

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 1856

A Bylaw to Regulate Traffic within the Corporate Limits of the District of Peachland

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Amended by: Bylaw No. 1957, Adopted on July 13, 2010

A BYLAW to Regulate Traffic within the Corporate Limits of the District of Peachland

WHEREAS pursuant to the Motor Vehicle Act, the Local Government Act and the Community Charter, the Council is authorized to regulate traffic and use of highways within the municipality;

NOW, THEREFORE, the Council of the Corporation of the District of Peachland, in Open Meeting assembled, ENACTS AS FOLLOWS:

DIVISION ONE – DEFINITIONS

In this Bylaw, and in any regulations or resolution passed pursuant to this Bylaw, unless the context otherwise requires, words or phrases defined in the Motor Vehicle Act have the same meaning in this Bylaw, unless otherwise defined in this Bylaw or in the Local Government Act or the Community Charter.

- 1.01 "Angle Parking" means parking a vehicle other than parallel to a curb, or lateral boundary of a roadway.
- 1.02 "Building Bylaw" means the District of Peachland Building Bylaw Number 1308 adopted February 7, 1995.
- 1.03 "Bus Zone" means a space on a highway marked by a sign or signs designating it as an area for buses to stop for the purposes of loading or unloading passengers.
- 1.04 "Bylaw" means this Bylaw and includes resolutions passed pursuant thereto.
- 1.05 "Clerk" means the person appointed by the Council as the officer assigned the responsibility of corporate administration.
- 1.06 "Council" means the municipal Council of the District of Peachland.
- 1.07 "Director of Operations" means the person appointed by Council to this position.
- 1.08 "Disabled Person" is a disabled person as that term is defined in the regulations.
- 1.09 "Disabled Persons Parking Permit" means a Disabled Persons Parking Permit issued pursuant to the Regulations.
- 1.10 "Disabled Zone" means that part of a highway or public place identified by the disabled parking sign specified in the Regulations.

- 1.11 "District" means the District of Peachland, or the area within the boundaries of the District of Peachland.
- 1.11.1 "**Extraordinary Traffic**" means the carriage of more than 145,000 kilograms of goods in one day.
- 1.11.2 "**Farm Vehicle**" means a tractor or combine operating on a highway in connection with a farming operation.
- 1.12 "Fire Chief" means the person appointed by Council as the Fire Chief for the District of Peachland.
- 1.13 "Fire Lane" means areas including driveways and other traffic circulation areas where Fire Exit signs are displayed.
- 1.14 "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.
- 1.14.1 "**GVW**" Means the gross vehicle weight of a vehicle as indicated on the exterior of the vehicle or if not shown on the exterior, then on the licensing papers for that vehicle.
- 1.15 "Highway" means and includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare, and any other public way which does not include an arterial highway as defined by the Highway Act.
- 1.16 "Lane" means a public thoroughfare not exceeding 8 meters in width separating the rear property lines of parcels fronting on highways more or less parallel to and on each side of that thoroughfare.
- 1.17 "Loading Zone" means a space on a highway marked by a sign or signs pursuant to this Bylaw as an area for the purposes of loading or unloading vehicles.
- 1.18 "Municipal Vehicle" means any vehicle owned or leased by the District and includes vehicles operated on behalf of the District.
- 1.18.1 "**Overload Permit**" means a permit issued under section 11.05.
- 1.18.2 "**Oversize Permit**" means a permit issued under section 11.11.
- 1.19 "Pedestrian" means a person afoot, a child in a carriage, or an invalid in a non-motorized and/or motorized wheel chair.
- 1.20 "Private Road" means every way or place in private ownership and used for vehicles travel by the owner and those having permission from the owner.
- 1.21 "Procession" means any gathering of more than twenty (20) pedestrians or more than ten (10) vehicles (except funeral processions) upon a highway.
- 1.22 "Regulations" means all regulations enacted pursuant to the Motor Vehicle Act.
- 1.23 "Residential Dwelling Units" means a housekeeping unit designed, occupied, or intended for occupancy, as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a family maintaining a household.
- 1.23(i) "Road Right-of-way" means that portion legally dedicated as highway between adjacent property boundaries, and includes the boulevard, roadway, sidewalk and cycle path.

