

**CITY OF PARKSVILLE
BYLAW NO. 1436
TRAFFIC BYLAW**

Consolidated for convenience to include Bylaw No. 1436.1 and 1436.2

**CONSOLIDATED
ONLY FOR
CONVENIENCE**

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CITY OF PARKSVILLE

BYLAW NO. 1436

TRAFFIC BYLAW

Under the provisions of the *Motor Vehicle Act* and the *Community Charter* the Municipal Council of the City of Parksville, in open meeting assembled, enacts as follows:

1.0 TITLE

1.1 This bylaw may be cited as "Traffic Bylaw, 2009, No. 1436".

2.0 APPLICABILITY

2.1 Lands Within City Except as otherwise indicated, this Bylaw applies to all lands within the boundaries of the City of Parksville.

2.2 Provincial Arterial Highways. Unless otherwise indicated, this Bylaw does not apply to arterial highways classified as such by order of the Lieutenant Governor in Council under the *Transportation Act*.

2.3 Exclusions

This bylaw does not apply to:

- a) persons lawfully engaged in highway or public utility construction or maintenance work, upon a highway while they are at the site of the work, but does apply to them while traveling to or from the site of the work;
- b) persons operating emergency vehicles during an emergency; or
- c) the driving or operation of a mechanically propelled chair or scooter by a disabled person, the use of which is confined to the purpose for which it was designed.

The provisions of this bylaw regulating or prohibiting stopping and parking do not apply to the operators of:

- a) utility service vehicles owned by the City or by the governments of Canada or the Province of British Columbia;
- b) service vehicles owned by a public utility corporation; or
- c) vehicles specifically designed for the purpose of towing another vehicle;

while the operators of the vehicles are engaged in work requiring them to be stopped or parked in contravention of the provisions.

2.4 Traffic Control Devices Subject to other provisions of this bylaw, all traffic control devices installed in the City shall be deemed to be authorized traffic control devices under this bylaw.

3.0 INTERPRETATION

- 3.1 Enactments Any Act referred to in this bylaw is a reference to an Act of the Province of British Columbia or Canada, as the case may be, and the applicable regulations, as amended, revised, consolidated or replaced from time to time. Any bylaw referred to in this bylaw is a reference to a bylaw of the City of Parksville, as amended, revised, consolidated or replaced from time to time.
- 3.2 Headings The headings given to the parts, sections and paragraphs in this bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this bylaw.
- 3.3 Severability If any part, paragraph or phrase in this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in force.
- 3.4 Schedules The following schedules attached to this Bylaw form part of this bylaw:
- Schedule A – Crossing Design Requirements
 - Schedule B – Specified Speed Limits
 - Schedule C – Fee Schedule – Removal of Chattel, Obstructions and Vehicles

4.0 DEFINITIONS

- 4.1 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.
- 4.2 In this bylaw:
- "*Bicycle Path*" means that portion of a highway intended either exclusively or partially for use by cyclists.
- "*Boulevard*" means the area of a highway between the edge of pavement, sidewalk, and/or curb of the roadway and the adjacent property line, but excludes a sidewalk.
- "*Bylaw Compliance Officer*" means a Bylaw Compliance Officer appointed by Council.
- "*Chief of Police*" means the senior officer commanding the Oceanside Detachment of the Royal Canadian Mounted Police.
- "*City*" means the City of Parksville.
- "*Commercial Crossing*" means every crossing that is not a residential crossing.
- "*Commercial Vehicle Loading Zone*" means an area on a highway designated exclusively for the loading or unloading of materials by commercial vehicles.
- "*Council*" means the Council of the City of Parksville.

“*Crossing*” means any improvement that is constructed over a boulevard or sidewalk for the purpose of allowing vehicles or pedestrians to gain access between the highway and the land adjacent to the highway.

“*Crossing Permit*” means a permit issued by the Director to construct a crossing.

“*Curb*” means the line of demarcation between the roadway and the boulevard, or where no boulevard exists, the line of demarcation between the roadway and the sidewalk.

Bylaw 1436.2 adopted November 2, 2015, replaced the definition of "Director" in its entirety and substituted the following:

"Director" means the Director of Engineering or designate for the City of Parksville.

