



DISTRICT OF BARRIERE

TRAFFIC AND ROAD SAFETY BYLAW NO. 226 - DRAFT

A Bylaw for the Regulation of Traffic within the District of Barriere.

Council of the District of Barriere, in open meeting assembled, enacts as follows:

1.1 This Bylaw may be cited for all purposes as “*District of Barriere Traffic and Road Safety Bylaw No. 226*”.

1.2 *District of Barriere Traffic Bylaw No. 0029, 2008* as amended is hereby repealed.

2. INTERPRETATION

2.1 In this Bylaw:

“**Bylaw enforcement officer**” means a person appointed by the District to enforce the bylaws of the District;

“**Boulevard**” means that portion of a street between the curb lines or the lateral lines of a roadway and the adjoining property line, excluding a sidewalk;

“**Commercial vehicle**” includes:

- (a) any motor vehicle
 - i. having a gross vehicle weight over 5500 kg;
 - ii. bearing a commercial licence plate;
 - iii. having permanently attached to it a Truck or delivery body;
 - iv. having an engine valve retardant braking system installed or employed in addition to the standard braking systems;
- (b) a casket wagon, limousine, hearse, motor bus, tow vehicle, road building machine, taxi, and a tractor;
- (c) any combination of truck, truck tractor, semi-trailer and trailer; and
- (d) other Vehicles as specified by regulation of the Lieutenant Governor in Council pursuant to the *Commercial Transport Act*.

“**Cycle**” means a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skateboard, roller skates or inline roller skates.

“**Cycle Lane**” means a portion of highway designated for cycles and identified by a sign or marking.

“**Council**” means Council for the District.

“**District**” means the District of Barriere.

“**Fire Chief**” means the person holding that position for the District or his/her Deputy.

“Highway” includes a street, road, lane, sidewalk, boulevard, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

“Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways that join one another at or approximately at right angles, or the area within which vehicles travelling on different highways joining at any other angle may come in conflict, but does not include a lane or way less than 5 metres in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way.

“Owner”, with respect to a vehicle, means the person who holds the legal title to the vehicle, a person who is a conditional purchaser, a lessee or a mortgagor, and is entitled to be and is in possession of the vehicle, or the person in whose name the vehicle is registered.

“Permit”, when the word appears in upper case, means a Permit issued under this Bylaw.

“Person with Disabilities” means a person whose mobility is limited as a result of a permanent or temporary disability that makes it difficult or impossible to walk.

“Police Constable” means an Officer of the Royal Canadian Mounted Police (RCMP).

“Public Works Manager” means the person holding the position of Public Works Manager for the District.

“Seasonal ban route” means a route that has been identified to be in effect during snow removal season (November to March) (designated area map attached).

“Street event” means any parade, festival, demonstration, sports or athletic occasion, performance, film shoot, block party or neighbourhood gathering, or similar other event, whether public or private, that is held or takes place, in whole or in part, on any part of a highway, park or other public place within the District that may interfere with normal traffic flow; but does not include a funeral procession.

“Traffic control device” means a sign, signal, painted line, meter, marking, space, cone barricade, barrier or any other device, erected or placed under the authority of the *Motor Vehicle Act* or the District for the purpose of warning, guiding, regulating, directing, stopping or parking traffic.

2.2 Except as otherwise defined in this Bylaw, words and phrases in this Bylaw are to be construed in accordance with their meanings under the *Community Charter*, *Local Government Act*, *Motor Vehicle Act* and *Interpretation Act*, as the context and circumstances require. A reference to a statute in this Bylaw refers to a statute of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code or bylaw refers to that enactment as it may be amended or replaced from time to time.

2.3 Words in the singular include the plural and gender specific terms include both genders and include corporations. The headings in this Bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this Bylaw.

2.4 If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion is severed, and the remainder continues to be valid. In the event of inconsistency between this Bylaw and a Provincial enactment, the more restrictive law prevails.