- 1.24 "Traffic Officer" means any official or employee of the District whose designated duties include the regulation or control of traffic or parking within the District, and peace officers employed by any agency.
- 1.25 "Truck" means a vehicle licensed for a GVW of 4,600 kilograms or greater.
- 1.26 "Truck Route" means those highways listed in Schedule "C", and those highways may be changed and future highways added from time to time by a resolution or bylaw of Council, and identified as a truck route by signage.
- 1.26.1 "Vehicle Projections Permit" means a permit issued under section 11.18.

DIVISION TWO – ADMINISTRATION

- 2.01 No person shall obstruct or interfere with the free flow of traffic or control or detour traffic on any highway or lane, whether by use of signs or flagmen or barricades or other physical obstruction, on the highway, provided this section shall not apply to:
- a) a peace officer acting in the course of his duty;
 - b) a school patrol acting under the authority of the School Act;
 - c) emergency vehicles, public utility or municipal vehicles while making repairs or improvements to or on a highway or lane; and
 - d) vehicles while obeying the instructions of a traffic control device or peace officer.
- 2.02 Where traffic control devices are erected or placed on or adjacent to any highway, no person shall act contrary to the traffic control device, except where directed to do so by a Traffic Officer.
- 2.03 The Director of Operations or the Fire Chief may erect temporary traffic control devices:
- a) in the interest of public safety; or
 - b) to facilitate the fighting of a fire; or
 - c) to enable work to be done on a highway, such as clearing of snow, cleaning, repairing, excavating, or decorating; or
 - d) to prohibit operation of vehicles which are not equipped with chains or winter tires.
- 2.04 The Director of Operations shall:
- a) have traffic control devices and signs erected, where necessary or desirable, to give notice of a regulation made pursuant to this Bylaw; or
 - b) replace or alter traffic control devices to give effect to the provisions of the Motor Vehicle Act and/or this Bylaw; or
 - c) prohibit the use of vehicles not equipped with chains, snow tires, or sanding devices.
- 2.05 The provisions to this Bylaw prohibiting the stopping, standing or parking of vehicles shall not apply to:
- a) emergency vehicles;
 - b) municipal vehicles or public utility vehicles while engaged in highway or public utility construction or maintenance work, under or over the surface of a highway;
 - c) tow trucks while such vehicles are engaged in work requiring them to be stopped in a manner contrary to this Bylaw, provided this exemption shall not relieve the operations of such vehicles from taking precautions to indicate the presence of such vehicle on the street while so parked or stopped; or
 - d) any vehicle stopped on the highway where the vehicle is stopped on the highway by reason of an emergency, provided this shall not relieve the operators of such vehicles from taking sufficient precautions to indicate the presence of the vehicle on the highway to other vehicles on the highway.

DIVISION THREE – APPLICATION

- 3.01 This Bylaw shall not apply to an arterial highway as defined in the Highway Act, unless application has been approved by the Ministry of Transportation and Highways.
- 3.02 Unless the context otherwise requires:
- a) provisions of this Bylaw relating to pedestrians and operation of vehicles, refer to pedestrians and operation of vehicles upon a highway within the boundaries of the District of Peachland; and
 - b) a person riding an animal, or driving an animal-drawn vehicle, upon a highway has all the rights and is subject to all the duties that a driver of a vehicle has under this Bylaw.
- 3.03 **No part of Division Eleven of this Bylaw, except sections 11.01 and 11.09, applies to farm vehicles operating on a highway.**
- 3.04 **Every provision of this Bylaw that refers to a vehicle applies equally to a combination of vehicles.**

