

DISTRICT OF NORTH SAANICH

BYLAW NO. 1 2 6 1

A BYLAW TO REGULATE TRAFFIC AND THE USE OF HIGHWAYS WITHIN THE BOUNDARIES OF THE DISTRICT OF NORTH SAANICH

The Council of the District of North Saanich, in open meeting assembled, enacts as follows:

PART 1 INTRODUCTION

Title

- 1.1 This Bylaw may be cited for all purposes as “Streets and Traffic Regulation Bylaw No. 1261, 2012”.

Applicability

- 1.2 Except as otherwise indicated, this Bylaw applies to all lands within the area incorporated as the District of North Saanich.
- 1.3 This Bylaw does not apply to arterial highways classified as such by order of the Lieutenant Governor in Council pursuant to the *Transportation Act*.

Definitions

- 1.4 In this Bylaw, unless the context otherwise requires, words shall be as defined in the *Motor Vehicle Act*.

- 1.5 In this Bylaw, unless the context otherwise requires:

“**angle parking**” means the **parking** of a vehicle other than parallel to a **curb** or lateral lines of the **roadway**;

“**boulevard**” means that part of the street between the curb or lateral lines of the roadway and the adjoining property line. Exclusive of any sidewalk.

“**bus stop**” means an area on a **roadway** marked for the stopping or **parking** of buses and limited to use for vehicles operated for public transport by the Victoria Regional Transit System, its designate or successor;

“**Bylaw Enforcement Officer**” means an employee of the **District**, appointed by **Council** for the enforcement of **District** bylaws;

“**centre median**” means an area designed for the segregation of lanes of **traffic** on a **roadway**, designated either by lines or by landscaping;

“**commercial vehicle**” means a vehicle having a gross vehicle weight in excess of

5,500 kilograms, an overall height in excess of 2.4 metres, or an overall length exceeding 7 metres, and does not include recreational vehicles, buses, tour buses, farm vehicles, vehicles of the **District**, vehicles engaged in public works on behalf of the **District**, or emergency vehicles;

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

“**curb**” means the line of demarcation between the **roadway** and the **boulevard**, or the line of demarcation between the **roadway** and the **sidewalk**;

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

“**disability parking permit**” means a valid hanger or decal issued:

- (a) to a disabled person pursuant to the Motor Vehicle Act Regulations; or
- (b) by another province or foreign jurisdiction with respect to the **parking** of vehicles owned or operated by persons with disabilities;

“**District**” means the District of North Saanich;

“**Fire Chief**” means the Fire Chief of the North Saanich Fire Department;

“**highway**” includes every **highway** within the meaning of the *Transportation Act*, excluding **highways** classified as arterial **highways** pursuant to the *Transportation Act*, and every road, street, **lane**, or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passageway owned or operated by the **District** for the purpose of providing off-street **parking** or for the use of **pedestrian** or **cycle traffic**;

“**lane**” means any **highway** abutting the rear or sidelines of parcels of land and intended primarily to give access to the rear of residences or business establishments;

“**mobile workshop**” means a vehicle:

- (a) containing workshop equipment powered by the motor or engine of the vehicle and that must be operated inside or in association with the vehicle; or
- (b) serving as a facility for taking measurements or making observations or conducting maintenance or construction and operated by or on behalf of a municipality, public utility, or police, fire, or emergency service;

“**Municipal Engineer**” means the municipal engineer for the **District** as appointed by **Council** (as the title of that person may be changed from time to time), and includes his or her authorized designate;

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

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

“**park**” and “**parking**” mean the **standing** of a vehicle, whether occupied or not, except when **standing** temporarily for the purpose of and while actually engaged in loading or unloading of property, goods, or passengers;

“**pedestrian**” means a person on foot, or a disabled person or child in a wheelchair or carriage;

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

“**sidewalk**” means the area between the curb lines or lateral lines of a **roadway** and the adjacent property lines improved with a concrete surface for the use of **pedestrians**;

“**stand**” and “**standing**” mean the halting of a vehicle, whether occupied or not, and whether the engine is running or not, except where necessary to avoid conflict with other **traffic** or to comply with the directions of a peace officer or traffic control device;

“**tow truck**” means a vehicle designed or used exclusively for the transport of motor vehicles from one location to another;

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

“**walkway**” means a street intended to carry **pedestrians** and non-motorized **traffic** only, except that a **walkway** may be designed to afford emergency vehicle use.