3. BYLAW APPLICATION AND EXEMPTIONS

3.1 Except as otherwise indicated, this Bylaw applies to all traffic and other uses of highways within the District.

3.2 This Bylaw does not apply to:

- (a) Provincial arterial highways;
- (b) provided that the operator has due regard for safety, having regard to all circumstances and any applicable regulations under the *Motor Vehicle Act*:
 - (i) the operator of a vehicle or other equipment while lawfully engaged in highway or public utility construction, maintenance or repair or accident rescue work on, over, under or adjacent to a highway;
 - (ii) the driver of an emergency vehicle while responding to an emergency call or incident;
 - (iii) a police constable in immediate pursuit of an actual or suspected violator of law or otherwise engaged in a policing duty that would be unduly hampered by a provision of this Bylaw;
 - (iv) a person with a physical disability operating a manual or electric wheelchair, scooter or other mobility aid for its intended use;
- (c) the stopping, standing or parking of a vehicle that is:
 - (i) owned, leased or used pursuant to an agreement with the District, the Thompson Nicola Regional District, or the government of British Columbia or Canada;
 - (ii) owned or leased by a public utility for the purposes of the public utility;
 - (iii) used as a tow vehicle for the authorized business purpose of its owner or operator under a license issued by the District;
 - (iv) an armoured vehicle while picking up or delivering cash and other securities, using warning flags, lights or cones as necessary;

3.3 Sections 5, 6 & 7 of this Bylaw do not apply to the District or its Officials, employees, servants or agents in carrying out a function or purpose of the District.

3.4 Except as otherwise provided, a person riding a cycle or an animal, or driving an animal-driven vehicle upon a highway, has the same obligations under this Bylaw as a driver of a motor vehicle.

4. GENERAL REGULATIONS

4.1 Every person must use the highways in accordance with this Bylaw, and without limiting the duty to comply with other provisions of this Bylaw, the *Motor Vehicle Act*, and other applicable enactments, every person must:

- (a) use highways with due care and attention and reasonable consideration for other persons;
- (b) obey the instructions of a traffic control device placed by or on behalf of the District or another local, provincial or federal government, unless otherwise directed by a police constable, firefighter or bylaw enforcement officer;
- (c) comply with the directions given by a police constable, firefighter, traffic control person or bylaw enforcement officer acting in the course of their duty; and
- (d) comply with the terms, conditions, restrictions and requirements of any Permit or order issued under this Bylaw;

4.2 A person must not:

- (a) cause a nuisance on, foul or damage any highway;
- (b) throw, or cause or allow to fall, place or remain on any part of a highway:
 - i. litter, garbage, rubbish, animal droppings or carcasses, or other waste materials;
 - ii. trees, branches, stumps, logs, leaves, lawn or garden clippings, agricultural waste or other vegetable matter;
 - iii. any earth, gravel, sand, snow or ice;
 - iv. discarded or abandoned paper, plastic, glass, electronics, appliances or furniture;
- (c) deposit, or cause or allow the accumulation of litter, garbage, rubbish, or other discarded waste or materials or object on a sidewalk or gutter adjacent to, or that could be affected by, a parcel or premises of which the person is an owner or occupant;
- (d) deposit, or cause or allow to escape or remain substances such as fuels, oils, gas, or noxious liquids, solids or effluvia onto a highway or into a gutter, ditch, or storm drain system within, affixed or adjacent to or near any part of a highway;
- (e) drive or operate a vehicle or combination of vehicles without securing any load being carried in a manner that effectively prevents any part of the load slipping or falling onto the highway and that otherwise complies with applicable requirements of the *Motor Vehicle Act* and regulations;
- (f) while on a highway, interfere or fail to comply with the directions of a police constable, traffic control person, bylaw enforcement officer or firefighter acting in the course of their duties;
- (g) drag or skid anything along or over a highway;
- (h) remove, discard, obscure, alter or otherwise interfere with a notice placed on or affixed to a vehicle by a person authorized to enforce this Bylaw, unless the person is the owner or operator of that vehicle.
- (i) drive or walk on or over a newly painted road line or marking, nor remove or alter any traffic control device.

4.3 A person responsible for removing a damaged or wrecked vehicle from the scene of a collision on a highway must remove from the highway all glass, metal, rubber or other debris resulting from the accident and dispose of all such debris in accordance with law.