DIVISION FOUR – GENERAL PARKING RESTRICTIONS

- 4.01 Except when necessary to avoid conflict with traffic or to comply with direction of a Peace Officer or traffic control device, no person shall stop, stand, or park a vehicle:
- a) upon or within six (6) meters of any intersecting highway or crosswalk, unless permitted by a traffic control device; or
 - b) in a bus zone; or
 - c) within five (5) meters of a fire hydrant measured from a point on the curb or edge of the roadway that is closest to the fire hydrant; or
 - d) alongside a curb painted yellow or a yellow line painted on the side of the roadway where no curb is present, which shall designate restricted parking; or
 - e) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted; or
 - f) on any portion of a highway where lines, markings, or other signs are placed indicating the manner in which vehicles shall be parked, except in conformance with such lines, markings and/or signs; or
 - g) upon or in any lane unless the vehicle is being continuously and expeditiously loaded or unloaded for a maximum time of fifteen (15) minutes; or
 - h) on the paved portion of a highway where the pavement is six (6) meters or less in width; or
 - i) on a sidewalk or boulevard; or
 - j) on a highway in such a manner as to obstruct or impede the normal flow of traffic; or
 - k) with the right hand side of a vehicle and wheels no further than thirty (30) centimeters from the face of the curb except where authorized by a sign authorizing an angled parking space; or
 - l) on the left hand side of a highway in the opposite direction of the normal flow of traffic; or
 - m) in front of or within one (1) meter of a driveway access, private road; or
 - n) having a length in excess of six (6) meters including a load or trailer upon a portion of a highway reserved for angle parking; or
 - o) offering commodities and/or displaying the vehicle for sale; or
 - p) within two (2) meters of any intersecting lane;
 - q) at any angle to the street line except where authorized to do so by sign establishing an angled parking space pursuant to this Bylaw; or
 - r) at any angle to the street line except where authorized to do so by sign establishing an angled parking space pursuant to this Bylaw; or
 - s) for consecutive periods longer than seventy-two (72) hours; or

- t) in a fire zone; or
 - u) in any loading zone unless actually engaged in loading or unloading of goods or passengers; or
 - v) upon a bridge except as permitted by any applicable traffic control device; or
 - w) on a walkway or crosswalk; or
 - x) in a disabled zone, unless that vehicle has a permit that is suspended from the rear-view mirror inside the vehicle so it is on plain view of any person looking through the windshield from a point adjacent to the vehicle; or Bylaw 1819:
 - y) overnight on Beach Avenue for vehicles described as recreational vehicles, campers, commercial vehicles and trailers whether or not attached to a vehicle.
- 4.02 No person shall park or leave unattended, a vehicle or loaded or unloaded trailer used for conveyance of hazardous materials. Temporary parking is permitted when making deliveries only.
- 4.03 No person shall park a vehicle in a parking space designated for use by disabled persons, unless such vehicle displays a valid identification sticker.
- 4.04 No person shall double-park a vehicle on a highway.
- 4.05 Where in locations traffic devices listed in Schedule "C", attached to and forming part of this Bylaw, are displayed, indicating the time allowed for parking is limited, no person who has parked a vehicle shall allow such vehicle to remain parked for any further period of time.

DIVISION FIVE – DIRECTOR OF OPERATIONS POWERS

- 5.01 The Director of Operations is authorized to order the placing or erection of traffic control devices at such locations as he deems appropriate for regulation of the following traffic matters, and by those orders to exercise the following powers of the District under this Bylaw:
- a) regulation, control, prohibition of pedestrian traffic, animal traffic, vehicular traffic, and cycle traffic on sidewalks, walkways, boulevards, lanes at intersections of lanes or walkways;
 - b) regulation, control, or prohibition of stopping, standing or parking of vehicles;
 - c) setting apart and allotting portions of highways adjacent to federal, provincial or District buildings for the exclusive use of officials and officers engaged therein for the parking of vehicles, and regulations of such parking;
 - d) providing for establishment and use of loading, commercial and passenger zones and for designation of such zones;
 - e) on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out, providing an indication that crews or equipment are working;
 - f) regulating or prohibiting pedestrian traffic on highways other than at crosswalks;
 - g) establishing school crossings and regulating and controlling pedestrian and vehicular traffic with respect to such crossings;
 - h) regulating traffic passing by or in the vicinity of schools through the use of traffic patrols, and vesting in school children or other persons employed in traffic patrols power to require vehicles to stop at school crossings or other designated places on a highway;
 - i) providing for the establishment and use of taxi stands and their designation; and
 - j) providing for the establishment and use of bus zones and their designation.

