

**TOWN OF LAKE COWICHAN  
BYLAW NO. 759-2003**

A BYLAW TO REGULATE TRAFFIC WITHIN THE BOUNDARIES  
OF THE TOWN OF LAKE COWICHAN

**WHEREAS** municipal powers to regulate pedestrians or vehicle traffic and traffic by other conveyance are authorized by the *Motor Vehicle Act*;

**AND WHEREAS** the Council of the Town of Lake Cowichan deems it expedient and advisable to regulate traffic within the municipality subject to the requirements of the *Highway Act*, the *Motor Carrier Act*, and the *Motor Vehicle Act*.

**NOW THEREFORE** the Council of the Town of Lake Cowichan in open meeting assembled, enacts as follows:

**PART I - DEFINITIONS**

In this bylaw, unless the context otherwise requires, the expressions and definitions contained within the *"Motor Vehicles Act"*, the *"Motor Carrier Act"*, the *"Highway Act"*, the *"Local Government Act"*, the *"Interpretation Act"* and the *"Commercial Transport Act"* and regulations thereto shall be applicable and these additional interpretations shall prevail throughout:

**ACCESS** means a driveway for and/or to property from highway;

**ANGLE PARKING** means the parking of a vehicle other than parallel to a curb;

**BOOM CAR** means any vehicle equipped with an extremely powerful stereo system that is being played with the volume and bass levels turned up;

**BOULEVARD** means the area other than a sidewalk between the curb of a roadway or the shoulder thereof and the property line;

**BUS** means a motor vehicle which is designed, constructed and used for the transportation of more people than ten (10) passengers;

**CHIEF OF POLICE** means the Officer in charge of the detachment of the Royal Canadian Mounted Police policing the Town;

**COLLECTOR** means the person appointed by Council to the position of collector as defined in the *Local Government Act*;

**COUNCIL** means the Municipal Council of the Town;

**CROSSWALK** means any 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 the portion of a highway at an intersection that is included within the connection of the lateral line of the sidewalks on the opposite side of the highway, or within the extensions 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 parking area, primarily for a gutter;

**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;

**DRIVER** means a person who drives or is in actual physical control of a vehicle;

**DOUBLE PARKING** means the standing of a vehicle in the travelled portion of the highway, next to a parked vehicle in a parking space;

**FIRE CHIEF** means the person appointed as such by Council and any person delegated to assist him in carrying out his/her duties under bylaw;

**HANDICAPPED ZONE** means that area of a highway or parking lot designated by a traffic control marking for the exclusive use of a vehicle displaying an authorized handicapped identification label;

**HAZARDOUS MATERIALS** means any explosives, flammable, toxic or other harmful or hazardous materials, including dynamite, concentrated chemicals in either solid, liquid or gaseous form, gases, gasoline and diesel fuel;

**HIGHWAY** includes all public streets, roads, right-of-ways, trails, lanes, bridges, ferry landing and approaches and any right-of-way designed and intended for the passage of vehicles;

**LANE** means any public thoroughfare abutting the rear or side property lines of parcels of land and intended primarily to give access to the rear yards or side yards of the parcels of land so abutting;

**OPERATOR** means any person who drives, 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:

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

**PARK** means the stopping or standing of a vehicle, whether occupied or not;

**PARKING SPACE** means a space of a section of a street marked by other device or sign that is intended for the parking of a vehicle;

**PERSON** means human being and includes a company and body corporate;

**PEACE OFFICER** means a police officer, constable or other persons employed for the preservation and maintenance of the public peace;

**RECREATION VEHICLE** means a camper, motor home, holiday trailer or boat trailer intended exclusively for recreation use;

**RESIDENTIAL AREA** means any area zoned for residential land use in the Land Use Bylaw;

**SHOULDER** means the portion of the highway between the travelled portion of a 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;

***SUPERINTENDENT*** means the Superintendent, Public Works and Engineering Services of the Town of Lake Cowichan;

***TOWN*** means the Town of Lake Cowichan;

***TRAFFIC CONTROL DEVICE*** means a sign, signal, line, marking, space barrier or device not inconsistent with this bylaw, placed or erected by authority of the Minister of Highways or of the Council or person authorized by the Minister of Highways or the Council to exercise such authority;

***TRAILER*** means a vehicle, excluding a recreation vehicle, that is at any time drawn upon a highway by a motor vehicle;

***VEHICLE*** includes any means of conveyance in, upon, or by which any persons or property is or may be transported or drawn upon a street irrespective of the motive of power.

