

BYLAW STATUS

TITLE: Streets and Traffic Bylaw No. 951, 2017

APPLICANT: Village of Cumberland

PURPOSE: A Bylaw to regulate traffic and the use of streets.

DATE: November 28, 2016

COUNCIL DECISION: First and second readings

DATE: December 12, 2016

COUNCIL DECISION: Third reading

DATE: January 10, 2017

COUNCIL DECISION: Adoption

THE CORPORATION OF THE VILLAGE OF CUMBERLAND**BYLAW NO. 951****A Bylaw to regulate traffic and the use of streets.**

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Streets and Traffic Bylaw No. 951, 2017”.

PART 1 - Interpretation and Application

2. This Bylaw does not apply to arterial highways as defined in the *Transportation Act*.
3. So far as the terms defined can be applied, the definitions established by or applicable under the *Motor Vehicle Act* extend to this Bylaw.
4. In this Bylaw,

“alley” means a highway abutting the rear or side boundaries of parcels of land and which is intended primarily to provide access to the rear or side yards of such parcels,

“boulevard” means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line and includes curbs, sidewalks and ditches,

“business” has the same meaning as in the business licence Bylaw or its successor Bylaw,

“Bylaw Enforcement Officer” means the Bylaw Enforcement Officer designated by Council to enforce Bylaws for the municipality and includes a Peace Officer,

“chattel” means an item of property other than freehold land, including tangible goods (chattels personal), and leasehold interests (chattels real),

“Chief Administrative Officer” means the Chief Administrative Officer of the Village and includes anyone authorized by Council to act on their behalf,

“commercial vehicle” means:

- (a) a commercial vehicle as defined by and licensed under the *Commercial Transport Act*, or

- (b) a vehicle not licensed as referred to in paragraph (a), but used for the collection or delivery, or both, of merchandise or another commodity in the ordinary course of a business,

“Council” means the municipal Council of the Corporation of the Village of Cumberland,

“crosswalk” means:

- (a) any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface, or
- (b) if there is no indicated pedestrian crossing at an intersection, the portion of a highway at an intersection within the connection of the lateral lines of the sidewalks on the opposite sides of the highway, measured from the curbs, or in the absence of curbs, from the edges of the roadway, i.e. the portion of a highway at an intersection where pedestrian crossings would normally be indicated,

“curb line” means the edge of a sidewalk or boulevard adjoining a roadway,

“cycle” means a device having any number of wheels that is propelled by human power and on which a person or persons may ride, including but not limited to go-carts, wagons, coasters, roller skates, and skateboards,

“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 conditions of the highway is so extraordinary or improper in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at which the vehicles are driven or operated, as, in the opinion of the Manager of Operations, substantially alters or increases the burden imposed on the highway over that imposed through its proper use by ordinary traffic, and causes damage and expense to the highway beyond what is reasonable or ordinary,

“farm vehicle” means a commercial vehicle owned and operated by a farmer, rancher or market gardener, the use of which is confined to purposes connected with their farm, ranch or market garden, including use for pleasure and is not used in connection with any other business in which the owner may be engaged,

“highway” means a highway as defined by the *Motor Vehicle Act* (and includes grass and gravel boulevards),

“idle” means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle, and idling has a corresponding meaning,

“Manager of Operations” means the Manager of Operations of the Village or designate and includes the Chief Administrative Officer,

“motor vehicle” means a motor vehicle as defined by the *Motor Vehicle Act*,

“motorcycle” means a motorcycle as defined by the *Motor Vehicle Act*,

“owner” means owner as defined by the *Community Charter*,

“parade” means any procession or body of 15 or more persons or 4 or more vehicles standing or moving together on any highway, but excludes funeral processions,

“park” when prohibited, means:

- (a) the standing of a vehicle, whether occupied or not, except when standing temporarily or for the purpose of and while actually engaged in loading or unloading, or
- (b) when a motor vehicle is located in a No Parking zone whether the transmission is engaged in park or another gear for a time period equal to or greater than 30 seconds,