DIVISION SIX – TRAFFIC CONTROL DEVICES

- 6.01 Traffic control devices shall have the same meaning as the corresponding device in the regulations, and where a device is not included in the Motor Vehicle Act and the regulations, it shall have the meaning ascribed to it in the latest edition of the "Manual of Uniform Traffic Control Devices of Canada", as the Manual may be amended from time to time.

- 6.02 Traffic control devices may, from time to time, be placed by a Traffic Officer or by the Director of Operations, in the interest of public safety, to facilitate the fighting of a fire, to prohibit operation of vehicles which are not equipped with chains or winter tires, or to regulate or prohibit traffic in the vicinity of work as required by a highway where construction, reconstruction, widening, repair, marking, or other work is being carried out.
- 6.03 The Director of Operations may rescind, revoke, amend, or vary an order made under this Division.
- 6.05 The Director of Operations may place or erect, or cause to be placed or erected, traffic control devices to give effect to any provision of this Bylaw.

DIVISION SEVEN – SPEED LIMIT

- 7.01 No person shall drive or operate a vehicle or other means of conveyance on a highway at a speed greater than fifty (50) kilometres per hour, except as otherwise posted on a traffic control sign.
- 7.02 Notwithstanding Section 7.01, no person shall drive or operate a vehicle or other means of conveyance upon any lane or in school or playground zones or other locations posted, at a speed greater than thirty (30) kilometres per hour.

DIVISION EIGHT – DISABLED ZONES

- 8.01 The Director of Operations may:
- a) make orders for the designation and specification of disabled zones; and
 - b) rescind, revoke, amend, and vary an order under subsection a).
- 8.02 Council designates the Social Planning and Research Council of British Columbia as the organization responsible for issuing and cancelling Disabled Persons Parking Permit pursuant to their regulations.
- 8.03 An application for a permit shall be made by or on behalf of a disabled person to the Social Planning and Research Council of British Columbia.

DIVISION NINE – CONTROL OF TRAFFIC

- 9.01 No person shall park any truck of a gross vehicle weight greater than 5,000 kilograms G.V.W. licensed under the Motor Vehicle Act or Commercial Transport Act, on any highway located in a part of the District that is zoned for residential use by the Zoning Bylaw of the District.
- 9.02 Temporary highway closure permits may be issued to persons requiring partial or complete closure of a highway for the purpose of construction on or adjacent to a highway:
- a) as a condition of issuance of a permit a fee in the amount set out in Schedule "B", attached to and forming part of this Bylaw, shall be submitted with every application; and
 - b) the permit issued by the District Director of Operations under this section shall be in the form contained in Schedule "A", attached to and forming part of this Bylaw.
- 9.03 Except as authorized in writing by the Director of Operations, no person shall:
- a) build, construct, place, or maintain, or cause to be built, constructed, placed, or maintained in, upon, or over any highway or lane, any structure, sign, building fence or thing, or plant any tree, shrub or plant other than grass upon any boulevard;

- b) break, tear up, remove or otherwise interfere with any sidewalk, curb or surfacing of any highway, walkway or lane, or excavate in any highway, walkway, or lane, or under any highway, walkway, or lane, or remove trees or timber growing on a highway;
- c) construct a boulevard crossing;
- d) change the level of a highway whatsoever, or stop the flow of water through any drain, sewer or culvert on or under a highway; or
- e) open up, construct or develop any highway, or improve any highway, or do works of any kind on any highway or lane allowance dedicated for public use by any plan, bylaw of the District, or notice in the Gazette and over which the District has right of possession. No person shall interfere in any way with any barrier, lamp, sign or other device placed under the authority of the District upon any highway at or near any excavation or other work being performed under the authority of the District.