"*Disabled Persons' Parking Permit*" means a parking permit issued to a Disabled Person under this bylaw and the Regulations of the Motor Vehicle Act

"*Disabled Person*" means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk.

"*Disabled Zone*" means a parking zone set aside for the exclusive use of Disabled Persons using a vehicle displaying a Disabled Persons' Parking Permit.

"*Drainage Facility*" includes boulevard drainage inlets, catch basins, grates, or culverts

“*Fire Chief*” means the Chief of the City's Fire Department appointed by Council, and includes his authorized deputy.

“*Highway*” includes all public streets, roads, ways, trails, lanes, bridges and any other public way or right-of-way open to public use.

"*Impound*" means to detain or remove any vehicle, under the authority of a peace officer or a Bylaw Compliance Officer.

"*Lane*" means a highway not exceeding 8 metres in width, abutting the rear or side property lines of a parcel and intended primarily to give access to the rear or side yards of the parcel.

"*Motor home*" means a motor vehicle designed or used primarily for accommodation during travel or recreation, and includes a motor vehicle that has attached to it a structure

- (a) designed or used primarily for accommodation during travel or recreation, and
- (b) designed or intended to be detachable.

"*Occupier*" means a person who occupies the land but is not the registered owner."

"*One Way Street*" means a highway upon which vehicles are allowed to move only in one direction, as indicated by traffic control devices placed on or adjacent to the highway.

"*Owner*", in relation to a vehicle, means the owner as defined in the *Motor Vehicle Act*, and in relation to land means the owner as defined in the *Community Charter*.

"*Parade*" means the procession or group of pedestrians number more than twenty, standing, marching or walking on any highway or sidewalk, or any group of vehicles numbering ten or more standing or moving in a procession on any highway, except for a funeral procession or members or vehicles of Her Majesty's Armed Forces..

"*Parking Stall*" means an area on a highway designated as a parking place for one vehicle.

"*Passenger Zone*" means an area on a highway designated for the loading or unloading of passengers.

"*Plantings*" means any tree, shrub, bush or hedge installed as a natural or improved landscape treatment;

"*Public Park*" means any land which is designated as a public park and any other area open to the public and which is under the management of the City.

"*Residential Crossing*" means a crossing which provides access to and from land which is zoned for single family or two family residential use.

"*Roadway*" means the part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include crossings.

"*Traffic Control Device*" means a sign, signal, line marking, yellow curb, space or any other device placed or erected by the authority of the person designated by Council to exercise such authority.

5.0 DELEGATION OF POWERS

Director

5.1 The Director is authorized to:

- a) Order the placement, replacement or alteration of traffic control devices for the regulation, control or prohibition of traffic;
- b) Regulate or prohibit parking on a highway during construction, repair, maintenance, Christmas decorating, banner placement, or snow removal operations;
- c) Order the placement of traffic signs prohibiting parking:
 - i) at the entrance to any place of public assembly;
 - ii) upon either or both sides of any highway along the route of any parade or in the vicinity of public gatherings;
 - iii) at any location where, in special circumstances, it is necessary to facilitate or safeguard traffic; or
 - iv) adjacent to any buildings or structures under construction, alteration, repair or demolition;

Bylaw 1436.2 adopted November 2, 2015, replaced 5.1 (d) in its entirety and substituted the following:

- d) Designate portions of highways as:
 - (ii) commercial vehicle loading zones,
 - (iii) passenger zones,
 - (iv) bicycle paths,
 - (v) school zones; or
 - (vi) playground zones
- e) close a highway, or restrict or divert traffic when, in his opinion, any part of the highway is unsafe or unsuitable for traffic, or it is advisable that traffic should be restricted or diverted;
- f) designate boulevards, sidewalks and walkways for the use of persons riding animals, or where the riding of animals is prohibited, and for that purpose to make regulations restricting the direction of travel and hours of use, and to locate and post signs or other traffic control devices as the may be necessary;
- g) issue a permit for the purpose of a temporary road closure for a block party;
- h) to designate access to and from a highway for adjacent land, including the location and extent of access when in the Director's opinion the designation is necessary to protect the best interests of the local residents and traffic; and
- i) rescind, revoke, amend or vary any order made by him.

