

THE CORPORATION OF THE CITY OF ENDERBY
Bylaw No. 1471, 2010

A bylaw to regulate traffic, parking and the use of streets within the City of Enderby

WHEREAS the Council of the City of Enderby may by bylaw, pursuant to Section 8 of the *Community Charter*, regulate, prohibit and impose requirements in relation to public place.

THEREFORE BE IT RESOLVED that the Council of the City of Enderby in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

PART 1 - TITLE

This bylaw may be cited as “City of Enderby Streets and Traffic Bylaw No. 1471, 2010.

PART 2 – DEFINITIONS

In this bylaw:

“ACCESS” means a driveway intended for ingress and/or egress to abutting property from a *highway*.

“ACCESS PERMIT” means a *permit* which authorizes provision of *access* to an abutting property from an adjacent *highway*.

“ANGLE PARKING” means the parking of a vehicle other than parallel to a *curb*.

“BIKEWAY” means the portion of the *highway* intended either exclusively or partially for use by cyclists.

“BOULEVARD” means on a *street* with *curbs*, means that portion of the *street* lying between a *curb* and the adjoining property line, and on a *street* without *curbs*, means that portion of the *street* lying between the *shoulder* and the adjoining property line.

“BUS” means a vehicle for hire operated by British Columbia Transit, its designate or successor and used for the transportation of passengers and operated in conjunction with a *street* transportation system in the City, but does not include a custom transit vehicle.

“BUS STOP” means an area on a *street* marked for the stopping or parking of buses only, and;

- a) designated as such by *Council* or the *Director of Engineering*; or
- b) delineated by a sign or extending 10 metres from an in the direction indicated on the sign;
- c) an area delineated by a red *curb* or line.

“BYLAW ENFORCEMENT OFFICER” means the person appointed by the City and any person delegated to assist him in enforcing municipal laws and regulations as set out in this bylaw.

“CITY” means the Corporation of the City of Enderby.

“COUNCIL” means the *Council* of the City of Enderby.

“CROSSWALK” means

- a) a portion of the *roadway* at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; or
- b) the portion of a *highway* at an intersection that is included within the connection of the lateral lines of the *sidewalks* on the opposite sides of the *highway*, or within the extension of the lateral lines of the *sidewalk* on one side of the *highway*, measured from the *curbs*, or in the absence of *curbs*, from the edges of the *roadway*.

“CURB” means the raised structural element which may be installed at the outside edge of a *highway* or median parking area.

“DIRECTOR OF ENGINEERING” means the person appointed as such by the *City* and any person delegated to assist him in carrying out his duties under this bylaw.

“DOUBLE PARKING” means the standing of a vehicle in the travelled portion of the *highway*, adjacent to a parked vehicle, or parking space.

“FIRE CHIEF” means the person appointed as such by the *City* and any person delegated to assist him in carrying out his duties under this bylaw.

“FIRE ZONE” means that portion of a *highway* which is contained within the projected extension of the lateral boundaries of every parcel of land upon which any Fire Hall is constructed and in which any equipment for use in fighting fire and/or other emergency uses is held, stored or maintained and so marked by the *City*.

“HANDICAPPED ZONE” means that portion of a *highway* designated by a *traffic control device* for the exclusive use of vehicles displaying an authorized handicapped identification label.

“HIGHWAY” includes all public *streets*, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches and any other public way or right-of-way designed or intended for or used by the general public for the passage of vehicles.

“LANED *HIGHWAY*” means a service road along the back of residential, commercial, industrial or institutional property not exceeding 8 metres in width.

“LOADING ZONE” means that portion of a *highway* designated by a *traffic control device* for the exclusive use of commercial vehicles loading or unloading passengers or property.

“ONE WAY STREET” means a *highway* designated as one way, by *traffic control devices*, upon which vehicles shall move only in the direction indicated.

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

“OWNER” means as applied to a vehicle:

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

“PARADE” means the procession or group of pedestrians (except members of the Armed Forces) numbering more than fifteen, standing, marching or walking on any *street* or *sidewalk*, or any combination of pedestrians, animals or vehicles numbering ten or more (except funeral processions) standing or moving on any *street*.

“PARK” when prohibited, means the stopping or standing of a vehicle, whether occupied or not, upon a *highway*, except when standing temporarily for the purpose of, and while actually engaged in loading or unloading.

