



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Traffic & Parking Bylaw

Bylaw No. 413, 2009

Adopted July 21, 2009

Repealed: Bylaw 219, 1994; Bylaw 297, 1999 & Bylaw 335, 2002

Bylaw No. 413, 2009

TRAFFIC AND PARKING BYLAW

A bylaw to regulate, control, or prohibit traffic and parking

The **Council** of the **Village** of Lions Bay, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw may be cited as "Traffic and **Parking** Bylaw No. 413".
2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Repeal

3. Bylaws Number 219, 297 and 335 are hereby repealed.

Definitions

4. In this Bylaw:
 - (a) the definitions contained within the Motor Vehicle Act R.S.B.C. c. 318, the Commercial Transport Act, R.S.B.C. 1998, c. 58, and the Community Charter, S.B.C. 2003, c.26 shall be applicable; and
 - (b) "**Boulevard**" means the area from the travelled portion of the **highway** to the adjacent property line;
"**Building-site workers**" means professionals, contractors and labourers working on sites adjacent to a **highway**, where demolition or building is occurring;
"**Chattel**" means any article of tangible property other than land, buildings, and other things annexed to land;
"**Commercial vehicle**" means a vehicle licensed as a **commercial vehicle** under the Commercial Transport Act;
"**Corporate Secretary**" means the person appointed to such position from time to time or other persons authorized to carry out the duties ascribed to the said **Corporate Secretary**;
"**Council**" means the **Council** of the **Village** of Lions Bay;
"**Dumpster**" means a container designed to receive, transport away and dump waste, as distinguished from a household garbage can which holds waste until it is collected;

“Enforcement officer” means:

1. every person designated by **Council** by name of office or otherwise as an **enforcement officer** for the purposes of administering and enforcing this Bylaw; and
2. a peace officer, including every officer of the Royal Canadian Mounted Police;

“Extraordinary vehicle” means any vehicle having a licensed gross vehicle weight rating of 5,000 kg or more, or a vehicle having an overall length including any attached trailer exceeding 6.1 metres, except for vehicles owned or leased by the **Village** or its agents;

“Highway” means a street, road, lane, bridge, viaduct and any other way open to public use, whether owned or leased by the **Village**, other than a private right of way on private property, including without limiting the generality of the word, the **roadway** and the **boulevard**;

“Lane” means a **highway** which affords a secondary means of access to abutting sites;

“Manager Public Works” means the person appointed by **Council** to such position from time to time or other persons authorized to carry out the duties ascribed to the said **Manager Public Works**;

“Mayor” means the **Mayor** of the **Village** of Lions Bay, or his/her designate;

"Park" means the **stopping** or **standing** of a vehicle, whether occupied or not, except when **standing** temporarily for the purpose of and while actively and visibly engaged in loading or unloading for no longer than fifteen (15) minutes;

“Person with a disability” means a person with a disability whose vehicle displays a **parking** permit obtained under the **Parking** Permit Program for People with Disabilities, operated by the Social Planning and Research **Council** (SPARC);

“Police force” shall mean the Royal Canadian Mounted Police;

“Private road” or **“Driveway”** shall mean a **highway** or **driveway**, or that portion thereof, which is on land that is not owned or leased by the **Village** or the province;

“Public Works” means the Public Works department of the **Village** of Lions Bay.

“Roadway” means that portion of a **highway** that is improved and ordinarily used for the passage of vehicular traffic;

“Sidewalk” means that portion of a **highway** that is improved and marked for or ordinarily used for passage by pedestrians.

"Stop" or **"stand"** means,

- (a) a complete cessation from movement, or
- (b) the **stopping** or **standing** of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a peace officer or **traffic control device**;

“Traffic control device” means a sign, signal, line, meter, marking, space, barrier or device which is consistent with the Motor Vehicle Act and placed or erected by or under the authority of the **Village**;

“Village” means the **Village** of Lions Bay; and

“Village Manager” means the **Village Manager** or Administrator of the **Village** of Lions

Bay, and also means the person appointed by **Council** to the **Village Manager** or Administrator position from time to time, or other persons authorized to carry out the duties ascribed to the said **Village Manager** or Administrator.

“**Workers on film projects**” means employees of film companies who are carrying out filming-related work in the Village of Lions Bay.