Bylaw 1436.2 adopted November 2, 2015, replaced 5.2 (a) and (b) in its entirety and substituted the following:

5.2 The Director shall not:

- a) make orders that would vary any prohibitions in this bylaw; or
- b) make an order than would vary a provision of this bylaw with regard to speed limits, except under Section 5.1 d)(iv) and 5.1 d)(v) of this bylaw.

Fire Chief

5.3. The Fire Chief may:

- a) direct and regulate traffic in any manner deemed necessary during an emergency and in doing so, may disregard any traffic control device;
- b) place temporary traffic control devices deemed necessary in the interest of public safety or in an emergency
- c) impound any vehicle that interferes with this bylaw or during an emergency procedure
- d) designated in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

6.0 GENERAL REGULATIONS

6.1 Except where otherwise directed by a peace officer, a Bylaw Compliance Officer or a person authorized by a peace officer to direct traffic, every person shall obey all directions, regulations and prohibitions contained in or upon any traffic control device which is erected or placed under the provisions of this bylaw.

6.2 No person shall mark or imprint on, or deface, damage or interfere with, any traffic control device which is erected or placed under the provisions of this bylaw.

6.3 No person other than the owner or operator of a vehicle shall remove any notice placed or affixed on the vehicle by a peace officer or Bylaw Compliance Officer under this bylaw.

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

7.0 PROHIBITIONS

7.1 No person shall:

- a) throw or cause to be deposited or tracked from a vehicle or to flow upon a highway, any water, oil, gasoline, grease, soil, sand, gravel or rock or any other substance, article or thing;
- b) leave any excavation or other obstruction on a highway without placing barricades and warning lights;
- c) interfere with any barricade, sign, warning lamp or other device which is lawfully occupying any highway at or near any excavation, obstruction or work on the highway;
- d) engage in any occupation on a highway except in an area designated for that purpose;
- e) engage in any sport, amusement, exercise, or occupation on a highway stand or loiter in such a manner as to obstruct, impede or interfere with the passage of vehicles, cyclists or pedestrians on a highway;
- f) drive or operate a vehicle on a highway between the persons or vehicles comprising a parade or funeral procession;
- g) occupy a trailer as living quarters while it is parked upon any highway;
- h) make any repairs to a vehicle while it is upon any highway, other than the temporary repairs as is necessary for the removal of the vehicle from the highway;
- i) leave any horse or other animal which is attached to any vehicle intended to be drawn by the horse or other animal on any highway or public park without the horse or other animal being tethered in such a manner as to prevent the horse or other animal from running away or from moving on the highway or public park in any way as to obstruct or impede other traffic;
- j) except with lawful authority, shall drive or operate a motor vehicle so as to leave a highway and enter a place where a sign indicates that motorized vehicle is prohibited;
- k) drive or operate any motor vehicle or motorcycle on any gravelled or grassed area on any trail within City boundaries.

8.0 DEBRIS REMOVAL

8.1 Every person who removes a wrecked or damaged vehicle from the scene of an accident on a highway shall remove all glass and other debris or substance caused by the accident from the highway.

9.0 BOULEVARD & SIDEWALK MAINTENANCE

- 9.1 Every owner and occupier of real property shall remove all snow or ice from all sidewalks bordering the real property within 12 hours from the cessation of a snowfall or storm event which caused such accumulation. An owner or occupier shall not use equipment which could cause damage to the boulevard or sidewalk due to the excess weight of the equipment or sharp edges which could cause abrasions or scrapes to the sidewalk or boulevard.
- 9.2 Every owner or occupier of real property is required to remove snow or ice from the roof or other part of any structure on the property, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any sidewalk or highway, within 12 hours of the cessation of any snowfall or storm event that cause the accumulation.
- 9.3 An owner or occupier of land shall maintain a sidewalk and boulevard adjacent to their property and in particular shall:
- a) remove accumulations of filth, leaves, rubbish, discarded materials, hazardous objects and materials which obstruct a drainage facility;
 - b) in keeping with the reasonable standard of maintenance in the area keep grassed areas trimmed and free of all weeds;
 - c) keep in good repair and up to City standards all driveway crossings;
 - d) trim and maintain all plantings;
 - e) remove all filth, leaves, rubbish, discarded materials, hazardous objects and materials from all boulevards and sidewalks.
- 9.4 No person shall deposit the snow, ice or other material removed from sidewalks, boulevards or private property under this section onto city property or highways.

