

## THE CORPORATION OF THE VILLAGE OF TELKWA

### TRAFFIC CONTROL BYLAW NO. 592, 2009

***A bylaw to regulate traffic parking and the use of all public streets, roads, ways, trails, lanes, approaches and any other public way within the Village of Telkwa boundaries***

The Council of the Village of Telkwa in open meeting assembled pursuant to Sections 8 and 64 of the *Community Charter* and section 124 of the Motor Vehicle Act enacts as follows:

#### 1. **CITATION**

1. This bylaw may be cited for all purposes as "Traffic Control Bylaw No. 592, 2009"

#### 2. **PREVIOUS BYLAW REPEAL**

1. "Highway Regulation Bylaw No. 280" is repealed.

#### 3. **APPLICATION**

1. In this bylaw Council acknowledges that other than Section 7 "Parking and Stopping" this Bylaw does not apply to Arterial Highways. (Currently Highway 16, Telkwa Highroad and Coalmine Road)

#### 4. **DEFINITIONS**

1. In this bylaw, unless the context otherwise requires, the expressions and definitions contained within the "Motor Vehicle Act", the "Motor Carrier Act", the "Highway Act" and the "Community Charter", the Interpretation Act" and the "Commercial Transport Act" and regulations thereto, shall be applicable and these additional interpretations shall prevail throughout.
  - a. "Access" means the driveway intended for ingress and/or egress to abutting property from the street.
  - b. "Access Permit" means a permit which authorizes provision of access to an abutting property from an adjacent street.
  - c. "All Terrain Vehicle" means a vehicle that is propelled by motorized power and capable of travel on or off a highway as defined in the *Transportation Act*, and that is designated as an all terrain vehicle by regulation.
  - d. "Angle Parking" means the parking of a vehicle other than parallel to the curb.
  - e. "Bylaw Enforcement Officer" means the person appointed as such by the Village and any person to assist him/her in enforcing municipal laws and regulations as set out in this bylaw.
  - f. "Chattel" means any article of moveable, personal property.

- g. “Chief of Police” means the senior resident member of the Royal Canadian Mounted Police.
- h. “Commercial” means a vehicle defined as such and licensed under the **Commercial Transport Act** and a vehicle not so licensed but used for collection or delivery of merchandise or other commodities in the ordinary course of a business undertaking.
- i. “Curb” means the raised structural element which may be installed at the outside edge of a street or median parking area, primarily for a gutter.
- j. “Cycle/(Skateboards)” means a device having a number of wheels that is propelled by human power and on which a person may ride, but which does not include a child’s tricycle.
- k. “Double Parking” means the standing of a vehicle in the travelled portion of the street, adjacent to a parked vehicle, or parking space.
- l. “Fire Chief” means the person appointed as such and any person delegated to assist him/her in carrying out their duties under this bylaw.
- m. “Handicapped Zone” that portion of a street designated by a traffic device for exclusive use of vehicles displaying an authorized handicapped identification label.
- n. “Highway” includes a street, sidewalk, boulevard, road, lane, bridge, via-duct, and any other way open to the use of the public, but does not include a private right-of-way on private property.
- o. “Lane” means a street which is not designated for general travel and which is used primarily as a means of access to the rear of residences and business establishments.
- p. “Loading Zone” means that portion of a street designated by a traffic control device for the exclusive use of vehicles loading or unloading passengers or property.
- q. “Parade” means the procession or group of pedestrians (except members of the Armed Forces) numbering more than twenty (20), standing, marching, or walking on any street or sidewalk, or any group of vehicles numbering ten (10) or more (except funeral processions) standing or moving on any street.
- r. “Park” means the standing of a vehicle, whether occupied or not, upon a street, other than the temporary standing of a commercial vehicle for the purpose of and while actually engaged in loading or unloading merchandise at the front entrance of a place of business, where there is no loading zone available and no facilities for loading or unloading at the rear entrance of the place of business, or the standing of a vehicle in obedience of a traffic control device or a Peace Officer.

