



Highways, Traffic, and Parking Regulation Bylaw No. 1321, 2005

CONSOLIDATED FOR CONVENIENCE ONLY

EFFECTIVE DATE: October 27, 2014

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only.

This consolidation is not a legal document.

Certified copies of the original bylaws should be consulted for interpretation and application of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

No. 1353

October 10, 2006

No. 1415

March 23, 2009

No. 1490

February 12, 2013

No. 1515

October 27, 2014

THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1321

“A bylaw to regulate traffic, parking and the use of all public streets, boulevards and sidewalks within the District of Kent .”

WHEREAS the Municipal Council of the Corporation of the District of Kent, in open meeting assembled ENACTS AS FOLLOWS:

1. Interpretation/Definition:

a) Words defined in the “Motor-Vehicle Act” and regulations thereto shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw or unless the context otherwise requires.

b) In this bylaw, unless the context otherwise requires:

“**Bicycle**” shall have the same meaning as the word “cycle” in Part 3 of the “Motor Vehicle Act;

“**Boulevard**” means the portion of a highway not occupied by the roadway or sidewalk and includes planting, surface finishing or treatment.

“**Bylaw Enforcement Officer**” means a person appointed from time to time by the Municipal Council of the District for the purpose of enforcing and carrying out the Provisions of the Bylaw, and shall include any Assistant Bylaw Enforcement Officer so appointed.

“**Chattel**” means and includes any property, movable or immovable, except real estate, and whether of any tangible value or not;

“**Chief of Police**” means the non-commissioned officer in charge of the local detachment of the Royal Canadian Mounted Police;

“**Council**” means the Council of the Corporation of the District of Kent;

“**District**” means the Corporation of the District of Kent.

“**District Superintendent**” means the District Engineer or Works Foreman or any other official or person of the District, for the time being authorized to carry out the duties of the said District Superintendent, under the provisions of this or any other bylaw of the District;

“**Extraordinary Traffic**” shall have the same meaning as defined in the “Highway Act”;

“**Highway**” means:

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

“**Loading Zone**” means the area or space on a highway designated by Council for the loading or unloading of materials or passengers;

“**Owner**” as applied to a **vehicle**, means:

- (a) the person who holds the legal title to the **vehicle** and whose name the **vehicle** is registered; or
- (b) a person who is lessee or a mortgagor and is entitled to be, and is, in possession of a **vehicle**.

“**Permit**” means the written authority granted pursuant to this bylaw for the temporary use of and/or alteration/modification of District property, highway and/or right-of-way(s).

“**Skateboard**” means a short narrow board having a set of four wheels mounted under it, ridden in a standing or crouching position and often used to perform stunts.

“**School Patrol**” means any person authorized by the authority in charge of the schools to engage in directing the safe use of crosswalks;

“**Traffic Officer**” means any official or employee of the District whose designated duties as provided by **Council** includes the regulation or control of traffic within the District and shall include, as well, all Peace Officers.

“**Vehicle**” means the interpretation given in the Motor Vehicle Act and includes motor vehicle and motorcycle, as defined in that Act.

2. Application:

- a) 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 any **highway** while at the site of the work but do apply to them when travelling to or from the site of the work.

- b) A person riding an animal or driving an animal-drawn **vehicle** upon a highway has all the rights and is subject to all duties that a driver of a **vehicle** has.

3. General Regulations:

- a) (i) For a contravention of any of the provisions of this part, an information may be laid and summons issued by means of a traffic ticket in accordance with the provisions of the “Motor Vehicle Act” instead of the procedure set out in the “Offence Act”.
- (ii) Traffic tickets used in the District of Kent shall conform to the regulations made by the Lieutenant-Governor-in-Council pursuant to the provisions of the “Motor Vehicle Act”.
- (iii) No person, other than the owner or operator of a **vehicle**, shall remove any notice placed thereon or affixed thereto by any person in the course of his lawful duties in checking violations of this bylaw.
- (iv) Permit fees shall be set out in accordance with the current Fees and Charges bylaw.
- b) It shall be unlawful for any person to ride or drive a motorcycle, moped motor vehicle or vehicle on any boulevard or within any school grounds, parks or playgrounds.
- c) The **Council** may, by resolution, designate any street or portion of any street on or along which buses may be operated.
- d) The District Superintendent, **Traffic Officer**, or a Peace Officer is hereby empowered to remove, detain or impound; or to authorize the removal, detention or impounding of any **vehicle**, **chattel**, or obstruction unlawfully occupying any portion of any **highway**, sidewalk or boulevard, **District** property or public place. All costs and charges for the removal, care and/or storage shall be paid by the owner of such **vehicle** and are a lien on such **vehicle** in favour of the owner or operator of any repair shop, garage, or storage place in which the vehicle is stored.
- e) A **vehicle** removed to an impoundment will not be released to its **owner** until the cost of its removal and impoundment is paid. If such impounded vehicle is not claimed by its **owner** within 14 days of the giving of the notice of the impounding of the **vehicle**, such vehicle may be sold at public auction and any monies received on its sale shall be applied;
- 1) firstly, to the cost of the sale;
 - 2) secondly, to the cost of the removal and impoundment of the vehicle; and
 - 3) thirdly, to the recovery of any monies owed for any outstanding fines levied under this Bylaw.

The surplus, if any, shall be sent by registered mail to the registered **owner** of the **vehicle** at the address shown for such **owner** in the records of the Superintendent of Motor Vehicles. Notice shall be given to the **owner** of every **vehicle** impounded under this section of the intention to sell such **vehicle** on the date set out in the notice by mailing the notice by registered mail to the **owner** at the address of such **owner** as shown in the records of the Superintendent of Motor Vehicles at the date of impoundment.

