

“TOWN OF SMITHERS
TRAFFIC BYLAW NO. 738, 1985”
AND CONSOLIDATED AMENDMENTS

LIST OF AMENDMENTS TO BYLAW NO. 738, 1985

<u>AMENDING BYLAWS</u>	<u>DATE ADOPTED</u>
BYLAW NO. 770	Nov 12, 1986
BYLAW NO. 878	Jun 13, 1989
BYLAW NO. 929	Apr 24, 1990
BYLAW NO. 1371	Feb 28, 2001

Amending
bylaw

*Being a Bylaw to provide for the regulation of traffic pursuant to Sections
581 to 584 of the Municipal Act.*

WHEREAS it is deemed necessary and expedient to provide for the regulation of traffic within the Town of Smithers;

Therefore, the Council of the Town of Smithers, in open meeting assembled, enacts as follows:

1. **DEFINITIONS**

“Angle Parking” means the parking of a vehicle other than parallel to a curb or lateral lines of the roadway, and shall mean that the right front tire shall be closest to the curb or edge of the highway.

“Arterial Highway” means a highway that is classified as an “Arterial Highway” by order of the Lieutenant Governor in Council pursuant to Section 30 of the *Highway Act*.

“Boulevard” means that area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line.

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“Commercial Vehicle” has the same meaning as commercial vehicle in the *Commercial Transport Act*.

“Council” means the Council of the Town of Smithers.

“Crosswalk” means

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

“Curb” means the portion of any sidewalk or boulevard next to the remainder of the street on or along which the same lies or runs as physically indicated.

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

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“Engineer” means the Director of Engineering and Works of the Town of Smithers or anyone authorized to act on his behalf.

“Fire Lane” means any area designated and marked or posted as such.

“Gross Vehicle Weight” means the combined weight of the vehicle without the load plus the weight of any load thereon.

“Highway” includes every highway within the meaning of the *Highway Act*, and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every passageway to a private place to which the public, for the purpose of parking or servicing of vehicles, has access or is invited.

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“Meter” means a device placed or erected by the authority of Council or person duly authorized by Council to exercise such authority, mechanical or automatic, used to regulate, indicate, measure, prescribe, control, and charge a fee in relation to the duration for which a vehicle can remain parked.

“Municipality” means the Town of Smithers.

“Owner” as applied to a vehicle means:

- a) the person who holds the legal title of a vehicle;

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

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

“Permit” means a document in writing issued by the Engineer or the Bylaw Enforcement Officer, pursuant to this Bylaw.

“Person” includes a Corporation, Corporate Sole, Partnership, Limited Partnership, Proprietorship, Firm, Association.

“Peace Officer” means a constable or person having the powers of a constable and includes a Bylaw Enforcement Officer appointed by the Town.

“Pedestrian” means a person afoot, or an invalid or child in a wheel chair or carriage.

“Residential Area” means any area zoned exclusively residential in the Zoning Bylaw of the Town currently in force and shall include the highways abutting such zones and where the zone is different on the two (2) sides of the highway the dividing line shall be taken to the centre of the highway.

“Roadway” means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder; and where a highway includes two or more separate roadways, the term ‘roadway’ refers to any one roadway separately and not to all of them collectively.

“Sidewalk” means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians.

“Stop or Stopping” when prohibited, means the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a Peace Officer or traffic control device.

“Tracked Vehicle” means a vehicle which is self propelled and sole contact with the highway or ground is by other than wheels.

“Traffic” includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway to travel.

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1371 “Traffic Control Device” means a sign, signal, line marking, space, barrier, device, mechanical or automatic meter, placed or erected by authority of Council or person duly authorized by Council to exercise such authority.

“Traffic Control Signal” means a traffic control device, whether manually, electrically or mechanically operated by which traffic is directed to stop and to proceed.

“Traffic Patrol” means a person acting as a school crossing guard or a pupil acting as a member of a school patrol where such guard or school patrol is authorized under the *Public Schools Act* or authorized by the Chief of Police.