4.4 A person must not make any repairs to a vehicle while it is on a highway except as necessary for the removal of the vehicle.

4.5 A person must avoid the use Engine Brakes within the District limits.

5. PERMIT REQUIRED

5.1 Except as specifically authorized, directed or permitted by Council, the Public Works Manager, or a government minister or agency, a person must not:

- (a) excavate, alter, mark, build on or otherwise modify any highway;
- (b) obstruct or damage any part of a highway;
- (c) install, widen, repair, upgrade, remove or relocate a ditch, drain, culvert, sewer or other utility on, under or adjacent to any highway, or stop the ordinary flow of water through a drain, ditch, sewer or culvert on, under or adjacent to any highway;
- (d) construct an access road to and from a highway, or install a cattle guard, gate or fence across a highway;
- (e) construct a crossing over any part of a highway, curb or ditch;
- (f) develop, alter, excavate, plant trees, or build on real property or premises adjacent to a highway so as to encroach on a highway or obstruct traffic or sight lines;
- (g) obstruct, cover, alter, replace, damage, interfere with or remove any street lighting, or traffic control device;
- (h) establish, place, maintain or display a sign, signal, marker, or other device that purports to be, resembles or interferes with the effectiveness of a traffic control device;
- (i) deposit or leave rocks, earth, gravel or other things or materials on a highway;
- (j) alter or remove any fence or guardrail, or cut, prune, top or remove any trees, hedges, shrubs or other plantings from a boulevard, road allowance, park or other public place;
- (k) carry goods or persons over a highway by means that, in conjunction with the nature or existing conditions of the highway is so extraordinary in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use, or in the speed at which the vehicle or other mode of carriage is driven or operated, as to substantially alter or increase the burden imposed on the highway through its proper use by ordinary traffic, or cause damage and expense to the highway beyond what is ordinary or reasonable;
- (l) hold or participate in a Street Event or other activity that is likely to or does delay, obstruct or interfere with the ordinary passage of vehicles, equestrians and pedestrians on or along a highway or within a park or other public place;
- (m) erect or maintain a sign, guidepost or other similar device, whether temporary, portable or permanent, on or over a highway, except as set out in s. 5.2;

- (n) engage in any sales, advertisement, or other commercial activities on any portion of a highway;
- (o) while on a highway, make noise other than what is necessary for safe riding, driving or operating a vehicle, or allow sound from a radio, electronic player, instrument, megaphone or other amplification or sound device to be emitted from a vehicle, that is so loud as to be readily heard from beyond the roadway;
- (p) park or store a Commercial Vehicle in a residential zone without a valid Commercial Vehicle Parking permit, unless the vehicle is temporarily parked and persons are engaged in the moving, loading, or unloading of furniture or other personal property of a resident within that zoning district;
- (q) drive or operate a vehicle on a sidewalk, boulevard, trail or within a park; or
- (r) fail to comply with the terms, conditions, restrictions or requirements of a Permit.

5.2 During the period of a federal, provincial or local government election, candidate signage within the District boundaries may be placed on District boulevards subject to applicable legislation and the following requirements:

- (a) no sign shall be larger than 0.6 meters squared;
- (b) no sign shall be located within 10 metres of an intersection or lane;
- (c) every sign must be effectively secured so as to avoid obstructing traffic, sight lines, injury to persons or damage to property; and
- (d) the person responsible for the signs must ensure all signs are safely removed within 3 days following the general voting day of the election.