Traffic Control Devices

5. **Manager Public Works** is hereby authorized to make orders in respect of placing, or causing to be placed, **traffic control devices** on or above the surface of a **highway**, in order to enforce the provisions of this Bylaw.
6. The **Mayor**, the **Village Manager**, **enforcement officers**, employees of **Public Works** or **Lions Bay Fire Rescue**, or any other persons specifically authorized by **Manager Public Works**, may erect or place a **traffic control device** within the **Village** for a period not exceeding 48 hours at one time, in the interests of public safety or controlling **parking** during events.
7. **Manager Public Works** may erect or place or may require or permit to be erected or placed **traffic control devices** on any **highway** where construction, reconstruction, widening, repair, marking, or any other work is being carried out on the **highway** or on a parcel adjacent to it, during the period of the work, to:
 - a) indicate that persons or equipment are working upon the **highway** or on a parcel adjacent to it; and
 - b) to regulate or prohibit traffic in the vicinity of such work.
8.
 - (1) Every person must obey the directions, instructions or prohibitions on or indicated by any **traffic control device** placed or erected in accordance with this Bylaw or the Motor Vehicle Act.
 - (2) No person shall deface, damage, injure, move, remove, obstruct, or otherwise interfere with, intentionally or otherwise, any **traffic control device** placed or erected upon any **highway**.
 - (3) No person shall allow plant growth on the **boulevard** adjacent to the property where they reside to obstruct sightlines to a **traffic control device**.
 - (4) No person shall establish, place, erect or maintain, or display in, or upon, or in view of any **highway**, any sign, signal or other device which purports to be, or is in imitation of, or resembles any **traffic control device**, or which attempts to direct the movement of traffic or the **parking** of vehicles.

Parking

9. The **Council** may direct **Manager Public Works** to designate, by the erection of a **traffic control device**, “no **parking**” zones in which **parking** or **stopping** a vehicle is prohibited by this Bylaw. The prohibition shall be in effect at all times unless **Council**, by Bylaw, limits the hours or days when the prohibition is in effect. The **Council** may specify that certain zones or stalls are reserved, either permanently or temporarily, for vehicles owned or operated by classes of persons as **Council** may require, such as residents of the **Village**, visitors to the **Village**, **persons with disabilities**, **building-site workers**, or **workers on film projects**.

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10. No person may **stand, stop** or **park** a vehicle:
- a) in contravention of a **traffic control device** which gives notice that **standing, stopping** or **parking** is restricted or prohibited there, except when actively and visibly engaged in loading or unloading;
 - b) on a **highway** when not displaying a valid, current insurance decal, if such decal is required for the vehicle to be lawfully driven;
 - c) on a crosswalk or within 5 metres of the edge of the marked crosswalk;
 - d) on that side of a **highway** within 6 metres of a **stop** sign;
 - e) on a bridge;
 - f) within 5 metres of any fire hydrant or **standpipe**, or in a position that causes it to interfere with fire-fighting;
 - g) on any portion of a **highway** or public place in such a way as to interfere with or obstruct the normal flow of traffic on the **highway** or public place or in such a way as to interfere with the maintenance of such **highway** or public place by men/women and equipment provided for that purpose;
 - h) in an area signed for **parking** only by residents, **Building-site workers** or persons with disabilities, except if the appropriate permit for the **parking** is prominently displayed in a vehicle's window. Homeowners receive two free resident **parking** permits, issued annually with municipal tax notices. Extra annual **parking** permits for residents, as well as **parking** permits for **building-site workers**, and for vehicles used by film companies and their employees, are to be obtained from the **Village** office upon payment of a fee shown in Schedule A.
 - i) on any portion of a **highway** or public place within 2 meters of the access to or egress from a private **driveway** or **Village** right of way;
 - j) with all of its tires on any **roadway**;
 - k) on any **highway** for a period longer than 72 consecutive hours;
 - l) on any **highway** for a period longer than 24 hours after the commencement of a fall of snow; or
 - m) within an intersection or within 6 metres of any intersection.
11. (1) No person shall **park** any **extraordinary vehicle** between 6:00 pm of any day and 6:00 am of the day immediately following on any **highway** in a residential district except when actively engaged in loading or unloading.
- (2) No person shall **park** any trailer on a **highway** unless it is attached to a vehicle.
- (3) Despite 11-(1) and 11-(2), if **Council** deems that it is dangerous or impractical to **park** an **extraordinary vehicle** or trailer by an owner on real property occupied by the owner, by reason of the topography of that real property, the **Manager Public Works** may designate and specify a **parking** space on the **highway** for the vehicle or trailer, under the following circumstances:
- i. if **Council** approves a written application to **Council** by the owner of the vehicle or trailer, and

