

**DISTRICT OF PORT HARDY
BYLAW NO. 16-2007**

A BYLAW TO REGULATE TRAFFIC WITHIN THE BOUNDARIES
OF THE DISTRICT OF PORT HARDY

WHEREAS municipal powers to regulate pedestrians or vehicle traffic and traffic by other conveyance are authorized by the *Motor Vehicle Act*,

AND WHEREAS the Council of the District of Port Hardy deems it expedient and advisable to regulate traffic within the municipality subject to the requirements of the *Highway Act*, the *Motor Carrier Act*, and the *Motor Vehicle Act*.

NOW THEREFORE the Council of the District of Port Hardy in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited as "Traffic Bylaw No. 16-2007".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires, the expressions and definitions contained within the *Motor Vehicles Act*, the *Motor Carrier Act*, the *Highway Act*, the *Local Government Act*, the *Community Charter*, the *Interpretation Act* and the *Commercial Transport Act* and regulations thereto shall be applicable and these additional interpretations shall prevail throughout:

ACCESS means a driveway for and/or to property from highway;

ANGLE PARKING means the parking of a vehicle other than parallel to a curb;

BOULEVARD means the area other than a sidewalk between the curb of a roadway or the shoulder thereof and the property line;

BYLAW ENFORCEMENT OFFICER means a person appointed or contracted by the District of Port Hardy to enforce this bylaw;

COLLECTOR means the person appointed by Council to the position of collector as defined in the *Local Government Act* and the *Community Charter*;

COUNCIL means the Municipal Council of the District of Port Hardy;

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

CURB means the raised structural element, which may be installed at the outside edge of a highway or parking area, primarily for a gutter;

DISTRICT means the District of Port Hardy;

DRIVER means a person who drives or is in actual physical control of a vehicle;

FIRE CHIEF means the person appointed as such by Council and any person delegated to assist him in carrying out his/her duties under this bylaw;

HAZARDOUS MATERIALS means any explosives, flammable, toxic or other harmful or hazardous materials, including dynamite, concentrated chemicals in solid, liquid or gaseous form, gases, gasoline and diesel fuel;

HIGHWAY includes all public streets, roads, right-of-ways, trails, lanes, bridges, ferry landing and approaches and any right-of-way designed and intended for the passage of vehicles;

LANE means any public thoroughfare abutting the rear or side property lines of parcels of land and intended primarily to give access to the rear yards or side yards of the parcels of land so abutting;

OPERATOR means any person who drives, propels or is in physical control of a vehicle, and shall be deemed to include the person in whose name the vehicle is registered;

OWNER means:

- a) the person who holds the legal title to the vehicle;
- b) the person who is entitled to be and is in possession of the vehicle;
- c) the person in whose name the vehicle is registered.

PARK means the stopping or standing of a vehicle, whether occupied or not;

PARKING SPACE means a space of a section of a highway marked by other device or sign that is intended for the parking of a vehicle;

PEACE OFFICER means a police officer, constable or other persons employed for the preservation and maintenance of the public peace;

PERSON means a human being and includes a company and body corporate;

RECREATION VEHICLE means a camper, motor home, holiday trailer or boat trailer intended exclusively for recreation use;

RESIDENTIAL AREA means any area zoned for residential land use in the Zoning Bylaw;

SHOULDER means the portion of the highway between the travelled portion of a highway and the ditch, or if there is no ditch, the area between the travelled portion of the highway and the boulevard;

SIDEWALK means the portion of a highway intended exclusively for use by pedestrians;

TRAFFIC CONTROL DEVICE means a sign, signal, line, marking, space barrier or device not inconsistent with this bylaw, placed or erected by authority of the Minister of Highways or of the Council or person authorized by the Minister of Highways or the Council to exercise such authority;

TRAILER means a vehicle, excluding a recreation vehicle, that is at any time drawn upon a highway by a motor vehicle;

TURN-AROUND AREA means the area at the end of a road reserved for turning of vehicles.

