENT

Division 1 - Offences Other Than Parking

Restrictions

4. Except where otherwise directed by the Engineer, Fire Chief, a Peace Officer, or a person authorized by a Peace Officer to direct traffic, no person shall:
 - (a) drive a vehicle in excess of 50 km/hr unless otherwise posted;
 - (b) drive a motor vehicle, cycle, or ride or herd any animals, along any sidewalks, walkways or boulevards, unless otherwise permitted to do so by an applicable traffic control device;
 - (c) remove a wrecked or damaged vehicle from the scene of an accident, or leave any glass or other debris from the accident upon a roadway;
 - (d) leave any excavation or other obstruction upon a highway without sufficiently fencing, signing, barricading and marking the same with warning lights;
 - (e) drive or operate a vehicle between the persons or vehicles comprising a funeral procession or parade unless the vehicle is part of the funeral procession or parade;
 - (f) stand or loiter in such a manner as to obstruct, impede or interfere with traffic on a roadway;

- (g) operate tracked vehicles on sidewalks, boulevards, roadways or lanes except for the purpose of snow removal or grading and except where specifically authorized by the Engineer under Part 9 of this bylaw;
- (h) unless otherwise indicated by a traffic control device, drive a vehicle upon a lane at a speed in excess of 20 km/hr;
- (i) unless indicated by a traffic control device, drive a vehicle at a speed in excess of 30 km/hr in a zone where signs are posted indicating that the road is being repaired, cleared, cleaned, widened or marked;
- (j) place or permit to be placed any fuel, lumber, merchandise, chattel or ware of any nature on a highway;
- (k) drag or skid any object along or over a highway in such a manner that the object damages the surface of the highway;
- (l) being the owner or occupier of property abutting a highway, allow or permit any earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things to be placed on or to cave, fall, crumble, flow, drift, slide or accumulate or be tracked or carried by a vehicle or vehicles from the property onto a highway; or being there, to remain thereon;
- (m) subject to clause (n), being the owner or occupier of property abutting a highway at an intersection with another highway, construct a fence or grow a hedge or permit a fence, hedge or individual trees to remain so that the fence, hedge or individual trees are more than 1 m higher than the finished grade of the abutting highways for a distance of 7.5 m back along both abutting property lines of the lot, from the point of intersection of the 2 abutting property lines with the highway;
- (n) being the owner or occupier of property abutting a highway at an intersection with a lane, construct a fence or grow a hedge or permit a fence, hedge or individual trees to remain so that the fence, hedge, or individual trees are more than 1.2 m higher than the finished grade of the abutting land and highway for a distance of 4.5 m back along both abutting property lines of the lot, from the point of intersection of the 2 abutting property lines with the highway and the lane, and this restriction shall also apply to property abutting 2 lanes which intersect;
- (o) being the owner or occupier of property abutting a highway, allow any garbage containers or other facilities related to garbage collection to be upon any portion of the highway, except as may be specifically permitted in the District's Residential Garbage Collection Bylaw or authorized in writing by the Engineer;
- (p) drive a motor vehicle, other than a government vehicle or a utility vehicle engaged in work within the boundaries of any District park, except upon a roadway;
- (q) construct or maintain a ditch, the water from which causes damage to any highway;
- (r) distribute leaflets upon any highway by placing the same on the windshield of a motor vehicle parked upon the highway;
- (s) unless otherwise posted with traffic control devices indicating a truck route, drive a truck with a gross vehicle weight in excess of 13,700 kg upon a roadway, except municipal or utility vehicles while engaged in work upon roadways, or trucks delivering goods and materials to properties on a street or streets directly serviced by the roadway;

- (t) operate upon a roadway a vehicle carrying any materials or goods which are not secured in such a manner that the materials or goods are unable to fall from the vehicle while the vehicle is proceeding along the roadway, and the Load Securement Regulations set out in the Motor Vehicle Act Regulations shall apply to this clause;
- (u) being the driver of a vehicle, permit any materials or goods which fall from that vehicle to remain upon a highway;
- (v) being the driver of a vehicle, overtake and pass another vehicle in a designated school or playground zone, as indicated by a traffic control device, or at a crosswalk;
- (w) being the driver of a vehicle, drive through a crosswalk when a person or traffic patrol indicates that vehicles are required to stop in order to allow pedestrians to safely cross the highway;
- (x) being the driver of a vehicle, pass a school bus with lights flashing while it is unloading or loading passengers;
- (z) remove any notice or ticket affixed or placed on a vehicle by a Peace Officer or by a District employee unless that person is the owner or operator of such vehicle.
- (aa) being the driver of a vehicle, drive over any fire hoses or fire fighting equipment without permission of fire fighters at the scene.