“Peace Officer” means a Peace Officer as defined by the *Motor Vehicle Act*,

“pedestrian” means a person on foot, or a person in a wheelchair or stroller,

“permit” means a document in writing issued pursuant to this Bylaw,

“person” means a person as defined by the *Interpretation Act*,

“private road or driveway” means any road or driveway not owned or possessed by the Crown or the Village,

“recreational trailer” means the same as recreational vehicle,

“recreational vehicle” means a motor vehicle that is designed or used primarily for accommodation during travel or recreation,

“roadway” means that portion of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and if a highway includes 2 or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of them collectively,

“sandwich board sign” means a portable sign which is self-supporting and easily moved,

“sidewalk” means the area between the curb lines or lateral lines of any roadway and the adjacent property lines improved for use of pedestrians or any other improved area set aside for pedestrian use,

“sign” has the same meaning as in the Village of Cumberland Zoning Bylaw or its successor Bylaw,

“traffic” includes pedestrians, ridden or herd animals, vehicles, cycles and other conveyances, either singly or together, while using a highway for purposes of travel,

“traffic control device” includes a sign, signal, line, meter, marking, space, barrier or any device placed or erected by the authority of the Council or the Manager of Operations to control traffic,

“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 Officer” means any official, employee or contractor of the Village whose duties include the control of traffic or parking within the Village, and includes Peace Officers and Bylaw Enforcement Officers and every officer and member of the Fire Department while attending upon any fire or emergency in the course of their duty,

“trailer” means a trailer as defined in the *Motor Vehicle Act*,

“vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designated to be moved by human power or used exclusively upon stationary rails or tracks, and for the purposes of this Bylaw shall include a motor vehicle, recreational vehicle, motor cycle and trailer,

“Village” means the Corporation of the Village of Cumberland or the area within the boundaries of the Village of Cumberland, as the context requires.

5. All traffic control devices placed by the Village prior to adoption of this Bylaw are deemed to be authorized and placed in accordance with this Bylaw.
6. The provisions of this Bylaw do not apply to:
 - (a) vehicles or other equipment owned and operated by the Village and employees or persons employed by the Village while lawfully engaged in highway or public utility construction, maintenance or repair work on a highway,

- (b) the driver of an emergency vehicle while responding to an emergency call and sounding an audible signal and showing a flashing red light, or at the scene of an emergency and showing a flashing red light,
- (c) a Peace Officer engaged in police duty or a Bylaw Enforcement Officer engaged in the performance of their duties,
- (d) a tow vehicle while it is use for the purpose of towing vehicles,
- (e) a vehicle owned, leased or used under contract by the Government of Canada, the Province of British Columbia, or a public utility corporation while the vehicle is in actual use for official purposes,

provided that the stopping, standing or parking of such vehicles, where possible, obstructs traffic as little as possible.

PART 2 - Delegation of Authority

Highway Closures

7. The Manager of Operations is authorized to order the closing of a highway or section of highway or the restriction or diversion of traffic from a highway at such time and for such period of time and in respect of such classes of traffic or use when, in the opinion of the Manager of Operations, any highway or any section of a highway is unsafe or unsuitable for traffic or it is advisable that traffic should be restricted or diverted from it.

Traffic Control Devices

8. The Manager of Operations is authorized to order the placing of traffic control devices:
 - (a) for the regulation, control or prohibition of traffic for the purposes of giving effect to the provisions of the *Motor Vehicle Act* and this Bylaw,
 - (b) for the regulation, control or prohibition of the stopping, standing or parking of vehicles on a highway,
 - (c) to prohibit parking for temporary periods not exceeding 30 days at any one time:
 - i. along the route of any parade or special event taking place on a highway or at the entrance of places of public assemblage,
 - ii. to facilitate the fighting of fires or for emergency training purposes,
 - iii. to facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a highway being carried out by the Village or any other utility, or

- iv. in front of any building or structure under construction, alteration or repair or demolition, and

(d) for the purpose of public safety.