6. PARKING RESTRICTIONS

6.1 Except when necessary to avoid conflict with traffic; to comply with the directions of a police constable, firefighter, bylaw enforcement officer or traffic control device; or as permitted under this or another bylaw of the District; a person must not stop, stand or park a vehicle:

- (a) within any crosswalk or highway intersection;
- (b) within 5 metres of any fire hydrant;
- (c) in front of or within 1.5 metres of any lane or private driveway;
- (d) so as to obstruct or prevent access to or from a driveway, lane, or right of way or other access to an adjoining parcel of land;
- (e) alongside or opposite any street excavation or obstruction when standing or parking obstructs traffic;
- (f) on a sidewalk, crosswalk or pedestrian walkway;
- (g) on any collector road boulevard (i.e. Barriere Town Road, Barriere Lakes Road) for more than 48 consecutive hours;
- (h) within 6 meters of a pedestrian crosswalk or highway intersection;

- (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a highway;
- (j) on the paved portion of any roadway without curbs, when the paved portion is 6.1 metres or less in width;
- (k) on any driveway, lane or other entrance or access to real property or premises for longer than is necessary for the expeditious loading or unloading of passengers, property or materials;
- (l) on either side of the highway in front of the driveway entrance to any fire hall for a distance of 15 metres on both sides from the center of that driveway;
- (m) on any school day, between 8:00 a.m. and 5:00 p.m., on the side and portion of any highway upon which any school or school property abuts;
- (n) on any bridge;
- (o) on any portion of highway that is indicated by traffic sign as being reserved for a class of vehicle, other than for stopping, standing or parking a vehicle that is clearly within that class;
- (p) on any portion of a highway that is marked or indicated by another traffic control device as a bicycle lane; or
- (q) on any portion of a highway where any traffic sign or other traffic control device indicates that stopping, standing or parking the vehicle is prohibited or restricted;
- (r) on any portion of a highway for a longer period of time than that indicated on any traffic sign or other traffic control device applicable to that portion of the highway;
- (s) on any highway if the vehicle:
 - i. is not displaying a valid license plate;
 - ii. is not in a safe, drivable condition;
 - iii. is not insured, as evidenced by the display of a valid insurance decal;
 - iv. is displayed for sale.
- (t) on any highway that impedes snow removal.

6.2 Except where a traffic control device provides for angle parking, or as authorized under a Permit or by the Province, a person must not stop, stand or park a vehicle on a roadway other than on the right side of the roadway and with the right-hand wheels parallel to that side, and where there is a curb, within 30 cm (one foot) of the curb.

6.3 Where angle parking is provided or allowed, the driver of a vehicle must park in accordance with the traffic control device, Permit or other authority, and as close to the curb as practicable.

6.4 The following organizations are designated under Division 38.02 of the *Motor Vehicle Act Regulations* and may accept applications for, and may issue or cancel disability parking permits pursuant to Division 38 of those Regulations:

- (a) the Kamloops and District Society for People in Motion (PIM); and
- (b) the Social Planning and Research Council of British Columbia (SPARC BC);

and in addition to the matters relating to the issuance and cancellation of disability parking permits under Division 38, additionally, may establish:

- (c) criteria for issuing a disability parking permit;
- (d) the form of application for the permit;
- (e) information to be submitted on or with an application for the permit; and
- (f) duration of and substitution for a permit.

6.5 Snow removal route

- (a) Each and every highway and portion of Highway within the jurisdiction of the District of Barriere shall be designated a Snow Removal Route
- (b) Except when necessary to avoid conflict with traffic, to comply with the law, the direction of a peace officer, and except while operating a municipal or provincial utility vehicle while engaged in their duties, no person shall stop or park a vehicle on any street or road that is designated as a snow removal route during the period of November 1 to April 1, effective each and every year. Parking on a snow removal route is prohibited and any vehicle that impedes snow removal can be towed and/or fined. Public Works to post hours.

6.6 Placing snow on a highway

- (a) Except as authorized by a permit issued by the Public Works Manager pursuant to this bylaw, no person shall place, or permit or allow to be placed, any snow or ice upon a highway.
- (b) Every person being the owner or occupier of property abutting on a highway shall not allow or permit any snow or ice to cave, fall, crumble, slide, or accumulate from any such property upon a highway, or being there, to remain thereon

6.7 No operator or owner of a house-trailer, camper, camper unit, bus, motor home or recreational vehicle shall park same upon any highway within the District between the hours of 02:00 - 06:00 (2:00 a.m. - 6:00a.m.).

6.8 No operator or owner of a recreational vehicle shall park the recreational vehicle on any highway in the District in such a manner as to constitute a hazard to other persons using the highway.

