

TOWN OF SIDNEY

BYLAW NO. 1966

A BYLAW TO PROVIDE FOR GENERAL STREET REGULATIONS AND FOR THE REGULATION OF VEHICULAR TRAFFIC ON THE STREETS OF THE TOWN OF SIDNEY

The Municipal Council of the Town of Sidney enacts as follows:

1. This bylaw is divided into the following parts relating to the following subjects:

Part I	Procedure for Making Orders	Part IV	General Street Regulations
Part II	Traffic Regulations	Part V	Offences and Penalties
Part III	Parking and Stopping Regulations		

Interpretation

2. (a) In this bylaw any orders made pursuant hereto, the expressions used shall have the respective meanings assigned to them by the *Motor Vehicle Act* EXCEPT as set forth in this Section or where the context otherwise requires.

(b) In this bylaw, unless the context otherwise requires:

Administrator - shall mean the Chief Administrative Officer of the Town of Sidney.

Arterial Highway - shall have the same meaning as is set forth in the *Highway Act*.

Bicycle - shall mean and include any bicycle, tricycle or vehicle of a similar character.

Boulevard - shall mean that portion of the street between the curb lines or the lateral lines of a roadway and the adjoining property line, exclusively of the sidewalk.

Bus - shall mean a railless vehicle used as a public utility for the carriage of passengers.

Chief of Police - shall mean the officer-in-charge RCMP Detachment of the Town of Sidney.

Commercial Vehicle - shall mean a vehicle engaged in carrying goods, wares or merchandise and so licensed in accordance with the provisions of the *Motor Vehicle Act*.

Crosswalk - shall mean that portion of the roadway ordinarily included within the prolongation of the lateral lines of sidewalks at intersections and any other portion of a highway indicated for pedestrian crossing by lines or other markings.

Driver - shall mean any person who drives, operates, propels or who is in physical control of a vehicle.

Emergency Vehicle - shall mean:

(a) an ambulance responding to a call or transporting a patient where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this bylaw,

- (b) a motor vehicle carrying rescue or first-aid equipment where there is an urgent emergency justifying a rate of speed in excess of a maximum rate of speed provided for in this bylaw,
- (c) a motor vehicle carrying fire fighting equipment in responding to an alarm or fire, and
- (d) a motor vehicle driven by a police officer or constable or by a member of the police branch of any of Her Majesty's Armed Forces or a member of the Provincial Police Service in the discharge of his duty where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this bylaw.

Hired Vehicle - shall mean and include every vehicle licensed to carry or used or plying for hire within the Town of Sidney EXCEPT vehicles used and operated as part of the public transportation system operating within the Town of Sidney.

Jay Walking - means to cross a roadway, not being a lane, at any place which is not within a crosswalk and which is less than one block from an intersection at which traffic control signals are in operation.

Intersection - shall mean the area embraced within the prolongation of the lateral property lines of streets which join one another, whether such streets at the junction cross each other or merely meet at an angle without crossing each other.

Lane - shall mean a public highway within the ordinary meaning of lane not designed for general travel and primarily used as a means of access to the rear of residences and business establishments.

Loading Zone - shall mean an area or space on a roadway established by the authority of this bylaw for the use of commercial vehicles in the loading and unloading of materials or passengers.

Municipal Council - shall mean the Municipal Council of the Town of Sidney.

Municipal Engineer - shall mean the Director of Engineering and Public Works duly empowered by resolution.

Municipality - shall mean the Municipality of the Town of Sidney.

Nuisance - means an activity which substantially and unreasonably interferes with a person's use and enjoyment of a public area or of land he or she occupies or which causes injury to the health, comfort or convenience of an occupier of land and, if it does so, without limiting the generality of the foregoing, may include, an activity such as a noisy party, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, littering and trespassing.

Park, Parking, or Parked - shall mean the standing of a vehicle whether occupied or not upon a roadway otherwise than temporarily for the purpose of and while actually engaged in loading and unloading merchandise, discharging or taking on passengers or in obedience to traffic regulations or traffic signs or signals.

Parking Stall - shall mean a portion of a roadway indicated by markers as a parking place for one vehicle.

Passenger Zone - shall mean the area or space on a roadway established by the authority of this bylaw for unloading of passengers only.

Peace Officer - includes

- (a) a mayor, sheriff and sheriff's officer,
- (b) a warden, correctional officer, and any other officer or permanent employee of a penitentiary, prison, correctional centre or youth custody centre, and
- (c) a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace.

Pedestrian - means any person afoot.

Person - shall mean and include any person, corporation, partnership, firm, association or party.

Police Officer - shall mean any member of the police force of the Town of Sidney, the Royal Canadian Mounted Police or any member of Municipal Police Force within the Province of British Columbia.

Private Lane - shall mean every way or place or roadway which is privately owned and used for vehicular travel by the owner or owners thereof and those having the permission of the owners, express or implied, but does not include a driveway between a single residence and a street.

Public Place - shall mean and include all public squares, public gardens, public recreation grounds, parks, lanes and streets within the Town of Sidney.

Roadway - shall mean that portion of the street improved, designed or ordinarily used for vehicular traffic.

Safety Zone - shall mean the area or space within a street designated by the Municipal Council, Administrator or the Municipal Engineer for the exclusive use of pedestrians and which is marked or indicated as such.

Sidewalk - shall mean that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines improved by the laying of concrete, gravel, planks, or other material for the use of pedestrians.

Sidewalk Crossing - shall mean that portion of a sidewalk permanently approved or designated for the passage of vehicular traffic.

Small Car - shall mean a vehicle not exceeding 4.5 metres in length or 1.5 metres in height.

Stop - (when required) shall mean a complete cessation of movement.

Stop or Stopping - (when prohibited) shall mean the coming to rest of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control signal or traffic sign.