- f) Metric units are used for all measurements in this bylaw. The approximate equivalent of those units in currently used units of Canada measure are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this bylaw.

4. Traffic Control Devices and Signals:

- a) All traffic control devices placed or erected prior to the adoption hereof shall continue to have force and effect until or unless subsequently altered, removed, or revoked.
- b) Except with the approval of **Council**, no person shall place, maintain, or display upon or in view of any **highway**, any sign, signal, mark, or device purporting to be, imitating, or resembling any traffic-control device, or which attempts to direct the movement of traffic or the parking of **vehicles**.
- c) (i) The **District Superintendent** shall on any **highway** where construction, reconstruction, widening, repair, marking or any other work is being carried out by district crews and/or persons working under contract for the District, place or erect, or cause to be placed or erected, traffic-control devices indicating that men and/or equipment are working upon the **highway**.
- (ii) The **District Superintendent** or Peace Officer may, on any **highway**, place, erect or cause to be placed or erected traffic-control devices to regulate or prohibit traffic where deemed necessary to ensure the orderly movement of traffic, or to prevent injury or damage to persons or property or to prevent injury or 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 erected by resolution of **Council**.
- d) Every driver or pedestrian shall obey the instructions on or indicated by any traffic-control device placed in accordance with this or any bylaw of the District or resolution of the Council, unless otherwise directed by any Peace Officer.

- e) The **District Superintendent** is hereby authorized and empowered to establish or alter as necessary the time interval for the change of the lights of all traffic control signal lights, and to vary such time interval from time to time as he may consider expedient in the interest of safety and with a view to avoiding traffic congestion at such intersection.

5. **Traffic Regulation:**

- a) Except with the approval of **Council**, no person shall place or cause or suffer to be placed by any person in his employ or control, any merchandise, **vehicle**, **chattel** or wares of any nature on any **highway**, sidewalk or boulevard for the principal purpose of sale or display or for measuring, packing or unpacking wares or merchandise or for any other purpose whatsoever other than provided for under Section (2).
- b) No person shall deliver or pick up any goods, wares or merchandise or fuel across any boulevard except by way of a **loading or commercial zone**, a lawfully established curb-crossing, or a temporary boardwalk laid across the boulevard for its protection.
- c) No person shall leave any **vehicle** unattended on any highway if the **vehicle** has been placed on a jack or jacks.
- d) No person other than a Peace Officer engaged in the lawful execution of his duty shall use, interfere, or tamper with any vehicle or any of its accessories or anything placed therein or thereon without the consent of the owner.
- e) No person shall perform or engage in any activity upon or near a **highway** that is likely to distract, startle, or interfere with users of the **highway**.
- f)
 - (i) No person or persons shall congregate on any **highway**, sidewalk or boulevard in such a manner as to obstruct, impede or interfere with the free passage of pedestrians and/or vehicles, except with the written permission of the **Council** or Chief Administrative Officer. This clause shall not be construed as prohibiting the assembling of persons to watch a lawful parade.
 - (ii) No person shall do anything which will attract the attention of persons and cause them to congregate in a group upon any **highway** in such a manner as to obstruct, impede or interfere with the free passage of pedestrians or vehicles, or behave in such a manner that the persons so congregated may be in danger of injury from traffic, except with the written permission of the **Council** or Chief Administrative Officer.

- (iii) No person shall leave any animal abandoned or tethered on any **highway**, sidewalk or boulevard.
- g) (i) No procession, other than a funeral procession, shall be held on any **highway** unless one person, designated as parade-marshal/organizer, has made application for and received a written permit for such procession or parade.
- (ii) Application for such procession or parade shall be made in writing to the **Council** or the Chief Administrative Officer by the marshal/organizer at least 48 hours before such procession or parade is due to commence.
- (iii) The **Council** or Chief Administrative Officer may issue a permit for a procession or parade, subject to any terms that they may impose as to time, route, or otherwise and a copy of said permit shall be delivered to the local detachment of the RCMP.
- (iv) To identify a funeral procession, each vehicle therein shall have its headlamps lighted.
- (v) The route taken by the funeral procession may be subject to the direction of the non-commissioned officer in charge of the local detachment of the RCMP, the **District Superintendent**, or the Chief Administrative Officer.
- h) No person shall drive or operate a snow vehicle or snowmobile on a **highway**, park, school ground, sidewalk, or boulevard.

6. Operations of Vehicles:

- a) No person shall ride, drive or lead any animal save and except household pets, or move, drive, run or propel any **vehicle** (except light carriages or chairs for the conveyance of children or invalids) along, over, or across any sidewalk or boulevard except at:
 - (i) Lane crossings or sidewalk crossings specially constructed for vehicular traffic.
 - (ii) Locations for which a valid and subsisting permit in writing has been granted by the **District Superintendent** or Chief Administrative Officer and then subject only to the conditions contained in such permit.

The **District Superintendent** or Chief Administrative Officer may, as one of the conditions of such permit, require that security be furnished to an amount satisfactory to him, guaranteeing the replacement of the sidewalk or boulevard to its original condition in case of damage thereto.

- (iii) The driver of any slow-moving **vehicle** shall drive such **vehicle** as close as possible to the right-hand curb line of any street.
- (iv) The driver of any **vehicle** emerging from any lane, driveway or building shall stop such **vehicle** immediately prior to driving on or across any sidewalk or boulevard extending to or across such lane, driveway or building entrance.
- (v) No person shall, within the District of Kent, operate any calliope, loudspeaker or other noise making devices for advertising or other purposes unless that person holds a valid and subsisting permit for that purpose in writing from the **Council** or Chief Administrative Officer, a copy whereof has been deposited by that person with the **Chief of Police**.
- (vi) Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor-**vehicle** within such zone shall sound the horn or other warning device of said **vehicle** except in an emergency.
- (vii) No person shall ride on the outside of any **vehicle** while it is in motion. This clause shall not apply to motorcycles or to vehicles of the Fire Department.

