



BYLAW NO. 1676

TRUCK ROUTE BYLAW

A Bylaw to provide for the regulation of truck routes in the Town of Smithers

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

AND WHEREAS the *Community Charter S.B.C., 2003 Part 3 Division 5 and Section 124 of the Motor Vehicle Act* provides that Council may, by Bylaw, provide for such legislation.

NOW THEREFORE be it resolved that the Council for the Town of Smithers in open meeting assembled, enacts as follows:

1. **CITATION:**

This Bylaw may be cited for all purposes as "Bylaw No. 1676 - Truck Route Bylaw", and comes into effect on the date of adoption.

SECTION 1 - ADMINISTRATIVE PROVISIONS

- 1.1 If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portion of the bylaw.

SECTION 2 - DEFINITIONS

- 2.1 In this bylaw:

"Council" means the Council of the Town of Smithers.

"Engineer" means the Director of Development Services of the Town of Smithers or anyone authorized to act on his behalf.

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

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“Highway” includes every highway within the meaning of the *Transportation 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.

“Municipality” means the Town of Smithers.

“Owner” as applied to a vehicle means:

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

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

“Recreational vehicle” means a travel trailer, tent trailer, truck camper, motor home, fifth wheel trailer or other wheeled vehicle designed to be towed, hauled or driven and to be used as a temporary accommodation in the course of recreational travel.

“Town” means the Town of Smithers.

“Truck” means a motor vehicle having three or more axles designed or used primarily for the transportation of goods, including a vehicle designed and used primarily for drawing other vehicles, but excluding vehicles with a Gross Vehicle Weight under 5,500 kilograms, recreational vehicles, buses, farm vehicles, vehicles being used in emergency work by the municipality, the provincial government or any of its agencies, or the municipal fire department, vehicles of the Canada Post Office, and vehicles engaged in routine maintenance work by the municipality.

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SECTION 3 – PROVISIONS

3.1 In this Bylaw:

(a) The streets and portions of streets shown on the plan attached hereto as Schedule “A” are designated as truck routes. The Frontage/Business Roads within the Highway 16 corridor are included in the designated truck routes.

(b) No person shall drive a truck upon any street in the Municipality other than Truck Routes shown on Schedule “A”.

(c) Notwithstanding Subsection (b), a person may drive a truck upon any street in the Municipality if;

i. The truck is being driven to or from a location not located on a truck route for the sole purpose of loading or unloading goods at that location, or to a repair shop or truck storage facility; and

ii. The truck remains on a truck route until reaching the intersection between the truck route and other street nearest the location; and

iii. The truck returns to the truck route from the location at the intersection of the truck route and other street nearest to the location

3.2 The Town Engineer will keep and maintain a current map showing the streets and sections of streets shown as Truck Routes on Schedule “A” and shall make copies of the map available to the public at no charge.

3.3 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.

3.4 No person in charge or control of any truck shall park the truck or permit it to be parked on a truck route, except for the loading or unloading of goods, and then only for the period of time reasonably necessary for the loading or unloading of the goods. Parking of trucks in residential areas shall comply with section 2.12 (a) of the Zoning Bylaw.

3.5 This section does not apply to arterial highways.

3.6 A Peace Officer is hereby authorized to enforce this bylaw.

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SECTION 4 – PENALTIES

- 4.1 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 up to two thousand dollars (\$2,000.00).
- 4.2 In the case that any truck is parked in violation of the provisions of this bylaw, a Peace Officer may cause the truck to be removed. The owner, or other person in charge or in control of such truck shall pay for the cost of removal and any reasonable storage or other charges incurred in respect thereof. Such costs or charges shall be in addition to any fine or penalty imposed in respect of any violation.
- 4.3 A person who allows, causes or permits any truck of which he is the owner or operator to be regularly driven, 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 five hundred dollars (\$500.00) but not withstanding this section may arrange to plead guilty to said offense and pay the penalties hereinafter provided:

First Offense Payment within 24 hours of offense (excluding weekends and holidays)	\$200.00
Payment within 7 days of offense	\$300.00
Payment after Final Demand Notice but before Information is sworn	\$400.00
Payment after Information is sworn.....	\$500.00
Subsequent Offense Payment (within one year of First Offense)	\$500.00

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READ A FIRST TIME THIS 8TH DAY OF NOVEMBER, 2011.

READ A SECOND TIME THIS 8TH DAY OF NOVEMBER, 2011.

READ A THIRD TIME THIS 8TH DAY OF NOVEMBER, 2011.

RESCINDED THIRD READING THIS 6TH DAY DECEMBER, 2011.

AMENDED AT SECOND READING THIS 6TH DAY OF DECEMBER, 2011.

READ A THIRD TIME THIS 6TH DAY OF DECEMBER, 2011.

ADOPTED THIS 24TH DAY OF JANUARY, 2012.

Taylor Bachrach
Mayor

Deborah Sargent
Corporate Administrator (CAO)

CERTIFIED A TRUE AND CORRECT COPY
of Bylaw No. 1676, cited as "Bylaw No. 1676 –
Truck Route Bylaw"

Deborah Sargent
Corporate Administrator (CAO)

MD/MA