Street - shall include roadway, boulevard and sidewalk as well as any way, road, lane, alley, avenue, thoroughfare, drive, bridge, square or open space in the Town which is open to the use of the public as a matter of right, for the purpose of traffic.

Street line - shall mean the boundary line between any street and any property which is not a street.

Town - shall mean the Town of Sidney.

Traffic Control Signal - shall mean any authorized device manually, electrically or mechanically operated for the regulation of traffic.

Traffic Control Flashing Signal - shall mean any authorized device which is operated mechanically or electrically to regulate traffic by indicating by flashing coloured lights the precaution to be taken by traffic proceeding in any given direction.

Traffic Sign - shall mean any authorized sign, signal (other than the traffic control signal and traffic control flashing signal) marking or other device placed, painted or erected for the guidance, regulation, warning, direction or prohibition of traffic, parking or stopping.

Trailer - shall mean every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

Unlicensed Vehicle - means a vehicle which does not display a current motor vehicle licence issued under the provisions of the *Motor Vehicle Act*. or the motor vehicle licensing provision of another jurisdiction.

Vehicle - shall mean and include any device in, upon or by which any person or property is or may be transported or drawn upon a street, irrespective of motor power, including a horse led or ridden but shall not include any conveyance running only upon rails.

Weapon - shall mean and include all types of fire arms as well as air guns, air rifles, air pistols and spring guns.

PART I PROCEDURE FOR MAKING ORDERS

3. (a) Any order or orders made by the Administrator or the Municipal Engineer pursuant to any power delegated by this bylaw shall, before coming into effect, be approved by a resolution of the Municipal Council and shall come into force immediately upon such approval being given unless a later date is specified in the order or orders.
- (b) The order referred to in Subsection (a) hereof shall be set forth in writing and signed by the Administrator or the Municipal Engineer and forwarded to the Administrator. Upon receipt of any such order the Administrator shall present the same to the next meeting of the Municipal Council for its approval or other action.
- (c) Upon such order or orders being approved by the Municipal Council pursuant to the Section, the Administrator shall endorse thereon the fact of such approval and the date thereof and file the order or orders.

- (d) In lieu of the procedure set forth in Subsection (b) hereof, the Administrator or the Municipal Engineer may forward any order or orders to an appropriate committee of the Municipal Council for their consideration and after considering the same, such committee may present the order or orders with or without any recommendation to a meeting of the Municipal Council for its approval or other action.
- (e) The Administrator or the Municipal Engineer may rescind, revoke, amend or vary any order or orders made by him by a further order or orders made in conformity with this Section and submitted to the Municipal Council pursuant to either Subsection (b) or Subsection (d) hereof.
- (f) Where in this bylaw the Administrator and or Municipal Engineer is empowered to make any order or orders, such power may be exercised at any time or from time to time as he may deem necessary or expedient.
- (g) The Administrator shall have custody of all orders made pursuant to this bylaw after the same have been approved by the Municipal Council and having seen to their completion, he shall preserve and keep the originals thereof. He shall keep on hand at least one duly certified copy of each order which on request shall be made available for perusal by any person during regular office hours and he shall furnish certified copies of such orders and may charge a fee In accordance with the Miscellaneous Fees and Charges Bylaw 1711.

Powers of Municipal Council not affected by Orders:

- 4. Nothing in this bylaw contained shall be construed to limit in any way the power of the Municipal Council to initiate, adopt, repeal or amend bylaws in respect of any matter dealt with in this bylaw notwithstanding that any authority has been given or delegated herein and any order or orders made by the Administrator and or Municipal Engineer shall be valid and effective only to the extent that they are not inconsistent with the provisions of any bylaw of the Municipal Council for the time being in force. The Municipal Council may by bylaw at any time rescind or revoke any order or orders made by the Administrator and/or Municipal Engineer.
- 5. Notwithstanding Section 3 hereof, orders made for the issuance of any permit or the granting of any permission or consent made or given pursuant to this bylaw by the Administrator or Municipal Engineer or other officer or employee of the Municipality duly empowered to make the same, shall come into force and take effect forthwith upon the making thereof or, if a time shall be stated therein in that behalf, then at such time. No such order or any order for the rescision, revocation, amendment or variation thereof need be approved or ratified by the Municipal Council or forwarded to, endorsed by or kept in the custody of the Administrator but shall be a good and sufficient order from the time of making thereof according to its tenor.

**PART II
TRAFFIC REGULATIONS
POWERS OF ADMINISTRATOR AND/OR MUNICIPAL ENGINEER**

6. For the purpose of regulating the movement of traffic within the Town of Sidney, the Administrator and/or the Municipal Engineer may by order:
- (a) **No "U" Turns** - designate the intersections where signs bearing words or symbols indicating that "U" turns are prohibited shall be placed.
 - (b) **No Left Turns** - designate the locations at intersections where signs bearing words or symbols indicating that left-hand turns are prohibited shall be placed.
 - (c) **"Stop" Signs** - designate the locations at intersections where signs bearing the word "stop" shall be placed.
 - (d) **Traffic Lights** - designate the locations where traffic control signals as described in Section 128 of the *Motor Vehicle Act* shall be placed.
 - (e) **One-Way Streets** - designate the intersections where signs bearing words or symbols indicating that a street is a one-way street shall be placed together with such other signs as the Administrator and/or Municipal Engineer deem advisable in order to prohibit traffic proceeding in more than one direction upon such one-way street.
 - (f) **Crosswalks** - designate the portions of streets which shall be crosswalks and shall be marked by distinctive lines or markers upon the street surfaces and where signs indicating such portions of streets are crosswalks shall be placed.
 - (g) **Laned Roadways** - designate the roadway or part of a roadway upon any street or part thereof to be a "laned roadway" within the meaning of the *Motor Vehicle Act* and providing for the marking thereof with suitable lines upon the roadway.
 - (h) **Turning-Laned Roadways** - designate the lane or lanes upon a laned roadway at or near an intersection where suitable traffic-control devices shall be placed to direct that no turn or turns only in certain directions shall be made at the intersection by vehicles traveling in such lane or lanes.
 - (i) **Highway Lines** - designate the street or streets or portions thereof which shall be marked with lines in the manner provided by Section 155 of the *Motor Vehicle Act*.
 - (j) **Highway Dividers** - designate the street or streets or portions thereof which shall be divided in the manner provided by Section 163 of the *Motor Vehicle Act*.
7. **School Patrols:**
- (a) The Principal of any public or private school may appoint a number of the students of such school to constitute a traffic patrol and thereupon such pupils shall be vested with power to require the stopping of vehicles at crosswalks by displaying flags or other devices bearing the word "Stop".

