




**Integrated Community Sustainability Plan  
Transportation, Civic Facilities and Infrastructure**

**Plan or Project Summary**

<b>Name of Project or Plan:</b>  <a href="#">Highway Bylaw # 8065</a>		Photo (if available):  
<b>City Contact:</b>  Glenn Stanker, Transportation Engineer		
<b>Date:</b> 26 <sup>th</sup> May, 2008		
<b>Project or Plan Description:</b>  A bylaw to regulate the use of highways within the boundaries of the City of Prince George.		
<b>Project or Plan Benefits:</b>		
	<b>Economic development:</b> N/A	
✓	<b>Land Use Planning:</b> Regulates appropriate activities in various zones, ie – horse riding in rural zones	
✓	<b>Environmental Stewardship:</b> <ul style="list-style-type: none"> <li>○ Contributes to improved air quality by regulating soil on Highway</li> <li>○ Improves community aesthetics by regulating noise emissions from vehicles, garbage deposits on road, etc.</li> <li>○ Provides for designating Dangerous Goods Routes to minimize Env. Impact</li> </ul>	
✓	<b>Social Development:</b> <ul style="list-style-type: none"> <li>○ Empowers the City to install traffic control devices ie signals &amp; crosswalks</li> <li>○ Provisions to protect City Infrastructure in Roads</li> <li>○ Measure to support Public Safety, ie barricades, cones at excavations</li> </ul>	

	<p><b>Corporate Support:</b></p> <ul style="list-style-type: none"> <li>○ Helps mitigate City risk by regulating risky activities on roads – excavations</li> <li>○ Requires quality control measures for road restoration following excavations</li> </ul>
	<p><b>Financial Systems:</b></p> <ul style="list-style-type: none"> <li>○ Recovers costs for permit Administration &amp; Inspection of utility installations</li> <li>○ Regulates the use of roads by oversized equipment to minimize damage</li> <li>○ Requires liability insurance by agencies operating in roadway</li> <li>○</li> </ul>

**CITY OF PRINCE GEORGE**

**BYLAW NO. 8065**

**A bylaw to regulate the use of highways within the boundaries of the City of Prince George.**

**WHEREAS**, pursuant to the *Community Charter*, the soil and freehold of every highway in a municipality is vested in the municipality and a council may, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or part of a highway, and may assign a name or number to a highway;

**AND WHEREAS**, pursuant to the *Motor Vehicle Act*, a Council may, by bylaw, make certain regulations in respect of highways and traffic, authorize an officer or employee of the City to make orders in respect of matters comprised in such regulations, and exercise certain powers and rights of the Lieutenant Governor in Council and the Minister of Transportation under the *Motor Vehicle Act* in respect of highways in the municipality other than **Provincial Arterial Highways**;

**NOW THEREFORE** Council of the City of Prince George, in open meeting assembled, **ENACTS AS FOLLOWS:**

## **SECTION 1 - INTERPRETATION**

### **1.01 Applicability**

- (a) Except as otherwise indicated, this bylaw applies to all **Highways** within the area incorporated as the City of Prince George.
- (b) Unless otherwise indicated, this bylaw does not apply to **Provincial Arterial Highways** classified as such by order of the Lieutenant Governor in Council pursuant to the *Transportation Act*.

### **1.02 Successorship of Delegated Authority**

Words in the bylaw directing or empowering any officer or employee of the **City** to do any act or thing, or otherwise applying by name of office, includes successors in such office and any lawful deputy, and any **Person** the **Council** may from time to time by bylaw or resolution designate to act in that officer or **Person's** place.

### **1.03 Severability**

If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision shall not affect the validity of the remainder of this bylaw.

### **1.04 Zoning References**

Whenever references to a zone start with and include only the letters AG, AF, AR, RS, RT, RM, C, M, P, U, W, or Z, they shall be deemed to include all zones which contain those letters in combination with other numbers or letters.

**SECTION 2 – DEFINITIONS**

**2.01 Definition of Terms**

In this bylaw, unless otherwise specified:

<b>Access</b>	means a part of a <b>Highway</b> to provide physical ingress and/or egress of <b>Motor Vehicles</b> from the <b>Roadway</b> to adjacent property
<b>Applicant</b>	means the <b>Owner</b> or a representative of the <b>Owner</b> duly authorized to act on the <b>Owner's</b> behalf in relation to an <b>Application</b>
<b>Application</b>	means a written request by an <b>Applicant</b> for the issue of a <b>Permit</b> required by this bylaw in a form and with content prescribed by this bylaw
<b>Authorized Person</b>	means the <b>Person</b> appointed by <b>Council</b> as head of the Development Services Department, or a <b>Person</b> designated in writing by the head of the Development Services Department to carry out any act or function under this bylaw
<b>Boulevard</b>	means that portion of a <b>Highway</b> between the curb lines or the lateral lines of a <b>Roadway</b> and the adjoining Property or <b>Roadway</b> , and includes curbs, <b>Sidewalks</b> and ditches
<b>Bylaw Enforcement Officer</b>	means a person appointed by the <b>City</b> to enforce this bylaw
<b>Chattel</b>	means a moveable item of personal property
<b>City</b>	means the City of Prince George
<b>Combination of Vehicles</b>	means every combination of truck, truck tractor, semi-trailer, and trailer
<b>Commercial Vehicle</b>	Includes: i.) a <b>Motor Vehicle</b> having permanently attached to it a <b>Truck</b> or delivery body; ii.) an ambulance, casket wagon, fire apparatus, hearse, motor bus, tow car, road building machine,

- taxi, and a tractor;
- iii.) a **Combination of Vehicles**; and
- iv.) other **Vehicles** as specified by regulation of the Lieutenant Governor in Council
- Cycle** includes a bicycle and any other conveyance that is moved by human power through pedals, or a motor assisted cycle as defined in the Motor Vehicle Act
- dBA** means the sound level measured in decibels on the A scale of a sound level meter set on the slow reading scale
- Dangerous Goods** shall have the meaning set out in the British Columbia *Transportation of Dangerous Goods Act*
- Emergency Vehicle** means:
- i.) a **Motor Vehicle** carrying rescue or first aid equipment where there is an emergency justifying a speed in excess of the maximum posted speed; or
- ii.) a **Motor Vehicle** driven by a **Peace Officer** or member of the Prince George Fire Department in the discharge of their duties
- Engine Brakes** means an engine valve retardant braking system installed or employed on **Truck** tractors in addition to the standard braking systems.
- 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 of existing conditions of the **Highway** is so extraordinary, hazardous, or improper in the quality or quantity of 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 moved, that it substantially alters or increases the burden imposed on the **Highway** through its proper use by ordinary **Traffic**, and causes or is liable to cause damage and expense to the **Highway**, or risk to public health and safety, beyond what is reasonable or ordinary
- Gross Vehicle Weight (GVW)** means the number of kilograms derived by adding the weights on all the **Axles** of a **Commercial Vehicle**