VEHICLE includes any means of conveyance in, upon, or by which any persons or property is or may be transported or drawn upon a highway irrespective of the motive of power.

3. AUTHORITIES

(a) The Council may, by resolution:

- i) direct that traffic control devices be placed or erected to regulate or prohibit traffic where necessary to ensure the movement of traffic or to prevent damage to persons or property;
- ii) alter traffic control devices at any location as circumstances warrant.

(b) The Collector may:

- i) authorize and issue parking permits on payment of the requisite fees for the use of District owned parking lots;
- ii) issue or cause to be issued offence notices for violations of this bylaw;
- iii) impound or cause to be impounded any vehicle, trailer or cycle in violation of this bylaw.

(c) The Bylaw Enforcement Officer may:

- (i) issue offence notices for violations of this bylaw;
- (ii) order the removal, detention or impoundment of any vehicle, trailer or cycle that is unlawfully occupying a portion of a highway or public place; and
- (iii) issue special parking permits for special vehicle use which may be approved from time to time, pursuant to the provisions of this Bylaw.

(d) The Operational Services Foreman may:

- i) on any highway, in a manner not inconsistent with this bylaw or the *Motor Vehicle Act*, erect or cause to be placed temporary traffic control devices to regulate or to prohibit traffic where necessary to ensure the movement of traffic, or to prevent damage to the highway and where such traffic control

devices are so placed or erected they shall have the same force and effect as if placed by resolution of Council;

- ii) be authorized and empowered by order to place, replace, or alter traffic control devices at any location Council may determine to give effect to the *Motor Vehicle Act* and this bylaw;
 - iii) Issue offence notices for violations of this bylaw.
- (e) Peace Officers may:
- i) issue offence notices for violations of this bylaw;
 - ii) direct and regulate traffic in any manner necessary and in doing so, may disregard any traffic control devices;
 - iii) impound any vehicle, trailer or cycle that is in violation of this bylaw.
- (f) The Fire Chief may:
- i) direct and regulate traffic in any manner necessary and in doing so, may disregard any traffic control devices;
 - ii) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass;
 - iii) issue offence notices for violations of this bylaw.

4. GENERAL TRAFFIC REGULATIONS AND PROHIBITIONS

- (a) Unless the context otherwise requires,
- i) the provisions of this bylaw do not apply in respect of the driving or operation of a mechanically propelled invalid's chair, the use of which is confined to the purpose for which it was designed;
 - ii) the provisions of this bylaw do not apply to persons, vehicles and to other equipment while actually engaged in highway construction or maintenance work upon, under or over the surface of a highway while at the site of the work, but do apply to them when travelling to or from the site of work;
 - iii) a person riding an animal or driving an animal powered vehicle upon a highway has all the rights and is subject to all the provisions of this bylaw.
- (b) Where a Peace Officer reasonably considers it necessary:
- i) to ensure orderly movement of traffic;
 - ii) to prevent injury or damage to persons or property;

- iii) to permit proper action in an emergency;

he/she may direct traffic according to his/her discretion notwithstanding anything in this bylaw, and every person shall obey his/her direction.
- (c) No person shall park, drive or operate a vehicle or cycle in contravention of a traffic control device.
- (d) No person shall drive or walk on or over a newly painted line or marking, remove or alter any traffic control devices.
- (e) Every person shall at all times comply with any lawful order, direction, signal or command made or given by a police officer, fireman, ambulance attendant, flagperson or school patrol.
- (f) No person operating a vehicle shall block an intersection, a marked crosswalk or any traffic control device.
- (g) Where in the opinion of the District any highway is liable to damage through extraordinary traffic thereon, it may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic or owning the goods carried therein on the vehicles used therein.
- (h) The use of tracked vehicles on the District's paved highways is not permitted.
- (i) Overload/Oversize Permit
 - i) Overload and/or oversize permits may be issued to persons transporting extraordinary commodities notwithstanding Section 4(g).
 - ii) Applications must be made to the District of Port Hardy.
 - iii) No charge for a permit will be made; however, the applicant will be responsible for any direct costs due to relocation or damages.
- (j) Highway Closure Permit
 - i) 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.
 - ii) Applications must be made to the District of Port Hardy.
 - iii) No charge for a permit will be made; however the applicant will be responsible for any direct costs incurred due to traffic control or damages.
- (k) No persons, other than the owner or operator of a vehicle, shall remove from a

vehicle any offence notice issued under the authority of this bylaw.