- (b) No driver of a vehicle which is approaching a crosswalk where a member of a traffic patrol is in attendance shall cause or permit the vehicle to proceed through or into the crosswalk when a flag or other device with the word "Stop" thereon is being displayed so as to face traffic approaching from either direction.

8. Firefighters May Direct Traffic:

Any officer or member of the Fire Department of the Municipality of the Town of Sidney or any police officer of the Municipality of the Town of Sidney while acting upon or in the course of duties connected with the Fire Department in attendance at or near any fire or other emergency may direct traffic on any street in the vicinity of such fire or other emergency and every person shall comply with the directions of any such officer or member of the Fire Department or Police Force.

9. Temporary Closing of Streets:

The Administrator and or Municipal Engineer shall be empowered without an order to direct that on any street where construction, re-construction, widening, repair, marking or other work is being carried out, traffic control devices shall be erected or placed to regulate or prohibit traffic in the vicinity of such work and/or limit the rate of speed of vehicles.

10. Work in Streets:

The Administrator and/or Municipal Engineer shall be empowered without an order to direct that on any street where construction, re-construction, widening, repair, marking or other work is being carried out, traffic-control devices shall be erected or placed indicating that men or equipment are working upon the street.

11. Moving of Vehicle into Vehicular Traffic:

No person shall move any vehicle from a stationary position at the curb or edge of the roadway into the line of vehicular traffic up on the street without first having signaled his intention so to do by means of an appropriate hand and arm or mechanical signal as prescribed for left turns by the *Motor Vehicle Act* and unless he has ascertained that the movement can be made in safety, having regard to the nature, condition and use of the highway and the traffic which actually is at the time or might reasonably be expected to be on the highway.

12. Police - Temporary Traffic Control:

Any police officer is hereby authorized to place or employ such temporary traffic-control devices as he deems necessary to assist in controlling traffic.

13. Speed Limits:

- (a) The rate of speed at which a person may drive or operate a motor vehicle upon a highway, roadway or lane in the Municipality shall not exceed fifty (50) kilometers per hour save in such portions of the Municipality in respect of which lesser maximum speeds are provided for in this bylaw or the *Motor Vehicle Act*.

- (b) The maximum rate of speed at which a person may drive or operate a motor vehicle upon the following streets shall be thirty (30) kilometers per hour: Allbay Road; Harbour Road; Epco Drive; Brethourpark Way; Resthaven Drive between Sidney Avenue and Mills Road; and those streets bounded by the waterfront to the east, Highway No. 17 to the west, Ocean Avenue to the south and Sidney Avenue, James White Boulevard, Swiftsure Place and Bessredge Place to the north.
- (c) The Administrator and/or the Municipal Engineer shall cause to be placed upon the streets referred to in Subsection (a) and (b) of this Section such signs indicating the speed limits aforesaid as may be required.
- (d) The provisions of this Section shall not apply to an emergency vehicle as defined in Section 2 hereof.

PART III PARKING AND STOPPING REGULATIONS

Division (i) Powers of Administrator and/or Municipal Engineer

14. The Administrator and/or Municipal Engineer may from time to time make orders in respect of all or any of the following matters or things, that is to say:
- (a) **No Stopping Zones** - designate certain streets or portions of streets as "No Stopping" zones and designating the hours of the day during which stopping is prohibited within such zones.
 - (b) **No Parking Zones** - designate certain streets or portions of streets as "No Parking" zones and designating the hours of the day during which parking is prohibited within such zones.
 - (c) **Limited Time Parking Zones** - designate certain streets or portions of streets as "Limited Time Parking" zones and designating the length of time during which vehicles may be continuously parked within such zones and designating the hours of the day during which the regulation in respect of any such zone or zones are to apply.
 - (d) **Loading Zones** - designate certain streets or portions of streets as "Loading" zones and designating the hours of the day during which such zones are to be in effect as loading zones.
 - (e) **Taxi Stands** - designate certain streets or portions of streets as "Taxi Stands" for the exclusive use of cabs or any class of cabs.
 - (f) **Bus Zones** - designate certain streets or portions of streets as "Bus" zones for the exclusive use of transportation buses or any class or classes thereof and designating the day or days and the hours of the day during which the stopping, standing or parking therein of vehicles other than such buses or class or classes thereof is prohibited.