10. VEHICLE EQUIPMENT AND LOADS

- 10.1 No person shall drive or operate on a highway:
- a) a vehicle equipped with solid tires, the thickness of which between the rim of the wheel and the surface of the highway is less than 32 mm; or
 - b) a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tire or track, provided that the use of tire chains studs that do not protrude more the 3.5 mm from the tread or traction surface of a tire may be used when required for safety, during the period between October 31 and March 30.
- 10.2 No studs shall be used on a tire on a non-drive wheel unless each drive wheel has at least one studded tire.

11.0 HIGHWAY USES PROHIBITED WITHOUT PERMIT

- 11.1 Except as authorized by a permit issued by the Director pursuant to this bylaw, no person shall:
- a) place any fuel, lumber, merchandise or chattel of any nature on any highway;
 - b) deposit, throw, or leave any earth, refuse, debris or any other thing on a highway;

- c) cause or permit any earth, rocks, stones, liquids, logs or stumps or other things to cave, fall, crumble, slide or accumulate from any property onto a highway or to remain thereon;
- d) drag or skid anything along or over a highway;
- e) dig up, break up or remove any part of a highway, cut down or remove trees or timber growing on a highway, or excavate in or under a highway;
- f) change the level of a highway;
- g) stop the flow of water through any drain, sewer or culvert on or through a highway;
- h) place, construct, install, maintain, demolish, remove or alter any works, structures or things of any kind, or perform any work of any kind on a highway;
- i) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a highway;
- j) mark or imprint or deface in any manner whatsoever a highway or structure thereon;
- k) ride, drive, lead, move or propel any animal or vehicle over or across a boulevard, including any curb, sidewalk or ditch, except within a crossing; or
- l) cause damage to, cut down or remove trees, shrubs, plants, bushes and hedges, fences or other things erected or maintained on a boulevard.

12.0 ACCESS REGULATION AND CROSSING PERMITS

- 12.1 No person shall construct or replace a crossing without first obtaining a Crossing Permit.
- 12.2 An application for a Crossing Permit shall be accompanied by a non-refundable fee of \$50.00, and shall be made by the owner of the real property or the owner's agent, on the application form authorized by the Director.
- 12.3 Upon receipt of a completed application, payment of all required fees and deposits, and confirmation that the proposed crossing complies with this bylaw, the Director shall issue a Crossing Permit.
- 12.4 The Director may impose terms and conditions on a Crossing Permit, in relation to:
 - a) dates and times of work on the crossing;
 - b) safety measures, including traffic control;
 - c) inspection of the work;
 - d) deadlines for completion of the work and defined portions of the work;
 - e) protection and restoration of public works and other property on or adjacent to the highway;
 - f) required modifications to existing works on the highway;
 - g) surfacing of the crossing;
 - h) soil debris and removal;
 - i) provision of plans, levels profiles, and surveys by the permit holder;
 - j) notification to the City regarding commencement and completion of construction; and
 - k) traffic movement restrictions within and from the crossing and installation of signage or other traffic control devices to give effect to those restrictions.
- 12.5 Crossings shall be designed and constructed in compliance with the requirements in Schedule "A" to this bylaw.

12.6 If alterations to a highway or the construction of public works or utilities requires the removal or modification of a crossing, no compensation in respect of the crossing shall be payable to the permit holder or to the owner or occupier of adjacent land.

13.0 PERMITS

13.1 The Director may issue a permit to do those things otherwise prohibited by Section 11, of this bylaw, subject to payment of an application fee of \$50.00 and subject to such other conditions contained in this section as are applicable.