7. Use of Highways:

- a) No person shall use any highway for any purpose other than that of lawful traffic, except with the permission of the **District Superintendent** or Chief Administrative Officer.
- b)
 - (i) No person shall use any **highway**, sidewalk or boulevard for the purpose of storing any material or substance except with the written permission of the **District Superintendent** or Chief Administrative Officer.
 - (ii) Any person who attempts to prevent the impounding of any **vehicle** or other **chattel** or in any manner interferes with the impounding of any **vehicle** or **chattel** shall be deemed to be guilty of any infraction of this bylaw and shall be liable to the penalties provided therein.
- c) No person shall engage in selling or displaying any article or thing on any sidewalk or boulevard except with the written permission of the Municipality.
- d) No person shall break, tear up or remove or otherwise interfere with any sidewalk, boulevard, curb or surfacing of any street, or under any street without having first obtained the written permission of the **District Superintendent** and any person acting under authority of any such permission shall carry out any such works under the direction and supervision of the **District Superintendent** and shall upon completion of the work, refill and thoroughly consolidate any excavation,

and put the street in such state of repair as shall be satisfactory to and meet with the specifications of the **District Superintendent**.

e) The **Council** or an official authorized by **Council** for this purpose may grant to any person upon application therefore, a permit to construct or alter a sidewalk crossing in accordance with the particulars of the proposed construction set out therein and the work shall be carried out in compliance with such permit to the satisfaction and subject to the direction of the **District Superintendent**.

f) No person shall construct or reconstruct any sidewalk, curb or roadway on any street except with the written permission of the District Engineer or Chief Administrative Officer.

g) (i) The person to whom permission is granted to any work upon any street, shall construct and maintain a good and sufficient fence or other barrier around the work so being done, in such a manner as to prevent accidents and shall place and maintain upon such barrier suitable and sufficient warning signs and at night, suitable lights and/or flares. All work done under authority of such permission and all precautions taken

for the protection of the public shall be subject to the direction and supervision of the **District Superintendent** and any instructions issued by him shall be carried out. The person to whom such permission is given shall forthwith and before any work is commenced furnish to the **District** a bond of indemnity in such amount as **Council** may determine whereof he, his heirs, executors, administrator, successors and assignees agree to save harmless the District of Kent from and against all loss, costs, charges, claims, damages and expenses which the **District** may at any time or times hereafter bear, sustain, suffer or be put to for or by reasons or on account of any action committed by "X", his employees, servants, and agents in connection with such work.

(ii) In the event that the fence or barrier so erected or any of the warning signs, lights and/or flares attached thereto or placed thereon are for any reason destroyed or fail or collapse from any cause whatsoever, the **District Superintendent** may, for the protection of the public authorize a District employee to effect temporary repairs thereto, but such action shall not relieve the person originally responsible for the erection of such fence or barrier, and the placing thereon of warning signs, lights, and/or flares from full responsibility therefore, and he shall indemnify and save harmless the **District** in the manner prescribed by clause (a) above from all loss or damage incurred by and to any person or persons as a result of the defective nature of such fence or barrier and of any warning signs, lights and/or flares attached thereto or placed thereon. All costs and charges being incidental to effecting the repairs aforesaid shall be borne by the person to whom the original permit was granted.

- h) No person shall hold a tag day or otherwise solicit for donations of money or in kind or for material assistance, upon a sidewalk or boulevard except with written permission of the **Council** or Chief Administrative Officer.
- i) Any permit granted under the provisions of this bylaw shall be subject to all the terms and conditions upon which such permit was granted and it shall be an offence against the provisions of the bylaw for any person to act upon any such permit except in compliance with such terms and conditions. All permits granted under the provisions of this bylaw shall be revocable by the **Council** and the **Council** is hereby empowered to revoke the same.

8. Stopping/Standing/Parking:

- a) Parking Prohibitions:
 - (i) Except when necessary to avoid conflict with traffic or to comply with the law or the directions of a Peace Officer or traffic control device, no person shall stop, stand or park a **vehicle**:
 - (1) in any space or area where the adjacent curb, sidewalk or road surface has been painted or marked with a solid yellow painted line;
 - (2) on any **highway** less than 10 meters (30 feet) wide for any period longer than is necessary for the expeditious loading or unloading of passengers or materials.
 - ii) No driver shall park any vehicle or any combination of **vehicles** in an angle parking space if such vehicle or combination of vehicles has a length of 6 metres (20 feet) or more.
 - iii) No person shall park any utility or boat and/or house trailer on any **highway** unless attached to a vehicle by which it may be moved or propelled, and when so attached the trailer shall be deemed a part of the vehicle and subject to the regulations governing **vehicles**;
 - iv)
 - (1) No person shall park any house trailer or **vehicle** with a gross vehicular weight of 4500 kilograms (10,000 pounds) or more on any **highway** for more than two (2) hours.
 - (2) Overnight parking on the street, of recreational **vehicles** under 4500 kilograms(10,000 pounds) is prohibited.