“PARKING STALL” means a portion of a *highway* or *City* parking lot indicated by a *traffic control device* as a parking place for one vehicle.

“PERMIT” means a document in writing issued pursuant to this bylaw.

“PERSONS” means human beings, male or female, and includes a company or body corporate.

“PEACE OFFICER” means any member of the Royal Canadian Mounted Police and any person delegated to assist him in carrying out his duties under this bylaw.

“PUBLIC PLACE” includes any place to which the public have access as of right or by invitation, express or implied.

“RESERVED PARKING” means a *parking stall* reserved for a special use as indicated by a *traffic control device*.

“ROAD CLOSURE PERMIT” means a *permit* which authorizes the closure of a *highway* or portion of a *highway*.

“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 or more separate *roadways*, the term “*roadway*” refers to any one *roadway* separately and not to all of them collectively.

“SHOULDER” means the portion of the *highway* between the travelled portion of an uncurbed *highway* and the ditch, or if there is no ditch, the area between the travelled portion of the *highway* and the *boulevard*.

“SIDEWALK” means the portion of a *highway* intended exclusively for use by pedestrians.

“SIDEWALK CROSSING” means the altered portion of a *sidewalk* or *curb* so as to allow for the passage of vehicular traffic.

“STOP OR STAND” means:

- a) when required, a complete cessation from movement; and
- b) when prohibited, the complete cessation from movement 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*.

“STREET” includes public road, *highway*, bridge, viaduct, lane, *sidewalk* and parking lot, and any other way normally open to the public, but does not include a private right-of-way on private property.

“TIME” means either Pacific Standard *Time*, or Pacific Daylight Saving *Time*, whichever is proclaimed to be in effect by the Province of British Columbia.

“TRAFFIC NOTICE” means a Notice of Traffic or Parking Violation.

“TRAFFIC CONTROL DEVICE” means a sign, traffic control signal, line, marking, space, painted *curb*, barricade, or other device, placed or erected under this bylaw for the purpose of regulating vehicular and/or pedestrian traffic and shall have the same meaning as the corresponding device in the “Motor Vehicle Act”, and where such device is not included in the “Motor Vehicle Act” it shall have the same meaning as that described in the Manual of Uniform Traffic Control Devices of Canada as amended from time to time.

“TRAILER” means a vehicle that is at any *time* capable of being drawn upon a *highway* by a motor vehicle.

“WALKWAY” means a public way designed and intended exclusively for use by pedestrians.

PART 3 – AUTHORITIES

301. DIRECTOR OF ENGINEERING

1. The Director of Engineering is hereby authorized to mark traffic lanes on streets and to designate streets or portions of streets on which a distinguishing single line, broken line or double line shall be marked, such lines need to be in the middle of the travelled portion of the street;
2. The Director of Engineering is hereby authorized to designate streets or portions of streets upon which no vehicle shall be stopped or parked, or which vehicle or classes thereof at such times and upon such conditions as may be prescribed;
3. The Director of Engineering is hereby authorized to locate, establish and maintain on or over any streets such traffic signs, stop signs, traffic lights or reflectors, traffic discs, markers, blocks, standards, indicators, traffic control signals, or other devices or apparatus, whether automatic or manual, as may be deemed necessary for the regulation, direction and control of traffic or the promotion of special events;
4. Where owing to work of construction, repair, or maintenance, or owing to damage by accident or storm or other emergency, any street or any portion thereof is unsafe or unsuitable for traffic, or where a parade or other procession, a street festival, a race or other event which requires that traffic be restricted on or diverted from a street, the Director of Engineering, Council or any person duly authorized by either of them, may temporarily close such street or portion thereof to vehicular traffic, pedestrian traffic or both or otherwise restrict or divert the traffic thereon or therefrom, and for that purpose may place thereon lamps, barriers, signs, notices, or other warnings.

302. PEACE OFFICERS

1. Peace Officers, or any person duly authorized, may in the course of duty:
 - a) issue traffic notices for violations of this bylaw;

- b) direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any traffic control device;
- c) impound any vehicle, trailer or cycle that is in violation of this bylaw;
- d) require the driver of any vehicle to weigh same at any weigh scale forthwith.