- s. “Parking Space” means any portion of a street marked by painted lines or other device indicating that it is intended for the parking of a vehicle.
- t. “Peace Officer” means any member of the Royal Canadian Mounted Police (RCMP), Commercial Vehicle Safety Officer (CVSE) and any person delegated to assist him/her in carrying out his/her duties under this bylaw.
- u. “Pedestrian” means a person who is afoot, a disabled person in a wheelchair, or child in a baby carriage.
- v. “Permits” means all permits authorized to be issued under Sections of this Bylaw, and all such permits shall be in a form prescribed from time to time by the Working Foreman or the Chief Administrative Officer, subject to a required reference to Section 5 of this Bylaw.
- w. “Persons” means human being, male or female, and includes a Corporation or Firm.
- x. “Pneumatic Tire” means a tire made of rubber or other resilient material and which depends upon compressed air for support of the load.
- y. “Public Place” means any place, building or conveyance to which the public has access by right or invitation, express or implied.
- z. “Residential Area” means any area zoned for residential use in the Zoning Bylaw.
- aa. “Sidewalk” means a portion of a street intended exclusively for the use of pedestrians.
- bb. “Sidewalk Crossing” means that portion of a street between the roadway and the property line adjoining the street that is improved or designed for the passage of vehicular traffic.
- cc. “Solid Tire” means a tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- dd. “Traffic Control Device” means a sign, traffic control signal, line, parking meter, marking, space, barricade, or other device, placed or erected under this Bylaw.
- ee. “Vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a street, except a device designed to be move by human power or used exclusively upon stationary rails or tracks.
- ff. “Village” means the Corporation of the Village of Telkwa.
- gg. “Village Council” means the elected officials for the Village of Telkwa
- hh. “Weapon” means and includes all types of firearms and air guns, rifles, and pistols, spring guns, catapults, sling shots, longbows and crossbows.

## **5. AUTHORITIES**

1. Chief Administrative Officer (CAO) and Working Foreman (WF)
  - a. Unless otherwise authorized by any provision in this Bylaw, any order(s) made by the CAO and WF, or any person duly authorized, pursuant to this bylaw, shall be required to be approved by resolution of Council and shall come into force immediately upon such approval being given unless a late date is specified in the order(s).
  - b. The CAO and WF or any person duly authorized, may:
    - i. direct that on any street where construction, re-construction, widening, repair, marking or other work is being carried out, traffic control devices be erected or placed to indicate such work and to regulate or prohibit traffic in the vicinity of such work and/or limit the rate of speed of vehicles;
    - ii. by order pursuant to 5.1 (b)(i) of this part, place, replace or alter traffic control devices at any location he/she may determine to give effect to the provisions of the Motor Vehicle Act and this bylaw;
    - iii. issue permits where so specified and required under this Bylaw.
2. Peace Officers
  - a. Peace Officers, or any person duly authorized, may;
    - i. issue traffic notices for violations of this Bylaw;
    - ii. direct and regulate traffic in any manner deemed necessary and, in doing so, may disregard any traffic control device;
    - iii. impound any vehicle, trailer or cycle in violation of this Bylaw;
    - iv. require the driver of any vehicle to weigh same at any weigh scale forthwith.
3. Bylaw Enforcement Officer
  - a. The Bylaw Enforcement Officer, or any person duly authorized may:
    - i. issue traffic notices for violations of this Bylaw;
    - ii. place temporary "No Parking" signs and barricades or other applicable traffic control devices;
    - iii. impound any vehicle, trailer or cycle in violation of this Bylaw;
    - iv. issue residential parking permits as authorized by this Bylaw.
4. Fire Chief
  - a. The Fire Chief, or any person duly authorized may in the course of their official duties:
    - i. direct and regulate traffic in any manner deemed necessary and, in doing so, may disregard any traffic control device;

- ii. impound, if necessary, for the purposes of carrying out required duties, any vehicle or trailer;
- iii. designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

## **6. TRAFFIC REGULATIONS**

### **1. Pedestrian Regulations**

No pedestrian shall:

- a. stand on the travelled portion of a street waiting to cross a street;
- b. leave the curb, or other place of safety and walk or run into the path of a vehicle that is so close that it is impractical for the driver to stop;
- c. walk on the travelled portion of a street if a sidewalk or shoulder or other space is available as a walking area;
- d. when crossing a street where marked crosswalks exist, cross outside the limits of the markings;
- e. cross a street in a crosswalk in contravention of a traffic control device;
- f. stand upon or walk along a travelled portion of the street for the purposes of soliciting a ride;
- g. when crossing a street at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection fail to give the right of way to all vehicles on the street.