Exemptions:

On properties used for farm operations conducted in accordance with normal farm practices as defined in the Farm Practices Protection (Right To Farm) Act:

- 1) Fences intended to contain or exclude animals, which do not block visibility from an intersecting highway, may exceed the height restrictions provided for in Clauses 4. (m) and (n).
- 2) Trees grown for agricultural crop purposes, which do not block visibility from an intersecting highway, may exceed the height restrictions provided for in Clauses 4. (m) and (n).

Division 2 - Parking

Parking Regulations

- 5. Except when necessary to avoid conflicts with traffic, or to comply with the directions of a Peace Officer or traffic control device or traffic patrol, and except while operating a government vehicle or public utility vehicles while engaged in their duties, or except an emergency vehicle which is in actual use for official duties, or a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand or park a vehicle:
 - (a) on a sidewalk or a boulevard where a curb is present;
 - (b) in front of a public or private driveway;
 - (c) in any lane, except as permitted under Section 10;
 - (d) within an intersection except as permitted by a traffic control device;

- (e) within 5 m of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant;
- (f) on a crosswalk or within 6 m of the approach side of a crosswalk;
- (g) within 6 m upon the approach to a stop sign or other traffic control device located at the side of a roadway;
- (h) within 6 m on either side of the entrance to or exit from a hotel, theatre, public meeting place, fire hall or playground;
- (i) within 15 m of the nearest rail of a railway crossing;
- (j) upon any highway for the principal purpose of
 - (i) displaying a vehicle for sale;
 - (ii) advertising, servicing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency;
 - (iii) displaying signs;
 - (iv) selling flowers, fruit, vegetables, seafood, or other commodities or articles;
- (k) alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic;
- (l) on the roadway side of a vehicle stopped or parked parallel to the edge of the curb of a roadway;
- (m) upon a bridge, except as required or permitted by an applicable traffic control device;
- (n) in any place in contravention of a traffic control device that gives notice that stopping, standing, or parking is prohibited or restricted in that place, and at that time;
- (o) on a portion of a highway in which parking is regulated by a traffic control device in violation of the traffic control device;
- (p) in such manner as to obstruct the visibility of any traffic control device erected by or with the authority of the Engineer;
- (q) on other than the right side of a two-way highway with the right hand wheels of the vehicle parallel to that side; except where there is provision for angle parking, as signified by traffic control devices consisting of lines painted on the surface of the highway;
- (r) more than 30 cm from the curb of a roadway if a curb has been constructed;
- (s) in a designated angle parking zone where the length of the vehicle and any trailer attached thereto exceeds 6 m;
- (t) in a space on any highway adjacent to any Federal, Provincial or Municipal public building which is designated as being reserved for the use of officials, unless the operator of the vehicle is such an official;
- (u) on any highway for a continuous period exceeding 24 hours, without first obtaining the written permission of the Engineer;
- (v) being a commercial vehicle having a gross vehicle weight in excess of 5,500 kg, on any highway in a residential area, between the hours of 9:00 p.m. and 6:00 a.m. of the following day;
- (w) within 6 m of the entrance or exit of a lane;

- (x) in a manner which obstructs the free passage of traffic on any roadway;
 - (y) upon any portion of a highway where traffic control devices consisting of lines painted upon the surface of the highway designate parking spaces, in any location other than the designated spaces or area;
 - (z) upon a portion of a highway that has been improved for the travel of cycles and or pedestrians, and which is designated as such by traffic control devices;
 - (aa) on any portion of a highway in contravention of the length of time allowed for parking on that portion of highway as indicated by an applicable traffic control device;
 - (ab) in any District parking lot for more than 24 consecutive hours;
 - (ac) in a loading zone as designated by a traffic control device unless the vehicle is actually in the process of being loaded or unloaded;
 - (ad) on a highway abutting a school ground or playground from dawn until dusk unless the school ground or playground is separated from the highway by a fence;
 - (ae) in a bus stop, as indicated by the appropriate traffic control device, any vehicle other than a vehicle operated by a public transit authority or a School District;
 - (af) in a fire zone, as indicated by a traffic control device;
 - (ag) in a zone reserved exclusively for taxis, as indicated by a traffic control device; or
 - (ah) at a curb marked with yellow paint.
 - (ai) in a Disabled Persons Parking Zone unless that vehicle has a permit which is suspended from the rear view mirror inside the vehicle so that it is prominently visible from the exterior of the vehicle.
6. Notwithstanding clause (aa) of Section 5, no person shall cause a vehicle to remain on any portion of a highway for a period of time which exceeds 2 times the maximum posted time as indicated by an applicable traffic control device.