9. The Manager of Operations is authorized to place temporary traffic control devices as required without an order in the interest of public safety.

Highway Signs

10. The Manager of Operations is authorized to make orders regarding the size, location and type of signs other than traffic control devices on a highway.

Alteration and Removal

11. The Manager of Operations is authorized to order the alteration, repainting, tearing down or removal of any sign or other thing on a highway, whether erected or placed on a highway with or without the permission of the Manager of Operations, without compensation to any person for loss or damage resulting from such alteration, repainting, tearing down or removal.

Designation of Portions of Highway

12. The manager of operation is authorized to order the designation of portions of highways as:
- (a) bus stops,
 - (b) bus shelters,
 - (c) passenger or loading zones,
 - (d) sidewalks, and
 - (e) cycle paths.

Bus Shelters

13. The Manager of Operations is authorized to order or authorize the erection, maintenance, and operation of bus shelters on a highway.

Changing of Traffic Orders

14. The Manager of Operations is authorized to rescind, revoke, amend or vary a traffic order.

Traffic Officers

15. Any Traffic Officer is authorized to do all things necessary to control traffic pursuant to this Bylaw at all times and to ensure that the requirements of this Bylaw are being carried out.
16. Any Traffic Officer is authorized to do such things as may be considered necessary to control traffic during any emergency requiring the attendance of emergency vehicles or equipment.

PART 3 - General Regulations

17. No person shall refuse to comply with any lawful direction made by the manager of operations or any Traffic Officer.
18. No person shall hinder, delay or obstruct in any manner, directly or indirectly, the manager of operations or any Traffic Officer carrying out duties in accordance with this Bylaw.

Traffic Control Devices

19. No person shall park, drive or operate a vehicle or act in a manner contrary to that indicated by a traffic control device erected or placed on any highway as authorized by this Bylaw, except where directed to do so by a Traffic Officer.
20. No person shall establish, place, maintain, or display upon or in view of any highway, any traffic control device or other device which purports to be or resemble any traffic control device, or any device which attempts to divert the movement of traffic or the parking of vehicles within the Village, except under the authority of this Bylaw.
21. No person shall obliterate, deface, damage, injure, move, obstruct, or otherwise interfere with any traffic control device placed or maintained under this Bylaw.

Interference with Emergency Scene

22. No person driving or operating any vehicle, except such vehicles as are conveying authorized persons who have duties to perform in connection with a fire or other emergency, shall:
 - (a) follow closer than 150 metres (492.1 feet) to any emergency vehicle, or
 - (b) drive or stop any vehicle within a radius of 150 metres (492.1 feet) of any fire or other emergency scene, or
 - (c) drive a vehicle over or across any fire hose,

unless so directed by a Traffic Officer.

Parades and Temporary Road Closures

23. No person shall take part in any parade unless permission for that parade has been issued by the Village.
24. No person shall close any part of a highway unless permission for that closure has been issued by the Village.

Debris and Chattel on Highway

25. No person shall, except as specifically permitted or required by the Village, do any act or place any object upon any Village street, right of way or sidewalk which may obstruct or impede pedestrian traffic.
26. No person shall:
 - (a) throw, drop or leave, or let fall from or out of any motor vehicle or conveyance, any bottle, glass, nails, wood, sawdust, refuse, or any other object or material, on or upon any highway,
 - (b) place, deposit or dump or cause to be placed, deposited or dumped or to be tracked or carried by a vehicle earth, rocks, stones, logs, stumps, branches, garden clippings or other things onto a highway, or
 - (c) place, throw, deposit or discard on any highway any rubbish, litter or waste material of any kind.
27. No person having the ownership, control or custody of a chattel, obstruction or thing shall, place, deposit or leave upon, above, or in any highway, sidewalk or other public place that thing, including but not limited to earth, mud, rocks, stones, logs, stumps, branches, and garden clippings,
 - (a) except on a gravel or grass boulevard for a temporary period of no longer than 48 hours where it is not considered a danger or hazard in the opinion of the Manager of Operations or Peace Officer or Bylaw Enforcement Officer, and does not interfere with vehicular traffic or obstruct the travelled portion of a roadway, if the boulevard is not damaged and is returned to the same condition afterwards, and
 - (b) except as specifically permitted or required by the Village or the Manager of Operations.