Interpretation

- 1.6 Any enactment referred to herein is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the District of North Saanich, as amended, revised, consolidated, or replaced from time to time.
- 1.7 The headings used in this Bylaw are for convenience of reference only and do not form part of this Bylaw, and shall not be used in the interpretation of this Bylaw.

- 1.8 If any Part, section or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

PART 2 GENERAL REGULATIONS

Officer Powers

- 2.1 Where, under this Bylaw, an officer or employee of the **District** is empowered with the authority to make orders in respect of certain matters, that power includes the power to rescind, revoke, amend or vary an order made by him or her, subject to the terms and conditions of this Bylaw.

Fire Hazards

- 2.2 Any officer or member of the North Saanich Fire Department, while in the course of duty in or about a fire or at the scene of any accident, may, in order to expedite **traffic** or safeguard **pedestrians**, direct **traffic** onto any **highway** in the vicinity, and every **pedestrian** and every **owner** or driver of a vehicle shall comply with the directions of any such officer or member of the North Saanich Fire Department.

School Patrols

- 2.3 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.
- 2.4 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 **Council**.
- 2.5 Drivers of vehicles and **pedestrians** shall obey the instructions or any approved traffic control device exhibited by a member of a school patrol at designated school crosswalks.

Obstruction of Traffic

- 2.6 No person shall excavate in, cause a nuisance upon, encumber, obstruct, injure, foul, or otherwise damage any portion of a **highway** or other public place whether on, in, over, or under such **highway**, without having a written permit to do so from the **Municipal Engineer**, provided that the **Municipal Engineer** shall not issue such a permit where the proposed use involves undue or lengthy public inconvenience.

Noise

- 2.7 No person shall operate upon or within a vehicle any loud-speaker, calliope, noise-making device or any other amplification device the sound from which can easily be heard outside of the vehicle, upon any **highway** for advertising or any other purpose, unless approval for such device has been granted by **Council**, and a written permit has been issued.

Removal of Snow and Ice

- 2.8 Owners and occupiers of real property shall remove snow and ice from any sidewalks bordering on their real property with 24 hours of the accumulation of such snow or ice.
- 2.9 No owner or occupier of real property shall place snow or ice from their property or from a sidewalk or walkway onto any travelled portion of any highway or sidewalk.

PART 3 TRAFFIC CONTROL DEVICES

Placement and Erection of Traffic Control Devices

- 3.1 The **Municipal Engineer** is authorized to order the placing of traffic control devices at such places as he or she deems appropriate to give effect the provisions of this Bylaw and the *Motor Vehicle Act*, and such traffic control devices shall include all signs contained in the *Motor Vehicle Act* and without limiting the generality of the foregoing shall also include:
- (a) signs to regulate, control, or prohibit **pedestrian traffic**, ridden or herded animals, **vehicular traffic**, and **cycle traffic** on **sidewalks, walkways, boulevards** or **lanes**;
 - (b) signs to regulate, control, or prohibit the stopping of vehicles;
 - (c) signs to regulate, control, or prohibit the **standing** or **parking** of vehicles;
 - (d) signs to set apart and allot portions of **highways** adjacent to Federal, Provincial, or Municipal public buildings for the exclusive use of governmental officials and officers for the **parking** of vehicles, and the regulation of such **parking**;
 - (e) signs to regulate or prohibit **pedestrian traffic** on **highways** other than at crosswalks;
 - (f) signs to regulate, control, or prohibit persons using in-line skates, roller skates, **cycles**, skateboards, sleighs, skates, skis, or other similar means of conveyance on a **highway**;
 - (g) signs at intersections and in advance of intersections where required to prohibit certain turning movements;
 - (h) signs on **highways** upon which the **traffic** is required to travel in one direction only;
 - (i) signs at the end of one-way **roadways** to prevent **traffic** from entering the restricted area;
 - (j) signs at the transition from one-way to two-way **roadways** to indicate that normal travel is restricted to the right hand side of the **roadway**;