- v) Notwithstanding clause (vii), no person shall park any commercial or industrial trailer or **vehicle**, or combination thereof, with an actual or licensed gross vehicular weight of 4500 kilograms (10,000 pounds) or more or suffer any such **vehicle** or trailer of which he is the owner or which is in his possession or control to be or remain parked on any **highway** abutting on any areas zoned for residential uses under the current District of Kent Zoning Bylaw.
- vii) (1) No person shall park overnight any commercial or industrial trailer or vehicle or combination thereof with an actual or licensed gross vehicular weight of 4500 kilograms (10,000 pounds) or more on any **highway** other than those areas zoned for transportation, industrial or wholesale commercial uses under the current District of Kent zoning Bylaw and those **highways** designated for truck parking only pursuant to sub-clause (2) of this clause
- (2) **Council** may, by resolution, designate all or any part of any **highway** for truck parking only.
- viii) No driver of any **vehicle** shall stop such **vehicle**:
- (1) in any **loading zone** except for the purpose of loading or unloading passengers or goods;
- (2) in any passenger zone except for the purpose of loading or unloading passengers.
- ix) No driver of any **vehicle** shall stop such **vehicle**:
- (1) in any **loading zone** for a period exceeding three (3) minutes for the loading or unloading of passengers or for a period exceeding ten (10) minutes for the loading or unloading of materials;
- (2) in any passenger zone for a period exceeding three (3) minutes for the loading or unloading of passengers;
- (3) notwithstanding anything contained in this section, no driver of any **vehicle** other than a commercial **vehicle** shall stop in any commercial **loading zone** and then only while actually engaged in loading or unloading goods and in any event for a period not exceeding ten (10) minutes).
- x) No driver of any **vehicle** shall stop or stand such **vehicle**:
- (1) within 6 metres (19.69 feet) of the approach to any flashing beacon, stop sign or traffic control signal located at the side or a roadway.

- (2) at a place in contravention of a traffic control device prohibiting stopping;
 - (3) in or upon any **lane** except;
 - (i) for commercial vehicles engaged in loading or unloading of materials; or
 - (ii) where parking is designated by sign or road markings;
 - (4) on a crosswalk;
 - (5) within 6 metres (19.69 feet) of either side of a crosswalk;
 - (6) on any **highway** at intersections where buses stop for the purpose of allowing passengers to enter or alight therefrom, at a lesser distance than 30 metres (98.43 feet) from the near boundary of the intersecting **highway**, measured along that side of the **highway** where such bus stop is situated;
 - (7) within 5 metres (16.41 feet) of a fire hydrant measured from a point in the curb or edge of the roadway which is closest to the fire hydrant.
 - (8) within 15 metres (49.22 feet) of the nearest rail of a railway crossing;
 - (9) within an intersection, except as permitted by a sign
 - (10) within 6.0 metres (19.69 feet) of the property line of any intersecting street excepting lanes;
 - (11) in front of, or within 1.5 metres (4.92 feet) of the near side of, or 1.5 metres (4.92 feet) of the far side of a private road, or public or private sidewalk crossing, or the property line of any intersecting lane;
- b) Parking Restrictions:
- (i) Except in the case of any **vehicle** so mechanically disabled as to prevent the moving of same, no person shall park such vehicle on any **highway** other than in the following manner:
 - (1) Upon any **highway** which has been marked with a sign indicating one-way traffic only, the driver of a **vehicle** shall park the vehicle with the front thereof pointing in the authorized direction of travel and parallel to the curb, not more than 30 centimetres (12 inches) from the curb.

- (2) No person shall park a vehicle at a place where signs indicate that angle parking is permitted other than at an angle indicated by parking lines marked on the highway with the right front wheel of the vehicle not more than 30 centimetres (12 inches) from the curb.
- (3) Where parking lines have not been marked on the **highway** or are not visible, the driver of a vehicle shall park parallel to the curb and with the wheels thereof not more than 30 centimetres (12 inches) from the curb.

Notwithstanding (1), (2) and (3) no person shall park such vehicle on any **highway** in such manner as to impede or obstruct the flow of traffic.

- (ii) **Council** may, by resolution, designate any place in or on any **highway** as a passenger or loading zone subject to the following:

- (1) Unless such resolution limits the hours during the day when said zones shall be effective, they shall be in effect for the full twenty-four (24) hours of each day.
- (2) Traffic signs indicating or marking such zones shall be erected or placed and maintained under the supervision of the **District Superintendent**.
- (3) Time limitation, if any, established pursuant to sub-clause (1) shall be indicated on the traffic sign so erected.

- (iii) Stop/Yield Signs:

Council may, by resolution:

- (1) Designate speed limits of less than, or in excess of 50 kilometres per hour (approximately 30 miles per hour), and in so doing may establish such limits according to areas or zones in the municipality, and according to widths, amount of traffic otherwise,
 - (a) Signs displaying the speed limits designated in sub-clause (1) shall be displayed in accordance with standard **highway** regulations.
- (2) Designate certain **highways** or parks of highway as “through” **highways** or “yield” **highways** and may add, remove, or otherwise alter such designations.

- (a) Signs displaying the word “Stop” or “Yield” shall be displayed on each **highway** at the locations designated in sub-clause (2).
- (iv) No person shall park a vehicle:
 - (1) on a **highway** for the principle purpose of displaying a vehicle for sale;
 - (2) on any portion of a **highway** for a longer period of time than that indicated on any traffic sign applicable to that portion of the highway where the vehicle is parked;
 - (3) in any public park or school ground between the hours of 3:00 a.m. and 6:00 a.m.;
 - (4) on a **highway** without displaying proper or valid number plates, including a valid validation decal;
- (v) A person must not move a **vehicle** from one location to another in the same block in order to avoid the posted time limit for parking.