- (g) **Angle Parking** - designate certain streets or portions of streets as "Angle Parking" zones within which vehicles shall be parked only at an angle with the curb or edge of the roadway and generally designating certain streets or portions of streets and the hours and days within and during which stopping, standing or parking of the vehicles otherwise than in the manner prescribed by Section 188 of the *Motor Vehicle Act* is permitted or required and the conditions and restrictions applicable thereto.
- (h) **Traffic Control Devices** - providing for the erection, placing, painting or marking upon any streets or portions of streets of such traffic-control devices as the Administrator and/or Municipal Engineer deems necessary or expedient to give effect to the provisions of this bylaw, or any orders made pursuant to this bylaw, the *Motor Vehicle Act* and Regulations made thereunder, and such provision may be included in any order made pursuant to any of the sub-paragraphs of this Subsection or may be set forth in a separate order or orders.
- (i) **Reserved Parking** - setting apart and allotting certain portions of streets adjacent to any Federal, Provincial or Municipal public building for the exclusive use of officials and officers engaged therein for the parking of vehicles and providing that certain portions may be used exclusively by certain officials and officers and designating the hours of the day during which such portions of streets shall be so set apart and allotted.
- (j) **Special Parking** - designate the streets or portions of streets where the drivers of vehicles shall not be required to park the vehicle in the manner prescribed in Section 188 of the *Motor Vehicle Act* and providing that the driver shall park the vehicle in the manner indicated by lines or other markings or signs displayed in each of such places, designating the type or types of vehicles to which such order shall apply.
- (k) **Parking Vehicles Over 6.1 Metres** - designate the streets or portions of streets where the drivers of vehicles having, together with any load carried thereon, or any trailer attached thereto an overall length in excess of 6.1 metres may not park such vehicle except for the purpose of loading or unloading merchandise or freight.
- (l) **Passenger Zones** - designate the streets or portions of streets which shall be "Passenger" zones for the exclusive use of vehicles while engaged in loading or unloading of passengers.
- (m) **Small Car Parking** - designate the streets or portions of streets, or parking spaces on public property that shall be for the exclusive use of small cars, as defined under this bylaw.

Division (ii) Prohibitions

15. No Stopping Zones:

No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to stop or remain standing in any "No Stopping" zones during the hours of the day during which stopping therein is prohibited.

16. No Parking Zones:

- (a) No person being in charge, control or possession of a vehicle shall park such vehicle or permit the same to remain parked in any "No Parking" zone during the hours of the day during which parking therein is prohibited.
- (b) Where any person being in charge, control or possession of a vehicle causes or permits such vehicle to remain at rest in a "No Parking" zone for the purpose of loading or unloading for a period in excess of two (2) minutes, such vehicle shall be deemed to be "Parked" within the meaning of this Section.

17. Limited Time Parking Zones:

- (a) No person being in charge, control or possession of a vehicle shall park such vehicle or permit the same to remain parked in any limited time parking zone for a period in excess of the time during which vehicles may be continuously parked within such zone as indicated by signs placed in or near such zone pursuant to this bylaw.
- (b) Where a vehicle has been parked in a "Limited Time Parking" Zone in violation of the provisions of this Section, a separate offence shall be deemed to be committed at the expiry of each further period of time during which the vehicle would have been lawfully parked as indicated by signs placed in or near the Zone.
- (c) For the purpose of this Section, a vehicle shall be deemed to have been continuously parked:
 - (i) for as long as it remains within the block in which it was originally parked, or
 - (ii) if moved out of the block in which it was originally parked and returned within a period shorter than the time limit established for the "Limited Time Parking" zone.

18. Loading Zones:

- (a) No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to stop or remain standing in any loading zone during the hours of the day when such loading zone is in effect unless the vehicle is a commercial vehicle as defined by this bylaw and goods, wares or merchandise are actually being loaded or unloaded there from.
- (b) No person being in charge, control or possession of a commercial vehicle shall cause or permit such vehicle to stop or remain standing in any loading zone during the hours mentioned in Subsection (a) for a period exceeding one-half (1/2) hour.

19. Passenger Zones:

No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to stop or remain standing in any "Passenger" zone except for the purpose of loading or unloading passengers and while actually engaged in so doing.

20. Taxi Stands:

- (a) No person being in charge, control or possession of a vehicle other than a cab shall cause or permit such vehicle to stop or remain standing within any area designated as a "Taxi Stand".

- (b) Where any taxi stand has been designated for the exclusive use of a particular class of cab, no person being in charge, control or possession of a vehicle not belonging to such class of cabs shall cause or permit such vehicle to stop or remain standing within such "Taxi Stand".

21. Cabs To Stand Only in Allotted Stands:

No person being in charge, control or possession of a cab as aforesaid shall permit the said cab to stand or remain standing upon any street except within a taxi stand designated for the use of the particular class of cab to which such cab belongs.

22. Bus Zones:

No person being in charge, control or possession of a vehicle not being a transportation bus of the class or classes for the exclusive use of which an area designated as a "Bus" zone is set apart shall cause or permit such vehicle to stop or remain standing within any such area during the time or times when the same is designated as being so set apart.

23. Reserved Parking Areas:

Where any portion of a street has been set apart for the exclusive use of any of the officials or officers mentioned in Section 14 (i) of this bylaw no person being in charge, control or possession of a vehicle who is not an official or officer to whom the said portion of the street has been allotted shall park such vehicle or permit the same to remain parked upon the portion of the street so set apart during the hours of the day during which such portion of the street is set apart.

24. Angle Parking:

- (a) No person being in charge, control or possession of a vehicle shall park such vehicle within an "Angle Parking" zone except so that it shall stand within 0.3 metres of and at an angle with the curb as indicated by the lines markings or other signs placed for the purpose and at a distance of not less than 0.6 metres from any other vehicle.
- (b) No person being in charge, control or possession of a vehicle having an over-all length in excess of 6.1 metres shall park such vehicle in an "Angle Parking" zone.

25. Special Parking:

Where lines, markings or other signs are placed upon any portion of a street indicating the size of vehicle or manner in which vehicles shall be parked thereon, no person being in charge, control or possession of a vehicle shall park such vehicle upon the said portion of a street except in accordance with such lines, markings or other signs.

26. Standing While Loading or Unloading Vehicles:

Except as designated by order of the Administrator and or the Municipal Engineer, the person being in charge, control or possession of a vehicle while loading or unloading merchandise or freight may not permit such vehicle to stand in any street otherwise than in the manner prescribed by Section 188 of the *Motor Vehicle Act* at any time on any day which is a holiday as defined by the *Interpretation Act*, or on any other day between the hours of 7:30 a.m. and 6:00 p.m., or such other hours as may be designated by order of the Administrator and/or Municipal Engineer.