Off-Street Parking Facilities

7. Off-street parking facilities may be established by the District.
8. For the purpose of regulating parking in an off-street parking facility established by the District, the Engineer may erect or cause to be erected any traffic control devices which he may deem necessary in the off-street parking facility.

Loading and Unloading

9. No person shall stop a vehicle in a loading zone designated pursuant to Section 54 of this bylaw except while that vehicle is in the process of being loaded or unloaded.
10. An unattended commercial vehicle may park in a lane provided the vehicle is actually being loaded or unloaded, and provided the vehicle is parked so as to leave at least 3 m of the adjacent roadway clear, as measured on a line perpendicular to the vehicle.

Disabled Persons Parking Zones and Permits

Section deleted and replaced by Bylaw 1047, 2018

- 11.01 The Engineer may:
- (a) make orders for the designation and specification of disabled persons parking zones and
 - (b) rescind, revoke, amend and vary an order under subsection (a).
- 11.02 Parking Permits for People with Disabilities are made available through the Municipal Hall under agreement between the District of Lake Country and the Social Planning and Research Council of British Columbia, as amended from time to time.
- 11.03 Notwithstanding the provisions of clauses (aa) and (ab) of Section 5, and of Section 6, the driver of a vehicle displaying a Parking Permit for People with Disabilities shall not be subject to the penalties provided for the breach of those clauses and that section so long as the permit remains valid and subsisting.

Temporary Parking Authorization

12. The Engineer is authorized to issue temporary permits for parking in excess of the length of time allowed for parking on a portion of highway which is subject to time parking restrictions when construction or other activities make the enforcement of time parking restrictions in a given area impractical.
13. Permits issued pursuant to Section 12 shall not be for frequent or repetitive use, and shall only remain valid for the period indicated on the permit.
14. Permits shall be accompanied by the applicable fee as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time.”
15. Notwithstanding Section 14, where the applicants for Temporary Parking Permits are the District’s authorized contractors or agents, and require the permits while engaged on District business, then the permits shall be issued without payment of a fee. The Engineer may restrict the number of permits issued under this section.

Amended by Bylaws 988 & 1010

Temporary Prohibition of Parking

16. The Engineer, the Fire Chief, the Chief of Police, or any Peace Officer may place or cause to be placed temporary “No Parking” signs or other applicable traffic control devices on a highway:
- (a) along the route of any parade;
 - (b) in the vicinity of a large gathering or during special circumstances;
 - (c) to facilitate the fighting of fires;
 - (d) to facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a highway being carried out by the District or under its authority; and,
 - (e) in the interest of public safety.

PART 3 - REMOVAL OF VEHICLES, CHATTELS, SNOW, RUBBISH

Removal of Vehicles

17. A Peace Officer, Bylaw Enforcement Officer, Fire Chief, or the Engineer may move or cause to be moved a vehicle; or seize, detain or impound a vehicle; or cause a vehicle to be seized, detained

or impounded and taken to and stored in a secure and otherwise suitable place under any of the following circumstances:

- (a) the vehicle is one in respect of which there has been issued, within the immediately preceding 30 day period, more than 3 parking tickets; or
 - (b) the vehicle is unlawfully occupying any portion of a highway or public place; or
 - (c) the vehicle is left unattended in excess of 48 hours;
 - (d) the vehicle is without licence plates displayed as required by the Motor Vehicle Act;
 - (e) the vehicle is in a position that interferes with construction, marking, repair or maintenance of a highway.
18. The driver or person in charge of a vehicle described in clauses (a) through (e) of Section 17+ may be requested to move the vehicle to a position determined by a Peace Officer, Bylaw Enforcement Officer, Fire Chief, or Engineer.

Impoundment of Vehicles

19. Any vehicle, other than a vehicle which is operated by a public transit authority, or an emergency vehicle which is in actual use for official duties, which is stopped, standing or parked on a portion of a highway which is designated as a "bus stop" as indicated by signs erected pursuant to the provisions of this bylaw may be removed and impounded by the District or its agents at any time.
20. Any vehicle, other than an emergency vehicle which is in actual use for official duties, which is stopped, standing or parked on a portion of a highway which is designated as a "fire zone" by any traffic control device placed or erected pursuant to the provisions of this bylaw may be removed and impounded by the District or its agents at any time.
21. Any vehicle, other than an emergency vehicle which is in actual use for official duties, which is stopped, standing or parked on a highway in a "no stopping zone" as indicated by a traffic control device erected pursuant to the provisions of this bylaw may be removed and impounded by the District or its agents during the period indicated on the applicable traffic control device.
22. Any vehicle, other than an emergency vehicle which is in actual use for official duties, or a vehicle which is displaying a valid Parking Permit for People with Disabilities issued pursuant to Section 11.02 of this bylaw, which is stopped, standing or parked in an off-street parking facility in contravention of a traffic control device erected under Section 8 of this bylaw, may be removed and impounded by the District or its agents.