28. No person shall:
- (a) construct or maintain a ditch, the water from which causes damage to any highway,
 - (b) allow any water or fluids to flow from any real property onto any portion of a highway causing a hazard to vehicle or pedestrian traffic, or
 - (c) cause or allow trees, shrubs, or other vegetation to remain that physically obstructs or visibly impairs pedestrian and vehicle traffic on a sidewalk, boulevard or highway or causes damage to a sidewalk or highway.
29. No person shall leave any excavation or other obstruction upon a highway without sufficiently fencing, barricading and marking the same with warning lights, in accordance with the Uniform Traffic Control Device manual published by the Road and Transportation Association of Canada and the *Motor Vehicle Act*.

Cycling

30. A person operating a cycle who is 5 years of age or less may ride on a sidewalk.

PART 4 - Vehicle Regulations

31. The driver of any motor vehicle, or rider or driver of any animal, shall not drive such motor vehicle or ride or drive such animal upon any sidewalk or landscaped boulevard except on a driveway crossing provided for such purposes.
32. The driver of any motor vehicle emerging from any alley, driveway or building must stop immediately before driving on or across any sidewalk or boulevard and must yield the right-of-way to any pedestrian approaching along the sidewalk or boulevard.
33. No person shall operate any motor vehicle having wheels, tire, or treads constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projects which extend beyond the tread or traction surface of the wheel, tire or track, upon any highway in the Village, except a vehicle equipped with tire chains for safety or winter studded tires when used between October 1st and March 31st of each calendar year.

Extraordinary Traffic

34. Where, in the opinion of the Manager of Operations, any highway is liable to damage or the Manager of Operations has concern for safety through extraordinary traffic operating upon it, the Manager of Operations 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 by it or the vehicles used in it.

35. Every person driving on or using the highway in contravention of a regulation, limitation, or prohibition of the Manager of Operations in relation to extraordinary traffic commits an offence under this Bylaw.

PART 5 - Parking

Parking Prohibitions

36. Except when necessary to comply with the law or the directions of a Traffic Officer, Peace Officer or a traffic control device, no person shall stop, stand or park a vehicle or any portion of a vehicle:
- (a) on any sidewalk, landscaped boulevard, or centre median,
 - (b) on a crosswalk or within 6.0 metres (19.6 feet) of the approach of a crosswalk,
 - (c) in front of or within 2.0 metres (6.6 feet) of a driveway, walkway or cycle path,
 - (d) in any way to obstruct the free passage of traffic on a highway and, without limiting the foregoing, no person shall stop, stand or park a vehicle in such a manner or under such conditions, including opposite to or in such close proximity to another vehicle already stopped on such highway, as to leave available less than 6.0 metres (19.6 feet) of the roadway for the movement of vehicular traffic,
 - (e) on a shoulder of a highway, except in an emergency or when a vehicle is so disabled that it is not practicable to avoid stopping and temporarily leaving the vehicle in the shoulder,
 - (f) within 6.0 metres (19.6 feet) of the approach of a flashing beacon, stop sign or traffic control device located at the side of a roadway,
 - (g) in an intersection, except as permitted by a traffic control device,
 - (h) within 6.0 metres (19.6 feet) of the lateral line of an intersecting roadway,
 - (i) within 5.0 metres (16.4 feet) of any fire hydrant, measured from a point on the curb line which is closest to the fire hydrant,
 - (j) within a fire zone, no stopping zone, or zone designated for emergency vehicles and indicated by a traffic control device,
 - (k) alongside or opposite any highway excavation or obstruction when stopping, standing or parking obstructs traffic,