## **PART II - AUTHORITIES**

### **2.01 The Council may:**

- a) by resolution direct that traffic control devices be placed or erected to regulate or prohibit traffic where necessary to ensure the movement of traffic or to prevent damage to persons or property;
- b) by resolution alter traffic control devices at any location as circumstances warrant.

### **2.02 The Collector may:**

- a) authorize and issue parking permits on payment of the requisite fees for the use of Town owned parking lots;
- b) issue or cause to be issued offence notices for violations of this bylaw;
- c) impound or cause to be impounded any vehicle, trailer or cycle in violation of this bylaw.

### **2.03 The Superintendent may:**

- a) on any highway, in a manner not inconsistent with this bylaw or the *Motor Vehicle Act*, erect or cause to be placed temporary traffic control devices to regulate or to prohibit traffic where necessary to ensure the movement of traffic, or to prevent damage to the highway and where such traffic control devices are so placed or erected they shall have the same force and effect as if placed or by resolution of Council;
- b) be authorized and empowered by order to place, replace, or alter traffic control devices at any location Council may determine to give effect to the *Motor Vehicle Act* and this bylaw;
- c) be authorized to direct and regulate traffic in any manner necessary and in doing so, may disregard any traffic control devices.

**2.04 Peace Officers may:**

- a) issue offence notices for violations of this bylaw;
- b) direct and regulate traffic in any manner necessary and in doing so, may disregard any traffic control devices;
- c) impound any vehicle, trailer or cycle that is in violation of this bylaw.

**2.05 The Fire Chief may:**

- a) direct and regulate traffic in any manner necessary and in doing so, may disregard any traffic control devices;
- b) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

**PART III - GENERAL TRAFFIC REGULATIONS**

**3.01 Application**

Unless the context otherwise requires,

- a) the provisions of this bylaw do not apply in respect of the driving or operation of a mechanically propelled invalid's chair, the use of which is confirmed to the purpose for which it was designed;
- b) the provisions of this bylaw do not apply to persons, vehicles and to other equipment while actually engaged in highway construction or maintenance work upon, under or over the surface of a highway while at the site of the work, but do apply to them when travelling to or from the site of work;
- c) a person riding an animal or driving an animal vehicle upon a highway has all the rights and is subject to all the provisions of this bylaw.

**3.02 Where a Peace Officer reasonably considers it necessary:**

- a) to ensure orderly movement of traffic;
- b) to prevent injury or damage to persons or property;
- c) to permit proper action in an emergency.

he/she may direct traffic according to his/her discretion notwithstanding anything in this bylaw, and every person shall obey his/her direction.

**3.03 Conformance**

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

**3.04 Damage to Traffic Devices**

No person shall drive or walk on or over a newly painted line or marking, remove

or alter any traffic control devices.

### 3.05 **Obey Commands**

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

### 3.06 **Damage to Sidewalks**

No person operating a vehicle shall park, drive on, over or upon any sidewalk, boulevard, curb or gutter so as to encumber, obstruct or damage same.

### 3.07 **Blocking Intersection**

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

### 3.08 **Traffic and Load Restrictions**

Where in the opinion of the Town any highway is liable to damage through extraordinary traffic thereon, it may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic or person operating or in charge of the extraordinary traffic or owning the goods carried therein on the vehicles used therein. The use of tracked vehicles on its paved highways is not permitted.

### 3.09 **Overload/Oversize Permit**

- a) overload and/or oversize permits may be issued to persons transporting extraordinary commodities notwithstanding Section 7.01;
- b) applications must be made to the Town of Lake Cowichan;
- c) no charge for a permit will be made; however, applicant will be responsible for any direct costs due to relocation or damages.