- ii. upon payment to the **Village** of an annual fee as shown in Schedule A.
12. The driver of a vehicle shall not **stop, stand** or **park** a vehicle on that side and portion of any **highway** which abuts upon any property occupied by a school or used as a school playground on any school day between the hours of 8 o'clock in the forenoon and 5 o'clock in the afternoon, from Monday to Friday, from the beginning of September through to the end of June.
13. The provisions of this Bylaw prohibiting **stopping, standing** or **parking** shall not apply to:
- a) any emergency vehicle while attending at any emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic;
 - b) Municipal or Provincial utility vehicles or the vehicles of their agents;
 - c) vehicles of a public utility or public transit corporation; and
 - d) tow trucks, while such vehicles are actually engaged in works of necessity requiring them to be **stopped, to stand, or to park**, in contravention of such provision.

GENERAL REGULATIONS

Enforcement Officers

14. Every **enforcement officer** is authorized to enforce this Bylaw.
15. Every **enforcement officer** is authorized to direct traffic as the **enforcement officer** considers necessary to:
- a) ensure the orderly movement of traffic;
 - b) prevent injury or damage to persons or property; and
 - c) permit proper action in any emergency.
16. No person may refuse to comply with the direction of any **enforcement officer**.
17. No person may hinder, delay or obstruct in any manner, directly or indirectly, an **enforcement officer** carrying out duties in accordance with this Bylaw.

Speed Limits in the Village

18. The speed limit on all **highways** throughout the **Village** shall be not more than forty kilometres per hour for all traffic, unless otherwise posted. The speed limit in all **lanes** throughout the **Village** shall be no more than ten kilometres per hour, for all traffic.

Noise Making Devices

19. No person shall operate a motor vehicle on a **highway** while the motor vehicle is using any loudspeaker or noise-making device for advertising or other commercial purposes, unless the person is acting in support of community events or of public safety.

Driving Over Fire-Hose Prohibited

20. No person shall drive a vehicle over an unprotected hose of Lions Bay Fire Rescue, when the hose is laid down on a **highway** or private **driveway** at a fire or an alarm of fire.

Protection of Highways

21. No person shall:
- a) spill, throw, drop, deposit, leave behind, or let fall debris from or out of any vehicle, including any bottle, glass, paper, crockery, nails, tacks, wood, dirt, gravel, manure, sawdust, or refuse or any object, substance or materials whatever;
 - b) allow the flow of any noxious, offensive, or filthy water or substance on or upon any **highway**;
 - c) damage landscaping, grass, shrubs, trees, flowers or plantings upon a **highway**;
 - d) damage or deface any **highway** by piling materials or articles upon it, carrying out any kind of job upon it, dragging or hauling heavy materials or articles on or over it, digging into it, constructing a ditch, the water from which causes damage to it, removing any paving materials, turf, plants, earth, gravel or rocks from it, or by any other activity or means which may affect the **highway**;
 - e) leave any dead animal on any **highway**;
 - f) camp, either by day or night, on any **highway**;
 - g) make any fire on any **highway**, or make a fire at any place so as to endanger any installation on any **highway**;
 - h) haul or convey any load on any vehicle, or on or through any **highway**, unless the load and any covering thereon is secured:
 - a. from becoming loose, detached or in any manner a hazard to other vehicles or users of the **highway**;
 - b. from overhanging the rear or side of the vehicle in such a manner as to cause the load to drag upon the surface of the **highway**;
 - i) urinate or defecate upon any **highway**;
 - j) drive a vehicle or combination of vehicles with a licensed gross vehicle weight in excess of 63,500 kgs on a **highway**, without notifying the **Manager Public Works** and paying the applicable fee shown on Schedule A; or
 - k) operate or use any vehicle having wheel, tires or treads constructed or equipped with projecting lugs, spikes, clouts, ribs, clamps, flanges or other attachments or projections

which extend beyond the tread or traction surface of the wheel, tire or track, upon any **highway** except as permitted by the Motor Vehicle Act.