- (l) on the roadway side of any motor vehicle stopped or parked at the edge or curb of a roadway,
- (m) on any bridge or other elevated structure on a highway, except as permitted by a traffic control device,
- (n) on any portion of a highway indicated by traffic control device as reserved for any class of motor vehicle, other than a motor vehicle coming with that class,
- (o) on any portion of a highway for a longer period of time than indicated on any traffic control device which is applicable to that portion of the highway,
- (p) on any portion of a highway where the curb or edge of the roadway is painted yellow, except in a signed loading and unloading zone,
- (q) where parking spaces for vehicles are designated by lines on highway, except wholly within the parking space provided,
- (r) within 20.0 metres (65.6 feet) of the approach of or 10.0 metres (32.8 feet) beyond any bus stop sign,
- (s) upon any portion of a highway for the purpose of taking up overnight abode,
- (t) so as to obstruct the visibility of any traffic control device,
- (u) contrary to any traffic control device, including a temporary traffic control device,
- (v) against the flow of traffic for which that side of the highway is intended to operate,
or
- (w) in a designated cycle path or bicycle lane.

Unlicensed Vehicles

37. No person shall stop, stand or park a vehicle or a trailer on any highway without proper or valid number plate, including validation decals.

Parallel Parking

38. Where a vehicle is parked parallel to the lateral lines of a highway, the vehicle must be parked on the right side of the highway with the right hand wheels parallel to that side, and where there is a curb within 30.0 cm (11.8 inches) of the curb.

Parking in Alleys

39. No person shall park a vehicle in an alley for a period of time longer than is necessary for the expeditious loading or unloading of passengers or materials, so as to prevent the free movement of traffic.

Sales and Repair of Vehicles

40. No person shall park a vehicle on a highway for the principal purpose of:
- (a) displaying the vehicle for sale,
 - (b) advertising, washing, maintaining, repairing, painting, wrecking or storing a vehicle except repairs necessitated by an emergency, or
 - (c) displaying signs,
 - (d) selling any commodities or articles, except retail mobile food vending as allowed per regulations contained within the Village of Cumberland Zoning Bylaw,
- except where permitted by the Manager of Operations.

School and Playground Access

41. No person shall park a vehicle within 6.0 metres (19.6 feet) of an unfenced portion of a school property or playground or an opening in a fenced portion of a school property or playground on the side adjacent to the school or playground.

Parking Spaces Designated for People with Disabilities

42. No person shall stop or park a vehicle on any portion of a highway or parking lot operated by the Village in a space designated for a person with a disability unless the operator or passenger has a physical disability and a valid parking permit for people with disabilities is visible and legible from outside the vehicle.

Trailers

43. No person shall leave or park a trailer on a highway unless it is attached to a motor vehicle without the motive power unit attached, except:
- (a) contractor trailers parked not more than 72 hours consecutively within 40.0 metres (131.2 feet) of an active construction site, unless otherwise permitted by the Manager of Operations, and

- (b) recreational trailers parked not more than 48 hours consecutively within 20 metres (65.6 feet) of the residence or adjacent to the front lot line of the lot from which it is being loaded or unloaded for the purpose of loading and unloading only, as long as this does not restrict the width of the highway to less than 6.0 metres (19.6 feet).

- 44. No person shall leave any trailer on the highway, whether attached to a motor vehicle or not, for longer than 72 hours.

Recreational Vehicles

- 45. No person shall leave or park a recreational vehicle on a highway, except for a recreational vehicle parked not more than 48 hours consecutively and within 20 metres (65.6 feet) of the residence or adjacent to the front lot line of the lot from which it is being loaded or unloaded for the purpose of loading and unloading only.

Commercial Vehicles

- 46. No person shall park a commercial vehicle on a highway, except:
 - (a) commercial vehicles under 4000 kilograms (8818.5 pounds) gross vehicle weight,
 - (b) vehicles loading or unloading goods and materials between 7 a.m. and 9 p.m.,
 - (c) contractor vehicles engaged in work in the area between 7 a.m. and 9 p.m., or
 - (d) government or utility vehicles engaged in work upon a highway.