Removal of Chattels or Obstructions

23. Any chattel or obstruction unlawfully occupying any portion of a highway or public place may be removed, detained or impounded by order of a Peace Officer, Bylaw Enforcement Officer or Engineer.

Recovery of Removed, Detained or Impounded Items and Vehicles

24. Any chattel, obstruction or vehicle removed, detained or impounded under the provisions of this bylaw may be recovered by the owner upon presenting proof of ownership and upon payment to the District in full of any applicable penalties, fees, costs and expenses referred to herein.

Removal of Snow, Ice and Rubbish

25. Owners or occupiers of real property shall remove snow, ice or rubbish from any sidewalk bordering on the real property owned or occupied by them within 24 hours of the accumulation of such snow, ice or rubbish on such sidewalk
26. Owners or occupiers of real property shall immediately remove any snow, ice or rubbish from the roof or other part of any structure situated adjacent to or abutting on any portion of a highway if it constitutes a danger to persons using the highway by presenting a threat of falling upon the highway.

PART 4 - EXTRAORDINARY TRAFFICInterpretation

27. In this Part "extraordinary traffic" includes carriage of goods or persons over a highway whether in vehicles drawn by animal power or propelled by other means, that in conjunction with the nature or existing condition of the highway is so extraordinary or improper in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at which the vehicles are driven or operated, as, in the opinion of the Engineer, substantially alters or increases the burden imposed on the highway through its proper use by ordinary traffic, and causes, or is likely to cause, damage to the highway beyond what is reasonable or ordinary.

Regulation of Extraordinary Traffic

28. Where, in the opinion of the Engineer, any highway is liable to be damaged because of extraordinary traffic operating upon it, he may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein.

Compensation for Damage

29. As a condition to granting any person the right to operate extraordinary traffic upon a highway, the Engineer may require that person to enter into an agreement providing for payment to the District of compensation in respect of the damage or expenses which may, in the opinion of the Engineer, be caused by the extraordinary traffic, and such agreement may require a security deposit prior to granting the right to operate the extraordinary traffic upon a highway.

Offences

30. Every person driving on or using a highway in contravention of a regulation, limitation or prohibition made under Section 28 commits an offence and is liable, on summary conviction, to a fine of not less than \$50.00 and not more than \$300.00.

PART 5 - SAFETY EQUIPMENT

Special Equipment

31. The Engineer may, by public notice or by the placing of signs, prohibit vehicles from being driven or operated on a highway if such vehicles are not equipped with chains, winter tires, or sanding devices, or any combination of these which the Engineer may consider adequate and necessary in view of prevailing road conditions.

PART 6 - USES REQUIRING PERMISSION

Restrictions

32. Except as authorized by a permit issued by the Engineer pursuant to Part 7 of this bylaw, no person shall;
- (a) dig up, break up or remove any part of a highway, or cut down or remove trees growing on a highway, or excavate in or under a highway;
 - (b) cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences, signs or other things erected, planted or maintained by the District upon a highway;
 - (c) change the level of a highway in any manner, or stop the flow of water through any drain, sewer or culvert on, through, or under a highway;
 - (d) place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway or any portion of a highway;
 - (e) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling or nuisance to any portion of a highway;
 - (f) mark, imprint or deface in any manner whatsoever a highway or a structure situated upon a highway;
 - (g) operate tracked vehicles, whether equipped with road plate or not, on sidewalks, boulevards, roadways or lanes, other than for the purpose of snow removal or grading;
 - (h) ride, drive, lead, move or propel any vehicle or animal in excess of 270 kg over or across any curb, sidewalk or ditch, unless such has been constructed or improved so as to form a suitable crossing, except when such vehicle or animal is being used to improve or maintain the boulevard or is in an area of the District designated as a rural zone in the District Zoning Bylaw; or
 - (i) construct a boulevard crossing, including a curb, ditch or sidewalk crossing.