13.2 As a prerequisite to the issuance of a permit under this section, the applicant shall:

- a) deposit with the City a sum of money (in cash or by unconditional letter of credit issued by a financial institution) which is, in the opinion of the Director, sufficient:
 - i) to pay the cost of repairing any damage which may be done to the highway or installations therein; and
 - ii) as security that any obligations imposed by the permit shall be fulfilled and completed within the time specified in the permit; and
- b) provide satisfactory plans and specifications of any work to be undertaken and, when they are approved by the Director and the necessary permit is issued, the work shall conform in every respect to the approved plans and specifications and to the minimum general requirements of the subdivision servicing bylaw of the City for the area in which the highway is situated.

13.3 Where a deposit has been made in accordance with this bylaw, upon satisfactory compliance with the permit within the time specified, the deposit will be refunded to the applicant, less, where applicable, an inspection fee of \$40.00, or the actual cost of administration and inspection, whichever is the greater.

13.4 Where completed work is to be taken over by the City, the applicant shall be responsible for the cost of maintaining the work for a period of one year from the date of completion of the work, as certified by the Director. A security deposit may be required for the maintenance period by the Director.

13.5 Where alterations to completed works are required due to the reconstruction of a highway, the permit holder shall pay all the cost of the alterations.

13.6 The permit holder shall indemnify and save harmless the City from and against all damages, claims and demands of every kind arising out of or in any way connected with any default by the holder relating to the work or activity for which a permit has been issued. Prior to issuance of the permit the applicant shall provide proof of public liability insurance in the amount of Five Million dollars (\$5,000,000.00) with the City named as a Additional Insured on the policy with respect to the works carried out under the permit issued under this section.

13.7 In the event that the permit holder fails to repair any damage or fulfill any obligations set out in a permit, the City may repair the damage or fulfill the obligations and deduct the costs of doing so from the deposit. If there are insufficient funds on deposit to cover the costs, the permit holder shall pay any shortfall.

14.0 DISABLED PERSONS' PARKING PERMITS

- 14.1 Council designates the Social Planning and Research Council of British Columbia as the organization responsible for issuing and cancelling Disabled Persons' Parking Permits.
- 14.2 An application for a Disabled Persons' Parking Permit shall be made by or on behalf of a Disabled Person directly to the Social Planning and Research Council of British Columbia.
- 14.3 It is unlawful for any person to stop, stand or park a vehicle in Disabled Zone unless:
 - a) the vehicle displays a Disabled Persons' Parking Permit or a permit of a similar nature issued by another jurisdiction; and
 - b) the vehicle displaying a Disabled Persons' Parking Permit is stopped, left standing or parked for the purpose of transporting a Disabled Person.

15.0 SPEED LIMITS

Bylaw 1436.2 adopted November 2, 2015, replaced 15.1 in its entirety and substituted the following:

- 15.1 No person shall drive or operate a motor vehicle on any highway within the City (other than a lane) at a rate of speed greater than 50 km/h, unless otherwise posted. Speed limits for specific highways and/or portions of highways (other than school or playground zones) may only be altered by Council resolution adopted by a majority of Council members.

16.0 SPEED LIMITS ON LANES

- 16.1 No person shall drive or operate a motor vehicle on a lane at a rate of speed greater than 20 kilometres per hour, unless otherwise posted.

17.0 STOPPING/PARKING PROHIBITIONS

- 17.1 Except as directed by a peace officer or as permitted by a traffic control device, or except when their vehicle is mechanically disabled as to render it immobile, no person shall stop, stand or park a vehicle:

Bylaw No. 1436.1 adopted February 1, 2010 replaced item (x)

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| (a) | 24 Hours | upon any highway for a continuous period of time exceeding 24 hours within the same block, excluding a truck and/or trailer or motor home that has a licensed gross vehicle weight that exceeds 4500 kilograms or an overall length exceeding 6 metres. |
| (b) | Bridge | on a bridge or other elevated structure on a highway; |
| (c) | Bus Loading Zone | in any designated bus loading zone |
| (d) | Central Boulevard | on the side of any highway which abuts a central boulevard. |
| (e) | Crosswalk | on a crosswalk or within 6 metres of the approach side of a |

