

VILLAGE OF NEW DENVER
TRAFFIC BYLAW NO. 558, 2002

Being a bylaw to regulate traffic and street use within
the boundaries of the Village of New Denver

WHEREAS pursuant to the Motor Vehicle Act R.S.B.C. 1996 C. 318, and pursuant to the Community Charter, Section 36, Council is authorized to regulate traffic and the use of streets within the Village;

NOW THEREFORE, the Council of the Corporation of the Village of New Denver, in open meeting assembled, enacts as follows:

PART 1 - CITATION

1. This bylaw may be cited for all purposes as "Village of New Denver Traffic Bylaw No. 558, 2002".

PART 2 - DEFINITIONS

2. Words and phrases defined in the Motor Vehicle Act shall have the same meaning in this bylaw, unless otherwise defined.
3. In this bylaw:

"Administrator" shall mean the Administrator or Acting Administrator for the Village of New Denver, as duly appointed by Council.

"Angle Parking" means the parking of a vehicle other than parallel to the curb or lateral boundary of a roadway.

"Arterial Highway" means an arterial highway as defined in the Highway Act.

"Boulevard" means that landscaped part of a street that is not especially adapted to the use of, or ordinarily used by pedestrians.

"Boulevard Tree" means any ornamental or shade tree growing such that its trunk is wholly or partly on a boulevard or within one metre of any street.

"Clearance Area" means a polygon formed by two or more yellow lines painted on a roadway and the edge of the roadway, such area being defined for the purpose of prohibiting stopping or standing of vehicles.

"Commercial Loading Zone" means a section of street designated by one or more traffic control devices for loading or unloading exclusively by commercial vehicles.

"Commercial Property" means any real property used in whole or in part for commercial or industrial purposes.

"Council" means the municipal council of the village.

"Curb" means the vertical or rising portion of a portland cement concrete structure delineating the outside edge of a paved roadway and shall include the edge of a sidewalk closest to the roadway on streets where there is pavement extending to within 30 centimeters on the sidewalk.

"Driveway" means any curbing, paving, culvert, grading or other physical improvement installed across a boulevard to facilitate access between a roadway and the adjacent property.

"Disabled Parking Zone" means a parking zone identified by the disabled parking sign referred to in Schedule 2 of Division 38 of the Regulations.

"Emergency Vehicle" means a motor vehicle used:

- for police duty;
- by a Fire Department;
- as an ambulance;
- for purposes relating to the maintenance of a public utility and designated as an emergency vehicle by the Superintendent;

"Lane" means any street not exceeding ten (10) metres in width between property lines.

"Loading Zone" means a section of street designated by one or more traffic control devices for loading or unloading of passengers.

"Ministry" means the Ministry of Transportation & Highways or its duly appointed designate.

"Parade" means any procession of pedestrians, vehicles or cycles standing or traveling as a group on any street and shall include a special community event which obstructs movement of traffic on a street but shall not include a funeral procession.

"Pedestrian" means a person afoot, or an invalid or child in a wheelchair or carriage.

"Residential Area" means any area zoned residential in the applicable Zoning Bylaw of the village in force and shall include streets.

"Regulations" means the Motor Vehicle Act Regulations.

"Roller Skates" means a pair of boots or clamps securely attached to each foot, which have affixed to them any number of wheels, and shall specifically not include boards with any number of wheels which are ridden by standing on and are not securely attached to a person's feet.

"Street" means every road, highway, alley, lane, pedestrian walkway, right-of-way, or other corridor designed for public use in the movement of any traffic, whether such corridor is physically developed or not, and shall extend to the lateral property lines of such corridor, including all roadways, sidewalks, boulevards or other features constructed therein.

"Superintendent" means the member of the Public Works Department of the Village of New Denver holding the highest job classification and the most seniority.

"Village" means the Corporation of the Village of New Denver or the area within the boundaries of the Village of New Denver as the context may require.

PART 3 - DELEGATION OF POWERS

4. The Council is hereby authorized to order the placement or erection of traffic control devices at such locations in the Village as it deems appropriate to regulate or control the following matters, and by those orders exercise the various powers of the Village under this Bylaw, provided however, that on an arterial highway, the Council shall not erect or place any traffic control device that is contrary to an order issued by the Ministry.
 - (a) regulation, control, or prohibition of pedestrian traffic, ridden, herded or driven animals, vehicular traffic and cycle traffic on sidewalks, walkways, boulevards, lanes and roadways;
 - (b) regulation, control, or prohibition of the stopping, standing or parking of vehicles;
 - (c) setting apart or allotting portions of streets adjacent to Federal, Provincial or Municipal buildings for the exclusive use of officials and officers engaged therein for the purpose of parking of vehicles or regulation of such parking;

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- (d) establishment and use of loading, commercial and passenger zones and designation of such zones;
 - (e) prohibition, regulation or control of pedestrian traffic on streets other than at crosswalks;
 - (f) prohibition, regulation or control of traffic on a street in the vicinity of construction, reconstruction, widening, repair, marking or other work is being carried out; and
5. The Superintendent may rescind, revoke, amend or vary an order made by him/her under this section.
6. The Superintendent may place or erect traffic control devices to give effect to any provision of this bylaw or any resolution of Council.
7. Any inoperable or unlicensed vehicles occupying any portion of a street or public place, without authorization of Council, may be subject to a fine in the amount of \$50.00 as set out in the Village's Ticket Information Utilization Bylaw. Failure on the part of the owner of the vehicle to remove the vehicle at the request of the municipality may result in a ticket being issued or the vehicle being removed, detained or impounded by the order of the Administrator, Superintendent or Bylaw Enforcement Officer.