<b>Highway</b>	means any public street, road, sidewalk, <b>Lane</b> , bridge, <b>Boulevard</b> , or any other public way intended for the general public for the passage of <b>Vehicles</b> within the City, excluding <b>Provincial Arterial Highways</b>
<b>Lane</b>	means a <b>Highway</b> which has a width less than or equal to ten (10) metres and provides secondary access to a property
<b>Motor Vehicle</b>	means a <b>Vehicle</b> that is designed to be self-propelled
<b>Owner</b>	means: <ul style="list-style-type: none"><li>i.) with respect to real property, a <b>Person</b> registered in the Land Title Office as an owner of land, or of a charge on land, whether entitled to it in his own right or in a representative capacity or otherwise;</li><li>ii.) with respect to any <b>Vehicle</b>, a <b>Person</b> registered pursuant to the <i>Motor Vehicle Act</i> as the owner thereof, and includes a <b>Person</b> in possession of a <b>Motor Vehicle</b> under a contract by which that <b>Person</b> may become its owner on full compliance with the contract</li></ul>
<b>Passenger Vehicle</b>	means a <b>Motor Vehicle</b> that is registered and licensed under the <i>Motor Vehicle Act</i> as a private passenger vehicle
<b>Peace Officer</b>	means a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace, and includes a <b>Bylaw Enforcement Officer</b> appointed under the <i>Police Act</i>
<b>Pedestrian</b>	means a <b>Person</b> afoot, or in a wheelchair or carriage
<b>Permit</b>	means a document in writing issued by the <b>Authorized Person</b> , pursuant to this bylaw
<b>Permittee</b>	means a <b>Person</b> issued a <b>Permit</b> under this bylaw by an <b>Authorized Person</b>
<b>Person</b>	means any individual, firm or partnership, association, company, society, or body corporate

<b>Provincial Arterial Highway</b>	means a <b>Highway</b> under the jurisdiction of the Provincial Government Ministry responsible for administration of the <i>Transportation Act</i>
<b>Residential Property</b>	means any property zoned AR, RS, RT or RM in the <b>Zoning Bylaw</b>
<b>Roadway</b>	means the portion of the <b>Highway</b> that is improved, designed, or ordinarily used for vehicular <b>Traffic</b> , but does not include the sidewalk and boulevard; and where a <b>Highway</b> includes two or more separate <b>Roadways</b> , the term " <b>Roadway</b> " refers to any one <b>roadway</b> separately and not to all of the <b>Roadways</b> collectively
<b>Rural Zone</b>	means any property zoned AF, AG, or AR in the <b>Zoning Bylaw</b>
<b>Sidewalk</b>	means a portion of a <b>Highway</b> surfaced for <b>Pedestrian</b> traffic
<b>Tracked Vehicle</b>	means a <b>Vehicle</b> which is self-propelled and whose sole contact with the <b>Highway</b> or ground is by other than wheels
<b>Traffic</b>	includes <b>Pedestrians</b> , ridden or herded animals, <b>Vehicles</b> , <b>Cycles</b> and other conveyances, either singly or together, while using a <b>Highway</b> for purposes of travel
<b>Traffic Control Device</b>	means a sign, signal, painted line, meter, marking, space, cone barricade, barrier or any other device, erected or placed under the authority of this bylaw for the purpose of warning, guiding, regulating, directing, stopping or parking <b>Traffic</b>
<b>Traffic Control Signal</b>	means a <b>Traffic Control Device</b> , whether manually, electrically, or mechanically operated by which <b>Traffic</b> is directed to stop and to proceed
<b>Truck</b>	means a <b>Motor Vehicle</b> , other than a bus, station wagon, recreational vehicle, passenger van, or car that is either permanently fitted with special equipment, or is designed to, and normally used to, carry a load, and that may operate as a single unit or may pull a full trailer or pony trailer
<b>Utility</b>	means any pipe, conduit, line, cable, pole, tower, box, vault, or other fixture installed on, in, under, or over a <b>Highway</b> for the purpose of providing, carrying, or transmitting a service

- Vehicle** means a device in, upon, or by which a **Person** or thing is or may be transported or drawn on a **Highway**, except a device designed to be moved by human power, or used exclusively upon stationary rails or tracks
- Width of Tire** means
- i.) with respect to rubber tires, the tire width as customarily measured and rated by manufacturers of **Motor Vehicles** and tires;
  - ii.) with respect to metal tires or solid rubber tires, the transverse width of the outer circumference of the metal tire or solid rubber tire
- Winter Tire** means a tire that is represented by its manufacturer or a **Person** in the business of selling tires to be a tire intended principally for winter use and that provides or is designed to provide adequate traction in snow or mud, and is in such condition respecting tread, wear and other particulars as the regulations under the *Motor Vehicle Act* may prescribe
- Zoning Bylaw** means a bylaw of the City enacted under s.903 of the *Local Government Act*

**SECTION 3 – OFFENCES****3.01 Hazards and Obstructions:**

Any **Person** who:

- (a) while removing a wrecked or damaged **Vehicle** from the scene of an accident, leaves any glass or other debris on the **Highway**;
- (b) leaves any excavation or other obstruction on a **Highway** without sufficient protective measures, including but not limited to: fencing, barricading, reflective marking, and warning lights, to preserve public safety;
- (c) being the **Owner** or occupier of real property, except a **Residential Property**, within the City, fails to remove all snow, ice, and rubbish from all **Sidewalks** abutting such real property within 24 hours of the accumulation of such snow, ice, or rubbish;
- (d) places or permits to be placed any ice or snow upon a **Highway**;
- (e) places, allows or permits anything to project across, onto or over a **Highway** so as to impede the normal flow of **Traffic**;
- (f) being the **Owner** or occupier of real property within the City, allows any garbage containers or other facilities related to garbage collection or recycling to be placed upon any portion of the **Highway**, except as stipulated in the *City of Prince George Garbage Collection Regulation Bylaw*;
- (g) being the **Owner** or occupier of real property within the City, fails to immediately remove any snow, ice, rubbish or debris from the roof or any other part of a structure on the property if such constitutes a danger to persons using the **Highway**; or
- (h) places or permits to be placed, any fence, wall, vegetation, or other obstruction at or near the intersection of two **Highways**, and in such a location as to reduce the driver sight distance required for the safe operation of the intersection, as deemed by the **Authorized Person**;
- (i) willfully drives any **Vehicle** over any marking on a **Highway** where markers are in place to indicate that the marking material has been freshly applied, or drives into or over or otherwise moves or removes any marker so placed;
- (j) allows the counter-weight of any overhead climbing crane in the full arc of its swing to extend beyond the designated building site or hoarding;

is guilty of an offence against this bylaw.

### 3.02 Improper Highway Use:

Any **Person** who:

- (a) herds horses, cattle, goats, or swine on **Sidewalks** or **Boulevards**; or
- (b) drags or skids anything on or over a **Highway**, so as to damage the surface of the **Highway**;

is guilty of an offence against this bylaw.

### 3.03 Vehicle Noise:

Any **Person** who:

- (a) operates on a **Highway** a **Motor Vehicle** with a **Gross Vehicle Weight** in excess of 2800 kg which makes or causes sound, in excess of 83 **dB**A;
- (b) operates on a **Highway** a **Motor Vehicle** with a **Gross Vehicle Weight** of 2800 kg or less which makes or causes sound in excess of 75 **dB**A;
- (c) operates on a **Highway** a motorcycle which causes sound in excess of 85 **dB**A;
- (d) operates a **Vehicle**, the noise level of which recorded while the **Vehicle** is stationary exceeds:
  - i.) for cars and pickup trucks 73 **dB**A;
  - ii.) for motorcycles 82 **dB**A;
  - iii.) for diesel trucks 82 **dB**A;
  - iv.) for gasoline operated trucks 82 **dB**A; or
- (e) with the exception of **Emergency Vehicles** in responding to an emergency situation, uses **Engine Brakes** on any **Highway** where engine brake use has been prohibited by posted signage;

is guilty of an offence against this bylaw .

**SECTION 4 – ACTIVITIES AUTHORIZED BY PERMIT**

- 4.01 Any **Person** who, without prior authorization by **Permit** satisfactory to the **Authorized Person**, or other written approval from the **Authorized Person**:
- (a) Blocks or redirects traffic on a **Highway** using barricades, traffic cones, or other means;
  - (b) digs up, breaks up or removes any part of a **Highway**, or cuts down or removes trees or timber growing on a Highway, or excavates in or under a **Highway**;
  - (c) allows or permits the deposit of any earth, rocks, stones, logs or stumps or other debris to cave, fall, crumble, slide or accumulate from any property onto the **Highway**, or having done so permits the debris to remain thereon;
  - (d) causes damage to grass, shrubs, plants, bushes and hedges, fences, or other things erected by the **City** on a **Highway**;
  - (e) changes the level of a **Highway** whatsoever, or stops the flow of water through any drain, sewer or culvert on or through a **Highway**;
  - (f) places, constructs or maintains a retaining wall, loading platform, hoarding, skids, rails, mechanical devices, buildings, or any other structure or thing on a **Highway**;
  - (g) occupies any portion of a **Highway** or the airspace above the **Highway** to maintain, clean, construct, alter, repair, demolish, or move a building, structure, sign, awning, or part thereof;
  - (h) constructs or maintains a ditch, sewer or drain, the effluent from which causes damage, erosion, fouling, injury or nuisance to any portion of a **Highway**;
  - (i) places or permits to be placed any petroleum products, lumber, merchandise, **Chattel** or ware of any nature on a **Highway**;
  - (j) marks, imprints or defaces in any manner whatsoever a **Highway** or structure thereon;
  - (k) installs, erects, or causes to be installed or erected a **Traffic Control Device**, or the likeness thereof, on or within sight of a **Highway**;
  - (l) causes, whether directly or indirectly, obstruction, damage, defacement, or in any way interference with a **Traffic Control Device**;
  - (m) erects or maintains any sign, advertisement or guide-post on or over any **Highway** or alters, repaints, tears down or removes any sign, advertisement or guide-post erected or maintained on any **Highway**,

except as authorized in the *City of Prince George Sign Bylaw*,

- (n) rides, drives, leads, moves or propels any **Vehicle** or animal in excess of 270 kg 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 not including horse riding in a **Rural Zone**;
- (o) operates a **Tracked Vehicle** on **Roadways, Sidewalks, Boulevards**, or in **Lanes**, except while equipped with pads approved by the **Authorized Person** to prevent damage to the road surface; ;
- (p) constructs an **Access**, including a curb, ditch or **Sidewalk** crossing;
- (q) operates any vehicle transporting **Dangerous Goods** on any **Highway** on which the movement of **Dangerous Goods** is restricted by the **City**; or
- (r) camps on a portion of a **Highway** not designated for that purpose by the **Authorized Person**, whether in a tent, tent trailer, truck camper, trailer, motor home or other recreational vehicle;
- (s) uses a crane or forklift to pick-up or carry a load on or over a **Highway** or other city property;
- (t) undertakes blasting or other use of explosives on or over a **Highway** or other City property;

is guilty of an offence against this bylaw.

## **SECTION 5 – TRAFFIC CONTROL DEVICES**

### **5.01 Authority of the Authorized Person**

- (a) The **Authorized Person** is hereby authorized to order the placing, erection, and maintenance of applicable **Traffic Control Devices** where and when necessary, to give effect to the provisions of this bylaw, the Parking and Traffic Bylaw, and the *Motor Vehicle Act*, and as required to regulate, warn, direct, or inform **Traffic** for the safety and convenience of the public.
- (b) Orders for **Traffic Control Devices** shall be issued in written form, dated and signed by the **Authorized Person**.
- (c) The **Authorized Person** may rescind, revoke, amend or vary any order concerning **Traffic Control Devices** provided such order does not require the undertaking of any act contrary to, or inconsistent with, this bylaw or the *Motor Vehicle Act*.
- (d) In accordance with this bylaw and the Sign Bylaw, the **Authorized Person** or **Bylaw Enforcement Officer** may order the alteration, repainting, tearing down, or removal of any sign, advertisement, **Traffic Control Device**, or guide-post erected or maintained on or over any **Highway**:
  - i.) along the route of any parade;
  - ii.) in the vicinity of a large gathering or during special circumstances;
  - iii.) to facilitate the fighting of fires;
  - iv.) to facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a **Highway** being carried out by the **City** or any **Utility** company; and
  - v.) in the interest of public safety;and in the exercise of this authority no compensation shall be paid to any **Person** for loss or damage resulting from these actions.