### 3.10 **Highway Closure Permit**

- a) temporary highway closure permits may be issued to persons requiring partial or complete closure of a highway for the purpose of construction on or adjacent to a highway;
- b) applications must be made to the Town of Lake Cowichan;
- c) no charge for a permit except for any direct costs incurred due to traffic control or damages.

### 3.11 **Removal of Offence Notice**

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

### 3.12 **Impounding Provisions**

- a) When any vehicle or other chattel or obstruction is unlawfully occupying any portion of a highway or public place within the boundaries of the Town, the Town or any Peace Officer may take such vehicle, or obstruction into his custody and cause it to be removed, detained, or impounded and stored in the Public Works Yard or in such other place as may be designated by the Town from time to time for such storage. The Town accepts no responsibility for damages to any impounded vehicle or obstruction.
- b) Council may by resolution designate wrecking firms to be used for the removal of vehicles contravening the bylaw.
- c) The Town may recover its fees, costs and expenses for such removal, detention or impounding and storage either from the owner, or by the sale of the vehicle at public auction or by action in any other court of competent jurisdiction.
- d) The fees of the Town for such storage, in addition to any other costs or expenses which might be incurred by the Town is listed in Schedule "A" which is attached to and made part of this bylaw.
- e) Before offering any vehicle for sale at public auction a demand for payment within thirty (30) days of any fees, costs or expenses for removal, detention or impounding or storage incurred by the Town shall be sent by double registered mail to the address of the owner as shown on the records of the Superintendent of Motor Vehicles of the Province or State in which the vehicle was last licensed.

### 3.13 **Regulated Parking Zones**

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

Council may by resolution regulate hours of parking of vehicles on any highway and such regulations will be duly posted.

## **PART IV - PEDESTRIAN REGULATIONS**

### 4.01 **Crossing Highways**

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

### 4.02 **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.

### 4.03 **Walking on Roadway**

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

**4.04 Crosswalks**

No pedestrian, crossing a highway where a marked crosswalk exists, shall cross outside the limits of the markings.

**4.05 Traffic Control Device**

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

**4.06 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.

**PART V - PARADES, PROCESSIONS AND SOLICITATIONS**

5.01 No persons or group of persons shall be present on a highway in such a manner as to obstruct the free passage of pedestrians or vehicles, except with the written permission of the Council.

5.02 No persons shall be a member of, or take part in, any procession unless:

- a) such procession is under the direction or control of a person acting as a marshal or organizer;
- b) a written permit for such procession has been issued by the Council to such marshal or organizer.

5.03 Applications for a permit for such a procession shall be made in writing to the Council no less than thirty (30) days to the date of the procession, specifying the day and hour which such procession is to be held, the place of formation or commencement thereof, the route to be taken and the point of disbandment thereof.

5.04 Sections 5.01 to 5.03 do not apply to a funeral procession.

5.05 Where a procession is lawfully in progress or where a funeral procession is in progress, no pedestrian or driver of such a vehicle shall cross or interfere with the procession.

5.06 The Council may grant to any organization the privilege of using any highway, or portions thereof, on certain dates for the purpose of soliciting aid and no person shall solicit aid without such permission having been granted.

**PART VI - PARKING REGULATIONS**

**6.01 Unlawful Parking**

- a) no person shall park a vehicle in any public place unless such person complies with all conditions of this bylaw and other regulations posted by

traffic control devices and signs.

- b) no person shall park a vehicle in contravention of the traffic control device or any provision of this bylaw.
- c) notwithstanding any provisions of this bylaw, no persons shall park a vehicle on any highway for more than seventy-two (72) hours continuously.

#### 6.02 Lane Parking

- a) no person shall park a vehicle in a laneway unless actively engaged in loading or unloading of goods from a vehicle in which case parking will be permitted for a period of up to thirty (30) minutes;
- b) whenever access can be had to any laneway, all deliveries or collections of goods to or from any commercial building shall be made therefrom;
- c) notwithstanding (b) no person shall park a vehicle in a laneway for the purpose of loading and unloading where a loading zone is provided on site.