- (l) Impounding Provisions
 - i) When any vehicle or other chattel or obstruction is unlawfully occupying any portion of a highway or public place within the boundaries of the District, the District or any Peace Officer may take such vehicle, or obstruction into his custody and cause it to be removed, detained, or impounded and stored in the Public Works Yard or in such other place as may be designated by the District from time to time for such storage. The District accepts no responsibility for damages to any impounded vehicle or obstruction.
 - ii) The District may recover its fees, costs and expenses for such removal, detention or impounding and storage either from the owner, or by the sale of the vehicle at public auction or by action in any other court of competent jurisdiction.
 - iii) The fees of the District for such storage, in addition to any other costs or expenses which might be incurred by the District is listed in the District of Port Hardy Rates Bylaw.
 - iv) Before offering any vehicle for sale at public auction a demand for payment within thirty (30) days of any fees, costs or expenses for removal, detention or impounding or storage incurred by the District shall be sent by double 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 last licensed.
- (m) All highways and District parking lots are hereby designated as regulated parking zones and traffic control devices may be placed from time to time to indicate permitted parking or restrictions.

5. PEDESTRIAN REGULATIONS

- (a) No pedestrian shall stand on the travelled portion of a highway while waiting to cross a highway.
- (b) No pedestrian shall 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) No pedestrian shall walk on the travelled portion of highway if a sidewalk or shoulder or other space is available as a walking area.
- (d) No pedestrian, crossing a highway where a marked crosswalk exists, shall cross outside the limits of the markings.
- (e) No pedestrian shall cross a highway in a crosswalk in contravention of a traffic control device.

- (f) Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall give the right of way to all vehicles on the highway.

6. PARADES, PROCESSIONS AND SOLICITATIONS

- (a) No persons or group of persons shall be present on a highway in such a manner as to obstruct the free passage of pedestrians or vehicles, except with the written permission of the Council.
- (b) No persons shall be a member of, or take part in, any procession unless:
 - i) such procession is under the direction or control of a person acting as a marshal or organizer;
 - ii) a written permit for such procession has been issued by the Council to such marshal or organizer.
- (c) Applications for a permit for such a procession shall be made in writing to the Council no less than thirty (30) days to the date of the procession, specifying the day and hour which such procession is to be held, the place of formation or commencement thereof, the route to be taken and the point of disbandment thereof.
- (d) Sections 6(a) through 6(c) do not apply to a funeral procession.
- (e) Where a procession is lawfully in progress or where a funeral procession is in progress, no pedestrian or driver of such a vehicle shall cross or interfere with the procession.
- (f) The Council may grant to any organization the privilege of using any highway, or portions thereof, on certain dates for the purpose of soliciting aid and no person shall solicit aid without such permission having been granted.

7. PARKING REGULATIONS

- (a) Lane Parking
 - i) No person shall park a vehicle in a lane unless actively engaged in loading or unloading of goods from a vehicle in which case parking will be permitted for a period of up to thirty (30) minutes.
 - ii) Whenever access can be had to any lane, all deliveries or collections of goods to or from any commercial building shall be made from such lane.
 - iii) Notwithstanding item (ii) no person shall park a vehicle in a lane for the purpose of loading and unloading where a loading zone is provided on site.