“Trailer” means a vehicle that is at any time drawn on a highway by a motor vehicle except:

- a) a side car attached to a motorcycle; and
- b) a disabled motor vehicle that is towed by a towcar; and
- c) an implement of husbandry;

and includes a semi trailer as defined in the *Commercial Transport Act*.

“Vehicle” means a device in, on, or by which a person or thing is or may be transported or drawn on a highway, except a device designated to be moved by human power or used exclusively on stationary rails or tracks.

878 “Yellow Curb” and “Yellow Line” means, except where a bylaw of the Municipality provides otherwise, a traffic-control device consisting of a curb painted yellow or yellow lines painted on the pavement surface which instructs every operator of a vehicle that no person shall stop, park or leave standing any vehicle, adjacent to or upon, attended or unattended, except where necessary to avoid conflict with other traffic, or in compliance with the direction of a peace officer, traffic control signal, or device.

SECTION 2 - OFFENSES

2.1 OFFENCES

Any person who:

1. not being a part of a funeral procession or parade, drives or operates a vehicle between the persons or vehicles comprising a funeral procession or parade; or
2. stands or loiters in such a manner as to obstruct or impede or interfere with traffic on a highway; or

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3. rides or herds horses, cattle, goats, or swine on sidewalks or boulevards; or
4. without a permit issued by the Engineer, operates a tracked vehicle on roadways, sidewalks, boulevards, roads, or in lanes; or
5. drags or skids anything on or over a highway; or
6. removes any notice affixed or placed on a vehicle by a Town employee, unless he is the owner or operator of such vehicle; or
7. except in the case of a Municipal or Utility vehicle or trucks delivering goods to properties on a street or streets directly serviced by such streets, drives a truck with a gross vehicle weight in excess of 4,536 kilograms on streets where "No Truck" signs are posted; or
8. drives, parks, stops, stands or permits a vehicle to be driven, parked, stopped or standing, contrary to any traffic control device; or
9. in any park, drives, parks, stops or permits any vehicle to be driven, parked, stopped or standing, contrary to parks regulations; or
10. in a parking area, causes or permits a vehicle, of which he is the owner, to be parked, standing or stopped, in other than a designated parking space; or
11. camps overnight on any street or in any park or in any parking area, other than those areas approved for overnight camping; or
12. places, allows or permits anything to project across, onto or over a highway so as to impede the normal flow of traffic; or
13. causes, allows or permits a vehicle, of which he is the owner or operator, to be reverse parked in an angle parking space; or
14. removes, alters, defaces, covers up or damages any traffic control device erected pursuant to the provisions of this Bylaw;

is guilty of an offense against this Bylaw and is subject to the provisions and penalties prescribed in sections hereof.

- 2.2 Except when necessary to avoid conflicts with traffic, or to comply with the Law, or the directions of a Peace Officer or Traffic control device or traffic patrol, and except while operating a Municipal or Provincial Utility vehicle, or vehicles of a Public Utility Corporation, while engaged in their duties, no person shall stop, stand or park a vehicle:

1. on a sidewalk or boulevard;

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2. in front of a public or private driveway;
3. in an intersection, except as permitted by a sign;
4. within five (5) metres of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant;
5. on a crosswalk;
6. within six (6) metres of the approach side of a crosswalk;
7. within six (6) metres of the approach to a stop sign or traffic control signal located at the side of a roadway;
8. within fifteen (15) metres of the nearest rail of a railway crossing;
9. on any highway for the principal purpose of:
 - a) displaying a vehicle for sale;
 - b) advertising, greasing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency;
 - c) selling flowers, fruit, vegetables, seafoods or other commodities or articles;
10. alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
11. on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
12. in any place in contravention of a traffic control device that gives notice that stopping, standing, or parking is prohibited or restricted;
13. in a manner that obstruct the visibility of a standard traffic sign erected by or with the authority of the Council;
14. upon a two-way roadway, other than on the right side of the roadway, and with the right hand wheels parallel to that side, except where angle parking is permitted;
15. on a roadway, more than 300 mm from the curb of such a roadway, if a curb has been constructed;
16. in a designated angle parking zone, where the length of such vehicle and any trailer attached thereto, exceeds six (6) metres;
17. on any highway, for a continuous period exceeding twenty-four (24) hours;