Passenger Zones and Loading Zones

- 47. No person shall stop a vehicle in a passenger zone or loading zone, except for:
 - (a) a vehicle in a passenger zone or loading zone for the purpose of loading or unloading passengers for a period not exceeding 3 minutes,
 - (b) a vehicle in a loading zone for the purpose of loading or unloading materials for a period not exceeding 10 minutes, or
 - (c) a commercial vehicle in a loading zone for the loading or unloading of materials for a period not exceeding 30 minutes.

Obstruction by Motor Vehicles

- 48. No vehicle shall be left standing or parked:

- (a) in violation of this Bylaw,
- (b) in a position that causes it to interfere with firefighting,
- (c) in a position that causes it to interfere with the normal flow of traffic on the highway, or
- (d) in a position that causes it to interfere with the construction, improvement, maintenance, removal of snow, alteration, extension, widening, marking, or repair of a highway.

PART 7 - Idling Control

- 49. No person shall cause or permit a vehicle to idle for more than 3 minutes in a 60-minute period.
- 50. Section 49 does not apply to:
 - (a) a vehicle, while it is in the course of being used for its basic function,
 - i. containing equipment that must be operated inside or in association with the vehicle, or
 - ii. serving as a facility for taking measurements or making observations, or repairs to infrastructure, operated by or on behalf of a municipality, public utility, Bylaw Enforcement Officer or Peace Officer, fire or ambulance service,
 - (b) a vehicle for which idling is required to repair the vehicle or to prepare a vehicle for service,
 - (c) an armoured vehicle where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded,
 - (d) a vehicle required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control,
 - (e) a vehicle engaged in a parade, race or any other event authorized by the Village of Cumberland,
 - (f) a transit vehicle while passengers are embarking or disembarking en route or in terminals,
 - (g) a transit vehicle while at a layover or stopover location, except substantially for the convenience of the operator of the vehicle,

- (h) a vehicle transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range,
- (i) a vehicle when the ambient temperature inside a vehicle is:
 - i. more than 27° Celsius (80.6° Fahrenheit), or
 - ii. less than 5° Celsius (41° Fahrenheit), and
- (j) vehicles where ventilation system function is required to clear interior window surfaces of accumulated condensation to ensure safe driving operation.

PART 8 - Signs

51. No person shall place, erect or maintain any sign or advertisement affixed to traffic control devices or in any way which obstructs the free passage or visibility traffic.

Political Campaign Signs

52. Political campaign signs may be placed off the travelled portion of any highway provided that the signage is not erected on highway medians or affixed to traffic control devices or utility poles or trees or in any manner which obstructs the free passage or visibility of pedestrians or traffic.
53. Despite the previous section, no person shall place a political campaign sign in or on the highway adjacent to:
- (a) Peace Park,
 - (b) Village Park,
 - (c) Village Park (ecogift),
 - (d) Village Square, and
 - (e) No. 6 Mine Heritage Park.
54. A person who has posted a political campaign sign on a highway must remove that sign by the end of the day on the fourth day following general election day.