- (b) Angle Parking
 - (i) Where angle parking is permitted:
 - (A) a vehicle shall be parked at the angle to the curb indicated by signs and markings and parallel to and between such markings and as close to the curb as practicable; and
 - (B) no person shall reverse a vehicle into any parking space unless otherwise permitted by a traffic control device.
 - (ii) Any vehicle having a length in excess of six (6) metres, including a load or trailer, shall not park upon any of the highway reserved for angle parking.
- (c) No person shall park a vehicle in any public place unless such person complies with all conditions of this bylaw and other regulations posted by traffic control devices.
- (d) No persons shall park a vehicle on any highway for more than seventy-two (72) hours continuously.
- (e) No person shall move a vehicle from one location to another location that is within one block of the initial location in an attempt to avoid time limits set within this bylaw.
- (f) Parking is prohibited:
 - i) on a sidewalk or boulevard;
 - ii) in front of or within two (2) metres of any public or private driveway;
 - iii) upon or within six (6) metres of any intersection or stop sign;
 - iv) within six (6) metres of a fire hydrant measured from a point in the curb or edge of the highway which is closest to the fire hydrant;
 - v) upon or within six (6) metres of a crosswalk;
 - vi) upon any highway for the principal purpose of:
 - (A) displaying a vehicle for sale;
 - (B) advertising, painting, wrecking or repairing any vehicle, except where repairs are necessary by an emergency; or
 - (C) displaying signs.
 - vii) alongside or opposite a highway excavation or obstruction when stopping, standing or parking obstructs traffic;

- viii) upon a bridge or within six (6) metres of a bridge;
 - ix) on a highway in such a manner as to obstruct or impede the normal flow of traffic;
 - x) on a marked lane of a laned highway;
 - xi) in a place of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted;
 - xii) in such manner as to obstruct the visibility of any standard traffic sign;
 - xiii) 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 accordance with such lines, markings or other signs;
 - xiv) notwithstanding any provisions of this section, alongside a curb painted white or yellow which shall designate restricted parking.
- (g) No person shall park a vehicle on a highway in a residential area contrary to any traffic control device.
 - (h) No person shall park or leave unattended, a vehicle or a trailer loaded or unloaded and used for the transport of hazardous materials except at approved secured areas.
 - (i) Only vehicles transporting or driven by disabled persons, and displaying a valid Disabled Parking Permit, may park in parking spaces expressly marked for that purpose.
 - (j) No person shall park an unlicensed vehicle, trailer or recreational vehicle on public highways where parking is otherwise permitted.
 - (k) There shall be no parking on any paved parking space of a highway in the District where in the opinion of the District snow removal is required.
 - (l) Notwithstanding any other provisions of this bylaw, no person shall park any vehicle having a gross weight exceeding 5,500 kilograms or a length in excess of 7.5 metres, on a local highway within a residential area for a period longer than two (2) hours.
 - (m) No person shall stop or park a vehicle having a licensed gross vehicle weight of over 13,600 kilograms (30,000 pounds) on any highway except when the person is

parking the vehicle to deliver or pick up goods, merchandise or other things.

- (n) No trailer, including a holiday trailer or boat trailer, shall be parked on any street of the District, unless it is attached to a vehicle capable of towing it.
- (o) No person shall stop or park a vehicle within a street's turn-around area.

8. CLASSES OF VEHICLES

- (a) The following classes of vehicles are hereby established:
 - i) **Class 1 Vehicle** - a motor vehicle licensed under the *Motor Vehicle Act* or *Commercial Transport Act* for gross vehicle weight of 5,500 kilograms or less;
 - ii) **Class 2 Vehicles** - a motor vehicle licensed under the *Motor Vehicle Transport Act* or *Commercial Transport Act* for a gross vehicle weight of 5,500 kilograms to 20,000 kilograms;
 - iii) **Class 3 Vehicles** - a motor vehicle licensed under the *Motor Vehicle Act* or *Commercial Transport Act* for a gross weight of more than 20,000 kilograms.
- (b) Subject to the provisions of this bylaw and the *Motor Vehicle Act* and with the exception of arterial highways:
 - i) a Class 1 Vehicle may be used or be present on any highway in the District;
 - ii) a Class 2 Vehicle may only be used on highways where its use is not prohibited by traffic control devices;
 - iii) a Class 3 Vehicle may not be used on any roadway in residential areas unless written approval from the District is obtained.