### **5.02 Traffic Control Devices Placed by the Province**

Where **Traffic Control Devices** have been authorized and placed under the provisions of the *Motor Vehicle Act* by the Ministry of Transportation, they shall be deemed to have been properly placed or erected pursuant to the provisions of this Section.

### **5.03 Standards**

**Traffic Control Devices** erected pursuant to this Section shall, where applicable, comply with the sign regulations as set out in the Regulations of the *Motor Vehicle Act*.

## **SECTION 6 – ABUTTING PROPERTIES**

### **6.01 Property Numbers**

The **Authorized Person** may assign numbers to buildings and other structures abutting a **Highway**, and require **Owners** or occupiers of these properties to place the assigned numbers in a conspicuous place on or near the property.

### **6.02 Property Fencing**

The **Authorized Person** may require owners or occupiers of land to fence any part of it abutting a **Highway**.

### **6.03 Highway Cleanliness and Safety**

The **Authorized Person** may require **Persons** to take specified actions for the purposes of maintaining the cleanliness or safety of a **Highway** that is next to property that they own or occupy, or that is affected by property that they own or occupy.

### **6.04 Private Highways**

The **Authorized Person** may require owners of private highways to maintain them in a clean, fit and safe state, and to post suitable private thoroughfare signs.

## **SECTION 7 – VEHICLE REGULATIONS**

### **7.01 Vehicle Wheels and Tires**

Except as authorized by a **Permit** issued by the **Authorized Person** pursuant to this bylaw, no **Person** shall drive or operate on a **Highway**:

- (a) save as otherwise provided herein, a **Vehicle**, other than a horse-drawn **Vehicle**, the wheels of which are not equipped with pneumatic tires in good order;
- (b) a **Vehicle** equipped with solid tires, the thickness of which between the rim of the wheel and the surface of the **Highway** is less than 32 millimeters;
- (c) a **Vehicle** having wheels or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread or track but excluding tire chains of reasonable proportions when required for safety, and winter studded tires between October 1st and April 30th; or
- (d) a solid rubber tired **Vehicle** at a greater rate of speed than 20 km/h.

### **7.02 Vehicle Loading**

Except as authorized by a **Permit** issued by the **Authorized Person** pursuant to this bylaw, no **Person** shall drive or operate on a **Highway**:

- (a) a **Passenger Vehicle** so loaded that any part of the load extends beyond the sides of the **Vehicle**, or more than 185 cm beyond the back of the **Vehicle**;
- (b) a **Vehicle**, unless it is so constructed and loaded as to prevent any of its load:
  - i.) from shifting or swaying in such a manner as to affect the operation of the **Vehicle**; or
  - ii.) from dropping, shifting, leaking or otherwise escaping therefrom, but the **Authorized Person** may allow sand, water, or other substance to be dropped on the **Highway** for the purpose of cleaning, maintaining, or securing traction on the **Highway**; or
- (c) a **Vehicle** with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner hazardous to other users of the **Highway**, or as to cause the depositing of litter on the **Highway**.

### 7.03 Size and Weight Regulations

Division 7 of the *Commercial Transport Regulations*, as amended from time to time, together with the applicable definitions, applies to **Highways** in the **City** other than **Provincial Arterial Highways**, and for that purpose references in the Regulations to the minister shall be interpreted as references to the **Authorized Person** and references to a **Permit** shall be interpreted as references to a **Permit** issued under this bylaw.

### 7.04 Pilot Cars and Vehicle Flagging

Where conditions of an oversize or overload **Permit** prescribe that pilot cars, signs, flags, or lights be provided by the **Permittee**, the standards for equipment as set forth in the *Commercial Transport Act* and the Commercial Transport Regulations shall be complied with, unless otherwise prescribed by the conditions of the **Permit**.

### 7.05 Extraordinary Traffic

- (a) Where in the opinion of the **Authorized Person** any **Highway** is liable to damage, or the public at risk, from **Extraordinary Traffic** thereon, the **Authorized Person** may regulate, limit or prohibit the use of the **Highway** by any **Person** operating or in charge of the **Extraordinary Traffic**, or owning the goods carried thereby or the **Vehicles** used therein.
- (b) Any **Person** to whom this Section might otherwise apply may, by **Permit** from the **Authorized Person**, enter into an agreement for the payment to the **City** of compensation in respect of the damage, risk, or expense which may, in the opinion of the **Authorized Person**, be caused by the **Extraordinary Traffic**, and thereupon that **Person** may use the **Highway** as contemplated by the agreement.

### 7.06 Highway Restrictions

The **Authorized Person** or a **Peace Officer** may close to **Traffic** or regulate the use of any **Highway** at such time and for such period of time and in respect of such classes of **Traffic** or use as in the opinion of the **Authorized Person** may be necessary for the construction or protection of any **Highway** or other public work, or for the protection of the public, or to enable permitted **Traffic** to be handled safely and expeditiously.

## **SECTION 8 – REMOVAL OF VEHICLES AND CHATTELS**

### **8.01 Authority to Remove Vehicles and Chattels**

Where a **Motor Vehicle** or **Chattel** is:

- (a) in a position that causes it to interfere with fire-fighting, **Emergency Vehicles**, or emergency operations or equipment,
- (b) in a position that causes it to interfere with the normal flow of **Traffic** on a **Highway**;
- (c) in a position that causes it to interfere with the construction, improvement, maintenance, alteration, extension, widening, marking, repair, removal of snow from, or sweeping of a **Highway**;
- (d) standing or parked in violation of the *Motor Vehicle Act*, or any **City** bylaw;
- (e) apparently abandoned on a **Highway**; or
- (f) found on a **Highway** without proper license plates and decals issued by the appropriate authority;

a **Bylaw Enforcement Officer**, **Peace Officer** or a **Person** authorized by the **Authorized Person** may either:

- (a) move, or cause to be moved, the **Motor Vehicle** or **Chattel**, to a position determined by the **Bylaw Enforcement Officer**, **Peace Officer**, or authorized **Person**;
- (b) require the operator or **Person** in charge of the **Motor Vehicle** or **Chattel** to move, or cause to be moved, the **Motor Vehicle** or **Chattel** to a position determined by the **Bylaw Enforcement Officer**, **Peace Officer**, or authorized **Person**; or
- (c) seize, detain, or impound the **Motor Vehicle** or **Chattel**, or cause the **Motor Vehicle** or **Chattel** to be seized, detained or impounded.