### **2. Traffic Control Devices**

- a. Notwithstanding any other provisions of this Bylaw, all traffic control devices installed in the Village shall be deemed to be duly authorized traffic control devices under this Bylaw;
- b. Such traffic control devices shall include, but not limited to, signs in locations which prohibit parking except for the parking of vehicles which display a provincially approved placard.

### **3. Conformance**

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

### **4. Damage to Traffic Devices**

- a. No person shall drive or walk on or over any new painted line or marking remove or alter any traffic control devices.

5. Obey Commands

- a. Every person shall at all times comply with any lawful order, direction, signal, or command made or given by a clearly marked police officer, fireman, ambulance attendant, flag person, Village staff member or school patrol.

6. Sidewalk Crossing

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

7. Speed Limits - Street

- a. No person shall operate a vehicle on any street at a greater rate of speed than 50 km/h unless otherwise posted;
- b. No person shall operate a vehicle on any gravel street at a greater rate of speed than 30 km/h (where posted), unless otherwise posted.

8. Speed Limits - Lane

- a. No person shall operate a vehicle on any lane at a greater rate of speed than 20 km/h (where posted), unless otherwise posted.

9. Speed Limits - Construction

- a. No person shall operate a vehicle within a construction zone, or on any gravel road, at a speed greater than 30 km/h unless otherwise posted.
- b. All persons who operate a vehicle shall obey all the conditions of Division 47 of the Motor Vehicle Act requiring drivers approaching stopped emergency vehicles displaying flashing lights to slow down, and if traffic permits, to move over into the adjacent lane in order to pass by.

10. Speed Limits – School and Playgrounds

- a. A person driving a vehicle on a regular school day on a highway where signs are displayed stating a speed limit of 30 km/h must drive at a rate of speed not exceeding 30 km/h while approaching or passing the school building or school grounds to which the signs relate, between 8 am and 5 pm or between any extended times that are stated on the signs. Such extended times may not begin later than 8 am or end earlier than 5 pm.
- b. A person driving a vehicle on a highway must drive the vehicle at a rate of speed not exceeding 30 km/h when approaching or passing, between dawn

and dusk, a public playground for children where signs are displayed stating a speed limit of 30 km/h.

#### 11. Noise Increase

- a. Pursuant to Motor Vehicle Act Regulation No. 26/58, (7), Sec. 7.03
  - i. A motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust muffler consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise;
  - ii. Cut-outs prohibited – No person shall drive or operate a motor vehicle propelled by an internal combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine;
  - iii. Part removal prohibited – No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler from which has been removed any baffle plate or other part;
  - iv. Alteration prohibited – No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler the exhaust outlet of which has been opened or widened;
  - v. Noise increase or flames prohibited – No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is attached any device which increases noise of the expulsion of the gases from the engine or allows flame to be emitted from the exhaust system.

#### 12. Jake Brakes

- a. No person shall operate a commercial vehicle using or causing to be used, an engine braking device, or “Jake” brake within the Village.

#### 13. Cycles (Skateboards)

No Person shall:

- a. ride a cycle on any sidewalk;
- b. leave a cycle (skateboard) on a street or public place in a position which obstructs the free movement of pedestrian or vehicle traffic;
- c. use roller skates, skateboards, roller blades, skis or other similar means of conveyance on any street or sidewalk within the Village of Telkwa.

## **7. PARKING AND STOPPING REGULATIONS**

### **1. Unlawful Parking**

- a. No person shall park a vehicle in any public place unless such person is in compliance with all conditions of this Bylaw and other regulations posted by traffic control devices.

### **2. Time Limits**

- a. Notwithstanding any other provisions of Section 7, no person shall park a vehicle or trailer on any street for more than seventy-two (72) hours continuously.

