

2018



Village of Kaslo

October 3rd 2018

[VILLAGE OF KASLO STREET AND TRAFFIC BYLAW 1120]

Consolidated Bylaw prepared for Convenience Purposes Only

TABLE OF AMENDMENTS TO BYLAW 1120

Bylaw	Amendment #	Date Adopted	Comments	Consolidation Update
1192	8	July 26 th 2016	Impoundment powers and formal regulations around encroachments	Created September 21 st 2017
1224		July 10 th 2018	<ul style="list-style-type: none"> • REMOVAL OF VEHICLES, CHATTELS AND OBSTRUCTIONS • REMOVAL OF A VEHICLE • REMOVAL OF CHATTEL OR OTHER THINGS • RECOVERY AND DISPOSAL OF CHATTEL OR OTHER THINGS 	Created October 3 rd 2018

VILLAGE OF KASLO

BYLAW NO. 1120

A BYLAW TO REGULATE TRAFFIC, PARKING AND THE USE OF ALL PUBLIC STREETS, BOULEVARDS AND SIDEWALKS WITHIN THE VILLAGE OF KASLO

WHEREAS the Council of a municipality may, by bylaw, as authorized by the *Motor Vehicle Act* and the *Community Charter*, regulate Traffic on Highways and regulate in relation to Highway services, including regulation of access to and from Highways and regulation of the use of Highways for purposes other than public passage;

AND WHEREAS the Council of the Village of Kaslo deems it desirable and expedient to provide such legislation for the purposes of enforcement;

NOW THEREFORE the Council of the Village of Kaslo, in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited for all purposes as the "Village of Kaslo Street & Traffic Bylaw No. 1120, 2012".

INTERPRETATION

2. Words or phrases defined in the *Motor Vehicle Act* or the *Commercial Transport Act*, or their regulations, have the same meaning in this bylaw, unless otherwise defined in this bylaw.
3. In this bylaw

“Arterial Highway” means a Highway so classified pursuant to the *Highway Act* and over which the Ministry of Transportation has jurisdiction.

“Boulevard” means the area between the curb lines, the lateral lines or the shoulder of a Highway and the adjacent property line and includes curbs, Sidewalks and ditches.

“Business District” means both sides of Front Street between 5th and 3rd Streets, both sides of 5th Street between A Avenue and Water Street, and both sides of 4th Street between A Avenue and Water Street.

“Council” means the Council of the Village of Kaslo.

“Cycle” means a device having any number of wheels that is propelled by human power and on which a Person may ride.

“Crosswalk” means

- (a) any portion of the Roadway at an Intersection or elsewhere distinctively indicated for Pedestrian crossing by signs or by lines or other markings on the Roadway surface; or
- (b) the portion of a Roadway at an Intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of the Roadway, or within the extension of the lateral lines of the sidewalk on one side of the Roadway, measured from the curbs or, in the absence of curbs, from the edge of the Roadway.

“Driver” means any Person who drives, operates, propels or is in physical control of a vehicle;

“Emergency Vehicle” means

- (a) a motor vehicle carrying rescue or first-aid equipment where there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this bylaw or the *Motor Vehicle Act*, or
- (b) a motor vehicle driven by a member of the fire department in the discharge of his duties, or
- (c) a motor vehicle driven by a Royal Canadian Mounted Police officer or by a member of the police branch of any of Her Majesty’s Armed Forces in the discharge of his duties.

“Encroachment” means anything installed, constructed or planted within the public road allowance or sidewalk space that was not authorized, installed, constructed or planted by the Village of Kaslo.

“Highway” includes the area of every public right of way lying between two property lines title to which area is vested in the Village and which is designated or intended for or used by the general public for the passage of Vehicles or Persons and means the area of every public right of way lying within any municipal park title to which area is vested in the Village and which is designated or intended for or used by the general public for the passage of Vehicles.

“Intersection” means 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.