6.9 Where any type of motor vehicle has removable camping accommodations installed on it, the operator or owner of the vehicle or any other person in charge of the vehicle either permanently or temporarily shall not leave the camping accommodation or other removable portion of the motor vehicle used for this purpose on any portion of a highway after the same has been removed from the motor vehicle.

6.10 Except in the case of a breakdown or other emergency not allowing the vehicle to be moved, an operator or owner shall not stand or park any vehicle on the highway for the purpose of servicing or repairing the vehicle

7. HEAVY TRUCK REGULATIONS

7.1 Unless making local deliveries all trucks exceeding 10,900-Kg are limited to the following truck routes, which are presented in map form in Schedule B:

- (a) Barriere Lakes Road and Barriere Town Road between the District boundary and Highway 5;

- (b) Barriere Industrial Park roadways;
- (c) Louis Creek Industrial Park roadways;
- (d) Barriere Town Road from Highway 5 to Station Road;
- (e) Station Road from Barriere Town Road to Highway 5;
- (f) Connor Road;
- (g) Dunn Lake Road.

- 7.2 (1) A person must not operate a heavy truck on a highway, unless at least one of the following conditions are met:
- (a) the person operates the heavy truck on a truck route;
 - (b) the heavy truck is:
 - (i) an emergency vehicle;
 - (ii) a bus;
 - (iii) a vehicle owned or operated on behalf of the District, the Province or the government of Canada;
 - (iv) a vehicle owned or operated on behalf of a public utility company;
 - (c) the person operates the heavy truck for making deliveries within the District boundary
- (2) This section does not relieve a person in charge or control of a heavy truck from compliance with other parking and traffic regulations.

- 7.3 (1) The Public Works Manager may restrict the use of a truck route by written order if, in the opinion of the Public Works Manager, the restriction is necessary for safety purposes or the protection of the truck route or other roadway or property.
- (2) An order made under subsection (1) may restrict any of the following:
- (a) the speed at which a vehicle may travel;
 - (b) the gross weight of a vehicle or a load;
 - (c) the weight on an axle, a tire or a wheel;
 - (d) the number of axles or wheels;
 - (e) the wheel base, width, length and height of a vehicle;
 - (f) the width, length, height and distribution of a load;
 - (g) the kind, width, size and inflation of tires;
 - (h) the system of load suspension;
 - (i) the hours when a vehicle may use a truck route.
- (3) In making an order under subsection (1), the Public Works Manager must consider the conditions of the roadway, including capacity, visibility, damage, maintenance, repair, construction, obstructions, flooding, snow, ice and other conditions that may compromise the traffic or the safety of a roadway.
- (4) An order is effective when the Public Works Manager:
- (a) signs and dates the order, and
 - (b) places a notice or a sign at a location that, in the opinion of the Public Works Manager, is appropriate in respect of persons subject to the order.

- 7.4 Unless a permit has been issued by the Public Works Manager, over-width and over-weight trucks are prohibited from travelling on all non-highway rated roads within the District of Barriere.