### **3. Prohibited Parking**

- a. Except when necessary to avoid conflicts with traffic, parking or to comply with the law or the directions of a peace officer or traffic control device or traffic patrol and except when operating Municipal or Provincial utility vehicle or vehicles of a public utility corporation while engaged in their duties, or except a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand or park a vehicle:
  - i. on a sidewalk or boulevard;
  - ii. in front of a public or private driveway;
  - iii. within an intersection;
  - iv. within 6m of an intersection;
  - v. in any lane unless actively engaged in the loading or unloading of goods, providing such vehicle does not stop the normal flow of traffic in the lane;
  - vi. within 5m of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant;
  - vii. within 15m of the nearest rail of a railway crossing
  - viii. on a crosswalk;
  - ix. within 6m of the approach of a crosswalk;
  - x. within 6m upon the approach to a stop sign or traffic control device located at the side of a roadway;
  - xi. within 3m of either side of an access to a fire hall or ambulance station
  - xii. adjacent to a painted yellow curb;
  - xiii. where vehicles are parked parallel to the edge of the roadway, no closer than 1m to any other parked vehicle;
  - xiv. upon any street, Village property, easement or right of way for the purpose of advertising, greasing, painting, wrecking, storing, or repairing any vehicle, except where repairs are necessitated by an emergency;
  - xv. unless so authorized by permit, in a place of contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited, reserved or otherwise restricted;
  - xvi. in such a manner as to obstruct or impede the normal flow of traffic;
  - xvii. on a street or lane in such a manner as to obstruct or impede the normal flow of traffic;

- xviii. between the hours of 9:00 pm in the afternoon and 6:00 am in the forenoon of the following day on a highway in a residential area, if it is a commercial vehicle of either:
  - 1. a gross vehicle weight of four (4) tons (8000 lbs) or greater;
  - 2. a manufacturer's rated capacity of one ton (1) or more.

4. Residential Area Length Restrictions

- a. No person shall park a commercial vehicle, trailer or combination thereof, in excess of 7.5m (25 ft) in length on a local street within a residential area, except for loading or unloading purposes.

5. Limited Time Parking Areas

- a. No person shall stop, stand, park or over park a vehicle on a street, for any length of time, in excess of the maximum period of parking time posted.
- b. Notwithstanding paragraph 7.5 (a) of this section, where signs referred to in that paragraph signify the hours applicable, the multiple of two of the total of such hours, including fractions of hours, shall be applicable to vehicles which display a valid numbered "Senior's" Placard.
- c. For the purpose of calculating time in subsection 7.5 (a) of this section, moving a vehicle from one parking location directly to another in the same block does not interrupt the continuity of time of parking for application of the time regulations specified in this Bylaw. Failure to remove the parked vehicle to a place other than in the block in which it had been parked, after the parking time limit regulating that block has expired, shall be considered an infraction of Section 7 (e) "Parking over Time Posted."

6. Right Hand Side From Curb

- a. No person shall park a vehicle on a street except on the right-hand side thereof, and the right-hand wheels (passenger side for left hand drive vehicles) shall be no further than 30cm (1ft) from the face of the curb.

7. Double Parking

- a. No person shall double park in a vehicle on a street.

8. Loading Zones

- a. No person shall park a vehicle in a loading zone unless engaged in the loading or unloading of goods or passengers from a vehicle.

9. Angle Parking

- a. No person shall park a vehicle within an "Angle Parking Zone" except so that it shall stand within 0.3 m (1ft) of and at an angle with the curb as indicated by the lines, markings or other signs placed for that purpose;

- b. No person shall park a vehicle having an overall length in excess of 6m (19.8ft) in an "Angle Parking Zone".

10. School Bus Stop Zone

- a. No person shall stop or park a vehicle in a school bus stop zone unless it is an authorized school bus.

11. Handicapped Zones

- a. No person shall park a vehicle in a parking space designated for use by handicapped persons, unless such vehicle displays a valid handicap numbered Social Planning and Research Council of British Columbia (S.P.A.R.C.) certificate or in a case of an out of province vehicle, any similarly authorized permit.

12. Residential Parking Permit

- a. No person shall park a vehicle on a street in a residential area contrary to a traffic control device unless such person has acquired an authorized Residential Parking Permit, and such permit is displayed on the vehicle, and the vehicle is parked in accordance with the conditions of the permit.

13. Removal of Traffic Notices or Chalk Marks

- a. No person, other than the owner or operator of a vehicle, shall remove from a vehicle any traffic notices issued under the authority of this Bylaw;
- b. No person shall remove, obliterate, or otherwise interfere with any markings used to determine the length of time a vehicle remains parked in one location.