303. FIRE CHIEF

1. The Fire Chief, or any person duly authorized, may in the course of duty:
 - a) direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any traffic control device;
 - b) impound, if necessary, for the purpose of carrying out required duties, any vehicle;
 - c) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

304. BYLAW ENFORCEMENT OFFICER

1. The Bylaw Enforcement Officer, or any person duly authorized, may:
 - a) issue traffic notices for violations of this bylaw;
 - b) place temporary "No Parking" signs and barricades or other applicable traffic control devices;
 - c) impound any vehicle, trailer or cycle in violation of this bylaw.

PART 4 – TRAFFIC REGULATIONS

401. TRAFFIC CONTROL DEVICE

Notwithstanding any other provisions of this bylaw, all traffic control devices installed in the City shall be deemed to be duly authorized traffic control devices under this bylaw.

402. CONFORMANCE

No person shall park, drive or operate a vehicle or cycle in contravention of a traffic control device.

403. DAMAGE TO VEHICLES

No person shall drive or walk on or over a newly painted line or marking, nor remove or alter any traffic control device.

404. OBEY COMMANDS

Every person shall at all times comply with any lawful order, direction, signal or command made or given by a police officer, bylaw enforcement officer, fireman, flagman, ambulance attendant, or school patrol.

405. SPEED LIMITS – HIGHWAY

1. No person shall drive or operate a motor vehicle upon a highway within the City at a greater rate of speed than 50 km/hr unless otherwise posted.
2. When a speed limit sign has been erected on any highway within the City, no person shall drive or operate a motor vehicle on that portion of highway at a greater rate of speed than that indicated on the sign.

406. SPEED LIMITES – LANEWAY

No person shall operate a vehicle on a laneway at a greater rate of speed than 30 km/hr.

407. SPEED LIMITS – CONSTRUCTION

No person shall operate a vehicle within a construction zone at a greater rate of speed than 30 km/hr unless otherwise posted.

408. DAMAGE TO SIDEWALKS AND BOULEVARDS

1. No person operating a vehicle shall park, drive in, or upon any walkway, sidewalk, curb or boulevard so as to encumber, obstruct, or damage same.

2. When a sidewalk crossing is not available, crossing by a vehicle will be permitted upon adequate provision being made to protect the sidewalk or boulevard from damage by the use of suitable planking or other material, having due consideration for the size and weight of the vehicle and load.

409. BLOCKING INTERSECTIONS

No person operating a vehicle shall block an intersection or a marked crosswalk, notwithstanding any traffic control signal.

410. VEHICLE WHEELS

1. No person shall, without first obtaining written authority from the Director of Engineering, operate on a highway a vehicle having wheels, tires, or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, pads, flanges, lugs, or other attachments or projections which form all or a portion of the tread or traction surface of the wheel.
2. Nothing in this section is intended to prohibit the use of snow chains or studded tires during the period from October 1 in any calendar year to March 31 of the following year.

411. LOAD LIMITS

No person shall, without a permit issued under authority of this bylaw and subject to the provisions of this bylaw, operate on a highway a vehicle or combination of vehicles and trailers having a gross weight not conforming to the requirements of the Motor Vehicle Act and the Commercial Transport Act and Regulations thereto.

412. VEHICLE SIZE

No person shall, without a permit issued under the authority of this bylaw and subject to the provisions of this bylaw, operate on a highway a vehicle or combination of vehicles and trailers having a size not conforming to the requirements of the Motor Vehicle Act and Commercial Transport Act and Regulations thereto.

413. TRAFFIC AND LOAD RESTRICTIONS

1. Where, in the opinion of the Director of Engineering, any highway is liable to damage because of the gross weight or size of the vehicle or load thereon, he may regulate, limit or prohibit the use of the highway by any person owning, operating or in charge of the vehicle used therein or the goods carried therein and he may post notices or signs to inform the general public of these regulations.
2. During any period of traffic and load restrictions as outlined in Subsection 1, any peace officer may intercept any vehicle or combination of vehicles and trailers which, together with its load, such peace officer believes to exceed the said load limit, as set forth in this Division, and require the driver of such vehicle or combination of vehicles and trailers to proceed to weighing scales to properly determine the weight of such vehicle or combination of vehicles and trailers together with its load.

414. OVERLOAD OVERSIZE PERMIT

1. Overload and/or Oversize Permits, allowing the use of the highway, may be issued to persons transporting commodities where the gross weight and size are not in conformance with the Motor Vehicle Act and the Commercial Transport Act and regulations thereto.
2. Approval of such application permit lies with the Director of Engineering or their designate. Permit fee in accordance with the Fees and Charges Bylaw shall apply.

