

CONSOLIDATED VERSION

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 1926

A bylaw to regulate traffic within the municipal boundaries of the City of Courtenay

The Municipal Council of The Corporation of the City of Courtenay, in open meeting assembled, enacts as follows:

- 1. This bylaw may be cited as the "Traffic Regulation Bylaw No. 1926, 1996".
- 2. This bylaw is divided into the following divisions:

BL1962

Page#	
1	DIVISION I.....Interpretation
2	DIVISION II.....General Regulations
4	DIVISION III.....Traffic Control Devices
6	DIVISION IV.....Pedestrian Traffic
7	DIVISION V.....Vehicle Traffic
16	DIVISION VI.....Bicycle Traffic
16	DIVISION VII.....Highway Use Permits
18	DIVISION VIII.....Offence, Penalties and Enforcement
19	DIVISION IX.....Voluntary Settlement
19	DIVISION X.....Miscellaneous

DIVISION I - Interpretation

- 3. Definitions in the **Motor Vehicle Act** apply within this bylaw.
- 4. In this bylaw:

- (a) **Administrator** - means the Administrator of the City and includes anyone authorized by Council to act on behalf of the Administrator.

BL2580

- (b) **Automated Teller Machine** - means a device that is linked to a financial institution's account records, and that is able to carry out transactions that include transfers, deposits, cash withdrawals, balance inquiries, payments of amounts owed, or other financial transactions.

BL2580

- (c) **Cause an Obstruction** - means:

- (i) To sit or lie on a highway, sidewalk or other public place in a manner which obstructs or impedes the convenient passage of any pedestrian traffic in the course of solicitation;

- (ii) To place, deposit or leave upon a highway, sidewalk or other public place in a manner which impedes the convenient passage of any pedestrian traffic, chattels or obstructions in the course of solicitation;
 - (iii) To continue to solicit from or otherwise harass a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal;
 - (iv) To physically approach and solicit from a pedestrian as a member of a group of two (2) or more persons;
 - (v) To solicit on a highway, sidewalk or public place within five (5) metres of:
 1. an entrance to a bank, credit union, or trust company;
 2. an automated teller machine;
 3. a bus stop, bus shelter, or public bench;
 4. a pay telephone of public washroom; or
 5. a parking lot; or,
 - (vi) To solicit from an occupant of a motor vehicle in a manner which obstructs or impedes the convenient passage of any vehicular traffic on a highway.
- (d) **City** - means the municipal area comprised within the boundaries of The Corporation of the City of Courtenay, or The Corporation of the City of Courtenay, as the context requires.
 - (e) **Council** - means the municipal council of the City.
 - (f) **Curb Line** - means the edge of a sidewalk or boulevard adjoining a roadway.
 - (g) **Director** - means the Director of Operational Services of the City and includes anyone authorized by Council to act on behalf of the Director.
 - (h) **Lane** - means a highway not exceeding 8 metres in width, which provides a secondary means of vehicle access to one or more parcels of land.
 - (i) **Parade** - means any procession or body of 15 or more persons or four or more vehicles standing or moving together on any highway, but excludes funeral processions.
 - (j) **Permit** - means a document in writing issued pursuant to this bylaw.
 - (k) **Private Road or Driveway** - means every road or driveway not owned or possessed by the Crown or the City.

(l) **Responsible Official** - means any person required by the terms of their employment, official duties or designation by Council to be responsible for the administration or enforcement of any provision of this bylaw.

(m) **Roadway** - means that portion of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder.

BL2580

(n) **Solicit** - means, without consideration, to ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture, for one's self or for any other person, and solicitation has a corresponding meaning, but does not include soliciting for charity by a registered charity.

(o) **Streetline** - means the boundary line between any highway and any property which is not a highway.

BL2078

(p) **Traffic Officer** - means any official, employee or contractor of the City whose designated duties include the control of traffic or parking within the City, and includes peace officers and Bylaw Enforcement Officers, and every officer and member of the Fire Department of the City while attending upon any fire or emergency in the course of their duty.

DIVISION II - General Regulations

Traffic Officers

5. (a) All Traffic Officers, other than officers and members of the Fire Department of the City, are authorized to do all things necessary to control traffic in pursuance of this bylaw at all times and to ensure that the requirements of this bylaw are being carried out.
- (b) All Traffic Officers are authorized to do such things as may be considered necessary to control traffic during any emergency requiring the attendance of emergency equipment.
- (c) No person shall refuse to comply with any lawful direction made by any Traffic Officer.
- (d) No person shall hinder, delay or obstruct in any manner, directly or indirectly, a Traffic Officer carrying out duties in accordance with this bylaw.
- (e) Every driver or operator of a vehicle and pedestrian shall stop and state correctly their name and address when requested to do so by a Traffic Officer.