“Mobility Scooter” means a seated electric scooter powered by battery, with 3 or 4 wheels, a flat area for the Driver’s feet and handlebars in front.

“Motorcycle” means a motor vehicle running on 2 or 3 wheels and having a saddle or seat for the Driver to sit astride.

“Owner” as applied to a vehicle means

- (a) the person who holds legal title to the vehicle; or
- (b) a person who is a conditional vendee, a lessee or a mortgagor and is entitled to be and is in possession of the vehicle; or
- (c) the person in whose name the vehicle is registered.

“Park” when prohibited means the Standing of a vehicle, whether occupied or not, except when Standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers or in obedience of Traffic Control Devices.

“Peace Officer” includes all members of the Royal Canadian Mounted Police.

“Pedestrian” means a Person who is moving independently on foot or with a wheelchair or carriage.

“Recreational Vehicle” means a motor vehicle designed and used primarily for accommodation during travel or recreation.

“Residential District” means all Highways lying within Village limits, exclusive of the Business District.

“Roadway” means the portion of the Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder; and where a Highway includes two (2) or more separate Roadways, the term “Roadway” shall refer to any one (1) Roadway separately and not all Roadways collectively.

“Sidewalk” means the area between the curb-lines or lateral lines of a Roadway and the adjacent property-lines improved for Pedestrian use; or any other improved area set aside for Pedestrian use only.

“Skateboard” means a short board mounted on small wheels that is used for coasting and for performing athletic stunts.

“Stop” or “Stand” means

- (a) when required, a complete cessation from movement, and
- (b) when prohibited, the Stopping or Standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other Traffic or in compliance with the directions of a Peace Officer or traffic-control device.

“Trailer” means a vehicle without motive power designed for carrying Persons or property and for being drawn on a Highway by a motor vehicle, and includes as semi-Trailer as defined in the *Commercial Transport Act* but does not include an implement of husbandry; a side car attached to a Motorcycle; or a disabled motor vehicle that is being towed.

“Traffic” means the flow of motor vehicles, Cycles and Pedestrians and includes ridden, led or herded animals, on the Highway for purposes of travelling from one point to another.

“Traffic Control Device” means a sign, signal line, meter, painted marking, Parking space, barrier or device, not inconsistent with this Bylaw, placed or erected by the Village or other government agency.

“Traffic Control Signal” means a Traffic Control Device, whether manually, electrically or mechanically operated by which Traffic is directed to Stop and proceed.

“Vehicle” means a device in, upon or by which a person or thing is or may be transported or drawn upon a Highway.

“Village” means the Village of Kaslo.

ENFORCEMENT

- 4. The provisions of this bylaw do not apply to Persons, Vehicles or to other equipment while actually engaged in Highway construction or maintenance work upon, under or over the surface of any Highway while at the site of the work, but do apply to them when traveling to or from the site of the work.
- 5. A Person riding an animal or driving an animal-drawn Vehicle upon a Highway shall have all the rights and is subject to all the duties that a Driver of a Vehicle has under this bylaw.
- 6. Notwithstanding anything herein contained, but subject to Sections 7 and 8, a Driver of an Emergency Vehicle may:
 - (a) exceed the speed limit;
 - (b) proceed past a red traffic-control device or Stop sign without Stopping;
 - (c) disregard rules and traffic-control devices governing directions of movement or