22. In the event that any person shall contravene this bylaw by causing or allowing spillage, deposit or damage as outlined in Section 21-(a), 21-(b), 21-(c), or 21-(d) above, the spillage must be cleaned up within twenty-four (24) hours of any spill and any damage to the **highway** repaired or remediated within fourteen (14) days of the occurrence of the damage. This work must be carried out:
 - a) under the supervision of **Manager, Public Works** or according to the directions laid down by **Manager Public Works**, and
 - b) at the expense of the owner and other persons responsible, jointly and severally, for the presence of the material or substance spilled or the damage created.
23. In the event that the terms of clean-up or remedial work required in Section 21 are not complied with, in accordance with Section 17-(1) and 17-(2) of the Community Charter, the following procedure shall apply. **Manager Public Works** may arrange clean-up of the spill or remediation of the damage at the expense of the owner and other persons responsible, jointly and severally for the presence of the material or substance spilled or the damage created. Fees will be charged in accordance with Schedule A to this bylaw. The **Village** of Lions Bay may recover both these fees and the costs of the clean-up or remediation as a debt from the owner and other persons responsible, jointly and severally, for the presence of the material or substance spilled or the damage created.
24. With the exception of young children operating a lemonade or similar **stand**, no person may use or occupy any **highway** for the purpose of selling or displaying any goods or services, including without limitation, flowers, fruit, vegetables, seafood, commodity, article, car cleaning or other thing.
25. No person may place or store any **chattel**, object, material, container or structure on any **highway**, except as permitted by bylaw.
26. No person may place a **dumpster** upon a **highway**, except with notification to the **Village** office and payment to the **Village** of a fee as shown in Schedule A.
27. No person may place, allow or permit any earth, rock, stone, tree, log, stump, branches or other material to accumulate, cave, fall, crumble, slide or to be otherwise deposited on any **highway**, except as permitted by bylaw.
28. No person shall make any excavation for any purpose adjoining, or adjacent to, any **highway** without building and maintaining a good and sufficient fence or other barrier along the line of such **highway**, so as to effectively guard such excavation, and to protect and guard persons and vehicles travelling along such **highway** against danger, risk, or accident by reason of such excavation.
29. No person shall construct or maintain any doorstep, porch, railing or other projection or obstruction into or on any **highway**.

30. Employees of the **Village** may remove any vehicle, chattel, construction, thing or growth which is an obstruction to the free or safe use of any **highway**, or which may interfere with the free use thereof, or which may encroach thereon.
31. The **Mayor** or **Village Manager** may direct a group congregated on any **highway** to disperse, if such dispersal is necessary to prevent or assist the prevention of a breach of the peace or threat thereto, or other violation of the criminal law, or to protect members of the public from injury or damage when works of maintenance or repair are being carried on by Municipal employees, or in the event of a natural disaster or possibility thereof. No person, being directed to so disperse, shall fail to do so.
32. No person shall skateboard, rollerblade or operate a push scooter upon any **highway** unless wearing a helmet.

Violation Provisions

33. (1) Any vehicle, **chattel**, obstruction or thing occupying any portion of a **highway**, where such vehicle, **chattel**, obstruction or thing interferes with the normal flow of traffic on the **highway**, or interferes with the maintenance of the **highway** by persons or equipment provided for that purpose, or is on the **highway** in contravention of the provisions of the Motor Vehicle Act or this Bylaw, is deemed to be unlawfully occupying a portion of the said **highway**.
- (2) Any **enforcement officer** may remove or cause to be removed any vehicle unlawfully occupying any portion of a **highway** and shall cause the said vehicle be towed to a place of storage and the **enforcement officer** shall immediately report the matter to the RCMP, giving a complete description of the vehicle and the location of the place of storage. Any vehicle removed by the **Village's** towing contractor may be recovered by paying the fees levied by the towing contractor, during the towing contractor's hours of operation. Any vehicle directly removed to another location within the **Village**, by **Village** staff, may be recovered by contacting the **Village** during its hours of operation and paying the fees specified in Schedule A. The **Village**, a member of the **Council**, a person in lawful custody of the vehicle, or an officer, employee or agent of the municipality, is not liable, in damages or otherwise, for or in respect of any claim that may arise in respect of the vehicle after its removal in accordance with this section.
- (3) If a motor vehicle is removed, detained or impounded and not claimed by its owner within 48 hours, the **Village** will give written notice by registered mail to the registered owner at his or her address as shown on the records of the Registrar of Motor Vehicles, advising the owner of the seizure and impoundment, the sum payable to release the motor vehicle and the date of advertising for sale by public auction if the vehicle is unclaimed.
- (4) Except for vehicles as described in 33-(2) and 33-(3) above, any **enforcement officer** may seize any **chattel**, obstruction or thing unlawfully occupying any portion of a **highway** and cause the item to be taken to a place of storage and the **enforcement officer** shall immediately report the matter to the RCMP giving a complete description of the item and the location of the place of storage. The item may be recovered by attending the **Village** office and paying the fees outlined in Schedule A.