Emergency Vehicles and Fire Hoses

6. No person driving or operating any vehicle, except such vehicles as are conveying authorized persons who have duties to perform in connection with a fire, or other emergency, shall follow closer than 152 metres to any emergency vehicle, or drive or stop any vehicle within a radius of 152 metres of any fire or other emergency scene, or drive a vehicle over or across any fire hose, unless so directed by a Traffic Officer

Parades

7.
 - (a) No person shall take part in any Parade unless a Permit for that parade has been issued by the Administrator or the Director.
 - (b) An application for a Parade Permit shall identify the proposed route, dates, times and the number of vehicles and persons expected to participate.
 - (c) A Parade Permit may be refused where the proposed Parade would create a hazard or would interfere with ordinary traffic.
 - (d) No person or organization shall be entitled to more than one Parade Permit in any calendar year.

Snow and Ice Removal - Downtown Commercial Area

8.
 - (a) Every owner or occupier of land within the Central Business District - Commercial One Zone (C1) under the zoning bylaw of the City shall remove all snow, ice, or rubbish from the sidewalks and footpaths bordering on the land.
 - (b) Snow and ice shall be removed pursuant to paragraph (a) prior to 12:00 o'clock noon on every day and no rubbish shall be allowed to remain upon sidewalks and footpaths at any time.
 - (c) In default of the removal of snow, ice or rubbish as required by this bylaw the Director is authorized to carry out such removal at the expense of the person in default and the costs for so doing (including all expenses incidental thereto) with interest at the rate of seven percent per annum if unpaid on the thirty-first of December in any year, shall be added to and form part of the taxes payable in respect of the land as taxes in arrears.

DIVISION III - Traffic Control Devices

9. The provisions of this Division do not apply to arterial highways.
10. All traffic control devices placed by the City prior to adoption of this bylaw are deemed to be authorized and placed in accordance with this bylaw.

11. The Director is authorized to order the placing of additional traffic control devices, excluding parking meters, in order to exercise the powers of the City under this bylaw and to give effect to the provisions of this bylaw, including traffic control devices:
 - (a) to regulate, control or prohibit pedestrian traffic, and vehicle traffic on highways;
 - (b) to regulate, control or prohibit the stopping of vehicles;
 - (c) for the regulation, control or prohibition of standing or parking of vehicles;
 - (d) to set apart and allot portions of highways adjacent to federal, provincial or municipal public buildings for the exclusive use of officials and officers engaged therein for the parking of vehicles and the regulation of such parking;
 - (e) to regulate or prohibit pedestrian traffic on highways other than at crosswalks;
 - (f) to regulate, control or prohibit persons using roller skates, sleighs, skates, skateboards, skis or other similar means of conveyance on a highway;
 - (g) at intersections and in advance of intersections as required to prohibit certain movements;
 - (h) on highways upon which the traffic is required to travel in one direction only;
 - (i) at the end of one-way roadways to prevent traffic entering the restricted area;
 - (j) at the transition from one-way to two-way roadways to indicate that normal travel is restricted to the right hand side of the roadway;
 - (k) at the beginning of a zone through which restricted sight distance makes overtaking and passing hazardous;
 - (l) within and at the end of median strips and traffic islands;
 - (m) at locations where, due to adjacent commercial facilities, it is desirable to reserve space for loading and unloading vehicles;
 - (n) in locations where truck traffic is prohibited or restricted;
 - (o) at locations where, due to seasonal weakening of road surfaces, obsolescence of bridges or pavement or roadway repairs, loads in excess of those prescribed on the sign constitute a hazard to traffic or may cause excessive damage to the highway;

- (p) at locations where, due to limitations of sight distances, road surfaces, traffic flows or frequency of intersections, speeds in excess of those prescribed on the signs constitute a hazard to traffic or may cause excessive damage to the highway;
- (q) at locations where a bus or other transit vehicle stops to pick up passengers and it is desirable to restrict stopping, standing and parking to such vehicles;
- (r) at locations where a free flow of traffic is required for the roadway;
- (s) at locations where it is required to give advance information of the presence of a school adjacent to a roadway, a school crosswalk or a school maximum speed zone;
- (t) at locations where it is required to give advance information of a playground adjacent to a roadway, or its maximum speed zone;
- (u) at locations where pedestrian traffic crosses a roadway and at locations other than at intersections, such as at schools, playgrounds and public buildings where it is required to control pedestrian traffic;
- (v) in locations where it is permissible to angle park or parallel park;
- (w) designating the location of traffic lanes for traffic on paved streets;
- (x) at locations where it is advisable to warn traffic of hazardous conditions, either on or adjacent to the roadway or prohibit traffic from using the roadway;
- (y) at locations where, due to frequent use by the public, it is desirable to reserve a place for taxicabs only to stop, stand or park to pick up fares;
- (z) at locations approaching crosswalks, school and park zones indicating that passing is prohibited; and
- (aa) at locations allowing for parking for disabled persons only.