Bonding Against Damage to Highway

33. Where an applicant for a building permit to be issued under the Building Bylaw will, in the course of construction authorized by the permit:
- (a) be excavating a foundation or otherwise upon the property;
 - (b) be bringing heavy equipment onto the site from the adjacent roadway; or
 - (c) be transporting materials from or to the site across a curb or ditch where no boulevard crossing has been constructed;
- the Engineer or the Building Inspector may require the applicant to provide a security deposit to cover the estimated cost of any damage to the highway.
34. The security referred to in Section 33 shall be deposited with the District prior to the issuance of the building permit, and shall be in the form of cash, a certified cheque, or an irrevocable letter of credit issued by a chartered bank in the District's standard form.
35. Where a security deposit has been provided in accordance with Sections 33 and 34, upon completion of the building authorized by the building permit, and providing that there has been satisfactory adherence to the provisions of this bylaw throughout the period during which the building permit was in effect, then the deposit shall be refunded in full to the holder of the building permit following final inspection and the issuance of an occupancy permit under the Building Bylaw.
36. Notwithstanding Section 35, where it is necessary for the District to carry out an additional inspection subsequent to final inspection by the Building Inspector pursuant to the Building Bylaw in order to ensure that the provisions of this bylaw have been complied with, the cost of the additional inspection shall be deducted from the security deposit unless otherwise paid in cash when requested by the District.
37. Notwithstanding Sections 35, and 36, where the holder of a building permit fails to abide by the provisions of this bylaw, or fails to ensure that contractors working on the site specified in the building permit abide by the provisions of this bylaw, or where the holder of the building permit fails to clean up or repair the highway, or cause the highway to be cleaned up or repaired in a manner satisfactory to the Engineer within 14 days of being notified to do so by a Peace Officer, Building Inspector, Bylaw Enforcement Officer, or the Engineer, then the District or its agents shall carry out such repairs or clean up as is deemed necessary by the Engineer, and shall deduct the cost of such repairs or clean up from the security deposit.
38. Should there be insufficient funds in the security deposit, then the holder of the building permit and the registered owner of the land at the time payment of these monies became due shall jointly and severally be liable for payment, and shall pay forthwith, upon invoice, the balance required by the District to carry out, or cause to be carried out, the necessary repairs, clean up, or highway reconstruction.
39. The balance required to be paid under Section 38 shall be in addition to the inspection fee, if applicable, and in addition to an administration fee

Amended by Bylaw 988 & 1010

PART 7 - AUTHORIZATION BY PERMIT

Permit Fee

40. The Engineer may issue a permit to do any of those things otherwise prohibited in Section 32 of the bylaw.

Amended by Bylaw 988 & 1010

41. A permit issued under Section 40 shall be issued subject to payment of an application fees as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time and subject to such conditions as included in this Part.”

Conditions of Permission

42. The permission granted under Section 40 is subject to the conditions set out in this section.
- (1) Construction and maintenance of the said works shall be carried out to the satisfaction of the Engineer.
 - (2) Before commencing any work on District property, notice in writing of the intention to do so must be given to the Engineer not less than 2 clear working days before the work is to begin.
 - (3)
 - (a) Any person or persons appointed by the Engineer to carry out inspections shall have free access to all parts of any work for the purpose of inspecting the same.
 - (b) The Engineer may make such inspections in the enforcement of this bylaw. All inspection costs shall be borne by the Permittee.
 - (4) The person or persons for whom the works are being constructed, or by whom the works are maintained, shall at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property caused directly or indirectly by those works, and shall save harmless and indemnify the District from all claims and demands whatsoever in respect of such works.
 - (5) The permission granted shall not be construed as being granted for all time, and shall not be deemed to vest in the Permittee any right, title or interest in or to the lands upon which the works are constructed. Should the lands affected at any time be classified as an arterial or primary highway, permission shall become void.
 - (6) The permission granted to construct, use and maintain works is granted subject to, and without prejudice to, the provisions of the Highway Act, or any other act governing District lands and public works or their use by the public, and subject to and without prejudice to any District bylaws.
 - (7) All works, both surface and underground, carried out in, on, or through any District lands, except the works of any private or public utility company shall, upon completion, become the property of the District and shall not be further added to, modified, destroyed or removed without obtaining a further permit from the District.
 - (8) A permit shall be valid only for the work specified therein, and any alteration or addition to that work shall be covered by a separate permit.
 - (9) A permit may be cancelled by the Engineer without recourse should the Permittee fail to comply with all the terms of the permit.

Plans

43. The applicant shall provide 4 complete copies of plans and specifications of the work to be undertaken, and when such plans and specifications are considered satisfactory and are approved by the Engineer and the necessary permit has been issued, the work shall conform in every way to the plans and specifications so provided.

Standard Conditions to Apply

44. All work carried out under a permit issued pursuant to the provisions of this Part shall conform to good engineering practices.