**8. LOADS & TIRES**

1. General Restrictions

No person shall, without a permit issued by the Village of Telkwa pursuant to this Bylaw, drive or operate on any street:

a. Pneumatic Tires

- i. A vehicle, any wheel of which is not equipped with a pneumatic tire in good order or with a solid tire, the thickness of which between rim of the wheel and the surface of the street is less than 35mm (1 3/8");

b. Spikes, Cleats, Studs

- i. A vehicle having wheels, tire 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 but not to prohibit the use of tire chains of

reasonable proportions, when required for safety and winter studded tires pursuant to the "Motor Vehicle Act";

- c. Escaping Loads
    - i. A vehicle that is not constructed or loaded as to prevent any of its load:
      - 1. from dropping, shifting, leaking or otherwise escaping there from;
      - 2. from shifting or swaying in such a manner as to affect the operation of the vehicle.
  - d. Secure Loads
    - i. A vehicle, the load of which and any covering or Coverings thereof which is not securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street;
  - e. Over Height & Over Width
    - i. A vehicle, with or without load, which is in excess of the standards outlined in the Motor Vehicle Act.
2. Truck Weight
- a. No person shall, without a permit issued by the Village of Telkwa, drive or operate a vehicle where, in the opinion of the CAO or WF, any street that is liable to damage through extraordinary traffic thereon, he/she may regulate, limit or prohibit the use of the street by any vehicles in excess of 12,000 kg or in excess of 60% legal axle weight.
  - b. The weight restrictions do not apply to any arterial highways within the Village boundaries which will be regulated by the standards in the Motor Vehicle Act.
3. Overload, Oversize Permits
- a. The CAO or WF may issue Overload and/or Oversize Permits to persons transporting extraordinary commodities on Village streets.
  - b. The weight restrictions do not apply to any arterial highways within the Village boundaries which will be regulated by the standards in the Motor Vehicle Act.
4. Load Weighing
- a. The driver of a vehicle on a street, when so required by a Peace Officer or other person duly authorized, shall stop the vehicle at the time and place specified for the purpose of weighing the whole, or part thereof, by means of a portable or stationery scale, or for vehicle inspection, and may be required to remove the whole or part of the load in order to comply with this part.

## **9. GENERAL STREET REGULATIONS**

### **1. Funeral Processions**

- a. The operator of a vehicle in the lead of a funeral procession approaching an intersection where a traffic control device exists, shall comply with the instruction of such device and shall not enter the intersection until it is safe to do so;
- b. Every person operating a vehicle in a funeral procession shall have the headlamps of such vehicle on for the duration of the procession.
- c. No driver of a vehicle shall drive between the vehicles comprising a funeral procession or other authorized procession while it is in motion, except in obedience to the directions of a traffic control device or of a Peace Officer.

### **2. Parade or Procession Permit**

- a. No person shall be a member or take part in any parade or procession with the exception of funeral processions, on any street within the Village unless there has first been obtained a permit for such from the Village, or permission has been granted by Council resolution.
- b. The weight restrictions do not apply to any arterial highways within the Village boundaries which will be regulated by the standards in the Motor Vehicle Act.

### **3. Noise and Advertising**

- a. No person shall operate upon a vehicle any loudspeaker or other noise-making device on the streets of the Village for advertising or other purposes unless a permit has been applied for and granted

### **4. Littering**

- a. No person shall place, throw, deposit or discard on any street any rubbish, litter or waste material of any description.

### **5. Leaflets, Flyers**

- a. No person shall distribute leaflets, flyers, pamphlets, circulars or other printed matter upon any street by placing same on the windshield of a motor vehicle parked upon the street, save for traffic violation notices by any person so authorized.

### **6. Chattels and Obstructions**

- a. Other than loading, unless a permit has been obtained from the Village, no person shall place, deposit or leave upon or in any street or public place any chattel, obstruction or other thing which is, or is likely to be a nuisance, cause damage to the street or impede traffic.

7. Merchant Sidewalk Sales or Street Vending

- a. Unless permitted by the Business License Inspector, and complying with the provisions with the Business License Bylaw, no person or merchant shall use a Village highway for merchant sidewalk sales or street vending.
- b. No person or business may sell upon any highway or Village owned property, Right of Way/Easement, unless approved as per 7 (a) above, for the principle purpose of:
  - i. Displaying a vehicle for sale;
  - ii. Displaying signs, or
  - iii. Selling flowers, fruit, vegetables, seafood, or other commodities or articles.