Sandwich Board Signs

55. One sandwich board sign is permitted to be placed or displayed on a sidewalk per business.

56. A person must only place or display a sandwich board sign on a sidewalk:
- (a) along the front lot line or the side lot line of the lot on which the business or event is located that the portable sign relates to,
 - (b) as close to the curb as practical but no closer than 0.3 metres (1.0 feet) from the curb,
 - (c) when the business or event that the sign relates to is open to the public,
 - (d) at least 1.5 metres (4.9 feet) from any construction or works,
 - (e) in such a way that it does not:
 - i. impede pedestrian traffic,
 - ii. leave less than 1.5 metres (4.9 feet) of sidewalk width clear for pedestrians and other users of the sidewalk,
 - iii. leave less than 1.8 metres (5.9 feet) of sidewalk width clear for pedestrians and other users of the sidewalk, if the sidewalk is a minimum of 2.7 metres wide (8.9 feet),
 - iv. impede vehicular traffic or sightlines of vehicular traffic,
 - v. restrict access to and egress from vehicles lawfully parked or stopped on a street,
 - vi. interfere with the use of any Village infrastructure, including street furniture and bus stops, or
 - vii. cause any damage to Village property.
57. A person must not place, display or erect a sandwich board sign:
- (a) that is illuminated,
 - (b) that is attached to the sidewalk, boulevard, highway, ground, a building or other structure, or any type of conveyance,
 - (c) on a sidewalk when there is snow or ice on the sidewalk,
 - (d) on a sidewalk when the weather, including wind, would cause the sign to become a danger or hazard,
 - (e) in an alley,
 - (f) that has anything attached to it, including but not limited to balloons, pamphlets, pennants or flags,

- (g) that displays any advertising other than that related to the business in front of which it is located
- (h) that exceeds 1.1 metres (3.6 feet) in height.

Part 9 - Removal of Vehicles, Chattels and Obstructions

Removal of Vehicle

- 58. A driver or person in charge of a vehicle must move a vehicle when requested by a Traffic Officer to a position determined by a Traffic Officer.
- 59. A Traffic Officer may move, seize, detain or impound a vehicle, or cause a vehicle to be moved, seized, detained or impounded, and taken and stored in a safe and otherwise suitable place that is:
 - (a) unlawfully occupying a portion of a highway or public place,
 - (b) in a position that interferes with the construction, improvement, alteration, extension, widening, marking or repair of a highway,
 - (c) parked on a highway or public place in such a manner that impedes the removal of snow by the Village, its contractors or authorized agents, or
 - (d) in a position that causes the vehicle to interfere with firefighting or other emergency services at the scene of an emergency.
- 60. A vehicle seized, detained or impounded under this Bylaw may be disposed of in accordance with the provisions of the *Warehouse Lien Act*.
- 61. Any expenses incurred in the removal, seizure, detention, impoundment, or disposal of a vehicle under this Bylaw, less any proceeds of disposal if any, are recoverable as a debt due to the Village, its contractors, or authorized agents from the person who placed or parked or authorized the placement or parking of the vehicle in violation of this Bylaw.
- 62. In the absence of proof to the contrary, the last person whose name appears as owner of a vehicle in the records of the Insurance Corporation of British Columbia is considered to have authorized the parking or placement of the vehicle at the place from which it was removed.

Removal of Chattel or Other Things

- 63. Any chattel, obstructions, or other things unlawfully occupying any portion of a highway or public place that is considered a danger or hazard to persons using the highway as

determined by the Manager of Operations, Peace Officer or Bylaw Enforcement Officer may be removed, detained or impounded immediately by a Traffic Officer.

64. Any chattel, obstructions, or other things unlawfully occupying any portion of a highway or public place for more than 48 hours that is not considered a danger or hazard to persons using the highway as determined by the Manager of Operations, Peace Officer or Bylaw Enforcement Officer may be removed, detained or impounded by a Traffic Officer.
65. After detention, removal or impoundment, the person entitled to the possession of the chattel, obstruction or thing may obtain its release:
- (a) upon signing an undertaking that that person will not again place it on, above or in any highway, sidewalk or other public place in contravention of this Bylaw, and
 - (b) upon payment to the Village of any fines, fees or costs or expenses levied or incurred by the Village.
66. Where, in the opinion of the Manager of Operations or a Bylaw Enforcement Officer, the apparent market value of any chattel, obstruction or thing left on the highway or other public place has an apparent market value of less than \$100.00, such thing may be removed and disposed of.
67. Any fees, costs and expenses for removal and disposal of an object disposed of by the Village may be charged to the owner of the object, the person or contractor responsible for that object, or the owner of property from which the object originated.