- (d) turning in specified directions, including reverse or U-turns;
Stop or Stand.
7. The Driver of an Emergency Vehicle shall not exercise the privileges granted by Section 6 unless;
 - (a) he is sounding an audible signal bell, siren or exhaust whistle and he is showing a flashing red light, or
 - (b) he is a Peace Officer in a Vehicle not equipped with a signal bell, siren, exhaust whistle or (flashing) red light, engaged in the lawful execution of his duty as a Peace Officer in an emergency situation.
 8. The Driver of an Emergency Vehicle exercising any of the foregoing privileges shall drive with due regard for safety, having regard to all circumstances of the case, including;
 - (a) the nature, conditions and use of the street;
 - (b) the amount of Traffic that is on, or might reasonably be expected to be on the street; and
 - (c) the nature of the use being made of the Emergency Vehicle at the time.
 9. Where a Peace Officer considers it necessary
 - (a) to ensure orderly movement of traffic;
 - (b) to prevent injury or damage to persons or property; or
 - (c) to permit proper action in an emergencyhe may direct Traffic according to his discretion, notwithstanding anything herein contained, and every person shall obey his directions.
 10. All Traffic Control Devices placed or erected prior to the adoption of this bylaw shall continue to have force and effect until or unless subsequently altered, removed or revoked by resolution of Council and every Pedestrian and every Driver shall obey the directions, instructions, limitations, restrictions or prohibitions of all Traffic Control Devices, unless otherwise directed by a Peace Officer.
 11. Except with the approval of Council, no Person shall place, maintain or display upon or in view of any street or any sign, signal, mark or device purporting to be, imitating or resembling any Traffic Control Device, or which attempts to direct the movement of Traffic or the Parking of Vehicles.
 12. Except with the approval of Council, no Person shall move, remove, damage, alter or obstruct the view or otherwise interfere with any lawfully placed Traffic Control Device, nor shall any person walk or drive over any newly painted line on any Roadway, the presence of which is indicated by flags, barricades or pylons.
 13. No Person or Driver of a Vehicle shall obstruct either Pedestrian or vehicular Traffic on

any street, Sidewalk or Boulevard and no Person shall obstruct the free use of any curb crossing or driveway providing access to private property.

14. Section 13 shall not prevent persons from moving goods, wares or merchandise across any Sidewalk in a Residential District with all reasonable dispatch for the purpose of picking up or delivering such goods, wares or merchandise.
15. No Person shall drive any Vehicle in excess of 5000 kilogram gross vehicle weight upon, over or across any Boulevard or Sidewalk, except for the purpose of caring for or maintaining such Boulevard or Sidewalk, or constructing or maintaining Village infrastructure.
 - 15(a) In the event any Vehicle causes damage to Village infrastructure by being driven upon, over or across any Boulevard or Sidewalk to access private property, the owner of that adjacent private property shall be responsible for payment of all works necessary to repair damages or restore Village infrastructure, including Sidewalks, to its original condition.
16. No Person shall drive any Vehicle of any kind having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the Roadway along, on or across any bridge or hard surface Highway within the Village without first obtaining the written permission of the Council. Nothing herein contained shall be construed as prohibiting the use of tire chains or studded winter tires.
17. No Driver of any Vehicle shall turn a vehicle so as to proceed in the opposite direction
 - (a) on any Highway between Intersections;
 - (b) at an Intersection where a Traffic Control Signal has been erected;
 - (c) at any Intersection within a Business District unless otherwise posted; or
 - (d) at any Intersection where a sign prohibits making a “U” turn.
18. Notwithstanding any Traffic Control Signal indication to proceed, no Driver of any Vehicle shall enter an Intersection or Crosswalk in such a manner as to obstruct the movement of other Vehicles or Pedestrians.
19. No Person other than the Owner or operator of a vehicle shall remove or alter any Traffic ticket placed thereon or affixed thereto by a Peace Officer in the course of his duties.
20. **No Person other than Peace Officers, bylaw enforcement officers, the Public Works**

Department, the Regional Fire Chief or contracted agents of the municipality in the lawful execution of their duties shall use, interfere or tamper with any motor vehicle or any of its accessories or anything placed therein or thereon without the consent of the Owner.

21. Notwithstanding any of the provisions of this bylaw, all Persons shall drive with due regard to all the circumstances of the case, including but not limited to
 - (a) the nature, condition and use of the street at all times;
 - (b) the amount of Traffic that is on or might be reasonably expected to be on the street.