8. Liquid Waste, Earth, Etc.

- a. No person being the owner or occupier of property abutting a street shall allow or permit earth, rocks, stones, liquids, logs or stumps or other things to cave, fall, crumble, slide, flow or accumulate from such property onto or over such street without permission issued by the Village.

9. Debris from Accidents

- a. The operator of a tow truck, or any other person who has removed a wrecked or damaged vehicle from the scene of an accident, shall be responsible for cleaning the street of any glass or other debris from the accident.

10. Skidding

- a. No person shall drag or skid anything along or over a street so that the surface of the street is, or likely to be damaged.

11. Excavations

- a. No person, except the agents or employees of the Village acting in the course of their employment, shall excavate in or disturb the surface of any street without a permit issued by the CAO or WF who may impose such terms and conditions as deemed necessary;
- b. Where authorized excavation or other works carried out on, over, or under any street, appropriate signs, flashers, barricades or other warning devices shall be provided to the satisfaction of the CAO or WF.
- c. Where authorized excavations or other works carried out the permit holder shall ensure where required that Worksafe BC and BC One Stop are notified of the excavation.

12. Property Access

- a. No person shall alter any existing access to a property or construct a new access to a property without obtaining an access permit from the CAO or WF in the case of a municipal street, and from the Ministry of Transportation in the case of an Arterial access.

13. Boulevards & Sidewalk Crossings

- a. No person shall at any time destroy or injure any tree, shrub, flower, foliage, grass or other growing things upon any boulevard;
- b. No person shall drive upon or over any sidewalk, boulevard or curb so as to encumber, obstruct or damage the same;
- c. When a sidewalk crossing is not available, crossing by a vehicle will be permitted upon adequate provision being made to protect the sidewalk, curb or boulevard from damage and upon approval by the CAO or WF.

14. Trees and Shrubs Set-Backs

- a. No person shall plant any tree shrub, bush or hedge closer than 0.5m (1.8ft) to the street line;
- b. Every person being the owner or occupier of real property shall cause all trees, shrubs, or other vegetation to be properly trimmed and cut back, so as to prevent physical obstruction and visibility impairment to pedestrian and vehicle traffic on the sidewalk or street.

15. Horses

- a. No person in charge of a horse-drawn vehicle or animal shall allow or permit such vehicle or animal to proceed on, along or across any sidewalk or boulevard, except at a recognized crossing of such sidewalk or boulevard;
- b. No person shall drive or operate on a highway a slow moving vehicle unless the slow moving vehicle is equipped with a slow moving vehicle warning device.
- c. A slow moving vehicle device as required by 16.b shall conform to the standards set by the Canadian Standards Association, numbered C.S.A. Standard D 198-1967, entitled "Slow Moving Vehicle Warning Device". The device shall be mounted:
  - i. on the rear or back of the vehicle, so long as it is part of the vehicle opposite the front or the direction of travel of the vehicle, and as near the centre of the rear or back of the vehicle as practicable;
  - ii. so that one side is parallel to and at a height of not less than 90 cm or more than 150cm from the ground.

- d. No person shall race with or drive furiously any horse or other animal upon any street.

16. Snowmobiles and ATV's

- a. No person shall operate any snow vehicle or All Terrain Vehicle within the Village boundaries unless a permit has been granted by the CAO or WF of the Village of Telkwa.
- b. Snowmobiles and ATV's will be permitted to participate in authorized parades and special events providing they stay within the permitted designated areas.

17. Cleaning of Sidewalk

- a. Every person being an occupant or owner of any property abutting or fronting upon a portion of a sidewalk in the commercially zoned area shall cause such portion of the sidewalk to be cleared and kept clear of all snow, ice, dirt, litter and rubbish and shall dispose of the same otherwise than by leaving it upon the street.

18. Summer Maintenance

- a. Council through policy, which may change from time to time, will designate the priorities of routes for grading and maintenance of gravel roads within the Village of Telkwa.
- b. Council through policy, which may change from time to time, will designate the priorities of routes for street cleaning of paved roads within the Village of Telkwa.

19. Debris on Highway

- a. Every person being the owner or occupier of property abutting on a Highway shall not allow or permit any earth, rocks, stones, logs, stumps, snow or ice to cave, fall, crumble, slide or accumulate from any such property upon a highway, or being there, to remain thereon.

