

TOWN OF SMITHERS
HIGHWAY USE REGULATION
BYLAW NO. 1249, 1997

*A BYLAW TO PROVIDE FOR THE REGULATION OF VEHICLE DEVICE(S)
USE WITHIN CERTAIN AREAS OF SMITHERS*

=====

WHEREAS the Council of the Municipality of Smithers is authorized by Section 546 of the Municipal Act, R.S.B.C. 1996, c.323 and Section 120 (1) (f) of the Motor Vehicle Act, R.S.B.C. 1996, c.318 to regulate by bylaw the use of a highway or public place, and provide for the removal, detention or impounding of a chattel unlawfully on a highway or public place and provide for a scale of fees, costs and expenses for their recovery either from the owner of the chattel, or by the sale of the chattel at public auction;

AND WHEREAS the Council of the Municipality of Smithers is authorized by Section 124 (1) (b) of the Motor Vehicle Act, R.S.B.C. 1996, C.318 to regulate, control or prohibit vehicular traffic and traffic by other conveyances on sidewalks, walkways or boulevards;

AND WHEREAS the Council of the Municipality of Smithers is authorized by Section 124 (1) (t) of the Motor Vehicle Act, R.S.B.C. 1996, c.318 to regulate and control persons using roller-skates, rollerblades, skates, skateboards, skis or other similar means of conveyance on highways;

NOW THEREFORE the Council of the Municipality of Smithers, in open meeting assembled, hereby enacts as follows:

1. Definitions:

“Highway”: In this Bylaw “highway” shall mean a sidewalk, walkway, boulevard and any other municipal, public-owned parking lot as illustrated in Schedule “A”.

“Municipality”: In this Bylaw “municipality” shall mean the Town of Smithers as defined in the Municipal Act.

"TOWN OF SMITHERS
HIGHWAY USE REGULATION
BYLAW NO. 1249, 1997"

'2'

"Owners": In this Bylaw "owners" shall mean a person in possession of the vehicle device.

"Peace Officer": In this Bylaw "Peace Officer" shall mean a constable or a bylaw enforcement officer who has been appointed by Council.

"Vehicle Device": In this Bylaw "vehicle device" shall mean an object in, on, or by which a person or things is, or may be, transported, propelled, coast, ride, or drawn on a highway. This includes the use of rollerskates, rollerblades, skates, skateboards, skis, bicycles or other similar means of conveyance on the highway.

2. This Bylaw may be cited for all purposes as "Highway Use Regulation Bylaw No. 1249, 1997".
3. No person shall propel, coast, ride or in any other way use a vehicle device on any portion of a highway in a (C1) Town Centre Commercial zone and (C1A) Downtown Commercial zone of the Municipality of Smithers as established by "Zoning Bylaw No. 740, 1985" and any bylaw amendments thereto.
4. Where any person rides, propels, coasts or in any other way uses a vehicle device on a highway in contravention of the provisions of this Bylaw, the vehicle device shall be deemed to be unlawfully occupying the highway and the provisions of Sections 5 and 6 of this Bylaw shall apply to the removal, detention and impoundment of the vehicle device.
5. Where a Bylaw Enforcement Officer has reason to believe that a person has violated the provisions of this Bylaw or is in violation of this Bylaw, that Officer may remove, detain or impound the vehicle device.
6. Where a detention, removal or impoundment as authorized by Section 5 of this Bylaw is made, the person entitled to possession of the impounded chattel shall pay to the Municipality an impoundment and detention fee of (\$20.00) twenty dollars for the vehicle device.
7. If the person entitled to the possession of any detained object does not within 30 days of its detention, including the date of its detention, pay

"TOWN OF SMITHERS
HIGHWAY USE REGULATION
BYLAW NO. 1249, 1997"

'3'

the fee mentioned in the preceding section, the Municipality may cause it to be sold by public auction to the highest bidder and failing its sale it shall be disposed of as Council deems appropriate.

8. No person shall obstruct or cause to obstruct a Bylaw Enforcement Officer in the exercise of any of his lawful duties.
9. Every person who contravenes a provision of this Bylaw is guilty of an offense upon summary conviction and is liable for a fine not exceeding \$2,000.00 and the cost of prosecution or in default of payment or in the alternative, to imprisonment for a period not exceeding six months.
10. If any section, subsection, sentence, clause or phrase of this Bylaw is held to be invalid by the decision of any Court of competent jurisdiction, this decision shall not effect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME THIS 19TH DAY OF AUGUST, 1997.

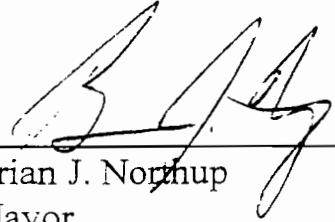
READ A SECOND TIME THIS 19TH DAY OF AUGUST, 1997.

READ A THIRD TIME THIS 6TH DAY OF JANUARY, 1998.