9. Signs, Signboards, Advertisements, Guideposts:

- a) Except with the written consent of the Chief Administrative Officer, no person shall operate, stand or park any **vehicle** on any **highway** where such vehicle contains advertising other than as set forth in Clause (c) hereof.
- b) Except with the written consent of the Chief Administrative Officer, no person shall carry or propel in the **District** any sign, device, or apparatus containing advertising on any **highway**, sidewalk or boulevard.
- c) Clauses a) and b) shall not be construed as preventing any firm or business from painting or attaching signs or decals on any **vehicle** owned or operated by them for the purpose of identifying the firm or business owning or operating such **vehicle**.
- d) No person shall deface any highway, sidewalk, boulevard or public building, wall, fence, railing, sign, monument, tree post, pole, bridge abutment or tower, or any other public property by attaching, marking or imprinting thereon in any manner whatsoever, any device or character whatsoever.
- e) Except for signboards lawfully placed or erected in compliance with the current District of Kent “Sign Bylaw”, no person shall attach or display any bills or posters on any public property in the **District**.

- f) No person shall erect or place any banners on or across any **highway** without the written consent of the **Council** or the Chief Administrative Officer.

10. Pedestrians:

- a) No pedestrian shall race, run or otherwise so as to interfere with normal pedestrian movement within the business district.
- b) Every pedestrian crossing a **highway** shall cross as quickly as is reasonably possible without stopping or loitering or otherwise impeding the free movement of vehicles thereon.
- c) Three or more persons shall not stand in a group or so near to each other on any sidewalk or **highway** as to obstruct the entrance to buildings or to obstruct or prevent other persons using such **highway**, and forthwith after request has been made by any constable or other person duly authorized so to do, shall disperse and move away.

11. School Crossings

- a) School crossings may be designated by **Council** anywhere within the **District**, but every intersection with a designated school zone shall be deemed a school crossing.
- b) The principal of any regular day school in the **District** may appoint from among the students a School Patrol to assist pedestrians in crossing **highways** at designated school crosswalks.
- c) A member of a School Patrol may control the movement of traffic at such designated school crosswalks by exhibiting a manual traffic control device of a design approved by resolution of the **Council**.
- d) Drivers of vehicles and pedestrians shall obey the instructions on any approved traffic control device exhibited by a member of a School Patrol at designated school crosswalks.

12. Animals:

- a) Except with the written permission of the Chief Administrative Officer, no person shall allow any horse on any **highway** unless such horse is being ridden, driven or led in such manner that it is under control at all times.
- b) No person shall allow any horse on any boulevard or sidewalk within the **District**.
- c) No person shall leave any animal or animal-drawn **vehicle** unattended on any **highway**.

13. Sight Lines:

- a) No owner or occupier of any property in the **District** shall allow fences, hedges, shrubs, trees or other vegetation on such property to obstruct traffic control devices.
- b) No owner or occupier of any property in the **District** shall allow fences, hedges, shrubs, trees or other vegetation, or construct a fence or other type of obstruction, within 5 metres (16 feet) of any intersections and driveways to grow or stand in such a manner as to obstruct the visibility of any driver whose vehicle is approaching an intersection and/or driveway approaching the intersection or driveway.
- c) No owner or occupier of property adjacent to any highway shall allow trees or shrubs on such property to extend over such highway at a height of less than 4.5 metres (15 feet) above the crown of the adjacent roadway.
- d) Every owner or occupier of property shall maintain in a clean, tidy and well-kept condition every Boulevard and sidewalk fronting, adjacent to or adjoining Real Property and, without limiting the generality of the foregoing shall:
- keep grassed areas trimmed and free of noxious weeds;
 - keep landscaping trimmed so that driveway and intersection sight distances are unobstructed;
 - keep landscaping from encroaching over paved roadways, gravel shoulders or sidewalks; and
 - keep area clear of all litter, debris, and other loose materials.
- e) Upon the failure of any person to comply with the provisions of clauses a), b), c), and d), the **District** may serve written notice on such person to so comply within seven (7) days of the serving of such notice after which time the **District** may enter the property for the purposes of any work necessary to comply with clauses a), b), c), and d) and the costs therefore shall be chargeable against the property in the same manner as taxes.

Bylaw No. 1415
March 23, 2009

Bylaw No. 1490
February 12, 2013

Bylaw No. 1415/
Bylaw No. 1515

Bylaw No. 1415
March 23, 2009

14. Obstructing, Littering, Snow and Ice:

- a) (i) No person shall, without permission of the Chief Administrative Officer, **District Superintendent**, or Building Official, cut, saw, break, split, place or pile firewood, lumber, blocks, rock, stone, debris, or other material or mix mortar upon any **highway**, sidewalk or boulevard.
- (ii) No owner or occupier of any premises or any other person purchasing or delivering firewood, lumber, blocks, rock, stone or other material shall permit such firewood, lumber, blocks, rock, stone or other material to remain or to be placed on any **highway**, sidewalk or boulevard.