27. Unlicensed Vehicles:

No person shall park an unlicensed vehicle in whole or in part, on any street or public property.

28. 24 Hour Parking Restriction:

No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to remain continuously parked upon any street or public property for a period in excess of twenty-four (24) consecutive hours.

29. Distance between Vehicles:

Where vehicles are parked parallel to the edge of the roadway no person being in charge, control or possession of a vehicle shall cause or permit the vehicle to be parked closer than 1.2 metres from any other parked vehicle.

30. Maintaining Driveway Access:

No person being in charge, control or possession of a motor vehicle shall cause or permit such a vehicle to remain standing or parked in front of, or within 2.0 metres of any private or public driveway, or in front of or within 3.0 metres of any commercial driveway, as measured from a line projected to the curb, or edge of pavement, from the functional travelled edges of the driveway.

31. No Stopping on Left Side of Street:

Except when the Bylaw permits and otherwise directs or a Police Officer so instructs, no driver shall stop, stand or park a vehicle other than on the right side of a highway and with the right hand wheels parallel to that side and where there is a curb, within 0.30 metres of the curb.

32. Sleeping in a Vehicle:

No person shall use any vehicle or trailer parked on a street for the purpose of lodging, sleeping accommodation or a residence.

33. Parking of Commercial Vehicles in Residential Districts:

- (a) No person being in charge, control or possession of a commercial vehicle whose length exceeds 6.1 metres or whose height from the street level exceeds 2.0 metres shall park on that side of a street which abuts property that is within Single or Two Family Residential or Multi-Family Residential areas as designated in the Zoning Bylaw of the Town of Sidney.
- (b) In this Section "Commercial Vehicle" shall be defined as in the *Commercial Transport Act of British Columbia* and amendments thereto and the definition of "Commercial Vehicle" set out in Section 2 of this bylaw shall not apply.

34. Public Parking Lots:

- (a) No person being in charge, control or possession of a vehicle shall park in a public parking lot owned by the Town of Sidney for a length of time exceeding that length as posted and displayed therein as a limitation.
- (b) No person being in charge, control or possession of a semi trailer truck shall park in or over any, Town owned parking lot from 10:00 a.m. to 7:00 p.m. inclusive on any day.

- (c) Notwithstanding Subsection (a) above, a parking permit may be purchased from the Town, at a fee to be established by Council from time to time by resolution, to allow unlimited parking in the public parking lot, subject to Section 28, as designated and shown on the permit. These permits are non-transferable and must be clearly displayed at all times on the vehicle designated by the licence number shown on the permit.

35. Tulista Park:

- (a) No person being in charge, control or possession of a vehicle shall park any vehicle or allow any vehicle to remain parked contrary to signs erected at the Tulista Park Boat Launch and adjoining parking lots.
- (b) No person being in charge, control or possession of a vehicle shall park any vehicle or allow any vehicle to remain parked in the Tulista Boat Launch Area unless the vehicle is attached to and accompanied by a boat trailer.
- (c) To launch a pleasure boat at Tulista Park without first paying the parking/launching fee and displaying the parking/launching fee receipt on the dash of the tow vehicle.

36. Iroquois Park:

No person being in charge, control or possession of a vehicle shall park any vehicle or allow any vehicle to remain parked contrary to signs erected in Iroquois Park.

**PART IV
GENERAL STREET REGULATIONS**

37. 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 police officer; providing that during the hours of daylight a vehicle shall be deemed not to be in a procession unless the head lamps are lighted.
38. No person shall cause or permit the horn of a vehicle to be sounded on any highway or other public place except as required by the *Motor Vehicle Act* or for the purpose of giving reasonable warning to other persons using or about to use the highway of some hazard or danger arising out of the presence of or approach of the vehicle.
39. No person shall be a member of or take part in any procession through or in any highway within the Municipality unless there has first been obtained a permit in respect of such procession issued pursuant to an order of the Administrator and/or the Municipal Engineer who may impose such terms and conditions in relation thereto as he shall deem proper.
40. No person shall permit any goods, wares or merchandise or other article of trade or commerce to remain on any part of the street longer than is reasonably necessary to deliver the same expeditiously or to remove the same into any vehicle.
41. No person shall operate, stand or park any vehicle upon any street, boulevard or other public place for the purpose of displaying it for sale.
42. No person shall solicit from any occupant of a motor vehicle in a manner which obstructs or impedes the convenient passage of any vehicular traffic or in any way impedes or obstructs the view of any driver of such vehicle on a road, highway or street.

For the purposes of Section 42; "solicit" means to, without consideration, ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture, for one's self or for any other person, and solicitation has a corresponding meaning, but does not include soliciting for charity by a registered charity organization.