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| | | crosswalk |
| (f) | Distance from Curb | on a roadway more than 30 centimetres from the curb of such roadway if a curb has been constructed; |
| (g) | Double Parking | on the roadway side of a vehicle that is stopped or parked at the edge or curb of a roadway; |
| (h) | Driveway | in front of or within 3 metres of a public or private driveway |
| (i) | Entrance | within 6 metres from either side of the entrance to or exit from a hotel, theatre, public meeting place, dance hall, fire hall or playground; |
| (j) | Hydrant | within 5 m of a fire hydrant measured from a point in the curb or edge of the roadway which is closest to the fire hydrant to the nearest wheel of the vehicle |
| (k) | Intersection | in an intersection |
| (l) | Lanes | in any lane in such a manner or under such conditions as to leave available less than 3 metres of the usable traveled portion of such land for the free movement of vehicular traffic |
| (m) | Long Vehicles | on a highway or public place where the vehicle or combination of attached vehicles is in excess of 18 metres in length; |
| (n) | Obstruction | alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic; |
| (o) | Overtime Parking | On a highway where the length of time allowed for parking is controlled by a traffic control device, in contravention of the length of time indicated on the applicable traffic control device and where a vehicle has been parked at time-controlled parking space for a period of time, the owner or operator of such vehicle shall not permit the parking of such vehicle in the same or any other parking space on either side of the same block within the same twenty-four hour period; |
| (p) | Parking Prohibition | in a place that contravenes a traffic control device that gives notice that stopping, standing or parking there is prohibited; |
| (q) | Parking Stalls | in contravention of painted lines or markers indicating single parking stalls parallel to the highway or angled from the highway; |
| (r) | Paths | on a Bicycle Path, pedestrian walkway or equestrian trail; |
| (s) | Railway Crossing | within 15 metres of the nearest rail on a railway crossing; |

Bylaw No. 1436.1 adopted February 1, 2010 replaced item (x)

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| (t) | Sales | on a highway for the purpose of (i) displaying a vehicle for sale; (ii) advertising, greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency; (iii) displaying signs; or (iv) selling flowers, fruit, vegetables, sea foods or other commodities or articles; |
| (u) | Schools | on the side of any portion of a highway upon which any school or school property abuts, on any school day between the hours of eight o'clock in the morning and five o'clock in the afternoon |
| (v) | Sidewalk | on a sidewalk or boulevard, either completely or partially; |
| (w) | Sign | within 6 metres of the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway; |
| (x) | Trucks, Bus, School Bus or Motor Homes | on a highway or public place for more than two hours if the truck and/or trailer, bus, school bus or motor home has a licensed gross vehicle weight that exceeds 4500 kilograms or an overall length exceeding 6 metres |
| (y) | Visibility | in a manner that obstructs the visibility of a traffic control device; |
| (z) | Without Curbs | on the paved portion of any highway without curbs, unless the pavement is at least 7.3 m in width |
| (aa) | Wrong Side | upon a two-way highway, other than on the right side of the highway and with the right-hand wheels parallel to that side |

18.0 LOADING ZONES – COMMERCIAL AND PASSENGER

18.1 No person shall stop or park a vehicle:

- a) in any commercial vehicle loading zone except while actually engaged in the loading or unloading of commercial goods and merchandise; or
- b) in any passenger zone for a period longer than 3 minutes, provided that the driver of any armoured vehicle used for the purpose of conveying cash or securities may stop the vehicle in a passenger zone for the period required while picking up or making delivery of any cash or securities.

19.0 IMPOUNDMENT OF VEHICLES

- 19.1 Any vehicle which unlawfully occupies any portion of a highway or public place may be removed or impounded by the City's employees, contractors or agents.
- 19.2 Any vehicle removed or impounded may be recovered by the owner upon presenting proof of ownership and upon payment of all fees, costs and expenses for the removal, detention and impoundment of a vehicle set out in Schedule "C" to the City.
- 19.3 Where the owner of vehicle which has been removed, detained or impounded under this bylaw defaults in paying the fees, costs and expenses the City may sell the vehicle at a public auction or initiate an action to recover the fees costs and expenses, provided that:
- a) the City has delivered to the address for the owner as shown on the records of the Superintendent of Motor vehicles a notice that the fees, costs, and expenses will be recovered by way of public auction or court action;
 - b) the owner of the vehicle has not paid the required sum to the City within 30 days of the delivery of the notice; and
 - c) the 30 days have expired.