- (iii) The **District Superintendent**, Building Official or Peace Officer may remove or cause to be removed any such firewood, lumber, blocks, rock, stone, or other material so deposited and the cost of such removal shall be charged to the owner or person making the delivery thereof and shall be recoverable in the same manner as taxes in arrears.
 - (iv) No person shall deposit, push, pile or place any debris or other material on any **highway**, sidewalk or boulevard and should any such materials be so placed in contravention of this section, the **District Superintendent** may remove the same or cause the same to be removed.
- b) No person shall construct, place or maintain or cause to be constructed, placed or maintained, any structure or thing in, upon or over any **highway**, sidewalk or boulevard, except as otherwise provided in this bylaw unless that person holds a valid and subsisting written permit that has been granted to him under the authority of this or any other bylaw of the **District**.
- c) No person shall place, deposit or dump, or cause to be placed, deposited or dumped any goods, waste matter, garbage, rocks, dirt, derelict or dismantled automobiles or other thing upon any **highway**, sidewalk, or boulevard, or allow any goods, waste matter, garbage, rocks, dirt, derelict or dismantled automobiles or other thing to fall, flow or drift onto any **highway**, sidewalk or boulevard, unless prior arrangements are made for the removal thereof with the **District Superintendent** or Chief Administrative Officer.
- d) Subject to Clause c), no person shall place or pile any snow or ice upon any **highway**, sidewalk or boulevard.
- e) Any person owning or occupying any business premises abutting directly on any **highway** or sidewalk in the **District** shall remove from any awning, marquee, projection or cornice thereof, all ice, icicles or snow which may be hazardous to vehicles or pedestrians below.
- f) No person shall deposit, pile or spread snow or ice cleaned from roofs, parking lots, new or used car lots, automobile service stations or garages or any other surface not being sidewalk on any **highway**, sidewalk, boulevard or other public place, except the place designated therefore by the **District Superintendent**. The cost of such operations shall be at the expense of the owner or occupant of the premises.
- g) Nothing herein shall be construed as prohibiting the application of sand, salt or other chemical substances on any street or sidewalk for the purpose of increasing traffic safety, provided always that any chemical substances so used shall not be of a kind or type detrimental to any cement-concrete, asphaltic-concrete, bituminous-treated or other stabilized or wooden surface on any **highway**, sidewalk or bridge within the **District**.

- h) Every owner or occupier of real property adjacent to a sidewalk, or public footpath bordering a highway shall:
 - (i) Remove all snow and ice from the sidewalk or public footpath following a snowfall, icfall or frost within a reasonable time of its deposit but in any case no later than noon on the day following its deposit.

15. **Trees:**

- a) No person shall plant, remove, cut down, bark, peel, deface or otherwise injure any tree upon or along any **highway** or boulevard within the **District** without prior written permission from the **District**.
- b) No person shall cut, injure, damage or deface any protective device around any tree upon or along any **highway**, sidewalk or boulevard within the **District**.
- c) No person constructing, reconstructing, widening, repairing, marking or carrying out other work on any **highway**, sidewalk or boulevard shall remove, damage or injure any tree without the written consent of the **District Superintendent**.
- d) No person shall operate any **vehicle** in such a manner as to cause injury to any trees adjacent to any **highway**.

16. **Access:**

- a) No person shall, without prior written approval from the Chief Administrative Officer or **District Superintendent**, construct or create a means of access to or from any **highway** for any parcel of land abutting thereon, and where such approval is obtained, the material, structure and construction of any proposed access shall be of a kind or type approved by the **District Superintendent** before commencing work. The Superintendent may require drawings and specifications pertaining to such proposed access construction.

The cost of constructing any such approved access shall be borne by the applicant, but all standard curbs and ditch crossings, whether asphalt ramp, drop-curb or culvert, may be subsidized by the **District**, in the discretion of **Council**, in an amount determined by **Council**.

17. **Parking Meters:**

- a) **Council** may from time to time designate any **highway** or portions thereof whereon parking meters may be installed and further may establish such regulations as may be required in the installation, operation, maintenance, fee structure and penalties for such meters.

18. Fines and Penalties:

- a) (i) Notwithstanding any of the provisions of Sections 19 and 20 of this bylaw, any person who contravenes any of the provisions of this bylaw shall upon summary conviction thereof be liable to a fine of not less than \$25.00 nor more than \$500.00 or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment.
- (ii) The owner of a **vehicle** shall be held responsible for any violation of this bylaw by any person entrusted by the owner with the possession of that **vehicle**. On every prosecution of the owner of a **vehicle** in respect of any violation of the bylaw, the burden of proving that the person so in possession of the vehicle was not a person entrusted by the owner with the possession of that vehicle is on the accused.
- (iii) A Peace Officer may impose a voluntary penalty of \$25.00 for any infraction of this bylaw.

19. Bicycles and skateboards:

In this section the word "OWNER" shall mean any person, firm, company, partnership or corporation.

- a) The parent of any child, and the guardian of any ward, shall not authorize or permit any such child or ward to violate any of the provisions of this part and shall be liable to any penalty herein prescribed.
- b) **Council** may, by resolution, designate parts of highways or other areas for the parking of bicycles, and may cause to be placed in such areas, racks or stands for the convenient parking of bicycles. In areas where such racks or stands are available, no person shall park a bicycle other than in such rack or stand.
- c) (i) Any Peace Officer may impound any bicycle being operated on a highway in the District in a manner contrary to the provisions of the Motor Vehicle Act. The owner of such impounded bicycle may within 48 hours pay to the **District** as a penalty for and in full satisfaction of such violation, a minimum penalty fee of TWENTY FIVE DOLLARS (\$25.00) for the first offence and FIFTY DOLLARS (\$50.00) for each subsequent infraction, provided, however, that together with, or in lieu of such voluntary penalty fee, such bicycle may remain impounded for a period of at least seven (7) days before release to the owner.
- (ii) A notice of violation of this part may be issued to the owner or operator of a bicycle without impounding such bicycle in which case the payment within 48 hours of the said minimum penalty fee shall be deemed to be in full satisfaction of such violation.

- (iii) No impounded bicycle shall be released until proof of ownership is provided.
- d) In addition to any other person to whom the provisions of this part apply, the person shown as the registered owner of a bicycle on the **District** records, whether physically in charge of such bicycle or not, shall at all times be held responsible for any violation committed under this part.
- e) Skateboards may only be used in public areas designated by the District of Kent, excluding highways, parking lots and sidewalks.
- f) Every person who commits an offence against this section of the bylaw is liable to a fine and penalty of not less than FIFTY DOLLARS (\$50.00) for each offence.