BL#2506

11.1 The Director is authorized to order the installation of traffic calming devices including but not limited to the following:

- (a) Chicanes
- (b) Curb extensions
- (c) Curb radius reductions
- (d) Directional closures
- (e) Diverter barriers
- (f) Road closure barriers
- (g) Intersection channelization
- (h) On street parking
- (i) Raised crosswalks

- (j) Raised intersections
 - (k) Raised median islands
 - (l) Raised median through intersections
 - (m) Right-in/right-out islands
 - (n) Rumble strips
 - (o) Sidewalk extensions
 - (p) Speed humps
 - (q) Textured crosswalks
 - (r) Traffic circles
12. The Director may rescind, revoke, amend or vary an order made by the Director under Section 11.
 13. Orders made by the Director under Sections 11 and 12 of this bylaw shall be in writing and a copy of each order shall be filed with the City Clerk.
 14. Temporary traffic control devices may from time to time as required, be placed by a Traffic Control Officer or upon authority of the Director without an order under Section 11 or 12, in the interest of public safety, but no temporary traffic control devices shall be placed for any period exceeding 28 consecutive days.
 15. No person shall establish, place, maintain, or display upon or in view of any highway, any traffic control device or other device which purports to be or resembles any traffic control device, or any device which attempts to divert the movement of traffic or the parking of vehicles within the City, except under the authority of this bylaw.
 16. No person shall obliterate, deface, damage, injure, move, obstruct or otherwise interfere with any traffic control device placed or maintained within the City pursuant to this bylaw.
 17. Every person shall comply with the directions of every traffic control device, except as otherwise authorized pursuant to this bylaw.

DIVISION IV - Pedestrian Traffic

18. At any intersection where crosswalks are marked, pedestrians shall use such crosswalks in crossing the highway.
19. Every pedestrian crossing a highway, at any point other than within a marked crosswalk, shall yield the right-of-way to all vehicles on the highway.
20. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
21. No person shall stand on or adjacent to a highway for the purpose of soliciting a ride from the driver of any vehicle.

22. On the approach of an emergency vehicle, pedestrians shall proceed or return to the nearest sidewalk or boulevard and remain there until that vehicle has passed.
23. No pedestrian shall leave a curb or other place adjacent to a roadway and move into the path of a vehicle which is approaching so that it is not possible for the driver of the motor vehicle to yield the right-of-way.
24. No person who has alighted from a bus which has stopped shall start to cross to the opposite side of the highway until the bus has moved away from its stopping place, unless such crossing is made in compliance with traffic control signals or at the direction of a Traffic Officer.
25. No person shall form a part of a group of persons congregated on a roadway or sidewalk in such manner as to obstruct the free passage of pedestrians or vehicles.

- BL2580 26. (a) No person shall stand or loiter in such a manner as to obstruct, impede or interfere with traffic on a highway or pedestrians on a sidewalk.
- (b) No person shall solicit so as to cause an obstruction.

DIVISION V - Vehicle Traffic

A. Moving Traffic

Slow Moving Motor Vehicles

27. The driver of any motor vehicle which is travelling more than 10 km/hr under the maximum permitted speed shall drive adjacent to the right hand curb line of the highway, except when approaching an intersection for purposes of making a left hand turn.

Driving on Sidewalks

- BL2112 28. (a) The driver of any motor vehicle, or rider or driver of any animal, shall not drive such motor vehicle or ride or drive such animal upon any sidewalk or boulevard except on a driveway crossing provided for such purposes.
- (b) No person shall do any act or place any object upon any City street, right of way or sidewalk which will obstruct or impede pedestrian traffic.

Emerging from Lanes

29. The driver of any motor vehicle emerging from any lane, driveway or building shall stop immediately prior to driving on or across any sidewalk or boulevard and shall yield the right-of-way to any pedestrian approaching along the sidewalk or boulevard.

Noise Making Devices

30. No person shall operate any loudspeaker or other noisemaking device on a motor vehicle for any advertising or other purpose, except as a warning to drivers and pedestrians.

Clinging to Moving Motor Vehicle

31. No person riding any bicycle, tricycle, coaster, skis, roller skates, roller blades, skateboard, toy motor vehicle or sleigh, shall cling to any motor vehicle in motion.

Overtaking or Passing

32. No person operating a motor vehicle upon any highway within the City shall overtake and pass, or attempt to overtake and pass another motor vehicle proceeding in the same direction upon any curve or when approaching the crest of any grade where there is not a clear view of such highway ahead for a distance of 244 metres along such highway, or when such overtaking and passing cannot be done with safety.

Hospital and Quiet Zones

33. Whenever a traffic control device is erected indicating a quiet zone, no person operating a motor vehicle within such zone shall sound the horn or other warning device of the motor vehicle except in an emergency.

Limitation on Backing

34. The driver of a motor vehicle shall not back into an intersection or over a crosswalk and shall not in any event back a motor vehicle unless such movement can be made in safety.

Passenger's Conduct

35. No person riding in or on any motor vehicle shall do any act which will interfere with the driver's proper control of such motor vehicle.

Refuse on Streets

36. No person shall throw, drop or leave, or let fall from or out of any motor vehicle or conveyance, any bottle or bottles, glass, crockery, nails, wood, sawdust, or refuse, or any other object or material, on or upon any highway and any person who has thrown, dropped, or left any such objects or material shall forthwith remove the same from such street.

School Crossings

37. When any portion of a highway has been designated as a school crossing by a traffic control device, the driver of every motor vehicle shall between the hours of 8:00 a.m. and 5:00 p.m. obey the direction indicated on such traffic control device.