Security Deposit

45. Prior to the issuance of any permit under this Part, the applicant shall deposit with the District, in the form of cash or a certified cheque, an amount sufficient to pay for the cost of repairing any damage likely to be done to the highway, and as security that the obligations imposed by the permit are fulfilled within the time specified in the permit.
46. Notwithstanding Section 45, if the sum required to be deposited is greater than \$500.00, the applicant may deposit with the District an irrevocable letter of credit from a chartered bank in the District's standard form.

As-built Plans

47. Following completion of the work authorized by a permit, the Permittee shall provide satisfactory plans of the works installed by or on behalf of the Permittee. Such plans shall be drawn to a scale satisfactory to the Engineer, and shall show the location, size, and description of the works and the date of installation. The plans shall be supplied prior to the return or refund of any deposit or security posted as a condition of issuance of the permit.

Default

48. Where the Permittee fails to repair damage or to fulfill such obligations as are set out in the permit within the time specified in the permit, the District may carry out such repairs or fulfill such obligations as have not been met under the terms and conditions of the permit, and may deduct the cost thereof from the monies on deposit, or call on the irrevocable letter of credit and pay the costs therefrom. Should there be insufficient monies on deposit or available under the letter of credit, then the Permittee shall pay the balance forthwith upon receipt of an invoice from the District, and an administration charge shall be payable in addition to such balance.

Safety Devices

49. Any person doing work on, in, over or under any highway shall provide and place appropriate barricades, lights and other safety devices as may be required to protect the public under the Workers Compensation Act or regulations, and as may be directed by the Engineer.

Insurance

50. Prior to commencing work authorized by a permit, the Permittee shall provide evidence satisfactory to the District that he is insured against all claims for damages for personal injury and property damage which may arise out of the performance of the work authorized by the permit and such insurance shall be in an amount not less than \$2,000,000 for each occurrence, and the District of Lake Country shall be named as co-insured. The Permittee shall waive all rights of subrogation to the District.

Materials

51. Prior to commencing work authorized by a permit, the Permittee shall provide evidence satisfactory to the Engineer that all materials, labour and equipment which will be required to complete the work with reasonable dispatch are available.

Utility Companies

52. The Engineer may issue a permit to a public utility company permitting such company, over the calendar year for which the permit is applicable, to carry out such work as may be necessary in the case of an emergency to repair any break or damage to the utility under its control, and subject to the terms of any franchise or other agreement between such utility company and the District.
53. There shall be no permit fee or security deposit required for an annual permit issued under Section 52.

PART 8 - TRAFFIC CONTROL DEVICES

Traffic Control Orders

54. The Engineer is hereby authorized to order the placement or erection of applicable traffic control devices and the alteration or removal of such devices, at such locations as he may designate in the order, to give effect to the provisions of this bylaw and the Motor Vehicle Act.
55. A single order may authorize the placement, erection, alteration or removal of any number of traffic control devices.
56. The Engineer may revoke, or amend any order made by him, provided such order does not require the doing of any act contrary to, or inconsistent with, this bylaw or the Motor Vehicle Act or regulations thereunder.
57. To revoke or amend an order, the Engineer shall issue a new order reflecting the amendment or revoking the original order.
58. An order shall come into full force and effect only after the Engineer has signed the order.
59. Traffic control devices authorized by the Engineer shall, where applicable, comply with the sign regulations set out in the Motor Vehicle Act Regulations or the Manual of Uniform Traffic Control Devices for Canada.

Advertising and Other Signs

60. The Engineer may order the alteration, repainting, tearing down or removal of any sign, advertisement or guide-post erected or maintained on or over any highway, and in the exercise of this authority no compensation shall be paid to any person for loss or damage resulting from the alteration, repainting, tearing down or removal of any sign, advertisement or guide-post placed upon or over any highway.
61. No person other than a person authorized pursuant to this bylaw or the Motor Vehicle Act, shall place or erect a sign on real property which purports to regulate the adjacent highway or traffic thereon.

Temporary Traffic Control

62. When for any reason a highway or portion thereof is unsafe or unsuitable for traffic, or it is deemed advisable that traffic should be temporarily restricted thereon or diverted therefrom, the Engineer, the Fire Chief, or any Peace Officer may close the highway or portion thereof, or restrict or divert the traffic thereon or therefrom, and for the purpose may place or erect traffic control devices without an order of the Engineer as otherwise required by this bylaw.
63. Where a highway or portion thereof is temporarily closed, or the traffic thereon is restricted or diverted under Section 62 no unauthorized person shall enter upon, or travel upon the highway or portion thereof, in contravention of the applicable traffic control device.