20. Snow Removal Route

- a. Each and every Highway and portion of Highway within the boundaries of the Village shall be designated a Snow Removal Route. Council through policy, which may change from time to time, will designate the priorities of routes for snow removal.

21. Snow on Highway

- a. Except as authorized no person shall place, or permit to allow or to be placed, any snow or ice upon a Highway.

## 22. Parking on Snow Removal Route

- a. Except when necessary to comply with the law, or the directions of a Peace Officer or other duly authorized person, and except while operating a Municipal or Provincial utility vehicle or vehicles of a public utility corporation while engaged in their duties, no person shall stop, stand or park a vehicle on any Highway designated as a Snow Removal Route during such a period of time as may be declared by the Mayor and Council of the Village of Telkwa or his/her designate.

## 10. IMPOUNDMENTS

### 1. Impoundment of Vehicles, Cycles, and Chattels

- a. Any vehicle, chattel or obstruction not claimed by its owner within thirty (30) days of its impound or detention may be sold at public auction, and such auction shall be advertised at least once in a daily newspaper circulating in the Village.
- b. The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to all unpaid fees, costs and expenses levied in accordance with this Bylaw and thirdly, the balance shall be held by the Village for one (1) year from the date of the sale for the owner, without interest. If unclaimed at the end of the year, such sum shall be paid into the general revenue of the Village.
- c. Should any chattel or obstruction not be purchased at public auction held pursuant to (1), then the chattel or obstruction shall be disposed of in a manner approved by the Working Foremen, and the expenses incurred in the removal or disposal of the chattel or obstruction, less the proceeds (if any) of disposal, are recoverable as a debt due to the Village from the owner.
- d. Should a vehicle not be purchased at public auction pursuant to (1), then the vehicle shall be disposed of pursuant to Section 7 of the Highways (Scenic Improvement) Act.
- e. Where any garbage, rubbish, or chattel or abandoned or unlicensed vehicle with an apparent market value of less than five hundred dollars (\$500.00) is left on any highway, such article or articles may be removed and disposed of by the Village without notice to the owner and full costs of removal and disposal shall be charged to the owner of the garbage, rubbish, chattel or abandoned or unlicensed vehicle.
- f. Apparent market value for (e) above will be determined by the Working Foreman.

### 2. Removal of Vehicles on Private Property

- a. Where a vehicle is standing or parked on private property in violation of this Bylaw, a Peace Officer, with permission of the owner of the private property on which the vehicle is standing and parked:

- i. move the vehicle, or require the driver of person in charge of the vehicle to move it, to a position determined by the Peace Officer; or
- ii. move the vehicle or take the vehicle into his/her custody and cause it to be taken to and stored at a safe and otherwise suitable place;
- iii. Notwithstanding Sec. 10 (1) & (2), where a vehicle is standing or parked in violation of the Bylaw on private property in respect of which off-street parking has been provided in accordance with any bylaw enacted pursuant to the Local Government Act, the owner or occupier of that property on which the vehicle is standing or parked shall move the vehicle or require the driver or person in charge of the vehicle to move it.

## **11. PENALTIES**

### **1. General Penalty**

- a. Every person who violates any of the provisions of this Bylaw shall be deemed to have committed an offence against this Bylaw and shall be liable for a fine of not less than Twenty-five (\$25.00) Dollars nor more than Ten Thousand (\$10,000) Dollars for each offence.

### **2. Default**

- a. In addition to any other penalty which may be incurred, anyone failing to comply with the provisions of Section 10 of this Bylaw within the time limited therefore, or within reasonable time upon notice to that effect by the Village, shall be subject to the Village carrying out such work at the expense of the offender, and any charges or costs incurred by the Village in this regard, shall be recoverable by it in any Court of competent jurisdiction.

### **3. Responsibility of Owner**

- a. The owner of a vehicle shall incur penalties provided for any violation of this Bylaw with respect to any vehicle owned by him unless at the time of such violation the vehicle was in the possession of some person other than the owner without the owner's consent; but nothing in this Section shall relieve the operator of a vehicle not being the owner, from incurring the penalties provided for such violation.
- b. The onus of establishing that the vehicle was in the possession of some person other than the owner rests with the owner.