Reverse Turns

38. No driver of any motor vehicle shall turn such motor vehicle so as to proceed in the opposite direction:
- (a) on any through street;
 - (b) within an intersection at any corner of which a "Stop" sign has been placed, or where a traffic control signal has been installed;
 - (c) at any other intersection unless such movement can be made in safety, without backing up, and without interfering with other traffic;
 - (d) on any street between intersecting streets; or
 - (e) at any lane intersection.

Funeral or Authorized Procession

39. (a) No driver of a motor vehicle shall drive between the motor vehicles comprising a funeral or authorized procession while it is in motion, except at intersections where traffic is being controlled by Traffic Officers.
- (b) Funeral processions shall be identified as such by each motor vehicle therein having its headlights illuminated or by the display of a pennant or other identifying insignia.

One-Way Streets

40. No driver shall operate a motor vehicle on a one-way street except in the direction indicated by a traffic control device.

Flanges and Similar Equipment

41. No person shall operate any motor vehicle having wheels, tire, or treads 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, upon any highway in the City.

Speed In Lanes

42. No person shall operate a motor vehicle upon any lane within the City at a greater rate of speed than 20 kilometres per hour.

B. Stationary Traffic

Parking Prohibitions

43. Except when necessary to comply with the law or the directions of a Traffic Control, peace officer or a traffic control device, no person shall stop, stand or park a vehicle:

- (a) on any sidewalk or boulevard;
- (b) within 6 metres of a flashing beacon, stop sign or other traffic control device located at the side of a roadway;
- (c) within any street intersection, except as permitted by a traffic control device;
- (d) within 5 metres of any fire hydrant, measured from a point on the curb line which is closest to the fire hydrant;
- (e) in front of and within 2 metres of any non-commercial private or public driveway, or in front of and within 5 metres of any commercial driveway or lane;
- (f) alongside or opposite any street excavation or obstruction when stopping, standing or parking in that location obstructs traffic;
- (g) upon or within 6 metres of any crosswalk, except as permitted by a traffic control device;
- (h) on the roadway side of any motor vehicle stopped or parked at the edge or curb of any roadway;
- (i) within 6 metres either side of the entrance to or exit from a firehall;
- (j) within 6 metres of an entrance to any school property, on any day when school is in session;
- (k) within 6 metres of any entrance to or exit from any playground or park;
- (l) within 6 metres of the main entrance or exterior vestibule of any hotel or theatre unless otherwise marked by a traffic control device;

- (m) in any lane for a period of time longer than is necessary for the expeditious loading or unloading of passengers or materials, so as to prevent the free movement of motor vehicle traffic;
 - (n) on any bridge, or other elevated structure on a highway, except as permitted by a traffic control device;
 - (o) on any portion of a highway indicated by traffic control device as reserved for any class of motor vehicle, other than a motor vehicle coming within such class;
 - (p) within 15 metres of the nearest rail of a railroad crossing;
 - (q) on any highway for the principal purpose of advertising, washing, maintaining, repairing, wrecking or storing a motor vehicle (except repairs necessitated by an emergency), or for the purpose of displaying such motor vehicle for sale, or for the purpose of selling any commodities or articles;
 - (r) on the paved portion of any highway without curbs where the pavement is 6 metres or less in width;
 - (s) on any portion of a highway for a longer period of time than that indicated on any traffic control device which is applicable to that portion of the highway;
 - (t) on any portion of a highway where the curb or edge of the roadway is painted yellow, except in a signed loading and unloading zone;
 - (u) where parking spaces for vehicles are designated by lines on a highway, except wholly within the parking space provided;
 - (v) whether attended or unattended, not being an emergency vehicle, in a fire lane;
 - (w) contrary to any traffic control device;
- BL2112 (x) Except when the City or the Minister of Transportation and Highways permit, a driver must not stop, stand or park a vehicle on a roadway other than the right side of the roadway.
- BL1962 44. Where a traffic control device is placed on a City parking lot or street indicating that the time allowed for parking a vehicle is limited, no person shall park a vehicle for a period longer than the time indicated as set out in Schedule 'A' to this bylaw.
45. When a traffic control device is displayed on any highway or City parking lot indicating that the length of time allowed for parking a vehicle thereon is limited, no person who has parked a vehicle on such highway or lot shall again park a vehicle on such highway, (unless there is an intersection between the two parking spaces) or lot during the next sixty minutes following the expiry of such limited time.

- BL2112 46. No person shall stop or park a vehicle on any portion of a highway or parking lot operated by the City, in a space designated for parking of vehicles operated by disabled persons unless the operator or passenger of the vehicle is a physically disabled person and a valid disabled person's parking placard is visible and legible from outside the vehicle.

Parallel Parking

47. No person shall park a motor vehicle on any highway not designated for angle parking, other than parallel to and within 30 centimetres of the curb.

Angle Parking

48. Upon a highway which has been marked or signed for angle parking, the driver of a motor vehicle shall park such motor vehicle at the angle to the curb indicated by such marks and within 50 cm of the curb. Where angle parking is indicated by signs only, the angle of parking shall be 45 degrees, and no person shall park a motor vehicle where the length of such motor vehicle and any trailer attached thereto exceed 6 metres.