DIVISION TEN – PARADES, PROCESSIONS, ASSEMBLIES AND SOLICITATIONS

- 10.01 No person, or group of persons, shall be present on a highway in such a manner as to obstruct free passage of pedestrian or vehicles, except with written permission of the Director of Operations under this section in the form contained in Schedule "A", attached to and forming part of this Bylaw.
- 10.02 No person shall:
- a) engage in any sport, amusement, exercise, or occupation on the traveled portion of any highway; or
 - b) unnecessarily delay the passenger vehicle; or
 - c) cause any obstruction or encumbrance whatsoever on any highway; or
 - d) coast, slide or use roller-skates, skateboards, sleighs, ice skates, skis, or other similar means of conveyance on any highway or sidewalk.
- 10.03 Notwithstanding Section 10.01 and 10.02 of this Bylaw, Council may, by resolution, close any highway or part thereof for the purpose of permitting the use of roller-skates, skateboards, sleighs, ice skates, skis or other similar means of conveyance thereon Council may, for the purpose of protecting persons using a closed portion of highway, cause such traffic control devices as it or the Director of Operations deems necessary to be erected, placed or marked thereon.
- 10.04 No person shall be a member of, or take part in, a procession unless:
- a) such procession is under direction or control by one person as Marshall, or organizer; and
 - b) a written permit for such procession has been issued by Council to such Marshall or organizer.
- 10.05 Application for a permit for a procession shall be made, in writing, to the Director of Operations prior to the date of the procession specifying the nature of the procession, date and hour which the procession is to be held, place of formation, route to be taken and point of disbandment.
- 10.06 Division Ten, Sections 10.01 through 10.04, do not apply to funeral processions.
- 10.07 Where a procession is lawfully in progress, or a funeral procession is in progress, no pedestrian or vehicle shall cross or interfere with the procession.
- 10.08 The Director of Operations may grant to any organization the privilege of using any highway, or highways or portions thereof, on certain specified dates.

DIVISION ELEVEN – VEHICLE DIMENSIONS AND LOADS

Truck Routes

11.01 No person shall operate a truck on any highway other than on a truck route, except a person may operate a truck on a highway that is not a truck route for the purpose of moving the truck by the most direct route between a truck route and either:

- (a) the location where the truck is loaded or unloaded;**
- (b) the construction or maintenance site where the truck is engaged;**
- (c) the location where the truck is stored.**

For certainty, the restriction in this section 11.01 applies even if the operator is in compliance with the other parts of this Division Eleven, or even if an overload permit, oversize permit or vehicle projections permit has been issued under this bylaw.

Limit on Vehicle Weights

11.02 Unless an overload permit has been issued pursuant to section 11.05, no person may operate on a highway, a vehicle that is not designed to carry a load the actual weight which exceeds the GVW of that vehicle.

Limit on Loads

11.03 Unless an overload permit has been issued pursuant to section 11.05, no person may operate on a highway, a vehicle designed to carry a load if the actual weight of the vehicle, with load, is greater than:

- (a) 70% of the legal axle loading at times that signage to this effect is posted; and**
- (b) the GVW of that vehicle at other times**

11.04 The Director is authorized to post signage pursuant to section 11.03(a) of this bylaw at times when the Director considers that temperatures or excess water in the road base, or other road conditions warrant this restriction.

Overload Permits

11.05 On application by the owner or operator of a vehicle which exceeds the weight limit in either section 11.02 or section 11.03, the Director may issue an overload permit in substantially the form attached as Schedule “D”, and upon paying the fee stipulated in Schedule “B”.

11.06 No Overload Permit may be issued for longer than one month and no more than three Overload Permits may be issued in respect of the same vehicle within one calendar year.

11.07 No Overload Permit may be issued which would cause the vehicle to exceed the Gross Vehicle Weight Rating (GVWR) for that vehicle.

11.08 No Overload Permit may be issued unless the owner or operator of the vehicle provides to the Director security in the form of a bond, cash deposit, or irrevocable letter of credit, in the amount of \$1000.00, for potential highway damage that may be caused by that overloaded vehicle.

Carrying of Loads

11.09 No person shall use or have present on a highway a vehicle unless it is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping.

Limit on Sizes

- 11.10 Unless an oversize permit has been issued pursuant to section 11.11, no person may operate a vehicle on a highway, with or without a load, of a size larger than permitted for that vehicle and, if applicable, vehicle with load under the Commercial Transport Regulations.