- (k) signs at the beginning of a zone indicating not to overtake another vehicle;
- (l) signs within and at the end of **centre medians**;
- (m) signs at locations where, due to adjacent commercial facilities, it is desirable to reserve space for loading and unloading vehicles;
- (n) **curbs** painted yellow as an indication that no person shall stop, **park**, or leave **standing** any motor vehicle attended or unattended;
- (o) signs in locations where truck **traffic** is routed, prohibited, or restricted;
- (p) signs at locations where a bus or other transit vehicle stops to pick up or drop off passengers and it is desirable to restrict stopping, **standing**, and **parking** to such vehicles;
- (q) signs to prohibit stopping at locations where free flow of **traffic** is required for the **roadway**;
- (r) signs at locations where it is required to give advance information, such as the presence of a school adjacent to a **roadway**, a school crosswalk, or a school maximum speed zone;
- (s) signs or pavement markings at locations where they may be required to give advance information of a playground adjacent to a **roadway**, or its maximum speed zone;
- (t) signs or pavement markings at locations where heavy **pedestrian traffic** crosses a **roadway** and at locations other than an intersection, such as schools, playgrounds, and public buildings where required to control **pedestrian traffic**;
- (u) signs or pavement markings in locations where it is permissible to **angle park**;
- (v) signs at locations where it is required to warn **traffic** of hazardous conditions, either on or adjacent to the **roadway**, or to prohibit **traffic** from using the **roadway**;
- (w) traffic control signals at intersections and other locations where **traffic** signs are not adequate to control **traffic** safely and efficiently;
- (x) signs at locations where, due to frequent use by the public, it is desirable to reserve a place for taxicabs only to stop, **stand**, or **park** to pick up or drop off fares;
- (y) signs at locations that identify and direct **traffic** at **bus stops**;
- (z) parking meters on **highways** and parking lots operated by the **District**;

(aa) Signs or pavement markings to regulate **traffic** on individual travel lanes on a **roadway** to direct drivers to either travel straight through, turn right or turn left, or a combination of those movements on an approach to an intersection or public or private **driveway**.

3.2 Orders of the **Municipal Engineer** shall be issued in written form, and shall be dated and signed by the **Municipal Engineer**, and may include any number of orders made pursuant to this Part.

Obey Traffic Control Devices

3.3 Every person shall obey the instructions, regulations, and prohibitions contained in or upon any traffic control device erected or placed under the provisions of the *Motor Vehicle Act* and its regulations, and of this Bylaw.

Work in Progress

3.4 On any **highway** in the **District** where construction, reconstruction, widening, repair, marking, or other work is being carried out, the **Municipal Engineer** shall erect or place **traffic** signs indicating that crew and equipment are working upon the **highway**.

3.5 On any **highway** in the **District** where construction, reconstruction, widening, repair, marking, or other work is being carried out, the **Municipal Engineer** may erect or place **traffic** signs to limit the rate of speed of vehicles, or to restrict the manner in which a vehicle shall proceed upon such **highway**, or to prohibit vehicles from proceeding thereon.

3.6 Where **traffic** signs are erected or placed on a **highway** pursuant to sections 3.4 and 3.5, no person shall drive or operate a vehicle at a speed greater than, or in a manner different from, that indicated on the signs.

3.7 Where the **Municipal Engineer** deems it necessary to close to **traffic** temporarily any **highway** in the **District**, he or she may, in addition to erecting signs pursuant to sections 3.4 and 3.5, place and maintain or cause to be placed or maintained a good and sufficient barrier or barriers at all entrances to the said **highway** to indicate such closure.