9. GENERAL PROVISIONS

- (a) The operator of any of the following vehicles shall be exempt from the provisions of Sections 7 and 8(b) of this bylaw:
 - i) vehicles identified by the sign or insignia as belonging to the District of Port Hardy;
 - ii) emergency vehicles, as defined by the *Motor Vehicle Act Revised Statutes of British Columbia*; and
 - iii) vehicles operated by Peace Officers engaged in the lawful execution of their duty.
- (b) No persons shall alter or stop the flow of water through any drainage, sewer, ditch or culvert on any highway.
- (c) No person shall operate on a highway a vehicle or combination of vehicle and trailer unless it is so constructed, loaded or covered as to prevent any of its load from

dropping, shifting, leaking or otherwise escaping therefrom.

- (d) No person shall place, throw, deposit or discard on any highway, any rubbish, litter or waste material of any description.
- (e) Should any material, due to any cause whatsoever, fall from the vehicle, the operator shall forthwith take all reasonable precautions to safeguard traffic from the consequences thereof and shall remove such material from the spilling area.
- (f) No person shall excavate, construct any work, or occupy the highway for the purpose of construction adjacent to the highway unless otherwise authorized by the District.
- (g) Where authorized works are carried out on, over or under any highway, appropriate signs, flashers, barricades or other warning devices shall be provided around the construction zone to the satisfaction of the District.
- (h) No person shall use any highway for any purpose other than that of lawful traffic except with the permission of the District.
- (i) No person shall operate upon a vehicle any calliope, loudspeaker or other noise-making device upon the highway of the District for advertising or other purposes unless a permit has been applied for and granted by Council.
- (j) No person shall place, erect, remove or alter any sign, structure or other device on or over a highway or land without the express consent of Council.
- (k) No person operating a vehicle shall park, drive on, over or upon any sidewalk, boulevard, curb or gutter unless necessary for maintenance of same or to temporarily access property.
- (l) Every owner or occupier of real property, or their agents or any other person who shall in any way require to drive, pull or propel any vehicle, equipment or trailer across any pavement, sidewalk, boulevard or curbing and gutter for the purpose of entering his property or when leaving the travelled portion of the highway, or for any other reason, shall first construct across the pavement, sidewalk, boulevard, curbing and gutter, protection sufficient to prevent the same from being damaged and shall not obstruct the drainage of surface water on or in any ditch or highway or storm drain within the District.
- (m) Every person who in any way damages pavement, paved or unpaved sidewalk or curbing or gutter while leaving the travelled portion of the highway, shall be liable to the District and shall pay for the costs of repairing such damage to the satisfaction of the District.
- (n) No person shall alter an existing access to property or construct a new access to a property without obtaining an access permit from the District.

10. CONTRAVENTION AND PENALTIES

- (a) Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- (b) Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of One Hundred Dollars (\$100.00), which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.

11. The District adopts, for traffic control purposes, the standards set out in the Manual of Uniform Traffic Control Devices for Canada and the Pedestrian Crossing Control Manual for British Columbia.

12. SEVERABILITY

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

13. REPEAL

- (a) Bylaw No. 21-2005 is hereby repealed.
- (c) Notwithstanding the repeal of Bylaw No. 21-2005 all traffic control devices installed pursuant to the provisions of the said bylaw shall remain lawful and valid until removed by the District.

READ A FIRST TIME ON THE 14th DAY OF AUGUST 2007.

READ A SECOND TIME ON THE 14th DAY OF AUGUST 2007.

READ A THIRD TIME ON THE 14th DAY OF AUGUST 2007.

ADOPTED THE 11TH day of SEPTEMBER, 2007.

ORIGINAL SIGNED BY:

DIRECTOR OF
CORPORATE SERVICES

MAYOR

Certified to be a true copy of

Council Remuneration Bylaw No. 16-2007

DIRECTOR OF CORPORATE SERVICES