20. Extraordinary Traffic:

- a) This part shall apply to all **highways**, including highway bridges in the District of Kent except highways classified as arterial highways under the “Highways Act”, and to agricultural equipment exempt pursuant to the Motor Vehicle Act and Regulations thereto.
- b)
 - (i) Where in the opinion of the **District Superintendent**, any highway is liable to damage through extraordinary traffic thereon, the **District Superintendent** is hereby authorized to make orders for regulating, limiting or prohibiting the use of the **highway** by any person operating or in charge of extraordinary traffic, or the owner of the goods carried thereby on the vehicles used therein.
 - (ii) For the purposes of the section, “ORDER” includes the rescission, revocation, amendment or variation of an order.
 - (iii) Every order made pursuant to sub-clause (i) shall be signed by the **District Superintendent** or Chief Administrative Officer and a copy of the order shall be published forthwith in at least one issue of a newspaper published or circulating in the District.
- c) Except as hereinafter provided, no person shall, without a permit issued pursuant to this section, drive or operate upon a highway any vehicle having a greater gross weight, axle-load or tire load than the limit of weights and loads described in the size and weight regulations made pursuant to the Department of Commercial Transport Act for the Province of British Columbia.
- d)
 - (i) Except as provided in sub-clause (ii) hereof, any person to whom this section might otherwise apply, may, with the approval of the **District Superintendent** or Chief Administrative Officer, enter into an agreement for the payment to the District of compensation in respect to damage or expense which, in the opinion of the **District Superintendent** may occur

by reason of the extraordinary traffic thereupon, that person shall not, in respect to that extraordinary traffic, and subject always to the limitations and conditions imposed by the said agreement, be subject to the prohibitions and/or penalties prescribed by this section.

- (ii) No agreement made pursuant to sub-clause (i) above shall be deemed to exempt any person from the provisions of clause p) sub-clause (1) to (7) both inclusive and clause q), hereinafter set out.
- e) No person shall, without a permit issued pursuant to this section, drive or operate on any **highway**:
 - (i) A vehicle having a total outside width, with or without load, in excess of 2.5 metres (8 feet) except that in the case of hay, straw or fodder, the load may project over the side of the vehicle such distance as results in a total outside width not in excess of 3 metres (10 feet).
 - (ii) A **vehicle** having a height with or without load in excess of 4 metres (13 feet).
 - (iii) A single **vehicle** having an overall length with or without load, in excess of 10 metres (33 feet), except as provided in sub-clauses “iv” and “v”.
 - (iv) Subject to clause f) hereof, a trailer or semi-trailer whose overall length of its permanent structure exceeds 12 metres (39 feet).
 - (v) A bus whose overall length of its permanent structure exceeds 12 metres (39 feet).
 - (vi) A combination of **vehicles** having an overall length with or without a load in excess of 18 metres (59 feet).
 - (vii) Exclusion – Agricultural equipment that exceed otherwise noted lengths or widths and are operating on a highway in conjunction with an approved Agricultural Operation or Activity
- f) Sub-clause (iv) of clause e) hereof shall not apply to a semi-trailer, the overall length of the permanent structure of which does not exceed 14 metres (45 feet) and where the distance from the king pin to the center of the last axle does not exceed 11 metres (36 feet).
- g) Notwithstanding any provisions of the section or of a permit issued pursuant to this section, the maximum height, length or width of a **vehicle** or load allowance on a **highway** or portion of a **highway** that is expressly limited as to maximum height, length or width of a **vehicle** or load by a sign erected by the **District Superintendent** shall be that set out on the sign.

- h) Notwithstanding any other provisions of this section, no person shall, without a permit issued pursuant to this part, drive or operate
- (i) On any **highway** a combination of **vehicles** consisting of more than two **vehicles**.
 - (ii) On any **highway** a **vehicle** or combination of **vehicles** so loaded that the load extends more than 1 meter (3 feet) beyond the front wheels thereof, or if equipped with a front bumper, more than 1 meter (3 feet) beyond such bumper.
 - (iii) On any **highway** a **vehicle** or combination of **vehicles** part of which or the load upon which extends more than 4.5 meters (15 feet) behind the center of the last axle of the **vehicle** or combination of **vehicles**.
 - (iv) On any **highway** a semi-trailer having any portion of its body or load forward to the turning axis (king pin) projecting to a greater distance than a 2 meter (6.5 feet) radius from the center of the turning axis.
 - (v) On any **highway** a truck, truck trailer, trailer, or semi-trailer having attached thereto a group of three consecutive axles, unless one of the axles is a steering axle that is articulated in the manner of a steering axle and prevents any lateral movement between a road surface and the tires on the wheels attached to the axle when the **vehicle** is turning.
 - (vi) On any **highway** a truck, truck trailer, trailer or semi-trailer having attached thereto any group of two axles, the centers of which are more than 1.5 meters (5 feet) apart measured longitudinally, unless one of the axles is a steering axle and prevents any lateral movement between the road surface and the tires on the wheels attached to that axle when the **vehicle** is turning.
- i) Unless expressly permitted by the conditions of a permit, no person shall drive or operate on Sundays and statutory holidays within the District of Kent an oversize vehicle or load as hereinbefore or hereafter set out.
- j) When a commercial **vehicle**, trailer or semi-trailer is equipped with:
- (i) One or more rear-view mirrors required by the regulations made pursuant to the “Motor Vehicle act which extend in whole or in part beyond the side of the **vehicle**;
 - (ii) One or more lamps required by the regulations made pursuant to the “Motor Vehicle Act” which extends in whole or in part beyond the sides of the **vehicles**; or