3.8 Where a barrier has been erected by the **Municipal Engineer** pursuant to section 3.7, no unauthorized person shall remove, interfere with, or pass beyond such barrier, or enter such closed area in a vehicle.

PART 4 PARKING REGULATIONS

Stopping, Standing, and Parking Vehicles

4.1 Except as otherwise provided in this Bylaw, no person shall stop or **stand** or **park** a vehicle:

(a) upon a **sidewalk**, sidewalk crossing, **boulevard**, or **centre median**;

- (b) within an intersection, except as permitted by a sign;
- (c) within 6.0 metres of the property line of any intersecting street, excepting lanes;
- (d) within 3.0 metres of the entrance or exit of a lane, unless otherwise permitted by a traffic control device;
- (e) in front of or within 3.0 metres of a public or private driveway;
- (f) within 6.0 metres of the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
- (g) on any highway so as to obstruct traffic;
- (h) at any place in contravention of a traffic control device prohibiting stopping or parking;
- (i) in or upon any lane, except:
 - (i) for commercial vehicles engaged in loading or unloading of materials for a period of time not exceeding 30 minutes; or
 - (ii) where parking is designated by sign or road markings;
- (j) within 5.0 metres of a fire hydrant measured from a point on the curb or edge of the roadway that is closest to the fire hydrant;
- (k) in such a manner as to obstruct the visibility of any traffic control device;
- (l) on any highway, or within the same block on either side of the roadway, for a continuous period exceeding 24 hours;
- (m) on the side of any roadway that abuts a centre median;
- (n) on either side of a vehicle already stopped or parked at the edge or curb of a roadway;
- (o) alongside or opposite a highway excavation or obstruction when stopping, standing, or parking obstructs traffic;
- (p) in a loading zone, as designated by a traffic control device, for a period of time exceeding 15 minutes;
- (q) in a loading zone, as designated by a traffic control device, unless the vehicle is actually and visibly engaged in the process of being loaded or unloaded;
- (r) on any highway in a space adjacent to any Federal, Provincial, or Municipal public building designated as being reserved for the use of officials unless the operator of the vehicle is such an official;

- (s) between the area designated by a traffic control device for **cycle** and motorcycle **parking**, and the travel portion of the **roadway**;
- (t) on any public parking lot operated by the **District** where traffic control devices indicate that a parking pass is required, without displaying a valid parking pass for the said parking lot;
- (u) on any **highway** without displaying proper or valid number plates, including a valid validation decal;
- (v) in any public park or school ground between the hours of midnight and 6:00 a.m.;
- (w) in any area on public property that is designated by a traffic control device to be reserved for the use of emergency vehicles.

Parallel and Angle Parking

- 4.2 Subject to sections 4.3 and 4.4, no person shall stop or **park** a vehicle on a **highway** other than:
- (a) parallel with the **curb** or edge of the **roadway**;
 - (b) headed in the direction in which **traffic** travels on that side of the **highway**;
 - (c) at least 1.2 metres from any vehicle **parked** in front of or behind that vehicle; and
 - (d) where there is **curb**, within 30.0 centimetres of the **curb**.
- 4.3 Upon those **highways** that have been marked or signed for **angle parking** by traffic control devices, the driver of a vehicle shall:
- (a) **park** such vehicle at an angle of 45 degrees to the **curb** or edge of the **roadway**, or at such other angle indicated by such marks or signs, and if marked by lines shall **park** such vehicle parallel to and between such lines, and in all events as close to the **curb** or pavement edge as practicable;
 - (b) **park** the vehicle in such a manner that the front of the vehicle is pointed substantially in the general direction of the movement of **traffic** on the side of the **highway** on which such vehicle is **parked** and, where there is a **curb**, with the nearest front of the vehicle within 30.0 centimetres of the **curb**; and
 - (c) not **park** a vehicle such that any part of the vehicle or any load thereon extends into the travelled portion of the **highway**.