22. No Person shall Park any Vehicle for a period of more than two (2) consecutive hours on any Highway in the Business District between the hours of 9:00 A.M. in the forenoon and 5:00 P.M. in the afternoon, Monday through Saturday inclusive.

23.
 - (a) No Person shall Park any Trailer or Vehicle in excess of Four Thousand One Hundred (4,100) kilograms which is required by Provincial legislation to be licensed commercially on any Highway other than an Arterial Highway.
 - (b) No Person shall Park any Vehicle with a gross vehicle weight in excess Fourteen Thousand (14,000) kilograms on any Highway:
 - (i) within the Business District;
 - (ii) on either side of Fourth Street between B and C Avenues.

24. No Person shall Park a Vehicle on private land which has been clearly marked as such by a sign erected by the Owner, tenant or agent unless such person has obtained the permission of the Owner, tenant, occupant or person in charge of said private land.

25. No Driver of any Vehicle shall Park such Vehicle adjacent to a curb painted yellow.

26. It shall be unlawful for any Person to Park, occupy or use any portion of any Roadway for the purpose of advertising, selling or offering for sale any Vehicle.

27. No campers, Recreational Vehicles, mobile units or Trailers shall be occupied while Parked or Standing on any Highway within the limits of the Village between the hours of 8:00 P.M. and 8:00 A.M.

28. Except with lawful authority, no person shall tear down, remove, displace, deface or in any way interfere with any Traffic Control Device lawfully erected or placed on any Highway within the Village.

29. Every Pedestrian crossing a Roadway shall cross as quickly as possible without Stopping

- or loitering or otherwise impeding the free movement of Vehicles thereon.
30. No Person shall Stand, sit or lie on any Highway or Sidewalk in such a manner as to obstruct vehicular or Pedestrian Traffic or as to annoy or incommode any other Person lawfully upon the Highway or Sidewalk.
 31. No Person shall allow any horse on any Highway unless such horse is being ridden, driven or led in such a manner that it is under control at all times.
 32. No Person shall allow any horse on any Boulevard or Sidewalk within the Village.
 33. No Person shall leave any animal or animal-drawn Vehicle unattended on any Highway.
 34. No Owner or occupier of any property in the Village shall allow hedges, shrubs, trees or other vegetation on such property to obstruct Traffic Control Devices or prevent a reasonable sight distance.
 35. No Person shall use any Roadway for any purpose other than that of lawful Traffic.
 36. It shall be unlawful for any derelict Vehicle, being inoperable by virtue of mechanical failure or a lack of vital mechanical parts, to remain on any Highway within the Village for a period exceeding seventy-two (72) hours.
 37. No Person shall coast or slide on any Highway, Sidewalk or Boulevard with sleds, toboggans, skis, skates, or similar apparatus except on Highways, Sidewalks or Boulevards expressly closed to vehicular or Pedestrian Traffic by Council resolution for such purposes.
 38. No Person shall ride any Skateboard on any Highway, Sidewalk or Boulevard within the Business District.
 39. Where any Person coasts, slides or rides any apparatus cited in section 37 or 38 in contravention of the section, the apparatus shall be deemed to be unlawfully occupying the Highway, Sidewalk or Boulevard, and may be removed, detained or impounded by any Peace Officer.
 40. Notwithstanding section 39, no Person shall place, deposit or leave upon or on any Highway, Sidewalk or Boulevard any apparatus cited in sections 37 or 38 which is in contravention of this bylaw.
 41. (a) After any such removal, detention or impoundment, the Person entitled to the possession of such apparatus shall be entitled to its release upon signing an undertaking that he will not again place it on any Sidewalk, Highway or

Boulevard in contravention of this section and upon payment to the Village fees cited in subsection (b) of this section.