20.0 REMOVAL OF CHATTEL OR OBSTRUCTIONS

- 20.1 Any chattel, obstruction, earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things unlawfully occupying any portion of a highway or public place may be removed, detained or impounded immediately it constitutes a danger to persons using the highway or public place or, when it does not constitute a danger, within 24 hours by any person authorized to do so by the Director or Bylaw Compliance Officer.
- 20.2 Any chattel or obstruction removed, detained or impounded may be recovered by the owner upon presenting proof of ownership and upon payment in full of any fees, costs and expenses which may be levied under the provisions of this bylaw to the City.

21.0 PUBLIC AUCTION

- 21.1 Any chattel, obstruction or vehicle not claimed by its owner within 30 days of its impounded or detention may be sold at public auction and such auction shall be advertized under the provisions of the Community Charter pertaining to requirement for public notice.
- 21.2 The proceeds of the auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the City or its contractors or authorized agents as set out above and thirdly the balance, if any, shall be held by the City for one (1) year from the date of the sale for the owner. If unclaimed at the end of the year, the sum shall be paid into the General Revenue of the City.
- 21.3 Should any chattel or obstruction not be purchased at public auction then the chattel or obstruction shall be disposed of in a place approved by the Director, and the expenses incurred in the removal or disposal of the chattel or obstruction, less the proceeds (if any) of disposal, are recoverable as a debt due the City from the owner.

21.4 Despite the preceding provisions, where any abandoned or unlicensed motor vehicle, garbage, rubbish, chattel, obstruction, earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things with an apparent market value of less than One Hundred Dollars (\$100.00) is left on any highway, such articles may be removed and disposed of by any person authorized to do so by the Director or Bylaw Compliance Officer. The full costs of removal and disposal shall be charged to the owner of the garbage, rubbish, abandoned or unlicensed motor vehicle or the owner of the property or contractor or any other person responsible for which the earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things originated from. The Director shall determine the apparent market value.

22.0 BICYCLES, ROLLER SKATES, SKATEBOARDS, SKIS, INLINE SKATES

- 22.1 A person using a bicycle, roller skates, skateboard, skis, or inline skates:
- a) shall not be on a sidewalk unless directed by a traffic control device;
 - b) shall be on a bicycle lane, if there is a bicycle lane adjacent to the roadway, or if no bicycle lane be as near as practicable to the right hand side of the highway;
 - c) shall not be abreast of another person on any highway;
 - d) shall only cross a highway at an intersection using the pedestrian crosswalk and obeying pedestrian crossing signals where applicable;
 - e) shall not be attached by the arm and hand of the operator or otherwise, to a vehicle on a highway; and
 - f) shall not be on a highway between ½ hour after sunset and ½ hour before sunrise unless equipped with lights and/or reflective clothing visible from the front and rear.
 - g) may have their bicycle, roller skates, skateboard, skis or inline skates removed or impounded by the City's employees, contractors or agents, should they be operating them in contravention of this bylaw.
- 22.2 Motorized push style scooters, motorized human transporters or motorized skateboards are not permitted on sidewalks or highways within City boundaries. Motorized wheelchairs or other mobility assist devices used for medical related ambulatory assistance are permitted within City boundaries and are treated the same a pedestrians.

23.0 OTHER REGULATIONS

- 23.1 No trailer designed for occupancy by individuals or for the carriage of goods and merchandise shall be parked on any highway unless it is attached to a motor vehicle capable of towing the trailer.
- 23.2 No owner or occupier of property adjacent to the intersection of two highways shall place or permit to be placed or to grow any tree, shrub, plant, fence or other structure with any horizontal dimension exceeding 0.6 m, within 7 m from the point of intersection of the two property lines which front on the intersecting highways, between the elevations of 0.9 m and 2.0 m above the elevation at the point of the intersection of the centerlines of the intersecting highways.