Cul-de-sac Parking

49. No person shall stand, stop or park a vehicle in a cul-de-sac other than parallel with the outside curb of any cul-de-sac.

Safety Requirements

50. No person having control or charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key, and, when standing upon any perceptible grade, without turning the front wheels to the curb or side or roadway.

Oversize Motor Vehicles

51. No person shall park any vehicle having an overall length, including load and any trailer, of more than 6 metres on a highway in the C1- Central Commercial Zone under the City's zoning bylaw, except for the purpose of loading or unloading materials or passengers.

Passenger Zones and Loading Zones

52. (1) Zones for the loading and unloading of passengers or materials may be established at such places in or on any highway as may from time to time be designated by order of the Director.

- (2) The passenger and loading zones as constituted on the date of adoption of this bylaw are deemed to be authorized passenger and loading zones established under this bylaw.
- (3) Traffic control devices indicating or marking passenger and loading zones shall be erected or placed under the direction of the Director, and it shall be unlawful for any person to stop, stand or park a motor vehicle for any period of time longer than is necessary for the expeditious loading and unloading of passengers or materials, to a maximum of 15 minutes unless otherwise stated.
- (4) The Director is authorized to locate and establish:
 - (a) loading zones adjacent to the main entrance to any hotel;
 - (b) passenger zones adjacent to the main entrance to any theatre.
- (5) No person shall stop a motor vehicle in any passenger zone or loading zone except while actually engaged in the loading or unloading of passengers or materials.

Parking on Streets

53. No person shall leave or park any motor vehicle, trailer or boat at any one location on any highway within the City for any continuous period exceeding 24 hours.

Night Parking

54. No commercial vehicle, boat, trailer, camper or motor home shall be parked or left standing on any highway within the City after 7:00 p.m. and before 7:00 a.m. of any day.
55. All vehicles not referred to in Section 54 of this bylaw which are parked or left standing on any highway within the City after sunset and before sunrise of any day shall be clearly marked with adequate reflectors or other warning devices sufficient to warn approaching traffic of their presence on such highway.

Reserved Paid Parking Lot

56. All vehicles parking in the City's Reserved Monthly Paid Parking Lot must display current permits/decals at all times.

Contractor's Parking Permits

57. All contractors working in the C-1 Central Commercial Zone and using public parking within that zone must have the proper permit/decal displayed.

Parking Exemptions

58. (a) The provisions of this bylaw regulating the parking of motor vehicles shall not apply to any emergency vehicle while attending at any emergency call, but this exemption shall not excuse the driver of any such motor vehicle from exercising due and proper care for the safety of other traffic.
- (b) The provisions of this bylaw prohibiting stopping or parking shall not apply to:
- (i) municipal or provincial utility motor vehicles;
 - (ii) motor vehicles of a public utility corporation;
 - (iii) tow trucks;
- while the operators of such motor vehicles are actually engaged in work requiring the vehicles to be stopped or parking in contravention of any of such provisions.

Obstruction by Motor Vehicles

59. No vehicle shall be left standing or parked:
- (a) in violation of this bylaw; or
 - (b) in a position that causes it to interfere with firefighting; or
 - (c) in a position that causes to interfere with the normal flow of traffic on a highway; or
 - (d) in a position that causes it to interfere with the construction, improvement, maintenance, snow removal, alteration, extension, widening, marking, or repair of a highway.

BL2580 Removal, Detention and Impounding of Vehicles and Chattel

60. (a) Any vehicle which is standing or parked contrary to any provision of this bylaw or which is otherwise unlawfully occupying a portion of a highway or public place may be removed, detained and impounded by a Traffic Officer or the Director, or by a contractor acting in accordance with the directions of the City.
- (b) Except as permitted in this bylaw or the Business Licence bylaw, no person shall place, deposit or leave upon, above, or in any highway, sidewalk or other public place any chattel, obstruction, or other thing which causes or is likely to cause a nuisance and no person having the ownership, control or custody of a chattel,

obstruction or thing shall permit or suffer it to remain upon, above or in any such highway, sidewalk or other place.

- (c) Any chattel, obstruction, or other thing which is contrary to any provision of this bylaw or which is otherwise unlawfully occupying a portion of a highway or public place may be removed, detained and impounded by a Traffic Officer or the Director, or by a contractor acting in accordance with the directions of the City.
- (d) After detention, removal or impoundment, the person entitled to take possession of the chattel, obstruction or thing may obtain its release upon signing an undertaking that that person will not again place it on, above, or in a any highway, sidewalk or other public place in contravention of this bylaw and upon payment to the City of the fees, costs and expenses set out in Schedule "B" attached hereto and forming part of this bylaw.
- (e) Schedule "B" is hereby repealed in its entirety and replaced with the Schedule "B" attached hereto and forming part of this bylaw.

BL1962 61. The fees, costs and expenses set out in Schedule "B" to this bylaw for the removal, detention and impoundment of a vehicle removed under this Division shall be paid by the registered owner of the vehicle or their agent prior to the release of the vehicle.