- (b) For each such removal, detention or impoundment, the Person entitled to possession of the apparatus shall pay to the Village:
 - (i) removal or detention fee of \$25.00;
 - (ii) an impoundment fee of \$2.00 per day including the first and last day.
 - (c) If the Person entitled to the possession of the apparatus does not within thirty (30) days of its removal, detention or impoundment, including the undertaking required under subsection (a) of this section and pay the fees required under subsection (b), the Village shall cause the apparatus to be disposed of as garbage.
42. No Person shall Drive a Mobility Scooter on any Sidewalk or Boulevard within the Village at a speed in excess of 12 kilometers per hour.
43. Bylaw enforcement officers, Peace Officers, the Public Works Department, the Regional Fire Chief or contracted agents of the municipality may:
- (a) seize or cause to be seized by applying a vehicle immobilization device to any vehicle, trailer or cycle that is in violation of this or other municipal bylaws.
 - (b) impound or cause to be impounded, any vehicle, trailer or cycle that is interfering with the operations of the Public Works Department or in violation of municipal bylaws;
 - (c) impound if necessary for the purpose of carrying out required emergency service duties, any vehicle or trailer.
 - (d) seize or cause to be seized any encroaching chattel or improvement on a street, boulevard or road allowance that:
 - (i) is in violation of this bylaw;
 - (ii) has not been permitted by the municipality by License of Occupation;
 - (iii) interferes with the operations of the Public Works Department;
 - (iv) obstructs emergency service duties.
44. Any Person undertaking construction, reconstruction, widening, repair, marking or other work on any Highway, Boulevard or Sidewalk shall erect good and efficient fences, railings, barriers, detour signs, night lights or other Traffic Control Devices around every site of such activity as may be necessary for the protection of Traffic and the public, subject to the approval of Council.

45. No Person shall, without prior written approval from Council, construct or create a means of access to or from any Highway for any parcel of land abutting thereon.

PENALTY SECTION

46. A Person who contravenes this bylaw commits an offence and is punishable in accordance with the *Offence Act*.

REPEAL

47. Street and Traffic Bylaw 1100 is hereby repealed.

IN FORCE AND EFFECT

48. This Bylaw shall come into full force and effect upon adoption.

REMOVAL OF VEHICLES, CHATTELS AND OBSTRUCTIONS

49. The following applies to situations that may result in and authorize vehicle removal under this Bylaw:

(a) A driver or person in charge of a vehicle must move a vehicle when requested by the Village, its contractors, or authorized agents to a position determined by same.

(b) The Village, its contractors, or authorized agents may move, seize, detain or impound a vehicle, or cause a vehicle to be moved, seized, detained or impounded, and taken and stored in a safe and otherwise suitable place that is:

(i) unlawfully occupying a portion of a highway or public place;

(ii) in a position that interferes with the construction, improvement, alteration, extension, widening, marking or repair of a highway;

(iii) parked on a highway or public place in such a manner that impedes the removal of snow by the Village, its contractors or authorized agents; or

(iv) in a position that causes the vehicle to interfere with firefighting or other emergency services at the scene of an emergency.

REMOVAL OF A VEHICLE

50. The following applies to how a vehicle seized, detained or impounded may be returned to the owner or disposed of under this Bylaw:

(a) A vehicle seized, detained or impounded under this Bylaw may be disposed of in accordance with the provisions of the *Warehouse Lien Act*.

(b) Any expenses incurred in the removal, seizure, detention, impoundment, or disposal of a vehicle under this Bylaw, less any proceeds of disposal if any, are recoverable as a debt due to the Village, its contractors, or authorized agents from the person who placed or parked or authorized the placement or parking of the vehicle in violation of this Bylaw.

(c) In the absence of proof to the contrary, the last person whose name appears as owner of a vehicle in the records of the Insurance Corporation of British Columbia is considered to have authorized the parking or placement of the vehicle at the place from which it was removed.

REMOVAL OF CHATTEL OR OTHER THINGS

51. Any chattel, obstructions, encroachments or other things unlawfully occupying any portion of a highway or public place that is considered a danger or hazard to persons using the highway as determined by Bylaw enforcement officers, the Public Works Department, the Regional Fire Chief or other contracted agents of the municipality may be removed, detained or impounded immediately by same.