PART 4 - STOPPING AND PARKING REGULATIONS

8. The provisions of this Bylaw prohibiting stopping, standing or parking shall not apply to:
- (a) emergency vehicles;
 - (b) municipal vehicles;
 - (c) provincial, federal or public utility service vehicles when engaged in work which requires the vehicles to stop, stand or park in a manner contrary to this Bylaw;
 - (d) tow trucks while such vehicles are engaged in work requiring them to be stopped or parked in a manner contrary to this Bylaw, provided that this exemption shall no relieve the operators of such vehicles from taking due precautions to indicate the presence of such vehicles on the street while so stopped; or
 - (e) any vehicle stopped or parked on the highway while being repaired where that repair is necessitated by an emergency, provided that this exemption shall not relieve the operators of such vehicles from taking due precautions to indicate the presence of such vehicles on the street while so stopped, and provided that where such a vehicle is stopped in a manner which obstructs traffic or poses a risk to other traffic, the owner or operator of such vehicle shall immediately arrange for the removal of such vehicles;
9. No person shall stop or stand a vehicle on any street:
- (a) wherever prohibited by a traffic control device;
 - (b) on the roadway side of any vehicle stopped or parked at the edge or curb of a roadway;
 - (c) in an intersection with a lane or within two metres (2m) of the nearest property line of an intersecting lane;
 - (d) in front or within two metres (2m) of any driveway;
 - (e) on or within six metres (6m) of a painted crosswalk;

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- (f) in front of or within five meters (5m) of a fire hydrant measured either side from a point at the curb or edge of roadway closest to the hydrant;
 - (g) other than parallel to the edge of a roadway, and facing the direction of traffic unless angle parking is specified by signs or lines painted on the roadway;
 - (h) in an area of street designated for angle parking if the vehicle or combination of vehicles is over six metres (6m) in length;
 - (i) with wheels located further than three tenths of a metre (0.3m) from a curb where a curb exists;
 - (j) in a manner which will interfere with the free passage of traffic;
 - (k) in a manner such that any part of the vehicle is located on or overhanging above a clearance area painted on a roadway;
 - (l) either partly or entirely within the traveled portion of a roadway as indicated by white shoulder lines painted on the roadway where such lines exist;
 - (m) on a sidewalk or on a boulevard where a curb exists;
 - (n) within a commercial loading zone, except that this subsection shall not apply to commercial vehicles and that this subsection shall not apply in general between the hours of 6:00 p.m. and 9:00 a.m. of the following day and on those holidays other than Easter Monday, which are defined in the Interpretation Act; or
 - (o) in a disabled parking zone without a disabled parking permit that is displayed on the dashboard or the inside rear view mirror of that vehicle and which is clearly visible inside the vehicle by any person looking through the vehicle's front windshield, or unless the vehicle is being actively loaded or unloaded with a physically disabled passenger, provided however, that if a vehicle is parked in a disabled parking zone to load or unload a disabled passenger and does not display a valid disabled parking permit, it shall no remain stopped for longer that 5 minutes.
10. No person shall stop or stand a vehicle on a street other than a lane:
- (a) inside any intersection with another street other than a lane, or within three metres (3m) of the nearest property line of any intersecting street other than a lane.
11. No person shall stop or stand a vehicle on a lane:
- (a) inside any intersection with another street, or within two metres (2m) of the nearest property line of any intersecting street;
 - (b) on either side of a lane abutting commercial property except while actually engaged in loading or unloading of passengers or materials;
 - (c) in a manner which leaves less than three metres (3m) of unobstructed roadway or which will interfere with the free passage of other vehicles;
12. No person shall park a vehicle on any street:
- (a) wherever or whenever prohibited by a traffic control device;
 - (b) in a manner such that any part of the vehicle is located on or overhanging above a line painted on a roadway delineating separate parking stalls;