## 8.02 Recovery

- (a) Any **Motor Vehicle** or **Chattel** or other obstruction removed, detained or impounded by the **City** may be recovered by the **Owner** by paying to the **City** the fees and expenses set out in this bylaw, and presenting the receipt obtained plus proof of ownership at the place of storage for the **City**.
- (b) Any **Motor Vehicle** or **Chattel** removed, detained or impounded hereunder may be recovered by the **Owner**, if held by the **City's** Towing Contractor, during the Towing Contractor's normal business hours by paying the fees, costs and expenses of removal, care and storage of the **Vehicle** or **Chattel** to the Towing Contractor at its place of business.

## 8.03 Notice of Impoundment

If a **Motor Vehicle** or **Chattel** is removed, detained or impounded, and not claimed by its owner within 30 days from date of seizure, written notice shall be given in the case of a **Motor Vehicle** to the **Owner** at the **Owner's** address, if available, as shown on the records of the Superintendent of Motor Vehicles, and in the case of any other chattel to the owner if the identity of the owner can be established, advising of the seizure, the sum payable to recover the **Motor Vehicle** or **Chattel**, and the date of planned disposal of the property.

## 8.04 Disposal of Impounded Property

The City may dispose of any **Vehicle** or **Chattel** not claimed by its **Owner** within 30 days of notice being mailed to the **Owner**. In the case of disposal by public auction, the auction shall be advertised at least once in a local newspaper.

## 8.05 Disposal Proceeds

The proceeds of disposal shall be applied firstly to the cost of the disposal, and secondly to the fees, costs and expenses of the **City** and its contractor as set out above. Any remaining balance shall, in the case only of a vehicle or chattel that has realized a disposal value of \$1,000 or more, be held for the **Owner** by the **City** for one year from the date of disposal. If the balance remains unclaimed at the end of the year, such balance shall be paid into the general revenue of the **City**.

## **SECTION 9 – WINTER SAFETY EQUIPMENT**

### **9.01 Winter Vehicle Restrictions**

The **Authorized Person** may, by public notice or by the placing of signs, prohibit **Vehicles** which are not equipped with chains, or **Winter Tires**, or sanding devices, or any combination of these which the **Authorized Person** may consider adequate and necessary in view of prevailing road conditions, from being driven or operated on a **Highway**.

## **SECTION 10 – PERMITS**

### **10.01 Delegation of Council Authority to Issue Permits**

- (a) **Council** delegates to the **Authorized Person** the powers of **Council** to grant **Permits** under this bylaw.
- (b) **Council** delegates to the **Authorized Person** the powers of **Council** to refuse, suspend, amend, vary, or rescind **Permits** under this bylaw, after having advised the **Applicant** of the proposed decision.
- (c) Within 30 days of receipt of notice that the **Authorized Person** intends to refuse, suspend, or cancel any **Permit** under this bylaw, the **Applicant** may request that Council review the proposed decision subject to the following:
  - i.) the request shall be in writing, and include reasons in support of their view;
  - ii.) upon receipt of a complete written request for **Council's** review, the **Authorized Person** shall prepare and forward a report to both the **Applicant** and **Council** attaching the **Application** and setting out the reasons for the proposed decision;
  - iii.) at a date and time set by **Council**, the **Applicant** shall have the opportunity to appear before **Council** and be heard regarding the **Authorized Person's** proposed decision; and
  - iv.) following this, **Council** shall review the decision proposed by the **Authorized Person** and either uphold the decision or substitute the **Council's** decision for the **Authorized Person's** decision.

### **10.02 Exclusive Use of Permit**

No **Person** may use a **Permit** for any work, activity, closure, **Utility** or **Vehicle** other than that for which the **Permit** was issued.

### **10.03 Availability of Permit**

A **Permit** issued under this bylaw must at all times be available at the site, or in the **Vehicle** (when operating upon a **Highway**), for which the **Permit** was issued.

### **10.04 Effective Period of Permit**

The effective period of a **Permit** issued under this bylaw shall be as stipulated on the approved **Permit**, unless varied or rescinded as described in Section 10.01, and shall not exceed twelve (12) months.

### 10.05 Permit Fees and Securities

- (a) **Council** delegates to the **Authorized Person** the powers of **Council** to require payment by an **Applicant** of fees as specified in the *Fees and Charges Bylaw* as a condition of the issuance, maintenance, or renewal of a **Permit**, and in support of the processing, inspection, investigation, and assistance provided by the **City** in **Permitting** the work or activity.
- (b) In the case of work or an activity affecting the paved portion of a **Highway**, the **Authorized Person** may require an additional fee as specified in the *Fees and Charges Bylaw* to compensate for the loss of pavement integrity, pro-rated by the age of the pavement.
- (c) The **Authorized Person** may also require additional securities to guarantee the performance of any term or condition imposed under this bylaw. Any securities shall be in an amount sufficient, in the opinion of the **Authorized Person**, to pay the cost of:
  - i.) repairing any damage likely to be done to the **Highway**, structure, or other public or private property, by reason of the activity for which the **Permit** was issued and, where applicable, one year's maintenance of any such repair; and
  - ii.) the fulfillment of the obligations imposed by the **Permit** within the time specified by the **Permit** on default of the **Permittee**.
- (d) The **Applicant** required to provide security as a condition of the issuance of a **Permit** may, at the **Applicant's** option, provide the security by:
  - i.) a cash deposit,
  - ii.) an irrevocable letter of credit, or
  - iii.) another form of security satisfactory to the **Authorized Person**.
- (e) If the **Permittee** fails to repair damage or fulfill the obligations that have been imposed under the terms and conditions of the **Permit**, the **City** may apply the security to offset such damage or unfulfilled obligations. Should there be an insufficiency of monies on deposit or available through the security, then the **Permittee** shall pay the balance forthwith upon invoice of the **City**. If this balance is not paid, the **City** may recover the costs from the **Permittee** as a debt. Should there be a surplus of funds not required by the **City** to carry out the works or fulfill the obligations, such balance shall be paid to the **Permittee** less an administrative charge of **\$50.00**.