43. No person except the agents, officers or employees of the Municipality acting in the course of their employment shall cause or permit any structure, object or thing to be built, constructed, placed or maintained upon or in any street within the Municipality without a permit from the Municipal Council who may impose such terms and conditions as it thinks proper, and where a permit is issued, such structure, object or thing shall be built, constructed, placed or maintained entirely in accordance with the terms and conditions contained in such permit; provided that the Administrator and/or Municipal Engineer in urgent circumstances, or in cases where it is made to appear to the satisfaction of the Administrator and/or Municipal Engineer that the obstruction is of a minor or inconsequential nature or is such as is unlikely to continue for a period of more than seventy-two (72) hours, may exercise the Council's powers in connection with the foregoing.
44.
 - (a) Without restricting the generality of Section 45, no person shall place, deposit or leave upon or in any street or other public place any chattel, obstruction, vehicle or other thing which is or is likely to be a nuisance, and no person being the owner or person entitled to the possession or control of any such thing shall permit or suffer the same to remain upon or in such street or other public place.
 - (b) The Administrator and or the Municipal Engineer may remove or cause to be removed any chattel, obstruction, vehicle or other thing unlawfully occupying any street or other public place in contravention of Subsection (a) of this Section, and may detain or impound any such thing until the owner thereof shall have paid to the Municipality the costs, fees, charges and expenses of and incidental to such removal, detention and impoundment, including charges for storage; provided that if all the costs, fees, charges and expenses shall not be paid within fourteen (14) days from the time of such removal, detention or impoundment, the Administrator and/or Municipal Engineer may advertise once in a daily newspaper published and circulating within the Municipality his intention to sell or cause to be sold by public auction the thing impounded pursuant hereto after the expiration of five (5) days from the date of the publication of the said advertisement, and if all the aforesaid costs, fees, charges and expenses are not paid before the expiration of the said five (5) days, the Administrator and/or Municipal Engineer may proceed to sell any such thing by public auction.
 - (c) In addition to all other remedies provided herein, the Municipality may recover in any court of competent jurisdiction the costs, fees, charges and expenses mentioned in Subsection (b) of this Section from the owner of the chattel, obstruction, vehicle or other thing in respect of which the same were incurred.
45. Save only with respect to articles of trade or commerce lawfully in a street or other public place and works permitted pursuant to this bylaw or the *Local Government Act*, no person shall damage, encumber, obstruct or foul any street or portion thereof or any other public place or do anything that is likely to damage, encumber, obstruct or foul any such street or place, and without restricting the generality of the foregoing:
 - (a) No person shall cause or suffer or permit to be thrown, deposited, discarded or placed in any street or other public place any rubbish, litter or waste matter of

- any description nor any garbage, offal, filth or other noxious or offensive or unwholesome substance or matter;
- (b) No person shall circulate, distribute or deliver in or near any street or other public place any handbill, circular, flyer or other printed, typed or written matter for the purpose of publicizing or calling attention to any event, fact, product or thing if the ordinary and probable result of such conduct is that such material will be discarded in or on a street or other public place by any or all of the persons receiving the same.
 - (c) No person shall ride, drive, or land any animal or move, drive or propel any vehicle over or across any curb or across any boulevarded area unless such curb has been lowered, or is a mountable type and a driveway has been constructed or reconstructed to form a suitable crossing to the satisfaction of the Municipal Engineer, and no person shall lower any curb or reconstruct a driveway across any boulevard or boulevarded area without first obtaining a permit for such construction from the said Engineer. All driveways shall be in all aspects subject to the approval of the Municipal Engineer.
 - (d) Every driveway already constructed or hereinafter constructed shall be maintained by the owner or occupant of the property abutting thereon in a manner satisfactory to the said Engineer. No material shall be placed in any gutter or ditch or against any curb for the purpose of making a crossing except as a temporary expedient and with the written permission of the Municipal Engineer, and such person before obtaining such written permission shall deposit with the Town of Sidney security for any ensuing damage and costs in an amount satisfactory to the Municipal Engineer. On completion of the construction of the crossing the Municipal Engineer shall approve refund of the deposit after having deducted therefrom any costs therein accrued by the Town of Sidney due to the construction of the said driveway which costs shall include the cost of necessary inspection work.
46. No person owning or occupying any property abutting upon or continuous to any street shall permit water to flow from such property onto or over such street without a permit pursuant to an order of the Administrator and/or the Municipal Engineer who may impose such terms and conditions as he thinks proper and where such permit is issued, the person to whom it is issued shall observe and perform such terms and conditions.
47. Every person being an occupant or owner of any property abutting or fronting upon a portion of a sidewalk 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.
48. (a) No person shall deposit any wood, cordwood, firewood, sawdust or coal upon any portion of any street where it is or is likely to be an obstruction to users of the street.
- (b) No person to whom any wood, cordwood, firewood, sawdust or coal has been delivered shall permit the same to remain upon any portion of any street for a period in excess of twenty-four (24) hours.
49. (a) Every motor vehicle shall be fitted with a proper and sufficient device capable of catching all drippings of oil, grease, gasoline or water falling from the body or engine of such vehicle.

- (b) No person shall allow any oil, grease, gasoline, water or other deleterious material to drop or fall upon any asphaltic pavement from any motor or other vehicle or engine.
50. No person shall paint, draw or write upon, affix any notice or advertisement to or otherwise mark or disfigure any sidewalk or street within the Municipality or any structure or fixture in or on any such sidewalk or street. The placing of marks, letters or symbols in the course of the execution of authorized works in any street shall not be considered to be a violation of this Section.
51. No person except the agents, officers or employees of the Municipality acting in the course of their employment shall excavate in or disturb the surface of any street within the Municipality without a permit from the Municipal Council and where a permit is issued, any excavation or disturbance shall be carried out in accordance with the conditions therein contained.
52. Awnings shall not be placed or suspended over any part of any street or highway unless the lowest portion of such awning is at least 2.2 metres above the sidewalk of said street or highway. All awnings placed or suspended over any part of any street or highway shall be approved by the Municipality.
53. (a) Except in accordance with the terms and conditions of a permit issued in that behalf by order of the Administrator and/or Municipal Engineer, no person shall cause or permit a vehicle to stop, stand or park on any sidewalk or boulevard and except as aforesaid when entering or leaving land adjacent to a street, a driver shall drive upon that portion only of a sidewalk, curb or boulevard that lies within a sidewalk crossing as described in Subsection (b) of this Section.
- (b) A "sidewalk crossing" for the purpose of this Section shall mean a sidewalk crossing which is constructed of such materials and in such manner as the Administrator and/or the Municipal Engineer shall direct or approve and which is at all times maintained by the owner of the property served thereby in the manner satisfactory in all respects to the Administrator and/or the Municipal Engineer.
54. No person in charge, control or possession of any vehicle (not being a vehicle operated by an employee of or on behalf of the Municipality while in the performance of his duties) shall drive or allow or permit said vehicle to be driven within any public park except upon the hard surface portions of the established highways, streets or roads within the said park and no person shall park, or cause to be parked, any such vehicle within a public park except upon areas set apart for the parking of such vehicles and no person in charge, control or possession of any vehicle shall drive or permit the said vehicle to be driven upon any roadway in any public park where driving is prohibited by signs.
55. No person shall at any time destroy, damage or injure any tree, shrub, flower, grass or other foliage upon any boulevard.
56. (a) No person shall plant any tree, shrub, bush or hedge closer than 0.5 metres to the street line.