BL1962 62. Any chattel, obstruction or vehicle removed, detained or impounded under this bylaw may be recovered by the owner between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, by paying the fees, costs and expenses set out in Schedule "B" at the office of the Treasurer of the City and presenting the receipt obtained, plus proof of ownership, at the Public Works yard or other place of storage, or by paying the contractor of the City at his place of business.

63. If a vehicle, chattel or obstruction is removed, detained or impounded, and not claimed by its owner within thirty days from date of seizure, written notice shall be mailed to the registered owner at his address as shown on the records of the Registrar of Motor Vehicles advising of the seizure, and the sum payable to release the vehicle, chattel or obstruction and the date of advertising for sale by public auction, if unclaimed.

64. Any vehicle, chattel or obstruction not claimed by owner within thirty days from the date of mailing of notice may be sold at a public auction, which auction shall be advertised at least once in a newspaper circulated in the City.

65. The proceeds of sale by public auction shall be applied first to the cost of the sale, second to the fees, cost and expenses of the City or its contractor as set out above and the balance shall be held for the owner. If the balance remains unclaimed at the end of the calendar year, such balance shall be paid into the general revenue of the City.

66. Notwithstanding any other provision of this bylaw, where any garbage, rubbish or abandoned unlicensed motor vehicle with an apparent value of less than \$300.00 is left on any highway, such articles may be removed to a garbage dump and disposed of therein.

DIVISION VI - Bicycle and Skateboard Traffic

Riding on Sidewalks and Restricted Areas

- BL2260 67. No person shall ride a bicycle or skateboard upon the sidewalk of any street or bridge and in any other public area specifically signed restricting such use, and that the City may remove, detain and impound a bicycle or skateboard that is being ridden within these restricted areas.

Parking Stands

68. The Director may designate parts of highways for the parking of bicycles and cause racks or stands to be placed in such areas. In areas where such racks or stands are available, all bicycles shall be parked in such rack or stand and no person shall park a bicycle on a sidewalk within 30 metres of a bicycle rack or stand.

DIVISION VII - Highway Use Permits

69. This Division does not apply to arterial highways.

Permits

70. Except as authorized by a permit issued by the Director pursuant to the provisions of this bylaw, no person shall:
- (a) dig up, break up or remove any part of a highway, or cut down or remove trees or timber growing on a highway, or excavate in or under a highway;
 - (b) cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences, signs, or other things erected by the City on a highway;
 - (c) change the level of a highway, or stop the flow of water through any drain, sewer or culvert on or through a highway;
 - (d) place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway;
 - (e) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, injury or nuisance to any portion of a highway;

- (f) mark or imprint or deface in any manner whatsoever a highway or structure thereon;
- (g) erect or maintain any sign, advertisement or guide post on or over any highway or alter, repair, tear down or remove any sign, advertisement or guide post erected or maintained on any highway;
- (h) ride, drive, lead, move or propel any vehicles or animal in excess of 270 kg over or across a boulevard including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing, except when in use to improve or maintain the boulevard; nor
- (i) construct a boulevard crossing, including a curb, ditch or sidewalk crossing.

Conditions of Director's Permission

- BL1962 71. The Director may issue a permit in the form prescribed in Schedule "C" to this bylaw to do those things otherwise prohibited by this Division, subject to payment of an application fee of \$100.00 and subject to such other applicable conditions in this bylaw.
72. The applicant shall provide, in triplicate, satisfactory plans and specifications of the work to be undertaken and when such are supplied and approved by the Director and the necessary permit issued, the work shall conform in every way to the plans and specifications so provided.
73. The applicant shall provide evidence satisfactory to the Director that the applicant is insured against all claims for damages for personal injury and property damage which may arise out of the performance of the work covered by the permit, in an amount not less than \$5,000,000.00 for each occurrence and if the cost of the work as estimated by the Director exceeds \$50,000.00, the City shall be added to the policy as co-insured.
74. The applicant shall provide evidence satisfactory to the Director that all materials, labour, and equipment which are needed to complete the work with reasonable dispatch are available.
75. As a prerequisite to the issuance of a permit under this section, the applicant shall, if required by the Director, deposit with the City a sum of money, or irrevocable letter of credit from a chartered Bank of Canada in the amount of \$500.00, to secure payment of the cost of repairing any damage done to the highway and the fulfilment of the obligations imposed by the permit within the time specified by the permit.
76. Where a deposit has been made in accordance with this section, and upon satisfactory completion of the work within the time specified, the deposit shall be refunded to the applicant, less an inspection fee of \$100.00.

- 77. Failure by the permit holder to repair damage or fulfil the obligations that have been imposed under the terms and conditions of the permit, or pay maintenance, shall result in the application of the amount of the deposit of letter of credit to offset such damage or unfulfilled obligations or maintenance and should there be an insufficiency of security, the holder of the permit shall pay the balance forthwith upon invoice of the City.
- 78. Any person doing work on or in any highway shall provide and place appropriate barricades, lights and other safety devices required to protect the public.
- 79. If any permanent works are installed by the applicant, the applicant shall provide the Director, following completion of the work, with a plan showing the works, drawn to scale satisfactory to the Director, showing the location, size and description of the works and the date of installation. The plan shall be supplied prior to the return or refund of any security posted as a condition of the Permit.