415. CYCLES

1. No person shall ride a bicycle on a sidewalk or walkway.
2. No person shall leave a cycle on a highway or public place in a position which obstructs the free movement of pedestrian or vehicle traffic, and where a cycle is found as stated herein, the said cycle may be impounded forthwith.

3. Cycles impounded will be sold at public auction after 90 days, unless claimed by the owner.

416. SKATEBOARD AND IN-LINE SKATES

1. No person shall propel, coast, ride or in any other way use a skateboard on any street, sidewalk, lane, walkway, or parking lot.
2.
 - a) In addition to any other penalty or method of enforcement prescribed by this bylaw, any Peace Officer or Bylaw Enforcement Officer may detain and impound any skate board being used by any person in such a manner that it obstructs or unlawfully occupies any portion of a highway, including sidewalks, public pedestrian rights of way, or boulevards or any public place. Impoundment will be for twenty-four (24) hours for the first infraction, seven (7) days for the second infraction and thirty (30) days for each succeeding infraction.
 - b) If a chattel impounded under this section is not reclaimed within sixty (60) days of its removal, detention and impoundment, and the Director of Engineering determines that it has a market value, he may sell it at public auction, but if the chattel has no market value, he may dispose of it as garbage and may recover the fees payable under this section by way of action in a court of competent jurisdiction.

417. DRIVING ON BIKEWAY

1. No person shall move, drive, run, propel, or park any vehicle along, over or across any bikeway except at bikeway crossings specifically constructed for vehicular traffic.
 - a) Light carriages or chairs designed for the convenience of children or physically disabled or mobility impaired may be operated on a bikeway or sidewalk.
2. All cyclists must yield right-of-way to any pedestrian, light carriages or chairs designed for the convenience of children or invalids stations or standing upon crossings or proceeding along any bikeway.

418. PROOF OF PAYMENT

Proof of payment for any parking or traffic notice shall be an official receipt obtainable at the City of Enderby.

419. EXEMPTIONS

1. The operator of any of the following vehicles shall be exempt from the provisions of Sections 501 of this bylaw:
 - a) Vehicles identified by sign or insignia as belonging to the City;
 - b) Vehicles having prior written permission from the City;
 - c) Wrecking vehicles; while such vehicles are actually engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions;
 - d) Emergency vehicles; this exemption shall not relieve the drivers of such vehicles from taking due precaution to indicate the presence of such vehicle on the street while so parked or stopped.
2. It shall be unlawful for any person to display on any vehicle any card, sticker or certificate purporting to provide for any exemption from the provisions of this bylaw unless such card, sticker or certificate has been duly authorized as set out in this part.

420. REMOVAL OF TRAFFIC NOTICES

No person, other than the owner or operator of a vehicle, shall remove from a vehicle any traffic notice issued under the authority of this bylaw.

421. IMPOUNDMENT

1. A Peace Officer, Bylaw Enforcement Officer or person authorized by the Director of Engineering, finding a vehicle unlawfully occupying any portion of a highway or public place, may detain, remove or impound such vehicle, and thereupon shall cause it to be taken to a place of storage.

2. All costs and charges for the removal, care, or storage of a motor vehicle removed under this bylaw shall be paid by the owner of the motor vehicle, and shall be a lien thereon in favour of the keeper of any repair shop, garage or storage place in which that motor vehicle is stored, and the same may be enforced by him in the manner provided by the Repairers Lien Act or the Warehouse Lien Act.

422. PARKING ZONE

All highways and City parking lots, where parking is permitted or restricted are hereby designated as parking zones and traffic control devices may be placed from time to time to indicate such regulations or restrictions.

423. QUIET ZONES

Whenever traffic-control devices are erected indicating a zone of quiet, no person operating a vehicle within such zone shall sound the horn or other warning device of such vehicle except in an emergency, nor operate the motor of such vehicle so as to cause unnecessary noise.

424. ENGINE RETARDER

No person shall use engine valve retarder brakes on any highway within the City of Enderby.

425. TRANSPORT ON EXTERIOR OF VEHICLE

No driver of a vehicle shall transport any person on the running board, fender, hood, cargo compartment or other exterior portion of the vehicle unless a suitable guard-rail is provided and so attached to the vehicle to protect that person from falling or being thrown there from.