8. PUBLIC WORKS MANAGER

8.1 The Public Works Manager is authorized to do any of the following:

- (a) make orders in respect of the matters comprised in this Bylaw, and to alter, amend, vary, suspend, revoke or cancel any such order as the Public Works Manager deems necessary or reasonable to ensure compliance with this Bylaw and for the safety, protection and convenience of the public in relation to traffic and use of the highways, boulevards, sidewalks, parks and other public places;
- (b) as the Public Works Manager deems necessary or reasonable in the circumstances to promote compliance with this Bylaw and otherwise for safe and efficient flow of traffic and use of the highways, boulevards, sidewalks, parks and other public places, and taking into account normal use by pedestrians, particular vehicles, real property circumstances, and road conditions:
 - i. to locate, install and maintain traffic control devices upon any highway or part of a highway, or on land owned or held by the District;
 - ii. to designate parking spaces reserved for use by persons with disabilities or emergency vehicles on any highways or within areas owned or held by the District;
 - iii. to establish locations for loading areas adjacent to an entrance of any multi-unit residential, institutional or business premises, as may be warranted;
- (c) to grant time-limited Permits under this Bylaw, in a form as approved by the District of Barriere, for any of the following purposes:
 - i. excavation, construction, maintenance, repair, widening or upgrading of any highway, adjacent right of way, crossing, or ancillary thing;
 - ii. installation, maintenance, repair, upgrading, removal or relocation of a ditch, drain, culvert, sewer or other utility on, under or adjacent to any highway, park or other public place;
 - iii. to facilitate construction of buildings or other structures, or their demolition, on properties adjacent to the highway;
 - iv. to allow the construction of highway access to adjacent properties or the installation of cattle guards, gates or fences across a highway or within a road allowance;
 - v. to prevent load-carrying or heavy vehicles from travelling on roads or portions of roads that may be weakened by water runoff or accumulation;
 - vi. to allow for temporary parking of vehicles, unattached trailers, containers, equipment or other items on a highway, park or other public place;
 - vii. for the parking of vehicles within zones or spaces designated for the use of persons with disabilities;
 - viii. to allow or facilitate a Street Event or similar activity on a portion of highway, park or other public place;

- ix. to allow amplified sound, pyrotechnics, or another potential disturbance on a highway or within a park or other public place,
 - x. to accommodate commercial film production involving the use of a highway, park or other public place or that would potentially interfere with ordinary traffic or parking;
 - xi. to allow signs, guideposts, banners, road markings or other forms of display to be placed on or over a highway or on road allowances, park or other public places;
 - xii. to allow the temporary deposit or leaving of any rocks, earth, gravel or related materials on a highway;
 - xiii. to allow extraordinary traffic to use the highway; and
 - xiv. to allow a vehicle described in s. 7.3 [*overweight, overload, or oversize vehicles*] to be operated on a proposed route.
- (d) to establish terms, conditions, restrictions and requirements for the granting of a Permit, and to refuse, suspend, amend, vary, revoke or cancel any Permit if the Public Works Manager considers that the activities proposed or contemplated under the Permit cannot be or are not being carried out safely and with a minimum risk of injury to persons, damage or loss to property, inconvenience to others using the Highway, residents or businesses in the vicinity, or to the public generally;
- (e) to temporarily restrict, prohibit, divert or redirect traffic on a highway, by causing posted signs, notices, or other traffic control devices:
- i. to accommodate activity authorized under a Permit;
 - ii. to facilitate work being carried out on, under, over or near a highway by or on behalf of the District or another local, provincial or federal government or an agency, or a provider of electrical, telecommunications or other utility;
 - iii. to facilitate the work of police, ambulance or fire and rescue services;
 - iv. where hazardous or impassable conditions exist on or near a highway; or
 - v. otherwise for the safety and protection of the public, as the Public Works Manager deems necessary or reasonable in relation to traffic and other activity on or use of a highway; and
- (f) to temporarily restrict or prohibit traffic to use any highway or sidewalk, or portion thereof, for the purposes mentioned in this section, and for such time and for such periods in respect of any type of traffic or use, and for that purpose may cause to be placed and maintained any signs, markings, barriers, cones, or other traffic control devices to indicate such closing.

9. TRAFFIC CONTROL PERSON

- 9.1 A police constable, firefighter, ambulance driver or attendant or a bylaw enforcement officer, while acting in the course of their duties and subject to the direction of the Police Commander or the Fire Chief, may direct and control traffic on any highway or adjacent land at or near the scene of a collision or other accident, while attending at or near a fire scene or other hazardous or emergency incident, to direct, restrict, divert and prohibit traffic on any highway.

10. HIGHWAY USE PERMITS

- 10.1 A Municipal Highway Permit may be issued in the form approved by the District, subject to payment of an application fee set out in District of Barriere Fees and Charges Bylaw, as applicable, and subject to other conditions contained in this Bylaw.
- 10.2 The effective period of a Permit shall be as stipulated in this Bylaw or on the Permit itself, subject to any variation or amendment authorized in writing by the District or to a suspension, revocation or cancellation of the Permit, but in any case, shall not exceed **twelve (12)** months.