### 10.06 Extraordinary Vehicle Permits

- (a) The **Authorized Person**, by the issuance of a written Extraordinary Vehicle Permit, may authorize the driving or operation on a **Highway** of a

**Vehicle** that does not conform to Section 7 of this bylaw.

- (b) An **Applicant** who wishes to obtain an Extraordinary Vehicle Permit shall complete an **Application** in a form prescribed by the **Authorized Person**, and submit it to the **Authorized Person**. The **Applicant** shall provide true and accurate information respecting the **Application** to the **Authorized Person**.
- (c) The **Authorized Person** may require that the **Applicant** provide information and adhere to terms and conditions that must be met for obtaining, using, continuing to hold, or renewing the **Permit**, respecting the following matters:
  - i.) time(s), date(s), duration, route, and speed traveled by the permitted **Vehicle**,
  - ii.) **Vehicle** type, size, dimensions, axle spacing,
  - iii.) **Vehicle** ownership and licensing,
  - iv.) nature and amount of load carried, and how the load is secured,
  - v.) provision of signs, flagging, lights, reflectors and other safety equipment,
  - vi.) provision of pilot cars and/or police escorts,
  - vii.) provision of inspection,
  - viii.) provision of Vehicle trip logs, in the case of multiple journeys,
  - ix.) repairs, adjustments, or cleaning of the subject **Highway(s)**, and any **Traffic Control Devices**, signs or other structures thereon, affected by the **Vehicle** movement.
- (d) If the **Permit** is approved by the **Authorized Person**, the **Applicant** shall provide to the **Authorized Person** the payment for the **Permit** as specified in the *Fees and Charges Bylaw*. In approving the **Permit**, the **Authorized Person** may require securities as described in Section 10.05.
- (e) The **Permittee** shall conform in every way to the **Permit** so provided.

#### 10.07 Highway Right-of-Way Occupancy Permits

- (a) The **Authorized Person**, by the issuance of a written Highway Right-of-Way Occupancy Permit, may authorize the occupying of a **Highway**, or any part thereof, for an identified construction, business, social, athletic, recreational, cinematographic, or other activity, including those regulated in Section 4 of this bylaw.
- (b) An **Applicant** who wishes to obtain a Highway Right-of-Way Occupancy Permit shall complete an **Application** in a form prescribed by the

**Authorized Person**, and submit it to the **Authorized Person**. The **Applicant** shall provide true and accurate information respecting the **Application** to the **Authorized Person**.

- (c) The **Authorized Person** may require that the **Applicant** provide information and adhere to terms and conditions that must be met for obtaining, using, continuing to hold, or renewing the **Permit**, respecting the following matters:
- i.) name, address, company, and all other contact information for the **Applicant**,
  - ii.) time(s), date(s), schedule, and location of the work or activity,
  - iii.) notice for traffic disruptions,
  - iv.) accommodation of emergency vehicles, transit, and other identified operations,
  - v.) notice to, and accommodation of, adjacent property owners, businesses, and occupants, and advance approval from these parties,
  - vi.) proof of business license, and of registration with Worksafe BC,
  - vii.) site inspection by, and coordination with, **City** staff,
  - viii.) repairs, adjustments, or cleaning of the subject **Highway(s)**, and any **Traffic Control Devices**, signs or other structures thereon affected by the work or activity.
- (d) Upon request, the **Applicant** shall provide satisfactory plans clearly showing the size and limits of the highway right-of-way occupancy requested. When the highway right-of-way occupancy is approved by the **Authorized Person** and the necessary **Permit** issued, the occupancy shall conform in every way to the plans so provided.
- (e) The **Applicant** shall provide evidence satisfactory to the **Authorized Person** that the **Applicant** is insured, and holds the **City**, its employees and elected officials harmless, against all claims for damages, personal injury, and other liability as identified, which may arise out of the performance of the work or activity covered by the **Permit** in an amount not less than **\$2,000,000.00** for each occurrence unless the **Authorized Person** specifies a greater amount in view of the nature of the activity that would be authorized by the **Permit**. The **City** shall be named as an additional insured.
- (f) The **Applicant** shall provide evidence satisfactory to the **Authorized Person** that all materials, labour, and equipment which are needed to undertake this highway right-of-way occupancy are reasonably available.
- (g) If the **Permit** is approved by the **Authorized Person**, the **Applicant** shall

provide to the **Authorized Person** the payment for the **Permit** as specified in the *Fees and Charges Bylaw*. In approving the **Permit**, the **Authorized Person** may require securities as described in Section 10.05.

- (h) The **Permittee** shall provide and place appropriate barricades, lights and other traffic and pedestrian safety devices required to protect the public in accordance with the Provincial "*Traffic Control Manual For Work on Roadways*", or as approved by the **Authorized Person**. For highway right-of-way occupancies on specific routes or during specific times, the **Authorized Person** may require a written Traffic and Pedestrian Management Plan to be submitted for approval in advance of the work. When such plans are required and approved by the **Authorized Person** and the necessary **Permit** issued, the holder of the **Permit** shall ensure the traffic management conforms in every way to the approved plans.
- (i) Where security has been provided in accordance with this Section, and upon satisfactory completion of the highway right-of-way occupancy within the time specified, the security shall be refunded to the **Permittee** less an inspection fee of **\$50.00** if the work requires inspection.