DIVISION VIII - Offence, Penalties and Enforcement

- 80. Any person who contravenes any of the provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$2,000.00 or to imprisonment for not more than six months, or to both.
- 81. The minimum fines for an offence against the following sections of this bylaw are as follows:

	Section	Minimum Fine
BL2120	43(s),44, 52(3), 28(a) & (b)	\$60.00
BL2165	5(e), 30, 36, 38 43[except ss.(s)], 45 47, 48, 49, 53, 54	\$90.00
BL2165	46, 57	\$120.00
	5(d)	\$200.00

82. Multiple Ticketing for Overtime Parking

Where a driver has parked a vehicle in a parking space in violation of the provisions of this bylaw, a separate offence shall be deemed to be committed upon the expiry of each period of time during which the vehicle could have been lawfully parked as indicated by a traffic control device.

DIVISION IX - Voluntary Settlement

83. Any person who receives notice of an alleged violation by that person of a section of this bylaw referred to in the following table may avoid further enforcement action by the City, by paying the settlement amounts described below within the time limited:

BL2165

Settlement Amounts

Section	If Paid in the First 14 Calendar Days	If Paid After 14 Calendar Days but Before Summons Raised	If Paid After Summons Raised
43(s), 44, 52(3), 28(a) & B	\$10.00	\$20.00	\$60.00
Sections 5(e), 30, 36, 38, 39, 43 (except subsection(s)) 45, 47, 48, 49, 53, 54	\$25.00	\$50.00	\$90.00
46	\$50.00	\$80.00	\$120.00

DIVISION X - Miscellaneous

84. Schedules "A" through "C" form part of this bylaw.

85. "Traffic Regulation Bylaw, No.1403" and amendments thereto is repealed and replaced by this bylaw.

Read a first time this 16th day of December, 1996

Read a second time this 16th day of December, 1996

Read third time this 16th day of December, 1996

Finally passed and adopted this 6th day of January, 1997

SCHEDULE "A"
BYLAW NO. 2165

PARKING RESTRICTIONS

4th Street	From Cliffe Avenue west from the Post Office on the north side to the Entrance of Credit Union parking lot-2 hour parking---200 block.
4th Street	From Credit Union parking lot to Fitzgerald Avenue north side---2 hour Parking---200, 300, & 400 blocks.
5th Street	Cliffe Avenue to Harmston Avenue--north and south sides--2 hour parking 200, 300, 400, & 500 blocks.
6th Street	Cliffe Avenue to Fitzgerald Avenue--north and south side--2 hour parking 200, 300, & 400 blocks.
6th Street	On the north side of 6th street from Fitzgerald Avenue to the lane that runs Between Harmston Avenue and Fitzgerald Avenue--2 hour parking--500 block.
6th Street	From Fitzgerald Avenue to Grant Avenue-south side--2 hour parking--500 block.
8th Street	Cliffe Avenue to Fitzgerald Avenue--north and south side--2 hour parking 200, 300, & 400 blocks.
8th Street	From Cliffe Avenue west to the lane behind Telus--north side--15 minute parking--200 block.
10th Street	Cliffe Avenue to Fitzgerald Avenue--north and south side--1 hour parking 200, 300, & 400 blocks.
10th Street	England Avenue west side to lane that runs between England Avenue and Fitzgerald Avenue north side--15 minute parking--Buns Master.
11th Street	From Cliffe Avenue to England Avenue--south side--2 hour parking--200 & 300 block.
Anderton Ave.	5th Street to 6th Street--east and west sides--2 hour parking--500 block.
Cliffe Ave.	From 3rd Street to 4th Street east side--2 hour parking--300 block.
Cliffe Ave.	From 4th Street to 5th Street--east and west sides--2 hour parking--400 block.

Duncan Ave.	From 3rd Street to 4th Street--west side and east side--2 hour parking--300 block.
Duncan Ave.	From 4th Street to 5th Street--west side and east side--2 hour parking--400 block.
Duncan Ave.	From 5th Street south to lane between 5th and 6th Street--west side and east side--2 hour parking--500 block.
Duncan Ave.	From 6th Street north to lane between 5th and 6th Street--west side and east side- Fire Department parking only--500 block.
England Ave.	4th Street to 6th Street--west side and east side--2 hour parking--400 & 500 blocks.
England Ave.	6th Street to 8th Street--east and west side--2 hour parking--600 & 700 blocks.
England Ave.	From 8th Street to 10th Street--west side and east side--2 hour parking--900 block.
Fitzgerald Ave	From 4th Street to 10th Street--west and east side--2 hour parking--400, 500, 600, 700, 800, & 900 blocks.
Grant Ave.	From 6th Street to Cumberland Road--east side--2 hour parking--600 & 700 block.
Old Comox Logging Right-of-Way	From 5th Street south for 80 feet--east side--2 hour parking.
Simms Square	Located between England Avenue and Fitzgerald Avenue--400 block--old Cumberland Road--north and south side--2 hour parking.
City Lot #1	Corner of Duncan Avenue and 4th Street--2 hour parking.
City Lot #2	Off Cliffe Avenue between 5th Street and 6th Street--2 hour parking.
City Lot #3	Off Cliffe Avenue between 6th Street and 8th Street--east side--2 hour Parking.
City Lot #4	Off south side of 6th Street between Duncan Avenue and England Avenue --3 hour parking--Dairyland parking lot.
City Lot #5	Beside City Hall south side off Cliffe Avenue--2 hour parking.
City Lot #6	Located at the 600 block of Cliffe Avenue--3 hour parking