11. AVAILABILITY OF PERMIT

- 11.1 Once issued, a Permit must at all times be available at the site, or in the Vehicle for which the Permit was issued and a person responsible for the activity under the Permit must immediately produce the Permit at the request of the Public Works Manager, a Peace Officer, Police Officer or a Bylaw Enforcement Officer.

12. PERMIT FEES AND SECURITIES

- 12.1 Every applicant for a Permit must pay to the District any applicable fee established in District of Barriere Fees and Charges Bylaw.
- 12.2 As a condition of issuing a Permit under this Bylaw for work or activity affecting the paved portion of a Highway, or other infrastructure or real property owned or held by the District, the Public Works Manager may require a deposit of security to ensure compliance with this Bylaw and the performance of any terms or conditions imposed under a Highway Use Permit, in an amount that is, in the opinion of the Public Works Manager, sufficient to pay the cost of either or both of the following:
- (a) repairing any damage to the Highway, structure, or other public or private property, that could result from the activity for which the Permit was issued and, where applicable, maintenance for up to one year following completion of any such repair; and
 - (b) fulfilling the obligations imposed by the Permit within the time specified by the Permit on default of the Permit holder, and Schedule A of this Bylaw applies as a condition of the Permit that is issued.

13. REVIEW BY COUNCIL

- 13.1 An Applicant who has been refused a Permit, or a Permit holder whose Permit has been suspended, revoked or cancelled by the Public Works Manager, may request that Council review the decision by delivering a written request, along with related

information and supporting reasons, to the Corporate Officer of the District, with a copy to the Public Works Manager, within five (5) business days of receiving a notice of the Public Works Manager's decision.

13.2 At a date and time to be arranged by the Corporate Officer, the Applicant may appear before Council and be heard regarding a decision to suspend, revoke or cancel a Permit.

13.3 In addition to information and submissions by the Applicant and a report from the Public Works Manager as to the Public Works Manager's decision, Council may consider any other information it considers relevant, and after reviewing the matter, may confirm, vary or cancel the decision of the Public Works Manager.

14. REMOVAL AND IMPOUNDMENT

14.1 A police officer, an employee of the District, or a towing contractor retained by the District may arrange for or cause a vehicle or other chattel that occupies a portion of the highway or other public place in contravention of this Bylaw to be removed, and detained or impounded.

14.2 The owner of a vehicle or other chattel that has been removed, detained or impounded under this Bylaw is responsible to pay the applicable fees for its detention or impoundment and must pay for any costs and expenses incurred by the District for its removal as set out in an invoice by the District. Any amount outstanding after 30 days of the invoice being delivered becomes a debt owing to the District.

14.3 If the owner of a vehicle or other chattel detained or impounded under this Bylaw has not paid the amounts owing under s. 14.2 within 30 days after the date of its detention or impoundment, or has not arranged within that time period to pay the amounts owing by a schedule of payments that is satisfactory to the District's Financial Officer, the District may arrange for the vehicle or other chattel to be sold or otherwise disposed of to recover applicable fees, costs and expenses for its removal, detention and impoundment.

14.4 If the removal of a vehicle or other chattel results in its detainment by an impounding service establishment without fee to the District, then all fees and costs associated with the removal and detainment shall be borne by the owner and paid directly to the impounding service establishment, with any unpaid amounts owing after 30 days after the date of its detention or impoundment, or has not arranged within that time period to pay the amounts owing by a schedule of payments that is satisfactory to the impounding service establishment, the impounding service establishment may arrange for the vehicle or other chattel to be sold or otherwise disposed of to recover the applicable fees, costs and expenses for its removal, detention and impoundment.

15. ENFORCEMENT

15.1 This Bylaw may be enforced by the Public Works Manager, any member of the of the Royal Canadian Mounted Police, the Fire Chief, or a Bylaw Enforcement Officer.