#### 6.03 Prohibited Parking

- a) on a sidewalk or boulevard;
- b) in front or within two (2) metres of any public or private driveway;
- c) upon or within six (6) metres of any intersection or stop sign;
- d) on either side of the highway in front of the driveway entrance to any except where a traffic control device otherwise permits;
- e) within six (6) metres of a fire hydrant measured from a point in the curb or edge of the highway which is closest to the fire hydrant;
- f) upon or within six (6) metres of a crosswalk;
- g) upon any highway for the principal purpose of:
  - i) displaying a vehicle for sale;
  - ii) advertising, painting, wrecking or repairing any vehicle, except where repairs are necessary by an emergency;
  - iii) displaying signs.
- h) having a length in excess of six (6) metres including a load or trailer upon any of the highway reserved for angle parking;
- i) alongside or opposite a highway excavation or obstruction when stopping, standing or parking obstructs traffic;
- j) upon a bridge or within six (6) metres of a bridge;
- k) i) on a highway in such a manner as to obstruct or impede the normal flow of traffic; or

- ii) on a marked lane of a laned highway.
- l) in a place of a traffic control device that gives notice that stopping, standing or parking is prohibited or restricted;
- m) in such manner as to obstruct the visibility of any standard traffic sign;
- n) on any portion of a street where lines, markings or other signs are placed indicating the manner in which vehicles shall be parked, except in accordance with such lines, markings or other signs;
- o) or not withstanding any provisions of this section alongside a curb painted white or yellow which shall designate restricted parking.

#### 6.04 **Residential Parking**

No person shall park a vehicle on a highway in a residential area contrary to any traffic control device. Notwithstanding any other provisions of this bylaw, no person shall park any vehicle having a gross weight exceeding 20,000 kilograms or a length in excess of 7.5 metres on a local street within a residential area for a period longer than two (2) hours.

#### 6.05 **Hazardous Materials**

No person shall park or leave unattended, a vehicle or a trailer loaded or unloaded and used for the transport of hazardous materials except at approved secured areas.

#### 6.06 **Handicapped Parking**

Only vehicles transporting or driven by disabled persons may park in parking spaces expressly marked for that purpose and the driver of the vehicle must display an official "*Disabled Persons Parking Placard*" issued pursuant to Division 35 of the *Motor Vehicle Act Regulations*.

#### 6.07 **Unlicensed Vehicles**

No person shall park an unlicensed vehicle, trailer or camper on public streets or right-of-ways.

#### 6.08 **Snow Removal and Snow Plowing**

There shall be no parking on any paved parking of a highway in the Town during daylight hours where in the opinion of the Town snow removal is required.

### **PART VII - CLASSES OF VEHICLES**

7.01 The following classes of vehicles are hereby established:

- a) **Class 1 Vehicle** - a motor vehicle licensed under the *Motor Vehicle Act* or *Commercial Transport Act* for gross vehicle weight of 5,500 kilograms or less;

- b) **Class 2 Vehicles** - a motor vehicle licensed under the *Motor Vehicle Transport Act* or *Commercial Transport Act* for a gross vehicle weight of 5,500 kilograms to 20,000 kilograms;
- c) **Class 3 Vehicles** - a motor vehicle licensed under the *Motor Vehicle Act* or *Commercial Transport Act* for a gross weight of more than 20,000 kilograms is required to display a municipal licence plate issued in accordance with the Provisions of Division (2) of Part XI of the *Local Government Act*.

7.02 Subject to the provisions of this bylaw and the *Motor Vehicle Act* and with the exception of arterial highways:

- a) a Class 1 Vehicle may be used or be present on any highway in the Town;
- b) a Class 2 Vehicle may only be used on highways where its use is not prohibited by traffic control devices;
- c) a Class 3 Vehicle may not be used on any roadway in residential areas unless written approval from the Town is obtained.