Oversize Permits

- 11.11 On application by the owner or operator of a vehicle, with or without a load, which exceeds the size permitted under the Commercial Transport Regulations, the Director may issue an oversize permit in substantially the form attached as Schedule “D”, and upon paying the fee stipulated in Schedule “B”.
- 11.12 No oversize permit may be issued for longer than one month and no more than three oversize permits may be issued in respect of the same vehicle within one calendar year.
- 11.13 No oversize permit may be issued which would cause the vehicle and/or its load to exceed the dimensions authorized by a provincial oversize permit under the Commercial Transport Regulations.

Extraordinary Traffic

- 11.14 Notwithstanding the issuance of an overload permit, oversize permit or other permission by the District, no owner, operator, or other person in charge of a vehicle, or person owning the goods carried by a vehicle, shall use Princeton Avenue, or permit Princeton Avenue to be used, for extraordinary traffic.
- 11.15 If a person enters into an extraordinary traffic agreement with the District pursuant to Section 42 of the *Community Charter*, agreeing to pay reasonable compensation to the District for the damage to Princeton Avenue caused or the resulting expense to the District that may be caused by the person’s use of Princeton Avenue, then for so long as the person is in compliance with the agreement, the person is not subject to section 11.14 of this Bylaw.

Vehicles with Spikes, Cleats

- 11.16 No person shall drive any vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the roadway unless a vehicle projections permit has been issued under section 11.18.

Vehicle Projections Permit

- 11.17 On application by an owner or operator of a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the roadway, the Director may issue a vehicle projections permit in substantially the form attached as Schedule “A”, and upon paying the fees in Schedule “B”.
- 11.18 No vehicle projections permit may be issued for longer than one month and no more than three vehicle projections permits may be issued in respect of the same vehicle within one calendar year.

DIVISION TWELVE – PEDESTRIAN TRAFFIC

- 12.01 Where a traffic device is provided to facilitate crossing a highway, no pedestrian shall, within a distance of one hundred (100) meters (329 feet) from that device, cross the highway at any place other than at that traffic control device.
- 12.02 Upon being approached by an emergency vehicle displaying flashing lights or sounding a siren or other audible signal, a pedestrian on a highway shall immediately move off the traveled portion of a highway until such vehicle has passed the pedestrian or stopped.
- 12.03 When water, mud, snow, or slush is on any highway, the driver of a vehicle shall reduce the speed of the vehicle so as to avoid splashing any pedestrian.

DIVISION THIRTEEN – BICYCLES

- 13.01 No person shall leave a bicycle in a reclining position on a highway, walkway, or any public place.
- 13.02 Where stands are provided for use by bicycles, no person shall leave a bicycle on any highway or public place except in an upright position in the bicycle stand.
- 13.03 No person shall ride a bicycle on a walkway, unless authorized to do so by a traffic control device.

DIVISION FOURTEEN – INTERFERENCE WITH TRAFFIC AND SIGNS

- 14.01 No person shall establish, place, maintain, or display in, upon, or in view of a highway, any sign, signal, or other device that purports to be, or is in imitation of, or in any way resembles any traffic sign or traffic control device, except as authorized by this Bylaw.
- 14.02 No person shall obliterate, deface, damage, injure, move, obstruct, or otherwise interfere with any traffic control device erected, placed, or maintained pursuant to this Bylaw.
- 14.03 Any person having driven a vehicle involved in an accident and which vehicle has been wrecked or damaged as a result thereof, shall be responsible for the removal of any glass or other injurious substances deposited upon the highway surface as the result of the accident or the removal of the vehicle.
- 14.04 Except as authorized in writing by the Director of Operations, no person shall deposit, or permit to be deposited, any oil, gasoline, or similar substance on any highway.
- 14.05 No person shall place, throw, or cause to be placed, deposited, or to flow upon a highway or walkway, any noxious, offensive or filthy water or substance or any empty bottle, glass container, or any other article, whether broken or intact, or any earth, refuse, debris, derelict motor vehicle, or any other thing.
- 14.06 No person owning or occupying a parcel abutting on or contiguous to a highway or walkway, shall allow or permit earth, rock, stone, logs, stumps, or other substances or materials to cave in, fall, crumble, slide, accumulate or be otherwise deposited from the parcel onto the highway or walkways, or having been so deposited, to remain on the highway or walkway.
- 14.07 No owner or occupier of a parcel shall permit any flow of water on or over any highway or walkway from the parcel.
- 14.08 No person shall construct or maintain a ditch, sewer, or drain, the effluent from which causes damage, fouling, nuisance, or injury to any portion of a highway or walkway.