**12. SEVERABILITY**

1. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed portion.

Read a first time this 10<sup>th</sup> day of August, 2009.

Read a second time this 10<sup>th</sup> day of August, 2009.

Read a third time this 10<sup>th</sup> day of August, 2009.

Adopted this 24<sup>th</sup> day of August, 2009.

\_\_\_\_\_  
Carman Graf  
Mayor

\_\_\_\_\_  
Kim Martinsen  
Corporate Officer

I hereby certify this to be a true and correct  
Copy of "Traffic Control Bylaw No. 592, 2009  
As adopted by Council on the \_\_\_\_ day of

\_\_\_\_\_  
Corporate Officer

**SCHEDULE "A"**

For Traffic Bylaw No.592, 2009

TO: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Under the general provisions of the Traffic Control Bylaw No. 592, 2009 you are in violation of one of the following:

**Parking:**

1. Location: \_\_\_\_\_
2. License Plate: \_\_\_\_\_
3. Bus Zone: \_\_\_\_\_
4. Double Parking: \_\_\_\_\_
5. Angle Parking: \_\_\_\_\_
6. Handicapped Parking: \_\_\_\_\_
7. Time Limits \_\_\_\_\_

**Speeding**

1. Location: \_\_\_\_\_
2. License Plate: \_\_\_\_\_
3. Gravel:(30 km/h) \_\_\_\_\_
4. Paved (50 km/h): \_\_\_\_\_
5. Lane (20 km/h): \_\_\_\_\_
6. Construction (30 km/h): \_\_\_\_\_
7. School (30 km/h) \_\_\_\_\_
8. Playground (30 km/h) \_\_\_\_\_

**Traffic Device**

1. Location: \_\_\_\_\_
2. License Plate: \_\_\_\_\_
3. Damage to: \_\_\_\_\_
4. Obey Commands: \_\_\_\_\_

**Noise:**

1. Location: \_\_\_\_\_
2. License Plate: \_\_\_\_\_
3. Sundry Noise: \_\_\_\_\_
4. Jake Brakes: \_\_\_\_\_

**Vehicle**

1. Location: \_\_\_\_\_
2. License Plate: \_\_\_\_\_
3. Size: \_\_\_\_\_
4. Pneumatic Tires: \_\_\_\_\_
5. Spikes, Cleats, Studs: \_\_\_\_\_
6. Loads \_\_\_\_\_
  - a. Weight: \_\_\_\_\_
  - b. Width: \_\_\_\_\_
  - c. Height: \_\_\_\_\_
  - d. Other: \_\_\_\_\_

**Other**

9. Location: \_\_\_\_\_
10. License Plate: \_\_\_\_\_
11. Permit: Yes \_\_\_ No \_\_\_
12. Cycles/Snowboards \_\_\_\_\_
13. ATV/Snowmachines \_\_\_\_\_
14. Parades \_\_\_\_\_
15. Advertising \_\_\_\_\_
16. Obstructions \_\_\_\_\_
17. Tree/Shrub Set Backs \_\_\_\_\_
18. Property Access \_\_\_\_\_

**Other Con't**

1. Sales: \_\_\_\_\_
2. Vending: \_\_\_\_\_
3. Business License: Yes \_\_\_ No \_\_\_
4. Property Access: \_\_\_\_\_
5. Excavations: \_\_\_\_\_
6. Animals: (Horses) \_\_\_\_\_
7. Snow Removal: \_\_\_\_\_
8. Vehicles Impoundment: \_\_\_\_\_

**ENFORCEMENT**

- Verbal Warning: Date: \_\_\_\_\_
- Written Warning: Date: \_\_\_\_\_
- Compliance Date: \_\_\_\_\_
- Extension past 30 days (a concerted effort needs to be shown)

Reason: \_\_\_\_\_  
\_\_\_\_\_

- Date of Extension
- Failure to Comply

Every person who violates any of the provisions of the Bylaw for which a specific penalty has not otherwise been designated, shall be deemed to have committed an offence against this Bylaw and shall be liable for a fine of not less than Twenty-five (\$25.00) Dollars and no more than Ten Thousand (\$10,000) Dollars for each offence.

All other penalties shall be as per the Traffic Control Bylaw for any or more of the offences above.

\_\_\_\_\_  
Enforcement Officer