#### **10.08 Work on Highway Right-of-Way Permits**

- (a) The **Authorized Person**, by the issuance of a written Work on Highway Right-of-Way Permit, may authorize the undertaking of construction or other work activities on or within a **Highway**, or any part thereof, including those regulated in Section 4 of this bylaw.
- (b) An **Applicant** who wishes to obtain a Work on Highway Right-of-Way Permit shall complete an **Application** in a form prescribed by the **Authorized Person**, and submit it to the **Authorized Person**. The **Applicant** shall provide true and accurate information respecting the **Application** to the **Authorized Person**.
- (c) If the **Permit** is approved by the **Authorized Person**, the **Applicant** shall provide to the **Authorized Person** the payment for the **Permit** as specified in the *Fees and Charges Bylaw*. In approving the **Permit**, the **Authorized Person** may require additional securities as described in Section 10.05.
- (d) The **Authorized Person** may require that the **Applicant** provide information and adhere to terms and conditions that must be met for obtaining, using, continuing to hold, or renewing the Work on Highway Right-of-Way **Permit**, respecting the following matters:
  - i.) name, address, company, and all other contact information for the **Applicant**,
  - ii.) time(s), date(s), schedule, and location of the work or activity,

- iii.) notice for traffic disruptions,
  - iv.) accommodation of emergency vehicles, transit, and other identified operations,
  - v.) notice to, and accommodation of, adjacent property owners, businesses, and occupants, and advance approval from these parties,
  - vi.) proof of business license, and of registration with Worksafe BC,
  - vii.) site inspection by, and coordination with, **City** staff,
  - viii.) work procedures, standards, and materials, and guarantee thereof,
  - ix.) ownership of final works and infrastructure, and
  - x.) repairs, adjustments, or cleaning of the subject **Highway(s)**, and any **Traffic Control Devices**, signs or other structures thereon affected by the work.
- (e) Upon request, the **Applicant** shall provide satisfactory plans and specifications of the work to be undertaken, and any associated geotechnical, traffic, environmental or other aspect of the activity, signed and certified by a qualified **Person**. When the work is approved by the **Authorized Person** and the necessary **Permit** issued, the work shall conform in every way to the plans and specifications so provided.
- (f) The **Applicant** shall provide evidence satisfactory to the **Authorized Person** that the **Applicant** is insured, and holds the **City**, its employees and elected officials harmless, against all claims for damages, personal injury, and other liability as identified, which may arise out of the performance of the work or activity covered by the **Permit** in an amount not less than **\$2,000,000.00** for each occurrence unless the **Authorized Person** specifies a greater amount in view of the nature of the activity that would be authorized by the **Permit**. The **City** shall be named as an additional insured.
- (g) The **Applicant** shall provide evidence satisfactory to the **Authorized Person** that all materials, labour, and equipment which are needed to complete the work are reasonably available.
- (h) Any other **Permits** or approvals legally required from other agencies or levels of government shall be solely the responsibility of the **Applicant**.
- (i) The **Permittee** shall provide and place appropriate barricades, lights and other traffic and pedestrian safety devices required to protect the public in accordance with the Provincial "*Traffic Control Manual For Work on Roadways*", or as approved by the **Authorized Person**. For work on specific routes or during specific times, the **Authorized Person** may

require a written Traffic and Pedestrian Management Plan to be submitted for approval in advance of the work. When such plans are required and approved by the **Authorized Person** and the necessary **Permit** issued, the holder of the **Permit** shall ensure the traffic management conforms in every way to the approved plans.

- (j) Where security has been provided in accordance with this Section, and upon satisfactory completion of the work within the time specified, the security shall be refunded to the **Permittee** less an inspection fee of **\$50.00** if the work requires inspection.
- (k) Following the completion of the work, the **Permittee** shall provide the **Authorized Person**, with a plan showing the works installed by the **Permittee**, and any requested quality control documents as evidence of compliance with **City** specifications, verifying inspection by, and signed by, a qualified **Person**. Plans shall be drawn to a metric scale satisfactory to the **Authorized Person**, showing the location, size and description of the works, and the date of installation, and shall include any supporting details or documents to confirm the quality of the works. Plans and quality control documents shall be supplied prior to the return or refund of any security provided as a condition of the **Permit**.

#### 10.09 Utility Permits

- (a) The **Authorized Person**, by the issuance of a written Utility Permit, may authorize the installation, maintenance, or repair of public or private **Utilities** on or within a **Highway**, and all related construction activities, including those regulated in Section 4 of this bylaw.
- (b) An **Applicant** who wishes to obtain a Utility Permit shall complete an **Application** in a form prescribed by the **Authorized Person**, and submit it to the **Authorized Person**. The **Applicant** shall provide true and accurate information respecting the **Application** to the **Authorized Person**.
- (c) If the **Permit** is approved by the **Authorized Person**, the **Applicant** shall provide to the **Authorized Person** the payment for the **Permit** as specified in the *Fees and Charges Bylaw*. In approving the **Permit**, the **Authorized Person** may require additional securities as described in Section 10.05.
- (d) The **Authorized Person** may require that the **Applicant** provide information and adhere to terms and conditions that must be met for obtaining, using, continuing to hold, or renewing the **Permit**, respecting the following matters:
  - i.) name, address, company, and all other contact information for the **Applicant**,

- ii.) time(s), date(s), schedule, and location of the work or activity,
  - iii.) notice for traffic disruptions,
  - iv.) accommodation of emergency vehicles, transit, and other identified operations,
  - v.) notice to, and accommodation of, adjacent property owners, businesses, and occupants, and advance approval from these parties,
  - vi.) proof of business license, and of registration with Worksafe BC,
  - vii.) site inspection by, and coordination with, **City** staff,
  - viii.) work procedures, standards, and materials, and guarantee thereof,
  - ix.) ownership or lease arrangements of final works and infrastructure, and
  - x.) repairs, adjustments, or cleaning of the subject **Highway(s)**, and any **Traffic Control Devices**, signs or other structures thereon affected by the work.
- (e) Upon request, the **Applicant** shall provide satisfactory plans and specifications of the work or activity to be undertaken, and any associated geotechnical, traffic, environmental or other aspect of the activity, signed and certified by a qualified **Person**. When the work is approved by the **Authorized Person** and the necessary **Permit** issued, the work shall conform in every way to the plans and specifications so provided.
- (f) The **Applicant** shall provide evidence satisfactory to the **Authorized Person** that the **Applicant** is insured, and holds the **City**, its employees and elected officials harmless, against all claims for damages, personal injury, and other liability as identified, which may arise out of the performance of the work or activity covered by the **Permit** in an amount not less than **\$2,000,000.00** for each occurrence unless the **Authorized Person** specifies a greater amount in view of the nature of the activity that would be authorized by the **Permit**. The **City** shall be named as an additional insured.
- (g) The **Applicant** shall provide evidence satisfactory to the **Authorized Person** that all materials, labour, and equipment which are needed to complete the work are reasonably available.
- (h) The **Authorized Person** may issue an annual **Permit** to a **Utility** company permitting such company, over the calendar year for which the **Permit** is applicable, to maintain or repair the existing **Utilities** under their control, subject to the terms of any franchise or other agreement entered into between such **Utility** company and the **City**.
- (i) Any other **Permits** or approvals legally required from other agencies or

levels of government shall be solely the responsibility of the **Applicant**.