- 14.09 Every owner or occupier of a parcel shall remove all ice and snow from all sidewalks adjacent to that parcel so that the sidewalks are not covered by snow or ice between the hours of 8:00 a.m. and 8:00 p.m.
- 14.10 Every owner or occupier of land contiguous to a road right-of-way will maintain and keep the said road right-of-way in a tidy and sightly condition.
- 14.11 No person will throw, leave or deposit, or allow any accumulation of dirt, debris or rubbish on any road right-of-way.

DIVISION FIFTEEN – ACCESS TO HIGHWAYS

15.01 Prohibitions

No person shall, without the written consent of the Director of Operations:

- a) construct, install, or replace any access culvert or ditch enclosure in or upon any drainage ditch or boulevard on a highway; or
- b) construct any drainage ditch on a highway; or
- c) deposit material of any kind into any drainage ditch or upon any boulevard on a highway.

15.02 Removal at Owner's Cost

Any access culvert or ditch enclosure constructed or installed in violation of this Bylaw may be removed by the District at the expense of the owner of the parcel fronting the access culvert or ditch enclosure.

Material of any kind which is deposited in any drainage ditch or facility may be removed by the District at the expense of the owner of the parcel fronting the location where the material was removed.

15.03 Procedure for Obtaining Access Culvert

a) Application

A person may apply to the Director of Operations for installation by the District of an access culvert to a parcel.

b) Cost

The cost of installing an access culvert by the District shall be as indicated in Schedule "B", attached to and forming part of this Bylaw, such payment to be made to the District prior to the commencement of the installation.

15.04 Procedure for Obtaining Ditch Enclosure or Ditch Construction

a) Application

A person may apply to the Director of Operations for construction of a ditch enclosure or excavation of a drainage ditch by the District.

b) Cost

The cost of the District installing a ditch enclosure for constructing a drainage ditch shall be as indicated in Schedule "B", attached to and forming part of this, such payment to be made to the District prior to commencement of the construction or excavation.

DIVISION SIXTEEN – IMPOUNDING PROVISIONS

- 16.01 When any vehicle or other chattel or obstruction is unlawfully occupying a portion of a highway or public place:
- a) in violation of a provision of this Bylaw; or
 - b) in a position that interferes with removal of snow, ice, or sand from a highway; or
 - c) in a position that interferes with fire fighting; or
 - d) in a position that interferes with construction, marking, repair, or maintenance of a highway; or
 - e) without license plates displayed as required by the Motor Vehicle Act;
- the District Director of Operations, Bylaw Enforcement Officer, or a Peace Officer, may take such vehicle, chattel, or obstruction into custody and cause it to be removed, detained, or impounded.
- 16.02 The District may recover its fees, costs and expenses for such removal, detention, or impounding and storage, either from the owner, or by sale at public auction.
- 16.03 The fees of the District for such storage, in addition to any other costs or expenses which might be incurred for removal and storage, are as set out in Schedule "B", attached to and forming part of this Bylaw.
- 16.04 Before offering a vehicle for sale, pursuant to this Bylaw's Impounding Provisions, a demand for payment within thirty (30) days shall be sent by registered mail to 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.