PART 5 – PEDESTRIAN REGULATIONS

501. CROSSING HIGHWAYS

No pedestrian shall stand on the travelled portion of a highway while waiting to cross a highway.

502. ENTERING ROADWAY

No pedestrian shall leave the curb, or other place of safety and walk or run into the path of a vehicle that is so close that it is impractical for the driver to stop.

503. WALKING ON ROADWAY

No pedestrian shall walk on the travelled portion of a highway if a sidewalk or shoulder or other space is available as a walking area.

504. TRAFFIC CONTROL SIGNAL

No pedestrian shall cross a highway in a crosswalk in contravention of a traffic control signal.

505. WALKING ON HIGHWAYS

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

506. BUS STOP

No pedestrian shall cross a highway in front of a bus which has stopped to load or unload passengers except at an intersection controlled by a traffic control signal.

507. POSSESSION OF LIQUOR

No pedestrian shall be in possession of open liquor on any highway, including sidewalks or boulevards, except where said liquor is possessed pursuant to and in compliance with a licence issued under the Liquor Control and Licensing Act.

PART 6 – PARKING REGULATIONS

601. VIOLATIONS

Except when necessary to avoid conflicts with traffic, or to comply with the law, or the directions of a Peace Officer or Bylaw Enforcement Officer, or traffic control device, no person shall stop, stand or park a vehicle:

1. SIDEWALK – On a sidewalk;
2. BOULEVARD – Other than unsigned areas adjacent to the lot of the owner or occupier of the property;
3. PUBLIC / PRIVATE ACCESS – In front of a public or private access;
4. LANE – Upon or in any lane except while the vehicle is being expeditiously and steadily loaded or unloaded;
5. INTERSECTION – Within an intersection except as permitted by a traffic control device;
6. HYDRANT – Within 5 metres of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant;
7. CROSSWALK – On a crosswalk or within 6 metres of the approach side of a crosswalk;
8. STOP SIGN – Within 6 metres upon the approach to a stop sign or traffic control signal located at the side of a roadway;
9. RAILWAY – Within 15 metres of the nearest rail of an active railway crossing;
10. SALES – Upon any highway for the principal purpose of:
 - a) displaying a vehicle for sale;
 - b) advertising, greasing, painting, wrecking, washing, storing or repairing any vehicle, except where repairs are necessitated by an emergency;
 - c) displaying signs;
 - d) selling flowers, fruit, vegetables, seafood, or other commodities or articles;
11. OBSTRUCTION
 - a) Alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic;
 - b) In such a manner as to obstruct the visibility or any standard traffic control device;
 - c) Upon a roadway in such a manner as to obstruct the free passage of traffic on the roadway;
12. DOUBLE PARKING – On the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
13. BRIDGE – Upon a bridge except as permitted by any applicable traffic control device;
14. SIGN – In any place in contravention of a traffic control device that gives notice that stopping, standing, or parking is prohibited or restricted in such place;
15. WRONG SIDE – Upon a two-way roadway other than the right side of the roadway and with the right hand wheels parallel to that side;
16. DISTANCE FROM CURB – On a roadway more than 30 centimetres from the curb of such roadway if a curb has been constructed;
17. ANGLE PARKING – In a designated angle parking zone where the length of such vehicle any trailer attached thereto exceeds 6 metres;
18. CONTINUOUS – On any highway for a continuous period exceeding seventy-two (72) hours without first obtaining the written permission of the Director of Engineering;
19. TRUCKS – Between the hours of 9:00 p.m. and 6:00 a.m. of the following day on any highway in a residential area, park a truck or commercial vehicle having a licensed gross vehicle weight in excess of 5,600 kg;
20. LANE EXIT – Within 3 metres of the entrance or exit of a lane;
21. STALL – Upon any portion of the highway where traffic control devices consisting of lines are painted upon the surface of the highway to designate parking areas, except within such designated space or area;