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18. within 1.5 m of the entrance or exit of a lane;
 19. upon a roadway in such a manner as to obstruct the free passage of traffic upon the roadway.
 20. upon any portion of the highway where traffic control devices, consisting of lines, are painted upon the surface of the highway to designate parking areas, except within such designated space or area;
 21. upon a portion of a highway that has been improved and designated by traffic control devices for the travel of cycles;
 22. on any highway where any traffic control device indicates the length of time allowed for parking, in contravention of the length of time indicated on the applicable traffic control device;
 23. on any parking lot operated by the Town of Smithers, where traffic control devices indicate the length of time allowed for parking, in contravention of the length of time indicated on the applicable traffic control device;
 24. upon any highway, and then move a vehicle from one location to another location on the same highway, in the same block, to avoid the time limit regulations specified in that particular block;
 25. in excess of the maximum length of time indicated by legible sign or signs which have been approved by motion of Council, and when a vehicle remains in any parking space beyond the maximum time limit, then each succeeding time limit shall constitute a separate offense;
 26. whether attended or unattended, not being an emergency vehicle in a fire lane;
 27. in the case of a vehicle so mechanically disabled that it cannot be driven, on any roadway at any time, or on any portion of the highway, more than twelve (12) hours;
 28. in such a manner so as to inhibit free access to any garbage container by any person authorized to deposit in or pick up garbage from said garbage container;
 30. being a commercial vehicle over ten (10) metres in length, in any residential zone.
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30. on any parking lot operated by the Town of Smithers failing to obtain paid parking from automatic or mechanical meter by depositing in the appropriate meter a fee for parking in the manner and at the rate prescribed and as measured by the meter and displaying the permit in an obvious, unobstructed locating face up on the front drivers side dash of the vehicle.

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3. **EXTRAORDINARY TRAFFIC**

IN THIS SECTION:

“Extraordinary Traffic” includes any carriage of goods or persons over a highway, whether in vehicles drawn by animal power or propelled by other means, that in conjunction with the nature or existing condition of the highway, is so extraordinary or improper in the quality or quantity of goods or number of persons carried, or in the mode or the time of use of the highway, or in the speed at which the vehicles are moved, substantially alters or increases the burden imposed on the highway through its proper use by ordinary traffic and causes or is liable to cause damage and expense to the highway beyond what is reasonable or ordinary.

1. Where, in the opinion of the Engineer, any highway is liable to damage through extraordinary traffic thereon, he may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein.
- 929 2. Every person driving on or using the highway in contravention of a regulation, limitation, or prohibition made under Subsection 2 is guilty of an offense against this Bylaw and is liable on summary conviction to a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00).
3. Any person to whom this Section 4 might otherwise apply may, with the approval of the Engineer, enter into an agreement for the payment to the Municipality of compensation in respect of the damage or expense which may, in the opinion of the Engineer, be caused by the extraordinary traffic, and thereupon that person shall not in respect of that traffic be subject to any prohibition penalty prescribed in this section.
4. The Engineer or a Peace Officer may close to traffic, or regulate the use of any highway at such time, and for such period of time, and in respect of such classes of traffic or use, as in his opinion may be necessary for the construction or protection of any highway or other public work, or for the protection of persons using the highways, or to enable permitted traffic to be handled safely and expeditiously.
5. This section does not apply to arterial highways.

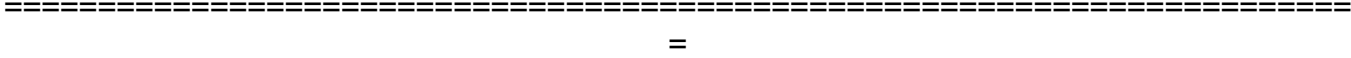
4. **PENALTIES**

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1. Any person who operates a motor vehicle, or being the owner or operator of a motor vehicle, permits it to stand or be parked or be operated in contravention of a traffic control device or signal, is liable, on a summary conviction, to a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00) or imprisonment for six (6) months.