DIVISION SEVENTEEN – OFFENCE

- 17.01 Any person who breaches any provision of this Bylaw commits an offence and is liable, on summary conviction, to a fine not exceeding Two Thousand Dollars (\$2,000.00) or to imprisonment to not more than six (6) months, or to both, plus the cost of prosecution.
- When notice of an offence is issued pursuant to this Bylaw, fines for that offence are as set out in the District of Peachland Ticket Information Utilization Bylaw, where applicable.
- 17.02 Any vehicle or chattel unlawfully occupying any portion of a highway or public place may be removed or impounded by order of the Director of Operations or Bylaw Enforcement Officer. A removal fee in the amount invoiced by the towing company and an impoundment fee of the greater of \$17.00 per day of actual invoice from storage company for each day, or part of a day, during which the vehicle is impounded shall be paid by the owner of the vehicle or chattel before release of the vehicle or chattel. The District may recover all removal and impoundment fees imposed under this Bylaw on a vehicle or chattel by sale of the vehicles or chattel by public sale, not less than thirty (30) days after the date of impoundment of the vehicle or chattel or by auction in a Court of competent jurisdiction.
- 17.03 Any sign, advertisement, or guide post placed or maintained in contravention of this Bylaw may be altered, repainted, torn down, or removed by the Director of Operations, or a traffic officer, without compensation to any person.
- 17.04 In addition to any other penalty which may be incurred, anyone failing to comply with the provisions of this Bylaw within the time limited therefore, or within a reasonable time upon notice

to that effect by the District, shall be subject to the District carrying out any such work at the expense of the offender, and any charges or costs incurred by the District in this regard shall be recoverable.

- 17.05 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 possession of another person without the owner's consent. Onus of establishing that the vehicle was in possession of some person other than the owner rests with the owner.

Nothing in this section shall relieve the operator of a vehicle not being the owner, from incurring penalties provided for such offence.

- 17.06 The Bylaw Enforcement Officer or Peace Officer or any person duly authorized may:
- a) issue offence notices for violation of this Bylaw; or
 - b) impound any vehicle, trailer or cycle that is in violation of this Bylaw; or
 - c) require the driver of any vehicle to weigh same at any weigh scale forthwith.

DIVISION EIGHTEEN – GENERAL

18.01 Schedules "A" and "B" are attached hereto and form part of this Bylaw.

18.02 This Bylaw may be cited for all purposes as "Traffic Regulation Bylaw No. 1856, 2007".

READ A FIRST TIME This 23rd Day of October, 2007.

READ A SECOND TIME This 23rd Day of October, 2007.

READ A THIRD TIME This 23rd Day of October, 2007.

RECONSIDERED AND FINALLY ADOPTED This 13th Day of November, 2007.

Mayor

Corporate Officer

Dated at Peachland, B.C.
This 14th Day of November, 2007.

SCHEDULE "A"

PERMIT APPLICATION FORM

Applicant's Name _____

Mailing Address _____

Location of Proposed Activity _____ Start Date/Time _____ Completion Date/Time _____

Have affected neighbouring property owners been notified? [] Yes [] No

Is a street closure required? [] Yes [] No

Will re-routing buses and emergency traffic be required? [] Yes [] No

Will utilities be shut off? [] Yes [] No

EXCAVATION:

Size (length) _____ (Width) _____ (Depth) _____

Distance to pavement edge _____

Purpose _____

OVERSIZE VEHICLES:

Length _____ Width _____ Axle Load _____, _____, _____

VEHICLE EQUIPPED WITH:

Projecting spikes _____ Cleats _____ Ribs _____ Clamps _____

Flanges _____ Lugs _____ Other Attachments _____

SPECIAL EVENT:

Pedestrians _____ Vehicles _____

Route (Attach Map)

FOR OFFICE USE ONLY

Permission is granted for _____ subject to the conditions listed: _____

Insurance [] Yes [] No

Amount of Deposit _____ -

Receipt No. _____

Inspected By _____

Amount of Refund _____

Director of Operations

SCHEDULE “B”

FEES AND CHARGES

1. **The fees for an Overload permit and an Oversize Permit and a Vehicle Projections Permit are:**
Fee for one day or less - \$100.00
Fee for greater than one day up to one week - \$200.00
Fee for greater than one week up to one month - \$1000.00
2. The temporary Highway Closure Permit fee is:
\$100.00 per day, or part thereof
3. Removal fees:
Actual cost of invoice from towing company
4. Impoundment fees:
Great of \$17.00 per day or actual invoice form towing/storage company.

SCHEDULE “C”

List of Truck Routes

Princeton Avenue