Existing Traffic Control Devices

64. Every traffic control device placed or erected under the provisions of the Motor Vehicle Act or regulations thereunder by or under the authority of the Ministry of Transportation and Highways, and in place within the District on May 2, 1995, shall be deemed to have been authorized and placed or erected pursuant to the provisions of this bylaw, and shall have the same force and effect as if placed or erected under this bylaw.

PART 9 - VEHICLE REGULATIONS

Division 1 - General Regulations

Prohibitions

65. Except as authorized by a permit issued by the Engineer pursuant to Section 70 of this bylaw, no person shall drive or operate on a highway:
- (a) a passenger vehicle so loaded that any part of the load extends beyond the sides of the vehicle or more than 185 cm beyond the length of the vehicle;
 - (b) a vehicle, other than a horse-drawn vehicle, the wheels of which are not equipped with pneumatic tires in good order;
 - (c) a vehicle equipped with solid rubber tires the thickness of which between the rim of the wheel and the surface of the highway is less than 32 mm;
 - (d) a solid rubber tired vehicle at a greater rate of speed than 20 km/hr;
 - (e) a vehicle having wheels or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs, or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread, or track , except that this prohibition does not apply to a vehicle equipped with tire chains of reasonable proportions when required for safety, or winter studded tires when used between October 1st and April 30th of each calendar year;
 - (f) a vehicle unless it is so constructed and loaded as to prevent any of its load
 - (i) from shifting or swaying in such a manner as to affect the operation of the vehicle; or
 - (ii) from dropping, sifting, leaking or otherwise escaping therefrom, excepting that sand may be dropped for the purpose of securing traction, and water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway;
 - (g) a vehicle with any load unless the load and any covering thereon is securely fastened in accordance with the regulations referred to in clause (t) of Section 4 of the bylaw, so as

to prevent the covering or load from becoming loose, detached or in any manner hazardous to other users of the highway; or

- (h) a vehicle, other than on an arterial highway, contrary to the provisions of the Motor Vehicle Act, the Motor Carrier Act, or the regulations pursuant thereto.

Division 2 - Size and Weight Regulations

Dimensions

66. Except as authorized by a permit issued by the Engineer pursuant to Section 70, no person shall drive or operate on any highway;
- (a) a vehicle having a total outside width, with or without load, in excess of 2.6 m, except that with loads of loose hay, loose straw, or loose fodder, the load may project over the side of the vehicle such distance as results in a total outside width not in excess of 3.1 m;
 - (b) a vehicle having a height, with or without load, in excess of 4.15 m;
 - (c) a single vehicle having an overall length, with or without load, in excess of 12.5 m, except as provided in clauses (d) and (e);
 - (d) a trailer the overall length of which exceeds 12.5 m, except that the overall length may be extended to include a refrigeration and/or heating unit only;
 - (e) a semi-trailer the overall length of which exceeds 14.65 m, except that the overall length may be extended to include a refrigeration and/or heating unit only;
 - (f) a bus the overall length of which exceeds 12.5 m;
 - (g) a combination of vehicles having an overall length, with or without load, in excess of 23 m, except as provided in clauses (h) and (i);
 - (h) a combination of 3 vehicles consisting of a 3-axle tandem drive truck-tractor, semi-trailer and trailer, or a 3-axle tandem drive truck-tractor and 2 semi-trailers, having an overall length, with or without load, in excess of 22 m, provided that the distance from the kingpin of the first semi-trailer and/or its load does not exceed 16.75 m;
 - (i) a combination of vehicles carrying a load of non-reducible logs, poles or piling in excess of 21.5 m.

Exemptions

67. Section 66 shall not apply:
- (a) to an implement of husbandry temporarily operated on a highway during the hours of daylight; or
 - (b) A vehicle operated by the Ministry of Transportation and Highways or the District while engaged in road maintenance or snow removal.
68. Notwithstanding any of the provisions of the regulations under Section 66 or a permit issued pursuant to this bylaw, the maximum height, length or width of a vehicle or load allowable on a highway or portion of a highway that is expressly limited as to maximum height, length or width

of a vehicle or load by a traffic control device erected under the authority of the Engineer shall be that set out on the traffic control device.

Weight Restrictions

69. Notwithstanding any provision of this bylaw, no person shall, without a permit issued pursuant to this bylaw, drive or operate on a highway, or a portion of a highway, including a bridge, a vehicle or combination of vehicles having a gross weight on any axle or group of axles, or a gross vehicle weight, in excess of any load limit indicated by a traffic control device.
- (a) Section 69 does not apply to District vehicles while dropping or distributing material on a highway for the purpose of improving traction.