22. CYCLE – Upon a portion of a highway that has been improved and designated by traffic control devices for the travel of cycles;
23. OVERTIME
- a) On any highway where traffic control devices indicate the length of time allowed for parking, in contravention of the length of time indicated on the applicable traffic control device.
 - b) Where a vehicle has been parked within a restricted parking stall for any period of time, no person shall move the vehicle to another restricted stall within the same block to avoid the time limit.
 - c) In order to determine the time which a vehicle has been parked in a location where parking is restricted to a specific time, a Peace Officer or Bylaw Enforcement Officer or other person charged with the enforcement of parking prohibitions and restrictions may place an erasable chalk mark on the tread face of the tire of the parked or stopped vehicle without such Peace Officer or Bylaw Enforcement Officer or other person or the City incurring any liability for so doing;
24. PARKING LOTS
- a) On any public parking lot operated by the City where traffic control devices indicate the length of time allowed for parking.
 - b) On any parking lot operated under a public/private agreement pursuant to Section 176 of the Local Government Act, R.S.B.C. 1996;
25. LOADING ZONE
- a) In a loading zone as designated by an applicable traffic control device unless a commercial vehicle actively engaged in the loading or unloading of a vehicle. Notwithstanding anything contained in this section, a driver of a commercial vehicle which has the name and address of the vehicle operator or owner plainly painted or printed or displayed by means of a decalcomania in letters and figures not less than five centimetres high in a conspicuous place on both sides of the vehicle itself or on a durable type of material permanently affixed to the body of the vehicle by means of a magnetic or other removable device, may stop in any commercial loading zone while actually engaged in loading or unloading materials for a period not exceeding thirty minutes;
26. SCHOOL GROUND
On a highway abutting a primary, elementary school ground or neighbourhood tot lot from dawn until dusk unless such school ground or tot lot is separated from the highway by a fence;
27. TRAILER / RECREATIONAL VEHICLES
- a) On any street, other than in designated areas, a trailer, motor home, or other vehicle used primarily for accommodation during travel or recreation for any period greater than (4) four hours.
 - b) On any street a trailer, a semi-trailer, mobile equipment, recreational vehicle or any vehicle which has been detached from the vehicle which is used to draw it.
 - c) On any street the camping, accommodation or other removable portion of a motor vehicle used for this purpose after the same has been removed from the motor vehicle;
28. HANDICAPPED ZONE
No person shall park a vehicle in a parking zone designated for use by handicapped persons, unless such vehicle displays a valid handicap numbered S.P.A.R.C. certificate hanging from the inside rear view mirror;
29. BUS STOP
In a bus stop zone except a bus;
30. FIRE ZONE
Within any “fire zone”, provided however, that this restriction shall not apply to prohibit the turning movement of traffic while legally entering or leaving the fire hall or station or any privately owned lands within such fire zone;
31. DURING SNOW REMOVAL
On any highway during snow removal operations;
32. UNLICENSED OR DERELICT VEHICLE
No person shall park an unlicensed or derelict vehicle on any highway.

SECTION 7 – USE OF HIGHWAY REGULATIONS

701. LITTERING

1. No person shall operate on a highway, a vehicle or combination of vehicle and trailer unless it is so constructed, loaded, or covered as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping there from.
2. Should any material, due to any cause whatsoever, fall from the vehicle, the operator shall forthwith take all reasonable precautions to safeguard traffic from the consequences thereof and shall remove such material from the spillage area.
3. No person shall place, throw, deposit or discard on any highway any rubbish, litter, waste material of any description.
4. No person shall place, throw, deposit or discard any snow on any highway which may obstruct or impede the normal flow of traffic.
5. No owner or occupier of real property, or agent on their behalf, shall place, throw, deposit or discard any snow on any highway without first having obtained permission from the Director of Engineering.

702. CONSTRUCTION

1. No person shall excavate or construct any works or occupy the highway for purposes of construction adjacent to the highway unless otherwise authorized by the Director of Engineering. Permit fee in accordance with the Fee and Charges Bylaw shall apply.
2. Where authorized works are carried out on, over, or under any highway, appropriate signs, flashers, barricades or other warning devices shall be provided around the construction zone to the satisfaction of the Director of Engineering.

703. IMPEDING TRAFFIC DAMAGE TO HIGHWAYS

No person shall cut, saw, break, split, place, or pile firewood, lumber, blocks, stone, debris, or other material or mix mortar or do any act upon any highway which impedes traffic or causes damage to same.

704. TREES OVER HIGHWAYS

Every person being the owner or occupier of real property shall cause all trees, shrubs or other vegetation to be properly trimmed and cut back, so as to prevent physical obstruction or visibility impairment to pedestrian and vehicle traffic on the sidewalk or highway.