Recovery of Chattel or Other Things

68. Any chattel, obstruction or other thing removed, detained or impounded may be recovered by the owner from the Village upon:
- (a) presenting proof of ownership, and
 - (b) payment in full of any fines, fees, costs and expenses which may be levied pursuant to the provisions of this Bylaw.

Disposal of Detained Chattel or Other Things

69. If the person entitled to the possession of any detained object does not within 30 days after the date of its detention sign the undertaking and pay the fines, fees, costs and expenses, the Manager of Operations may:
- (a) cause it to be disposed of in accordance with the *Warehouse Lien Act*,

- (b) cause any detained object to be sold by public auction to the highest bidder if it appears to the Manager of Operations that the object detained has a market value of \$500.00 or more,
 - (c) cause any detained object to be sold through public advertisement either through the Internet or in a newspaper if it appears to the manager of operation that the object detained has a market value of \$100.00 to \$499.99, or
 - (d) cause it to be disposed of as garbage.
70. Any public auction of a detained object must be advertised at least once in a newspaper distributed at least weekly in the Village.
71. The proceeds of any public auction sale of a detained object will be applied:
- (a) first to the cost of the sale,
 - (b) second to the fines, fees, costs and expenses of the Village, its contractors, or authorized agents related to the detainment, and
 - (c) thirdly the balance, if any, shall be held by the Village for one year from the date of sale for the owner, of which the Village will attempt to notify the owner where possible, and if this balance is unclaimed by the end of one year, such sum shall be paid into the general revenue of the Village.
72. If any chattel, obstruction or other thing subject to a public auction is not purchased, the Manager of Operations may dispose of the object and the expenses incurred by the Village for the disposal, less any proceeds if any, are recoverable as a debt due to the Village from the owner.

PART 10 - Highway Use Permits

73. Except as authorized by a permit issued under the Village's bylaw to regulate subdivision and development, or elsewhere within this Bylaw no person shall:
- (a) dig up, break up or remove any part of a highway, or cut down or remove trees or timber growing on a highway, or excavate in or under a highway,
 - (b) cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences, signs, or other things erected, planted or maintained by the Village on a highway,
 - (c) change the level of a highway, or stop the flow of water through any drain, sewer or culvert on or through a highway,

- (d) place, construct or maintain a chattel, loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway,
- (e) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, injury or nuisance to any portion of a highway,
- (f) mark or imprint or deface in any manner whatsoever a highway or structure situated upon a highway,
- (g) erect or maintain any sign, advertisement or guide post on or over any highway or alter, repair, tear down or remove any sign, advertisement or guide post erected or maintained on any highway,
- (h) operate tracked vehicles, whether equipped with road plates or not, on sidewalks, boulevards, highways or alleys, other than for the purpose of snow removal or grading,
- (i) ride, drive, lead, move or propel any vehicles or animal in excess of 270.0 kilograms (595.2 pounds) over or across a boulevard including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing, except when in use to improve or maintain the boulevard, and
- (j) construct a boulevard crossing, including a curb, ditch or sidewalk crossing.

PART 11 - Enforcement

Offences and Penalties

- 74. Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provision of this Bylaw or any permit or order issued pursuant to this Bylaw, commits an offence punishable on summary conviction, and shall be liable to a fine not less than \$100.00 and not exceeding \$10 000.00.
- 75. Any person other than the owner or operator of a vehicle who removes a notice or ticket affixed or placed on a vehicle by a Traffic Officer commits an offence.
- 76. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

Repeal

77. "The Village of Cumberland Traffic By-Law No. 353" and any amendments to it are repealed.

READ A FIRST TIME THIS	14TH	DAY OF	NOVEMBER	2016.
READ A SECOND TIME THIS	14TH	DAY OF	NOVEMBER	2016.
READ A THIRD TIME THIS	12TH	DAY OF	DECEMBER	2016.
ADOPTED THIS	9TH	DAY OF	JANUARY	2017.

Mayor

Corporate Officer