Division 3 - Permits

Authorization

70. The Engineer, by issuance of a permit and upon receipt of payment of applicable fee as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time, may authorize the driving or operation on a highway or a commercial vehicle that:
- (a) Does not conform to Section 65;
- (b) Does not conform to Section 66.
71. The Engineer may specify in a permit issued under Section 70 the hours of day during which the permit shall be valid, the date or dates on which the permit shall be valid, and the route which shall be followed.

Amended by
Bylaws 988
&1010

PART 10 - OFFENCES AND PENALTIES

Permit Violations

72. Any driver, operator or owner of a vehicle or other person who violates any condition contained in a permit issued pursuant to Section 70 commits an offence and is liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00) or to imprisonment for not more than six (6) months, or to both, plus the costs of prosecution.

Parking Violations

73. Any person who, being the owner or operator of a motor vehicle, permits it to stand or be parked in contravention of a traffic control device or signal is liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00).

Ticketable Offences

74. Ticketable offences under this bylaw, and the fines therefore, shall be those set out in the District's Municipal Ticket Information Bylaw.
75. Tickets issued for a ticketable offence shall be as set out under provisions of the Municipal Act.

Penalties

76. Except as otherwise provided in this bylaw, any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of the bylaw, or who

refuses or omits or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this bylaw commits an offence and is liable on summary conviction to a fine not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00).

77. (a) Any chattel, obstruction or vehicle removed, detained or impounded may be recovered by the owner by paying the costs of removal and impoundment to the District before release of the chattel, obstruction or vehicle.
- (b) The District may recover all removal and impoundment costs on a vehicle or chattel by sale of the vehicle or chattel by public auction not less than thirty (30) days after the date of impoundment of the vehicle or chattel, or by action in a court of competent jurisdiction.
- (c) Where a vehicle has been removed, detained or impounded pursuant to the provisions of this bylaw, written notice shall be given to the registered owner at the address of the owner as shown on the records of the Superintendent of Motor Vehicles of the Province or State in which the vehicle was licensed, advising him of the seizure, the sum payable to release the vehicle and the date of advertising for the public auction if unclaimed.
78. The owner of a vehicle shall incur the penalties provided for any offence of this bylaw with respect to any vehicle owned by them unless at the time of such offence the vehicle was in the possession of another person without the owner's consent. The onus of establishing that the vehicle was in possession of some person other than the owner rests with the owner.

Nothing shall relieve the operator of a vehicle not being the owner of the vehicle from incurring penalties provided for offences related to this bylaw.

PART 11 - MISCELLANEOUS

Default

79. Where in this bylaw any matter or thing is required to be done by any person, in default of it being done by such person, such matter or thing may be done by the District at the expense of the person in default, and the expense thereof may be recovered with interest at 2% per month.

Inspection

80. Any Peace Officer, **Bylaw** Enforcement Officer, the Engineer or a District employee who has been authorized by Council resolution to do so, may enter at all reasonable times upon any property subject to the regulations of this bylaw in order to determine whether such regulations or directions are being complied with.

Appeals

- 81. An appeal may be brought against any order of the Engineer made, varied, or amended under the provisions of this bylaw.
- 82. An appeal under Section 81 shall be submitted in writing to the Clerk, and shall be heard by Council, whose decision on the appeal shall be final.

Repeals

- 83. "Highways and Traffic Bylaw 95-012" is hereby repealed in its entirety.

READ A FIRST TIME this *9th* day of *July*, 1998.

READ A SECOND TIME this *9th* day of *July*, 1998.

READ A THIRD TIME this *9th* day of *July*, 1998.

RESCINDED THIRD reading this *23rd* day of *July*, 1998.

READ A THIRD TIME AS AMENDED this *23rd* day of *July*, 1998.

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as "District of Lake Country Highways and Traffic Bylaw 98-186" , as read a third time by the Municipal Council on the *23rd* day of *July*, 1998.

July 24, 1998

Dated at Lake Country, B. C.

"Lynda Shykora"

Clerk, Deputy

RECEIVED APPROVAL from the Ministry of Transportation and Highways this *23rd* day of *October*, 1998.

RECONSIDERED AND ADOPTED this *12th* day of *November*, 1998.

"Bob McCoubrey"

Mayor

"Lynda Shykora"

Clerk, Deputy

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as "District of Lake Country Highways and Traffic Regulation Bylaw 98-186", adopted by the Municipal Council on the *12th* day of *November*, 1998.

Dated at Lake Country, B. C.

Clerk, Deputy

Schedule A deleted by Bylaws 988 & 1010