705. STRUCTURES OVER HIGHWAYS

1. No person shall, except as provided herein or by any other bylaw; or unless otherwise authorized by the Director of Engineering, erect or maintain any structure which encroaches on or over any highway or public land.
2. Approved structures overhanging the highway shall have a minimum clearance of 2.5 metres above any sidewalk or walkway and 5 metres above any roadway.
3. No person shall place, erect, remove or alter any sign, structure or other device on or over a street or public land without the express consent of the Director of Engineering.

706. DEFACING POLES

No person shall paint, paste, stick or affix or put any sign, bill, notice substance or thing on any street furniture, light standard, electric light, telephone or other pole located on any street, and no person shall deface or disfigure such street furniture, light standard, electric light, telephone or other pole located on any street, or permit, suffer or allow any person to commit the acts on his behalf.

This section shall not apply to:

- a) a person installing signs or banners authorized by the Director of Engineering or over City streets and intended to control traffic or parking, or to provide directions or street identification;
- b) a person putting up or installing street decorations authorized by Council or the Director of Engineering;
- c) a person affixing or putting up any Public Notice or other temporary sign which is authorized by bylaw or by Provincial or Federal legislation;

- d) a person installing advertising devices which are integral with public conveniences as covered by special agreements with the City of Enderby such as bench signs or bus-stop kiosks.
- e) a person affixing a sign or notice to a kiosk provided or authorized by the Director of Engineering specifically to be used by the general public for the posting of notices.

707. PARADES

- 1. Any person desiring to hold a parade shall, prior to the event, make application in writing to the Director of Engineering and in such application furnish the following information:
 - a) the name and address of the applicant;
 - b) the nature and object of such parade;
 - c) the month, day and hours during which the parade will be held;
 - d) a description of the intended route of the parade and assembly area or the intended area in which the parade will be limited to, as the case may be; and
 - e) a description of the composition of the parade.
- 2. Director of Engineering or any person duly authorized by him may approve or disapprove of the aforesaid application and, if the approval is given, may issue an order permitting the parade on such terms and conditions as he deems appropriate.
- 3. The Director of Engineering is authorized to regulate and to control pedestrian and vehicular traffic over the route or area in which the parade will occur.

708. FUNERAL PROCESSION

- 1. The operator of a vehicle in the line of a funeral procession approaching an intersection where a traffic control device exists, shall comply with the instruction of such device, and shall not enter the intersection until it is safe to do so.
- 2. Every person operating a vehicle in a funeral procession shall have the headlamps of such vehicle on for the duration of the procession.

709. PROPERTY ACCESS

No person shall alter an existing access to a property or construct a new access to a property without obtaining authority from the Director of Engineering.

PART 8 – PENALTIES

801. GENERAL PENALTY

- 1. Every Person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00, and not exceeding \$10,000, and a jail term of not more than 6 months.
- 2. Where the offence is a continuing one, each day the offence continues shall be a separate offence.

802. DEFAULT

In addition to any other penalty which may be incurred, anyone failing to comply with the provisions of Par 6 of this bylaw within the time limited therefore, or within a reasonable time upon notice to that effect by the City, shall be subject to the City carrying out any such works at the expense of the offender, and any charges or costs incurred by the City in this regard, shall be recoverable by it in any Court of competent jurisdiction.

803. RESPONSIBILTIY

- 1. The owner of a vehicle shall incur the penalties provided for any violation of this bylaw with respect to any vehicle owned by him unless at the time of such violation the vehicle was in the possession of some person other than the owner without the owner's consent; but nothing in this section shall relieve the operator of a vehicle not being the owner, from incurring the penalties provided for such violation.

2. The onus of establishing that the vehicle was in the possession of some person other than the owner rests with the owner.

PART 9 – GENERAL

901. VALIDITY

Should any section or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the bylaw as a whole or any part thereof other than the part so declared to be invalid.

902. ARTERIAL HIGHWAY

None of the powers of this bylaw shall extend to any highway classified as “arterial” under the Highway Act.

903. REPEAL

“Street and Traffic Bylaw No. 1079, 1994” and amendments thereto are hereby repealed.

READ A FIRST TIME THIS 1st day of November, 2010.

READ A SECOND TIME THIS 1st day of November, 2010.

READ A THIRD TIME THIS 1st day of November, 2010.

RECONSIDERED AND ADOPTED THIS 15th day of November, 2010.

MAYOR

CHIEF ADMINISTRATIVE OFFICER