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- (c) for a period of time exceeding the posted time limit on a traffic control device except that this subsection shall not apply between the hours of 6:00 p.m. and 9:00 a.m. of the following day and on those holidays other than Easter Monday, which are defined in the Interpretation Act, unless specified otherwise by a traffic control device;
- (d) for the purpose of calculating time in subsection (c) of this section, a vehicle shall be considered continuously parked unless it is moved from its parking space and not returned to the same side of the street in the same block for a period equal or greater than the posted time limit;
- (e) in a loading zone or commercial loading zone other than for the purpose of and while actually engaged in loading or unloading, and in any event not for a period exceeding 30 minutes except that this subsection shall not apply between the hours of 6:00 p.m. and 9:00 a.m. of the following day and on those holidays other than Easter Monday, which are defined in the Interpretation Act, unless specified otherwise by a traffic control device;
- (f) in a passenger zone for a period exceeding five minutes.
- (g) for a continuous period in excess of twenty-four hours in a residential area, unless such vehicle is legally parked by the owner or occupier of real property on a section of street abutting the property he/she owns or occupies; or unless the person parking the vehicle has the express permission of the owner of property contiguous to the area where the vehicle is parked.
- (h) in a commercial zone for the purpose of overnight accommodation.
- (i) between the hours of 9:00 p.m. and 6:00 a.m. of the following day on any street in a residential area, a commercial vehicle in excess of five thousand six hundred kilograms (5,600 kg) licensed gross vehicle weight, with the exception of local residents who may drive a commercial vehicle to and from their home at the start and finish of their work day.

PART 5 - REGULATION OF TRAFFIC

- 13. No person shall drive or operate a vehicle upon any street within the Village at a rate of speed greater than forty kilometres per hour (40 km/hr.)
- 14. No person shall drive or operate a vehicle upon any street other than an arterial highway within the Town contrary to restrictions on vehicle type or weight which Council may implement by resolution from time to time.
- 15. No person shall:
 - (a) operate a cycle on any sidewalk, crosswalk, walkway or boulevard within the Village except in areas where such use is permitted by a traffic control device, except that this section shall not apply to:
 - (i) roller-skates used in a responsible manner, in full control and not interfering with pedestrian traffic;
 - (ii) a wheelchair designed to carry a physically disabled person while it is actually being ridden by a disabled person;
 - (iii) a stroller, baby buggy or other device designed to carry infants and young children while it is being used for its intended purpose; or
 - (iv) a child's tricycle when it is ridden by a child who is under the age of six (6) years.

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- (b) stand or loiter or congregate in such a way as to interfere with or disrupt the movement of traffic unless he/she is participating in a parade or special event for which required permission has been given as stated in this bylaw;
 - (c) operate on any street, any loudspeaker, instrument or other noise making device for the purpose of advertising, unless he/she has first obtained written permission from the village, which permission may only be issued to charitable or non-profit organizations.
16. No person:
- (a) shall organize or sponsor a parade or special event on any street, unless he/she first obtains written permission for such parade or special event from the village.
 - (b) who is taking part in any parade or special event on any street shall stop, block, disrupt or in any way interfere with traffic unless such action is allowed as a condition of permission given under subsection (a) of this section.
17. No person shall drive a vehicle in any parade unless he/she is a part of the parade, nor interfere in any manner with any parade or special event that is being conducted in compliance with the written permission given by Council under Section 17 of this bylaw.

PART 6 - USE OF STREETS

18. The owner or occupier of any real property within the Town shall perform or arrange for the performance of the following works on their property and on streets abutting their property:
- (a) where directed by the Administrator or Acting Administrator, cut, trim or remove any tree, shrub, fence, hedge or other item which obstructs the vision of persons using streets adjacent to the property.
19. No person shall remove, damage, kill or cut any boulevard tree unless ordered or permitted to do so by Council.
20. The Village, its members of Council, employees, officers or agents shall not be liable for damage to any vehicles or chattels left on village streets/boulevards or property.

PART 7 - GENERAL

21. If any section, subsection or clause of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and shall not effect the validity of the remainder of this Bylaw.
22. Every person who violates any provision of this Bylaw is guilty of an offence and shall be liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) plus the cost of prosecution for each offence.
23. Every day or portion of day for which an offence continues shall constitute a new offence, provided however that where an offence consists of leaving a vehicle stopped or parked in excess of a specified time limit, the continuation of an offence beyond each elapsed period of time so specified shall constitute a new offence, and separate charges may be laid for each such time period in which an offence occurs.
24. Village of New Denver Traffic Bylaw no. 217, 1975 is hereby repealed.

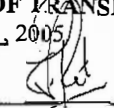
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READ A FIRST TIME this 12th day of November, 2002.

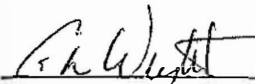
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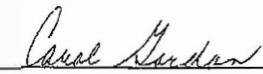
READ A THIRD TIME this 10th day of May, 2005.

RECEIVED THE APPROVAL OF THE MINISTER OF TRANSPORTATION ~~AND~~
~~HIGHWAYS~~ this 20th day of May, 2005.


Ministry of Transportation ~~& Highways~~

RECONSIDERED AND FINALLY ADOPTED this 14 day of June, 2005.


MAYOR G.L. WRIGHT


ADMINISTRATOR

Certified a true copy of
Traffic Bylaw No. 558, 2002


Administrator