Parking of Commercial Vehicles and Tow Trucks

- 4.4 No person shall **park** a tow truck on any **highway** in an area that is zoned for R-1 or R-2 use south of McTavish Rd. within the District of North Saanich or park a

commercial vehicle in an area that is zoned single family or multi-family pursuant to District of North Saanich Zoning Bylaw 1255 (2011), as amended or replaced from time to time.

Disabled Persons' Parking

- 4.5 No person shall stop any vehicle in any parking space marked or otherwise designated as "Disabled Parking" unless the vehicle displays a **disability parking permit** indicating that the vehicle is operated by or transporting a disabled person.
- 4.6 A vehicle displaying a **disability parking permit** shall not be limited to the designated time limits indicated for that area.

PART 5 OFFENCES, PENALTIES, AND ENFORCEMENT

Penalties

- 5.1 Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act to be done in violation of any of the provisions of this Bylaw, or who neglects to do anything required to be done by any provision of this Bylaw, commits an offence punishable upon summary conviction and is liable to a fine not exceeding Ten Thousand Dollars (\$10,000.00) and not less than Fifty Dollars (\$50.00).

Inspection

- 5.2 Any peace officer or **Bylaw Enforcement Officer** may enter, at all reasonable times, upon any property subject to the regulations of this Bylaw in order to ascertain whether such regulations or directions are being obeyed.

Municipal Ticket Informations

- 5.3 Pursuant to North Saanich Municipal Ticket Information Bylaw No. 1013 (2002), as amended, this Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.

Ticketing

- 5.4 Any peace officer or **Bylaw Enforcement Officer** may issue a municipal ticket information informing a person that an offence has been committed under this Bylaw.

Removal of Ticket

- 5.5 No person shall remove any municipal ticket information affixed or placed on a vehicle by a peace officer or **Bylaw Enforcement Officer** unless he or she is the **owner** or operator of such vehicle.

Removal of Vehicles and Chattels

- 5.6 Without limiting sections 5.1 through 5.4 of this Bylaw, any:

- (a) vehicle unlawfully occupying any portion of a **highway, sidewalk, boulevard, District** property, or public place; or
- (b) chattel, including but not limited to in-line skates, roller skates, **cycles**, skateboards, sleighs, skates, skis, or any other similar means of conveyance obstructing or unlawfully occupying any portion of a **highway, sidewalk, boulevard, District** property, or public place,

may, upon the order of a peace officer, **Fire Chief, Municipal Engineer, Bylaw Enforcement Officer**, or their designates, be removed and taken to a place of impoundment as directed by the person issuing the order.

- 5.7 A vehicle or chattel removed and impounded pursuant to section 5.6 will not be released to its **owner** until the cost of its removal and impoundment has been paid.
- 5.8 If a vehicle or chattel removed and impounded pursuant to section 5.6 is not claimed by its **owner** within 30 days of the giving of the notice of impoundment of the vehicle or chattel, such vehicle or chattel may be sold at public auction or otherwise, and any monies received on its sale shall be applied, firstly, to the cost of the sale; secondly, to the cost of the removal and impoundment; and 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 or chattel 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 or chattel impounded pursuant to section 5.6 of the intention to sell such vehicle or chattel 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.

Repeal

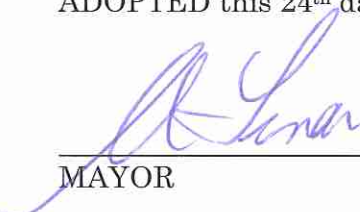
- 5.9 District of North Saanich Streets and Traffic Regulation Bylaw No. 46, as amended, is hereby repealed.

READ A FIRST TIME this 3rd day of June, 2013.

READ A SECOND TIME this 3rd day of June, 2013.

READ A THIRD TIME this 17th day of June, 2013.

ADOPTED this 24th day of June, 2013.



 MAYOR



 CORPORATE OFFICER