- (b) The occupier or owner of any land adjacent to a street shall cause all trees, shrubs, hedges and bushes growing or standing upon such land to be trimmed and cut back so as to prevent any obstruction either visual or physical to interfere with the free use of the street by persons or vehicles.
 - (c) Where any trees, shrubs, hedges or bushes are obstructing or interfering with the use of a street contrary to Subsection (b) or where in the opinion of the Municipal Council any trees, shrubs, hedges or bushes are dangerous or have become injurious to the road-bed, sidewalk or works lawfully upon or within the street or where in the opinion of the Municipal Council the safety or convenience of the public requires that any trees, shrubs, hedges or bushes shall be removed, cut down or trimmed, the Municipal Council may direct that a notice be given to the owner or occupier of the lands upon which the trees, shrubs, hedges or bushes are growing or standing requiring him within five (5) days from the date thereof to remove, cut down or trim the said trees, shrubs, hedges or bushes designated in the notice and further direct that if the owner or occupier shall fail to comply with the requirements of the notice or make application to a Judge of the County Court as provided in the *Local Government Act*, the Administrator and/or Municipal Engineer of the Municipality shall enter upon the lands in question and effect such removal, cutting down or trimming at the expense of the owner of the lands in accordance with the provisions of the *Local Government Act*.
57. (a) The owner (as defined by the *Local Government Act*) of any land forming a private street or lane shall at all times exhibit thereon at its junction with any public street a sign bearing the words "Private Lane" in letters of not less than 10 centimetres in height.
- (b) Every owner of a private lane shall maintain the same in a clean and fit state at all times.
58. No person shall discharge any weapon within the jurisdictional limits of the Town of Sidney except upon written authority from the Officer in Charge of the RCMP.
59. No person shall ride or operate a bicycle upon or across footpath in any public park or upon or across any street or path in any public place where signs are displayed stating that the said street or path is for pedestrian traffic only.
60. A person who is operating or riding roller blades or a skateboard shall comply with the following provisions, namely:
- (a) No person shall operate or ride roller blades or a skateboard on a sidewalk, unless such sidewalk is posted to allow roller blades or skateboard traffic.
 - (b) Subject to (a) above, a person shall operate or ride roller blades or a skateboard as near as practicable to the right side of the roadway.
 - (c) No person shall operate or ride roller blades or a skateboard on any highway or public place where signs prohibit their use.
 - (d) No person shall operate or ride roller blades or a skateboard when it is attached by the arm and hand of the rider or otherwise to a vehicle upon a highway.

- (e) No person shall operate or ride roller blades or a skateboard on any highway or public place without due care and attention, or without reasonable consideration for other persons using the highway or public place.
 - (f) No person shall operate or ride roller blades or a skateboard upon or across any street or path in any public place where signs are displayed stating that the said street or path is for pedestrian traffic only.
- 61.
- (a) The Administrator and/or Municipal Engineer may by order designate the streets to be classified as "Impounding" zones" and wherein signs declaring the same to be "Impounding" zones or to like effect shall be displayed.
 - (b) Where a street or portion of a street has been classified as an "Impounding" zone, the Administrator and/or Municipal Engineer or the Chief of Police may remove or cause to be removed any vehicle which is found to be parked or stopped within such zone in contravention of the bylaw of the *Motor Vehicle Act* and cause the same to be detained or impounded until the owner thereof shall have paid to the Municipality all the fees, costs and expenses of such removal, detention and impoundment including charges for storage and if such fees, costs and expenses have not been paid within the time limited by Subsection (b) of Section 44, the Administrator and/or Municipal Engineer may proceed to advertise and sell the vehicle and recover the said fees, costs and expenses in accordance with Subsections (b) and (c) of the said Section 44.
 - (c) The Administrator and/or Municipal Engineer may from time to time by order provide a scale of fees, costs and expenses which shall be recoverable from the owner of any vehicle impounded under this bylaw.
62. Except as provided for in this bylaw, no person shall place, maintain upon or in view of any street any sign, signal or marking device which purports to be or which resembles any traffic sign or traffic control signal or which purports to prohibit, limit or restrict parking or stopping of vehicles.
- 63.
- (a) Every pedestrian and the driver or person in charge, control or possession of any vehicle shall obey the direction, instruction, limitation, restriction, prohibition of any applicable traffic sign or signal unless otherwise directed by a police officer, subject to the exceptions contained in this bylaw and the *Motor Vehicle Act* respecting emergency and public utility vehicles.
 - (b) No person shall jay walk within the Town of Sidney on any street bounded by Sidney Avenue/James White Boulevard to the north, Bevan Avenue to the south, the waterfront to the east and Highway 17 to the west.
- 64.
- (a) No person shall move, deface, damage or alter or obstruct the view of or otherwise interfere with any authorized traffic control signal or traffic sign.
 - (b) No person shall drive or work on or over any newly painted line or any new curb or roadway, the presence of which is indicated by red flags.
65. Any person refusing or neglecting to obey any lawful direction or regulation of any police officer acting under the powers in this bylaw contained shall be deemed guilty of an offence against this bylaw.