## **PART VIII - GENERAL PROVISIONS**

### **8.01 Exemptions**

The operator of any of the following classes of vehicles shall be exempt from the provisions of Sections 6.04 and 7.02 of this bylaw:

- a) vehicles identified by the sign or insignia as belonging to the Town of Lake Cowichan;
- b) emergency vehicles, as defined by the *Motor Vehicle Act* Revised Statutes of British Columbia;
- c) vehicles operated by Peace Officers engaged in the lawful execution of their duty;
- d) vehicles bearing the valid and official permit issued by the Social Planning and Review Council of British Columbia, and operated by a handicapped or disabled person;
- e) vehicles used solely for the purpose of transporting handicapped persons and marked as such.

### **8.02 Drainage**

No persons shall alter or stop the flow of water through any drainage, sewer, ditch or culvert on any highway.

### **8.03 Littering**

- a) 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 therefrom;

- b) No person shall place, throw, deposit or discard on any highway, any rubbish, litter or waste material of any description;
- c) Should any material, due to any cause whatsoever, fall from the vehicle, the operator shall forthwith take all reasonable precaution to safeguard traffic from the consequences thereof and shall remove such material from the spilling area.

#### 8.04 **Construction**

- a) No person shall excavate, construct any work, or occupy the highway for the purpose of construction adjacent to the highway unless otherwise authorized by the Town;
- b) Where authorized works are carried out on, over, under any highway, appropriate signs, flashers, barricades or other warning devices shall be provided around the construction zone to the satisfaction of the Town.

#### 8.05 **Impeding Traffic**

No person shall use any highway for any purpose other than that of lawful traffic except with the permission of the Town.

#### 8.06 **Noise and Advertising**

No person shall operate a boom car within the Town, or a vehicle with a calliope, loudspeaker, or other noise making devices on the streets of the Town for advertising or other purposes unless a permit has been applied for and granted by Council.

#### 8.07 **Structures Over Highways**

- a) no person shall place, erect, remove or alter any sign, structure or other device on or over a street or land without the express consent of Council;
- b) every owner or occupier of real property, or their agents or any other person who shall in any way require to drive, pull or propel any vehicle, equipment or trailer across any pavement, sidewalk, boulevard or curbing and gutter for the purpose of entering his property or when leaving the travelled portion of the street, or for any other reason, shall first construct across the pavement, sidewalk, boulevard, curbing and gutter, protection sufficient to prevent the same from being damaged and shall not obstruct the drainage of surface water on or in any ditch or street or storm drain within the Town;
- c) every person who in any way damages pavement, paved or unpaved sidewalk or curbing or gutter while leaving the travelled portion of the street, shall be liable to the Town and shall pay for the costs of repairing such damage to the satisfaction of the Town.

#### 8.08 **Property Access**

No person shall alter an existing access to property or construct a new access to a property without obtaining an access permit from the Town.

**PART IX - MISCELLANEOUS**

- 9.01 A person who violates this bylaw commits an offence and is liable on summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00).
- 9.02 The Town adopts the standards for traffic control purposes the publications, Uniform Control Devices for Canada and the Pedestrian Crossing Control Manual for British Columbia.
- 9.03 This bylaw may be cited as the Town of Lake Cowichan **Traffic Bylaw No. 759-2003**.

READ A FIRST TIME on the 13<sup>th</sup> day of May, 2003.

READ A SECOND TIME on the 13<sup>th</sup> day of May, 2003.

READ A THIRD TIME on the 13<sup>th</sup> day of May, 2003.

RECONSIDERED AND FINALLY PASSED on the 27<sup>th</sup> day of May, 2003.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Traffic Bylaw No. 759-2003" as adopted on the 27<sup>th</sup> day of May, 2003.

\_\_\_\_\_  
CLERK

**SCHEDULE "A"**  
**Attached to and forming part of Bylaw 759-2003**

**FEES FOR STORAGE**

The fees of the Town for such storage, in addition to any other costs or expenses which might be incurred by the Town for such storage shall be as follows:

- a) Ten (\$10.00) dollars per day or a part thereof for a single vehicle of six (6) metres in length or less.
- b) Eighteen (\$18.00) dollars per day or a part thereof for a single vehicle longer than six (6) metres.
- c) Eighteen (\$18.00) dollars per day or a part thereof for a vehicle and trailer of any length.