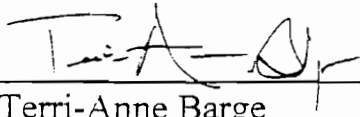
ADOPTED THIS 20th DAY OF JANUARY, 1998.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of:

S E A L



Brian J. Northup
Mayor

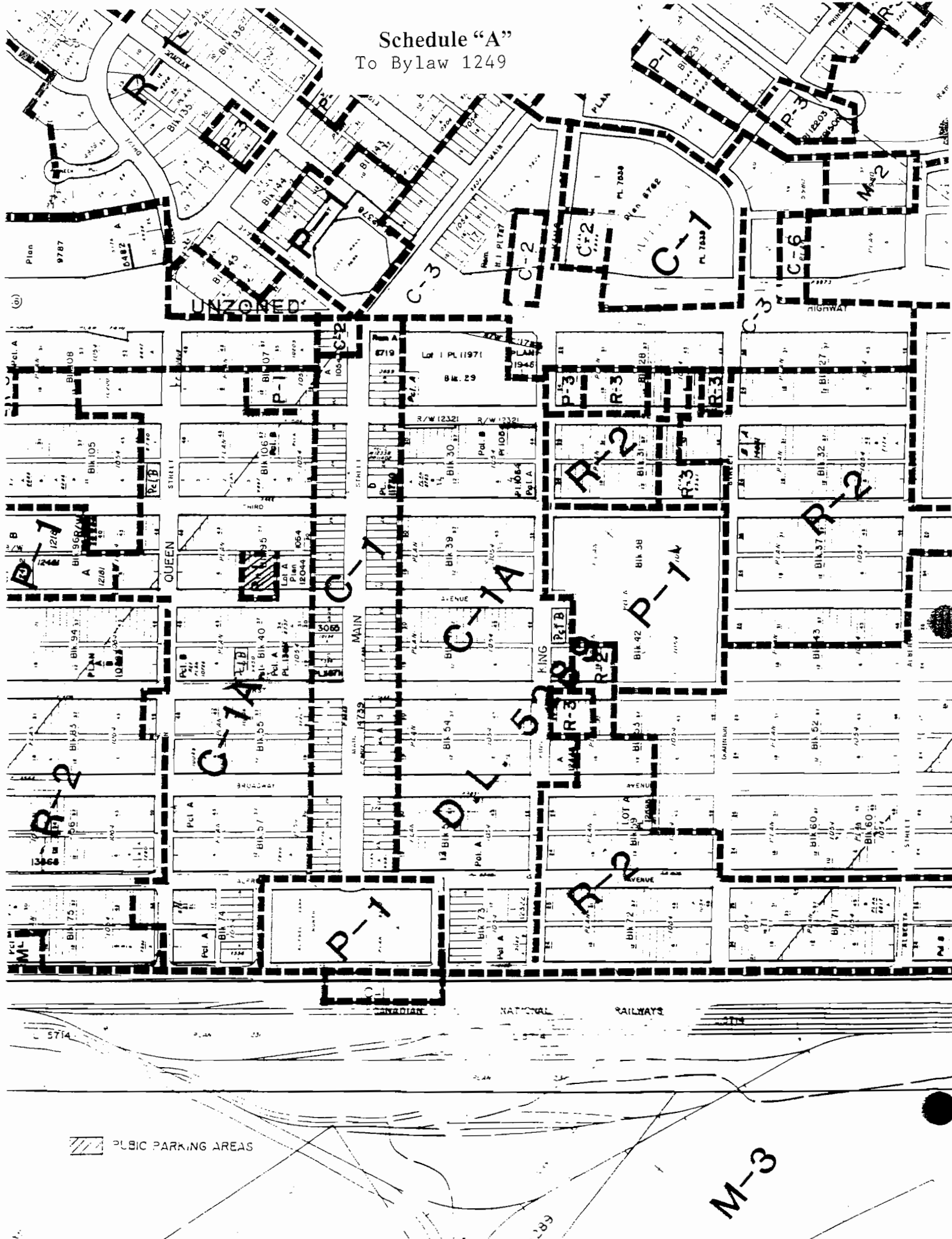


Terri-Anne Barge
Clerk-Administrator

JH/jm January 21, 1998

\\smith\pccommon\wordpro\bylaws from 1200\bl 1249 hwy use reg.doc

Schedule "A"
To Bylaw 1249



Public Parking Areas

M-3

- (2) If there is no sidewalk, a pedestrian walking along or on a highway must walk only on the extreme left side of the roadway or the shoulder of the highway, facing traffic approaching from the opposite direction.
- (3) A person must not be on a roadway to solicit a ride, employment or business from an occupant of a vehicle.

Rights and duties of operator of cycle

- 183** (1) In addition to the duties imposed by this section, a person operating a cycle on a highway has the same rights and duties as a driver of a vehicle.
- (2) A person operating a cycle
 - (a) must not ride on a sidewalk unless authorized by a bylaw made under section 124 or unless otherwise directed by a sign,
 - (b) must not, for the purpose of crossing a highway, ride on a crosswalk unless authorized to do so by a bylaw made under section 124 or unless otherwise directed by a sign,
 - (c) must, subject to paragraph (a), ride as near as practicable to the right side of the highway,
 - (d) must not ride abreast of another person operating a cycle on the roadway,
 - (e) must keep at least one hand on the handlebars,
 - (f) must not ride other than on or astride a regular seat of the cycle,
 - (g) must not use the cycle to carry more persons at one time than the number for which it is designed and equipped, and
 - (h) must not ride a cycle on a highway where signs prohibit their use.
 - (3) Nothing in subsection (2) (c) requires a person to ride a cycle on any part of a highway that is not paved.
 - (4) Despite section 165, a person operating a cycle who intends to turn it to the left at an intersection where there is more than one lane from which left turns are permitted must
 - (a) cause the cycle to approach the intersection in the lane closest to the right side of the highway from which a left turn is permitted,
 - (b) keep the cycle to the right of the line that divides the lane referred to in paragraph (a) from the lane immediately to the left of that lane,
 - (c) after entering the intersection, turn the cycle to the left so that it will leave the intersection to the right of the line referred to in paragraph (b), and
 - (d) when practicable, turn the cycle in the portion of the intersection to the left of the centre of the intersection.
 - (5) A person must not ride a cycle, skate board, roller skates, in-line roller skates, sled, play vehicle or other similar means of conveyance when it is attached by the arm and hand of the rider or otherwise to a vehicle on a highway.