24.0 OFFENCE AND PENALTIES

- 24.1 Any person who contravenes, suffers or permits anything to be done in contravention of any of the provisions of this bylaw or any permit issued under this bylaw commits an offence punishable on summary conviction and shall be liable to a fine not exceeding \$10,000.00.
- 24.2 Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

25.0 REPEAL

- 25.1 The following bylaws are repealed by this bylaw:
"Village of Parksville Street Regulation Bylaw, 1956, No. 73"
"Village of Parksville Traffic Control Bylaw, 1964, No. 167"
"Morison Avenue Traffic Regulation Bylaw, 1968, No. 252"
"Village of Parksville Traffic Bylaw 1969, No. 269"
"Village of Parksville Off-Highway Vehicle Bylaw, 1975, No. 416,
"Crossing Control Bylaw, 1979, No. 594"
"City of Parksville Traffic Control Bylaw, 1988, No. 956"
"City of Parksville Extraordinary Traffic Regulation Bylaw, 1995, No. 1222"
provided that all traffic control devices placed under those bylaws shall remain in effect.

READ A FIRST TIME this 16th day of February, 2009

READ A SECOND TIME this 16th day of February, 2009

READ A THIRD TIME this 16th day of February, 2009

ADOPTED this 2nd day of March, 2009

Original signed by Ed Mayne
Mayor

Original signed by Laurie Taylor
Director of Administrative Services

Consolidated under the provisions of the *Community Charter* to include Bylaws 1436.1 and 1436.2. Printed under the authority of the Deputy Corporate Officer of the City of Parksville this 3rd day of November, 2015.

Original signed by Amanda Weeks
Deputy Corporate Officer

SCHEDULE "A"

Crossing Design Requirements

All crossings shall conform to the requirements of the crossing permit issued for construction of the crossing and shall meet the following conditions:

1. The number of crossings to a parcel that is used for residential use only, shall be not more than one for each 24 metres (78.74 feet) or remaining fraction thereof, of the total highway frontage of the parcel.
2. The number of crossings to a non-residential parcel shall be not more than one for each 30 metres (98.43 feet) or remaining fraction thereof, of the total highway frontage of the parcel.
3. No two crossings to one parcel shall be closer to each other than 9 metres (29.53 feet) at any point.
4. Where a non-residential parcel adjoins another parcel, no crossing to the non-residential parcel shall be less than 1.5 metres (4.92 feet) from the adjoining parcel boundary.
5. Crossings shall be located adjacent to the interior side lot line of a property and no closer than 7.5 metres (24.61 feet) at any point to the point of intersection of two highway right-of-way boundaries, or if one or more of the highways is a lane, within 4.5 metres (14.76 feet) of the intersection.
6. No commercial crossing shall be constructed wider than 9 metres (29.53 feet) at any point on public property.
7. No residential crossing shall be constructed wider than 6 metres (19.69 feet) at any point on public property.
8. Angled crossings to parcels are permitted, provided that the included angle between the crossing and the edge of pavement on the road right-of-way is no less than 45°.
9. Loop crossings are permitted, provided that the crossings at each end of the loop meet the requirements of Sections 1, 2, 3 and 6 of this Schedule and that no part of the connecting loop is on public property.
10. Except in areas where curbs have been installed or where all municipal services have been completed, no concrete driveways are permitted on public property.

SCHEDULE "B"

Speed Zones Other Than 50 km/hour

Bylaw 1436.2 adopted November 2, 2015, repealed Schedule "B" in its entirety.

SCHEDULE "B"

Bylaw 1436.2 adopted November 2, 2015, renamed Schedule "C" - FEES SCHEDULE to Schedule "B"

FEE SCHEDULE - REMOVAL OF CHATTEL, OBSTRUCTIONS AND VEHICLES

1. The following fees, costs and expenses shall be paid by the owner of any chattel, obstruction or vehicle removed, detained or impounded pursuant to this Bylaw.
 - (a) for any chattel or vehicle weighing under 45 kg - \$50.00 plus \$2.00 per day impoundment charge with unclaimed chattels or vehicles to be sold by auction after 30 days.
 - (b) for any chattel or vehicle weighing over 45 kg - the actual cost incurred by the City for the removal and storage.

**SCHEDULE "C"
SPECIFIED SPEED LIMITS**

Bylaw 1436.2 adopted November 2, 2015, repealed Schedule "C" - SPECIFIED SPEED LIMITS in its entirety.