52. Any chattel, obstructions, encroachments or other things unlawfully occupying any portion of a highway or public place for more than 48 hours that is not considered a danger or hazard to persons using the highway as determined by Bylaw enforcement officers, the Public Works Department, the Regional Fire Chief or other contracted agents of the municipality may be removed, detained or impounded by same.

53. After detention, removal or impoundment, the person entitled to the possession of the chattel, obstruction or thing may obtain its release:

(a) upon signing an undertaking that that person will not again place it on, above or in any highway, sidewalk or other public place in contravention of this Bylaw; and

(b) upon payment to the Village of any fines, fees or costs or expenses levied or incurred by the Village.

54. Where, in the opinion of the Chief Administrative Officer, the apparent market value of any chattel, obstruction, encroachment or thing left on the highway or other

public place has an apparent market value of less than \$100.00, such thing may be removed and disposed of without detention or impoundment.

RECOVERY AND DISPOSAL OF CHATTEL OR OTHER THINGS

55. Any fees, costs and expenses for removal and disposal of an object disposed of by the Village may be charged to the owner of the object, the person or contractor responsible for that object, or the owner of property from which the object originated, the recovery or disposal or which shall be implemented as follows:

(a) Any chattel, obstruction, encroachment or other thing removed, detained or impounded may be recovered by the owner from the Village upon:

(i) presenting proof of ownership; and

(ii) payment in full of any fines, fees, costs and expenses which may be levied pursuant to the provisions of this Bylaw.

(b) If the person entitled to the possession of any detained object does not within 30 days after the date of its detention sign the undertaking and pay the fines, fees, costs and expenses, the Chief Administrative Officer may:

(i) cause it to be disposed of in accordance with the *Warehouse Lien Act*;

(ii) cause any detained object to be sold by public auction to the highest bidder if it appears to the Chief Administrative Officer that the object detained has a market value of \$1000.00 or more;

(iii) cause any detained object to be sold through public advertisement either through the Internet or in a newspaper if it appears to the Chief Administrative Officer that the object detained has a market value of \$100.00 to \$999.99, or

(iv) cause it to be disposed of as garbage.

(c) Any public auction of a detained object must be advertised at least once in a newspaper distributed at least weekly in the Village, the proceeds of any public auction of sale for the detained object applied as follows:

(i) first to the cost of the sale;

(ii) second to the fines, fees, costs and expenses of the Village, its contractors, or authorized agents related to the detention, and

(iii) thirdly the balance, if any, shall be held by the Village for one year from the

date of sale for the owner, of which the Village will attempt to notify the owner where possible, and if this balance is unclaimed by the end of one year, such sum shall be paid into the general revenue of the Village.

(d) Any chattel, obstruction or other thing subject to a public auction is not purchased, the Chief Administrative Officer may dispose of the object and the expenses incurred by the Village for the disposal, less any proceeds if any, are recoverable as a debt due to the Village from the owner.

56. A Temporary License of Occupation or Street Closure Permit is required for encroachments, including:

- (a) outdoor patios and construction;
- (b) sidewalk cafes;
- (c) street events;
- (d) any other proposed encroachment that poses a potential public nuisance or corporate liability in the view of a municipal officer or Council.

57. All permitted commercial encroachments within the Business District shall, as a minimum standard, have a signed waiver of indemnification on file with the Village provided by the Owner, accompanied by evidence that the Village is an additional named insured party on the Owner's general liability insurance policy.

58. No action taken pursuant to any of the preceding sections shall be a bar to the prosecution of any person who violates or contravenes any provisions of this bylaw.

READ A FIRST TIME the 24th day of January, 2012 (12th July,2016).

READ A SECOND TIME the 24th day of January, 2012 (12th July, 2016).

READ A THIRD TIME the 24th day of January, 2012 (12th July,2016).

RECONSIDERED AND ADOPTED this 14th day of February, 2012 (26th July, 2016)