15.2 This bylaw may be enforced:

- (a) by means of a ticket issued under Division 3 of Part 8 of the *Community Charter*, and Municipal Ticket Information Regulation;

(b) by means of a ticket issued under *Bylaw Notice Enforcement Bylaw No. 95, as amended*;

(c) by prosecution under the *Offence Act*; or

(d) by way of civil action as authorized by statute.

16. CONTRAVENTION AND PENALTIES

16.1 A person who:

(a) contravenes, violates or fails to comply with any provision of this Bylaw;

(b) suffers or allows any act or thing to be done in contravention of this Bylaw; or

(c) fails or neglects to do anything required to be done under this Bylaw, or of any permit or order issued under this Bylaw;

commits an offence and upon conviction, shall be liable to paying a fine of up to Two Thousand Dollars (\$2,000) and to pay any further amounts that may be ordered under the *Offence Act*, an issued Municipal Ticket Information, or a ticket issued under the Bylaw Notice Enforcement Act, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

17. SEVERABILITY

17.1 Each portion or section of this Bylaw is intended to be independent to the extent that a decision of a court of competent jurisdiction that a portion or section is invalid does not affect the validity of any other portion or section, and the invalid portion shall be severed.

READ A FIRST TIME this **3rd** day of **April**, 2023

READ A SECOND TIME this day of ,2023

READ A THIRD TIME this day of ,2023.

ADOPTED this day of ,2023.

Mayor Ward Stamer

Corporate Officer

SCHEDULE A

District of Barriere Traffic Bylaw No. 226

SECURITY AND INSURANCE CONDITIONS FOR PERMITS

An Applicant who is required to provide a Permit deposit as a condition of the issuance of a Permit may, at the Applicant's option, provide the Permit deposit by:

- (a) a cash deposit,
- (b) an irrevocable letter of credit, or
- (c) another form of security satisfactory to the Public Works Manager.

If a Permit holder fails to promptly repair any damage, compensate for any injury or loss resulting from work, activity or other thing that is subject to the Permit, or fails to fulfill the obligations of the Permit within the specified time, the District may draw upon the deposit or security provided by the Permit holder and may take steps to remedy the damage, compensate for loss or injury, or fulfill the obligations of the Permit holder. If there are not sufficient funds on deposit or available through the security provided, to cover the costs, the District may recover any shortfall from the Permit holder.

Every Applicant for a Highway Use Permit must:

- (a) if required, place a deposit with the District in an amount sufficient:
 - i.) to pay the cost of repairing any potential damage to the Highway, or any installations therein or thereon, by reason of the things to be done pursuant to the Permit; or
 - ii.) to ensure that any obligations imposed by the Permit are fulfilled and completed within the time specified in such Permit; and
- (b) provide the Public Works Manager with complete, accurate and current plans and specifications of any work to be undertaken on, over or under a Highway.

Where any completed work on, over or under a Highway is to be taken over by the District, the Permit holder shall maintain such work for a period of one year from the date of completion of the work, as certified by the Public Works Manager.

Where any alterations or adjustments to completed works on, over or under a Highway are required due to reconstruction of a Highway during the one-year maintenance period, the Permitholder shall pay the cost of such alterations and adjustments.

An applicant for a Highway Use Permit must obtain and maintain insurance against liability throughout the term of the Permit, and for any applicable maintenance period, on terms acceptable to the Public Works Manager. The insurance policy must name the District as an additional insured, include a cross-liability clause and provide that the policy shall not be cancelled or materially altered unless and until the District has received thirty (30) days notice in writing.

Upon final completion of work carried out under a Highway Use Permit or the end of a maintenance period, as applicable, any amount that is not used or required by the District to remedy a default of the Permit holder or any loss, injury or damage otherwise resulting from the work or from non-compliance with the Permit or this Bylaw will be refunded to the Permit holder.

Work carried out under a Highway Use Permit must conform in every respect to plans and specifications approved by the Public Works Manager.

Every Permit holder must ensure compliance with this Bylaw and other applicable enactments, and that all terms and conditions of a Highway Use Permit are met.

SCHEDULE B

District of Barriere Traffic and Safety Bylaw No. 226

HEAVY TRUCK ROUTE MAP