66. No person shall engage in any sport, amusement, exercise, game or occupation on any street likely to delay the passage of traffic upon the said street or of such nature as to cause any obstruction whatsoever in or upon such street except with the written permission of the Municipal Council or the Administrator and/or Municipal Engineer.
67. For the purpose of ensuring the safety of the children of the Municipality, and subject to the proviso hereinafter contained, no person shall cause a nuisance by propelling, driving, riding, or running any roller skate, scooter, coaster or other coasting devices or thing of a similar nature upon any portions of streets of the Municipality which lie between the curbs or sidewalks, or which is commonly used for vehicular traffic PROVIDED the Administrator or Municipal Engineer may designate at any season of the year any street or a portion of the same for such period he/she considers prudent as a playground for children and to permit the use of any coasting device and to take all precautions necessary in closing such street or portion of the same to vehicular traffic for such period as he/she may think prudent and otherwise to ensure such coasting or sliding be carried on with safety.

PART V OFFENCES AND PENALTIES

68. A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, on conviction, to the penalties prescribed by this Bylaw or the *Offence Act*.
69. Information may be laid:
- (i) In accordance with the procedure set out in the *Offence Act*;
 - (ii) By means of a ticket under the *Local Government Act* or Community Charter.
70. (a) The minimum penalty for the contravention of Sections 15 through 36 shall be fifty (\$50.00) dollars:
- (i) A municipal constable or a person authorized to enforce this Bylaw or a portion hereof pursuant to a contract or agreement with the Corporation if he has reason to believe that an offence has been committed against any of the provisions enumerated in Section 68, may complete and deliver a parking violation notice to the driver of the vehicle parked in contravention of any one of the provisions so enumerated. Delivery of a parking violation notice may be effected by leaving it on the windshield of such vehicle or by handing it to the registered owner of the vehicle at the address shown on the record of registration maintained by the Insurance Corporation of British Columbia,
 - (ii) A parking violation notice may indicate the alleged offence and the amount of the voluntary penalty which may be paid to the Town in respect of it,
 - (iii) The voluntary penalty for the contravention of Sections 16 through 36 shall be twenty (\$20.00) dollars if paid not later than fourteen (14) days from the date of the parking offence.
- (b) Compound ticketing for multiple offences under this Bylaw is permitted.
71. Where a vehicle is found unlawfully placed, left, kept or driven upon a street or in any public place it may be impounded under the provisions provided for in the Impounding Bylaw No. 1960, 2009.

72. (a) Where a person is convicted of an offence under this bylaw in respect of his/her riding or operating a bicycle, roller blades, or skateboard the magistrate or court may, in addition to or in lieu of any penalty otherwise prescribe, order that the bicycle, roller blades or skateboard shall be seized for a period of time, and at the expiry of that period the person entitled thereto may again have possession of the bicycle, roller blades or skateboard.
- (b) For the purpose of seizing and impounding a bicycle, roller blades or skateboard pursuant to an order made under clause (a), any police officer may enter by force any place or building in which the bicycle, roller blades or skateboard is situated.
73. In any case where a police officer has reasonable and probable grounds to believe that a bicycle, roller blades or skateboard has been ridden or operated by any person in contravention of this bylaw, the police officer may seize and impound such bicycle, roller blades or skateboard:
- (a) for a first offence, or a period of forty-eight (48) hours,
 - (b) for a second offence, or a period of four (4) days, and,
 - (c) for each subsequent offence, or a period of three (3) weeks.

At the end of the period of impoundment the person legally entitled to possession thereto shall have the bicycle, roller blades or skateboard released to him/her on his/her application therefore at the place of impoundment. The Clerk shall from time to time designate the place at which vehicles seized under this bylaw shall be impounded.

74. Where a bicycle, roller blades or skateboard has been seized and impounded for a period in excess of forty-eight (48) hours, the person legally entitled thereto shall have the right to apply for its release to a Justice of the Peace, designated by the Council for that purpose, who may order the bicycle, roller blades or skateboard released where:
- (a) an undue hardship will ensue if the seizure is continued, or
 - (b) it appears to the Justice of the Peace that the seizure is improper.
75. (a) This bylaw shall come into force and take effect fourteen (14) days after the date of adoption thereof.
- (b) Notwithstanding Subsection (a), where the Administrator and/or Municipal Engineer has made an order or orders in the manner prescribed in this bylaw after the adoption thereof and such order or orders have been approved by the Municipal Council in manner herein described, such order or orders shall come into force upon the day they are approved by the Municipal Council or upon the day upon which this bylaw comes into force whichever shall be the later and shall be as valid and effective as if they had been made and approved after this bylaw has come into force.
76. (a) Bylaw 353 of the Town of Sidney entitled "Streets and Traffic Regulation Bylaw No. 353" is hereby repealed.
- (b) The aforesaid repeal shall not revive any bylaw or any provision of any bylaw repealed by the aforesaid Bylaw 353 as amended nor shall the said repeal prevent the effect of any saving clause in the said bylaw or the application of the

said bylaw in any transaction, matter or thing anterior to the said repeal to which it would otherwise apply. The repeal of the said bylaw shall not affect:

- (i) Any penalty, forfeiture or liability incurred before the time of such repeal, of any proceedings for enforcing the same had, done, completed or pending at the time of such repeal.
- (ii) Nor any action, suit, judgement, decree, certificate, execution, process, order, rule or other preceding matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal.

Nor shall the said repeal defeat, disturb, invalidate or prejudicially effect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal, but every such

- (iii) penalty, forfeiture and liability, and every such
- (iv) action, suit, judgement, decree, certificate, execution, prosecution, order, rule, proceeding, matter or thing

may and shall remain and continue as if no repeal had taken place, and so far as may be necessary, may and shall be continued, prosecuted and enforced and proceeded with under the said bylaw and other bylaws having force in the Municipality so far as applicable thereto, and subject to the provisions of the said bylaws.

77. This bylaw may be cited as the Town of Sidney "**Streets and Traffic Regulation Bylaw No. 1966, 2010**".

Introduced and read a first time the	26 th	day of	April, 2010.
Read a second time the	26 th	day of	April, 2010.
Read a third time the	26 th	day of	April, 2010.
Reconsidered and finally adopted the	10 th	day of	May, 2010.

MAYOR

CORPORATE ADMINISTRATOR