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- 929 2. Except as otherwise provided in the Bylaw, every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses or omits or neglects to fulfill, observe, carry out or perform, any duty or obligation imposed by this Bylaw is liable on summary conviction to a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00).
- 3. Where in this Bylaw any matter or thing is required to be done by any person, in default of it being done by such person, such matter or thing shall be done at the expense of this person in default and the expense thereof may be recovered, with interest, at the rate prescribed by the Provincial Government, with costs in like manner as Municipal taxes.

- 929 4. A person who allows, causes or permits any motor vehicle of which he is the owner or operator to be stopped, standing or parked in contravention of this Bylaw shall be deemed to be in violation of this Bylaw and shall be subject to a fine of not less than fifty dollars (\$50.00) but notwithstanding this section may arrange to plead guilty to said offense and pay the penalties hereinafter provided:

929	Payment within 24 hours of offense (excluding weekends and holidays)	\$10.00
	Payment within 7 days of offense	\$15.00
	Payment after Final Demand Notice but before Information is sworn	\$30.00
	Payment after Information is sworn	\$50.00

- 5. With respect to any violation of this Bylaw, no proceedings by way of information or otherwise shall be instituted more than one (1) year after the time when the subject matter of the proceeding arose.

5. REMOVAL OF VEHICLES AND CHATTELS

- 1. Where a vehicle is standing or parked:
 - a) on a roadway other than on the right side of the roadway and with the right hand wheels parallel to that side and where there is a curb within three hundred millimeters (300 mm) of the curb; or
 - b) in a position that causes it to interfere with firefighting; or
 - c) in a position that causes it to interfere with the normal flow of traffic on the highway; or

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- d) in a position that causes it to interfere with snow removal or street sweeping; or
- e) in a position that causes it to interfere with the construction, improvement, alteration, extension, widening, marking or repair of a highway;

a Peace Officer, Town Engineer or Bylaw Enforcement Officer may:

- i) move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position determined by the Peace Officer or other person;
- ii) move the vehicle or take the vehicle into his custody and cause it to be taken to and stored in a safe and otherwise suitable place.

2. When an unattended vehicle is:

- a) parked in violation of Sections 188, 190, or 191 of the *Motor Vehicle Act*, or this Bylaw; or
- b) apparently abandoned on or near a highway or property owned by the Municipality; or
- c) a motor vehicle without proper number plates;

a Peace Officer or Bylaw Enforcement Officer may take the vehicle into his custody and cause it to be taken to and stored in a safe and otherwise suitable place.

3. All costs and charges for the removal, care, and storage of a motor vehicle removed under this Section shall be paid by the registered owner of the motor vehicle and there shall be a lien on it in favour of the keeper of the repair shop, garage or storage place in which the motor vehicle is stored, and it may be enforced by him in the manner provided by the *Repairers Lien Act* or the *Warehouse Lien Act*.

6. TRAFFIC CONTROL DEVICES

1. The provisions of this Section do not apply to arterial highways.

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2. The Engineer ~~-, Bylaw Enforcement Officer or Peace Officer~~ is hereby authorized to order the placing or erection of applicable traffic control devices at such places as he shall designate in such order to give effect to the provisions of this Bylaw and the *Motor Vehicle Act* ~~-, subject to approval of Council.~~

Such traffic control devices shall include all signs contained in the B.C. Regulations 343/77 as amended from time-to-time. Without limiting the generality of the foregoing shall also include:

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- a) signs to regulate, control or prohibit pedestrian traffic, vehicular traffic, and cycle traffic on sidewalks, bridges, walkways, or boulevards or in lanes.
- b) signs to regulate, control or prohibit the stopping of vehicles.
- c) signs for the regulation, control or prohibition of standing or parking of vehicles.
- d) signs where construction, reconstruction, widening, repair, marking or other work is being carried out indicating that men or equipment are working upon the highway.
- e) signs to regulate or prohibit pedestrian traffic on highways other than at crosswalks.
- f) signs to regulate, control or prohibit persons from using roller skates, sleighs, skates, skateboards, skis or other similar means of conveyance on a highway.
- g) signs at intersections and in advance of intersections where it is required to prohibit certain movement.
- h) signs on highways upon which the traffic is required to travel in one direction only.
- i) signs at the end of one-way roadways to prevent traffic entering the restricted area.
- j) signs 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) signs in locations where truck traffic is prohibited or restricted.
- l) signs at locations where it is required to give advance information such as the presence of a school adjacent to a roadway, a school crosswalk, or a school maximum speed zone.
- m) signs at locations where it is required to give advance information of a playground adjacent to a roadway, or its maximum speed zone.
- n) signs or lines in locations where it is permissible to angle park.
- o) signs on streets where the Engineer has designated truck routes for movement of truck traffic through town.
- p) signs at locations allowing for handicapped parking only.