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- (5) All property removed, detained or impounded under all the provisions above of this section shall be deemed to have come into the custody and possession of the **Police force** on behalf of the **Village**. Where the owner of the property has not been ascertained, and no order of a competent court has been made with respect thereto, the property shall be disposed of or sold by the **Village Manager** in accordance with section 67 of the Community Charter. A fee shown on Schedule A shall be charged by the **Village** against the proceeds, and the balance shall be held for the owner. If the balance remains unclaimed after one year from the sale date, the balance shall be paid into the general revenue of the **Village**. The **Village**, a member of the **Council**, a person in lawful custody of a vehicle, **chattel**, obstruction or thing, or an officer, employee or agent of the municipality, is not liable, in damages or otherwise, for or in respect of any claim that may arise in respect of the item after its disposal in accordance with this section.
- (6) Despite any other provision of this Bylaw, if a **chattel**, obstruction or vehicle removed, detained, or impounded is a perishable article, has an apparent market value of less than \$2,000.00 or if its custody involves unreasonable expense or inconvenience, the **Village Manager** may decide not to proceed to public auction, and may dispose of the **chattel**, obstruction or vehicle in any manner in which he or she deems expedient.

Penalties

34. Any person contravening or committing any breach of or committing any offence against any of the provisions of this Bylaw, or of the regulations or orders issued under this Bylaw, or refusing, omitting, or neglecting to fulfill, observe, carry out or perform any duty or obligations imposed by this Bylaw, or by the regulations or orders created hereunder, prescribed or imposed, is liable on summary conviction, to a fine of \$10,000, and is guilty of a separate offence each day that a violation continues to exist.

READ A FIRST TIME on	July 6, 2009
READ A SECOND TIME on	July 6, 2009
READ A THIRD TIME on	July 20, 2009
ADOPTED by the Council on	July 21, 2009

Mayor

Village Manager

Certified a true copy of
Bylaw 413, 2009 as adopted

Village Manager

SCHEDULE A – FEES FOR CLEAN-UP, REPAIR AND REMEDIATION

<p>Where work is performed by the Village in cleaning up spills or deposits on a highway, or remediating damage to a highway, fees per hour of work will be charged as shown below, to cover staff time plus use of Village equipment. Actual extra costs to the Village for items such as fuel, materials, turf, plants, storage in commercial premises, and equipment rentals required for clean-up or remediation work, will also be charged, based on invoices or receipts for materials or equipment. If work is performed by a commercial contractor under contract to the Village, the actual cost of the contract will be charged, in addition to a \$150 flat fee for Village administration time.</p>	
Clean-up of spills or deposits on highway	\$100 per hour of work
Remediation of damage to highway	\$100 per hour of work
Administration fee for commercial contract	\$150

FEES FOR REMOVALS FROM HIGHWAY

<p>Where vehicles, obstructions and chattels are removed from a highway, fees per hour of work are charged for removals and towing. If these items are not claimed and must subsequently be advertised and sold at auction, a flat fee is charged to cover the cost of storage, administration time and advertising.</p>	
Removal of chattels , obstructions and things seized from highway	\$100 per hour of work, plus \$50 per day fee for storage
Towing of vehicle	\$100 per hour of towing
Sale of chattels , obstructions and things seized from highway	\$1000 flat fee

FEES FOR PERMITS

Extra annual resident parking permit – obtainable by a resident, allows parking in “resident parking ” zones	\$40 per year
Worksite parking permit for building-site workers for three months – obtainable by homeowners or construction managers on projects, allows parking in “resident parking ” or “construction parking ” zones	\$40 for three months
Film company parking	
<ul style="list-style-type: none"> • Worker’s personal vehicle • Film company truck 	<p>\$25 per day</p> <p>\$100 per day</p>

Visitor parking day pass – obtainable by visitors, allows parking for one day in “resident only” zones	\$10 per vehicle
Special occasion parking for visitors - obtainable by residents, allows parking for one day for guests	\$1 per vehicle
Operating a vehicle or combination of vehicles in excess of 63,500 kgs licensed gross vehicle weight on highway	\$35 per vehicle load
Monthly fee for parking of extraordinary vehicle or trailer on Village property, with permission of Council	
Vehicle or trailer 6.1- 6.5 metres in length	\$80 per month
Vehicle or trailer 6.5-7.7 metres in length	\$110 per month
Vehicle or trailer over 7.7 metres in length	\$135 per month
Daily fee for placing dumpster on highway	\$35