- (iii) Rubber fender skirts, safety chains or wrappers which extend not more than 50 millimetres (2 inches) in whole or in part beyond the sides of the vehicle, the amount of such extensions shall not be included in determining the maximum width of the vehicles for the purpose of this section.
- k) The driver of a **vehicle** on a **highway**, when so required by a Peace Officer or by any person authorized by the **Council** shall:
 - (i) Stop the **vehicle** at the time and place authorized by such Peace Officer or authorized person, for the purpose of weighing the whole or part thereof by means of a stationary or portable scales, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried or for any purposes under this section;
 - (ii) Drive the **vehicle** onto the nearest public or Department of Commercial Transport stationary or portable scales for the purpose of weighing the **vehicle** or load;
 - (iii) Rearrange the load upon the **vehicle** or remove the whole or part of the load from the **vehicle** in order to comply with the provisions of this part or permit, before continuing to drive or operate the **vehicle**.
- l) The driver of a **vehicle** on a **highway**, when directed by a traffic sign on the **highway** to drive over the scales, shall drive the **vehicle** onto the scales for the purpose of weighing the whole or part thereof by means of stationary or portable scales, measuring the dimensions of the **vehicle** and load, measuring and inspecting the tires thereon, inspecting the load carried, or for any purpose under this Section.
- m) Clause l) shall not apply to the driver of a commercial **vehicle** of a licensed gross **vehicle** weight not exceeding 5443 kilograms (12,000 pounds).
- n) In the event of a corporation being convicted of an offence against this section, every officer and every employee of the corporation taking part in, or being in anyway concerned in the act or omission constituting the offence, shall be deemed to have committed the offence against this section and may be prosecuted and punished therefore.
- o) Where the permit so specifies, pilot cars as described in Division 10 of the Department of Commercial Transport Act shall be provided.
- p) A person who violates any provision of this section or of any order made pursuant to the provisions of this section is guilty of an offence against this bylaw and is liable to the penalties prescribed under the Summary Convictions Act.

Every person who contravenes clause c) hereof with respect to an overloaded commercial **vehicle** is liable to a fine as follows:

- (i) Where the overload is less than 900 kilograms (2,000 pounds) to a fine of not less than FIFTY DOLLARS (\$50.00).
 - (ii) Where the overload is 900 kilograms (2,000 pounds) or more but less than 4500 kilograms (10,000 pounds) to a fine of not less than FIFTY DOLLARS (\$50.00) and in addition, to a penalty not exceeding ONE DOLLAR (\$1.00) per 45 kilograms (100 pounds) or part thereof of the gross weight in excess of that allowed by the regulations or a permit.
 - (iii) Where the overload is 4500 kilograms (10,000 pounds) or more but less than 6800 kilograms (15,000 pounds) or part thereof of the gross weight in excess of that allowed by the regulations or a permit.
 - (iv) Where the overload is 6800 kilograms (15,000 pounds) or more but less than 9,000 kilograms (20,000 pounds), to a fine of not less than FIFTY DOLLARS (\$50.00) and in addition, to a penalty not exceeding THREE DOLLARS (\$3.00) per 45 kilograms (100 pounds) or part thereof of the gross weight in excess of that allowed by the regulations or a permit.
 - (v) Where the overload is 9,000 kilograms (20,000 pounds) or more but less than 13,500 kilograms (30,000 pounds), to a fine of not less than FIFTY DOLLARS (\$50.00) and in addition, to a penalty not exceeding FOUR DOLLARS (\$4.00) per 45 kilograms (100 pounds) or part thereof of the gross vehicle weight in excess of that allowed by the regulations or the permit.
 - (vi) Where the overload is 13,500 kilograms (30,000 pounds) or more but less than 18,000 kilograms (40,000 pounds) to a fine of not less than FIFTY DOLLARS (\$50.00) and in addition, to a penalty not exceeding FIVE DOLLARS (\$5.00) per 45 kilograms (100 pounds) or part thereof of the gross vehicle weight in excess of that allowed by the regulations or the permit.
 - (vii) Where the overload is 18,000 kilograms (40,000 pounds) or to a fine of not less than FIFTY DOLLARS (\$50.00) and in addition, to a penalty not exceeding SIX DOLLARS (\$6.00) per 45 kilograms (100 pounds) or part thereof of the gross vehicle weight in excess of that allowed by the regulations or the permit.
- q) Every person who contravenes any of the provisions of this section shall, in addition to the fine provided by Section p) hereof, be liable to the **District** for all damages resulting from such contravention and the same may be recovered by action in any court of competent jurisdiction at the suit of the **District**.

21. Disabled Parking:

- (a) No person shall park a **vehicle** in any parking space marked or otherwise designated as “Disabled Parking” unless the **vehicle** displays a valid placard issued by an organization designated by the Province of B.C. and the **vehicle** is operated by or transporting a disabled person.
- (b) A **vehicle** displaying a valid placard, as described in Subsection 21(a), shall not be limited to the designated parking time limits indicated for that area.

22. Repeal:

- (a) That Bylaw 767 and all amendments thereto are hereby repealed in its entirety.

23. Adoption:

This bylaw shall take effect upon adoption thereof by Council.

24. Title:

This Bylaw may be cited as “Highways, Traffic and Parking Regulations Bylaw No. 1321, 2005”.

READ A FIRST TIME this 25th day of July 2005.

READ A SECOND TIME this 25th day of July 2005.

READ A THIRD TIME this 25th day of July 2005.

FINALLY PASSED AND ADOPTED this 8th day of August 2005.

S. Pranger
Mayor

A. C. Lewis
CAO