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- q) other signs that may be necessary from time-to-time, as required by Statute.
3. The Engineer or any Peace Officer may order the alteration, repainting, tearing down or removal of any sign or advertisement, erected or maintained on or over any highway and in the exercise of this authority no compensation shall be paid to any person for loss or damage resulting from the alteration, repainting, tearing down, or removal of any sign or advertisement placed upon or over any highway:
 - a) along the route of any parade;
 - b) in the vicinity of a large gathering or during special circumstances;
 - c) to facilitate the fighting of fires;
 - d) to facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a highway being carried out by the Town or any other utility;
 - e) in the interest of public safety.
 4. Where traffic control devices have been authorized and placed under the provisions of the *Motor Vehicle Act* by the Ministry of Transportation and Highways in the Province of British Columbia, the same shall be deemed to have properly been placed and erected pursuant to the provisions of this Section.
 5. Traffic control devices erected pursuant to this Section shall, where applicable, comply with the sign regulations, as set out in the regulations to the *Motor Vehicle Act*.

7. **VEHICLE REGULATIONS**

PROHIBITIONS

This section does not apply to arterial highways.

Except as authorized by a permit issued by the Engineer pursuant to Section 4 of this Bylaw, no person shall drive or operate on a highway:

1. a passenger vehicle so loaded that any part of the load extends beyond the sides of the vehicle or more than 185 cm beyond the back of the vehicle.
2. save as otherwise provided herein, a vehicle, other than a horse drawn vehicle, the wheels of which are not equipped with pneumatic tires in good order.
3. a vehicle having wheels, 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, tread or track but excluding tire

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chains of reasonable proportions when required for safety and winter studded tires after October 1st and before April 30th.

4. a solid rubber-tired vehicle at a greater rate of speed than 20 km/h.
5. a vehicle unless it is so constructed and loaded as to prevent any of its load:
 - a) from shifting or swaying in such a manner as to effect the operation of the vehicle; or
 - b) from dropping, sifting, leaking or otherwise escaping therefrom, but sand may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.
6. a vehicle with any load unless the load or any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner hazardous to other users of the highway.
7. a vehicle having a greater gross weight, axle load or tire load, than the limits of weights and loads prescribed in the regulations pursuant to the *Commercial Transport Act* of the Province of British Columbia, or having greater dimensions (with or without load, or a greater number of vehicles coupled together than is prescribed in the said regulations).

8. **SEVERABILITY**

If any portion of this Bylaw is found invalid by a Court of competent jurisdiction, the invalid portion may be severed without affecting the validity of the remainder of this Bylaw.

9. **TRANSITION**

1. Town of Smithers Traffic Regulation Bylaw No. 391, 1971, as amended is repealed.
2. This Bylaw may be cited for all purposes as "Traffic Bylaw No. 738, 1985".

READ A FIRST TIME THIS 12TH DAY OF NOVEMBER, 1985.

READ A SECOND TIME THIS 12TH DAY OF NOVEMBER, 1985.

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SECOND READING RESCINDED THIS 14TH DAY OF JANUARY, 1986.

READ A SECOND TIME, AS AMENDED, THIS 14TH DAY OF JANUARY, 1986.

READ A THIRD TIME THIS 28TH DAY OF JANUARY, 1986.

RECEIVED THE APPROVAL OF THE MINISTER OF HIGHWAYS THIS 31ST DAY OF
JANUARY, 1986.

RECONSIDERED AND ADOPTED THIS 25TH DAY OF FEBRUARY 1986.

MAYOR

CLERK

Ade/bjo 85.11.05

Revised Ade/sgm 86.01.06