Civic Lot	From 5th Street north side to the north side of Sid Williams Civic Theatre --2 hour parking.
Library Lot	located at end of 4th Street off Cliffe Avenue east side--2-hour parking--100 block.

SCHEDULE "B"

FEE SCHEDULE - REMOVAL OF CHATTEL, OBSTRUCTIONS AND VEHICLES

The following fee, costs and expenses shall be paid by the owner of the chattel, obstruction, or vehicle removed, detained or impounded by the City of Courtenay.

REMOVAL OF VEHICLE

1. Removal of any vehicle up to 3600 kg:
 - a) Flat Rate (first 6 kilometres).....\$40.00
 - b) Rate per kilometre over flat rate charge above.....\$2.00

2. Removal of any vehicle over 3600 kg:
 - a) Flat Rate (first 6 kilometres).....\$100.00
 - b) Rate per kilometre over flat rate charge above..... \$3.00

3. Storage of any vehicle of any vehicle up to 3600 kg in contractors yard:
Rate per day.....\$8.00

4. Storage of any vehicle of any vehicle over 3600 kg in contractors yard:
Rate per day.....\$12.00

5. Removal of any abandoned vehicle or trailer up to 8 metres in length to site as directed:
Flat Rate.....\$55.00

6. Extra cost for dolly:
Flat Rate.....\$30.00

REMOVAL OF CHATTEL OR OBSTRUCTION

7. For any chattel or obstruction removed, the actual cost of removal to be charged to the owner of the chattel or obstruction, or a minimum of \$25.00.

8. Storage fees for any chattel or obstruction removed:
Rate per day.....\$7.00

**SCHEDULE "C"
APPENDIX I**

DATE: _____

PERMIT NO.

**CITY OF COURTENAY
PUBLIC WORK DIVISION
PERMISSION TO CONSTRUCT WORKS WITHIN CITY LIMITS**

The Works Comprising

_____ are hereby approved insofar as they relate to the use of City Lands, or to other matters under the jurisdiction of the City of Courtenay, and permission to construct, use and maintain the said works is hereby granted to:

_____ The said approval and permission to construct, use and maintain works is however, at all times subject to the following standard conditions, special instructions and attachments.

Public Works Division
City Hall, 830 Cliffe Ave., Courtenay, B. C.

Special Instructions and Attachments:

This permit shall commence on _____ and shall expire on _____

Application Fee (\$100.00)

Director of Operational Services

**SCHEDULE "C"
APPENDIX II**

DATE _____

PERMIT NO.

**CITY OF COURTENAY
PUBLIC WORKS DIVISION
STREET EXCAVATION AND CONSTRUCTION APPLICATION**

1. Applicant's Name _____ 2. Business Address & Telephone Number _____

3. Starting Date _____ 4. Completion Date _____ 5. Name of Street _____

6. Nearest Intersecting Street to Excavation _____ 7. Street Numbers of Abutting Properties _____

width depth length

8. Size of Excavation _____ 9. Distance of Excavation from Curb or Pavement Edge
(feet) _____

10. Purpose of Excavation and Construction _____

I/We hereby agree to be bound by the provisions of City of Courtenay Traffic Regulation Bylaw and amendments, if any, specifications, and regulations of the City governing excavations in or under municipal streets and to such special conditions, restrictions, and regulations as may be imposed by the Superintendent of Public Works

See conditions and regulations attached hereto

Applicant's Signature _____

PERMIT FEE: \$100.00

**SCHEDULE "C"
APPENDIX II**

DATE _____

PERMIT NO.

**CITY OF COURTENAY
PUBLIC WORKS DIVISION
STREET EXCAVATION AND CONSTRUCTION APPLICATION**

FOR DEPARTMENT USE ONLY

11. Plans Approved By _____ 12. Date Application Approved _____

13. Deposit and Refund Information:

amount deposited _____

receipt no. _____

inspection fee _____

amount refunded _____

14. Insurance Needed Yes No

15. Date of Refund _____ 16. Restoration Date _____

16. Reason Permit Revoked _____ By Whom _____
Date _____

18. As-Builts Needed Yes No Date Received _____

19. Final Inspection Approval Yes No Date _____

The applicant is hereby authorized to make an excavation in or under the above named street at the location designated; provided however, all work is performed in accordance with the attached conditions and regulations, the applicant's plans, the City's Bylaws, specifications, and regulations governing street excavations, and the following special conditions:

or such special conditions as may be imposed during the performance of the authorized works

Director of Operational Services