- (j) All **Permittees** shall provide no less than **48 hours** notice to the **City** in advance of any planned closure of a **Highway** or portion thereof so that the transit service, parking authority, emergency services, media, and other affected parties may be notified by the **City** in a timely fashion. Less notice may be permitted in urgent or emergency situations, as determined by the **Authorized Person**.
- (k) All **Permittees** shall provide **48 hours** advance notice of the work to affected residents and businesses.
- (l) The **Permittee** shall provide and place appropriate barricades, lights and other traffic and pedestrian safety devices required to protect the public in accordance with the Provincial "*Traffic Control Manual For Work on Roadways*", or as approved by the **Authorized Person**. For work on specific routes or during specific times, the **Authorized Person** may require a written Traffic and Pedestrian Management Plan to be submitted for approval in advance of the work. When such plans are required and approved by the **Authorized Person** and the necessary **Permit** issued, the holder of the **Permit** shall ensure the traffic management conforms in every way to the approved plans.
- (m) Where security has been provided in accordance with this Section, and upon satisfactory completion of the work within the time specified, the security shall be refunded to the **Permittee** less an inspection fee of **\$50.00** if the work requires inspection.
- (n) Following the completion of the work, the **Permittee** shall provide the **Authorized Person**, with a plan showing the works installed by the **Permittee**, and any requested quality control documents as evidence of compliance with **City** specifications, verifying inspection by, and signed by, a qualified **Person**. Plans shall be drawn to a metric scale satisfactory to the **Authorized Person**, showing the location, size and description of the works, and the date of installation, and shall include any supporting details or documents to confirm the quality of the works. Plans and quality control documents shall be supplied prior to the return or refund of any security provided as a condition of the **Permit**.

#### 10.10 Access Permits

- (a) The **Authorized Person**, by the issuance of a written Access Permit, may authorize an **Access** to a **Highway** from an abutting property.
- (b) An **Applicant** who wishes to obtain an Access Permit shall complete an **Application** in a form prescribed by the **Authorized Person**, and submit it to the **Authorized Person**. The **Applicant** shall provide true and accurate information respecting the **Application** to the **Authorized**

**Person.**

- (c) The **Authorized Person** may require that the **Applicant** provide information and adhere to terms and conditions that must be met for obtaining, using, continuing to hold, or renewing the **Permit**, respecting the following matters:
- i.) name, address, company, and all other contact information for the **Applicant**,
  - ii.) legal description and zoning/land use of property
  - iii.) size, width, geometry, grade, number, and type of driveways requested, including the materials used for construction,
  - iv.) utility connections required,
  - v.) whether or not the **City** will be undertaking the access installation,
  - vi.) work procedures, standards, and materials, and guarantee thereof,
  - vii.) site inspection by, and coordination with, **City** staff,
  - viii.) ownership of final works and infrastructure, and
  - ix.) repairs, adjustments, or cleaning of the subject **Highway(s)**, and any **Traffic Control Devices**, signs or other structures thereon affected by the work, and
  - x.) amount and nature of the traffic using the access.
- (d) Upon request, the **Applicant** shall provide satisfactory plans and specifications of the proposed access installation, and any associated geotechnical, traffic, environmental or other aspect of the activity, signed and certified by a qualified **Person**. When the access is approved by the **Authorized Person** and the necessary **Permit** issued, the work shall conform in every way to the plans and specifications so provided.
- (e) Upon request, the **Applicant** shall provide evidence satisfactory to the **Authorized Person** that the **Applicant** is insured, and holds the **City**, its employees and elected officials harmless, against all claims for damages, personal injury, and other liability as identified, which may arise out of the installation of the access covered by the **Permit** in an amount not less than **\$2,000,000.00** for each occurrence unless the **Authorized Person** specifies a greater amount in view of the nature of the activity that would be authorized by the **Permit**. The **City** shall be named as an additional insured.
- (f) The **Applicant** shall provide evidence satisfactory to the **Authorized Person** that all materials, labour, and equipment which are needed to undertake this access installation are reasonably available.
- (g) If the **Permit** is approved by the **Authorized Person**, the **Applicant** shall

provide to the **Authorized Person** the payment for the **Permit** as specified in the *Fees and Charges Bylaw*. In approving the **Permit**, the **Authorized Person** may require securities as described in Section 10.05.

- (h) The **Permittee** shall provide and place appropriate barricades, lights and other traffic and pedestrian safety devices required to protect the public in accordance with the Provincial "*Traffic Control Manual For Work on Roadways*", or as approved by the **Authorized Person**. For access installations on specific routes or during specific times, the **Authorized Person** may require a written Traffic and Pedestrian Management Plan to be submitted for approval in advance of the work. When such plans are required and approved by the **Authorized Person** and the necessary **Permit** issued, the holder of the **Permit** shall ensure the traffic management conforms in every way to the approved plans.
- (i) Where security has been provided in accordance with this Section, and upon satisfactory completion of the access installation within the time specified, the security shall be refunded to the **Permittee** less an inspection fee of **\$50.00** if the work requires inspection.

## **SECTION 11 - PENALTIES**

### **11.01 Fines and Penalties**

- (a) Any **Person** who violates any provision of this bylaw, or who permits, suffers, or allows any act or thing to be done in contravention of any provision of this bylaw, or who refuses, omits, or neglects to fulfill, observe, or perform any duty or obligation imposed by this bylaw, commits an offence punishable upon summary conviction, and is subject to a fine not less than **\$2,000.00** and not more than **\$10,000.00**, or a term of imprisonment not exceeding **3 months**, or both, and in addition may be charged for any resulting damage to the **Highway** or users thereof.
- (b) Each day during which any violation, contravention or breach of this bylaw continues shall be deemed a separate offence.
- (c) This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.
- (d) Pursuant to Section 264(1)(b) of the *Community Charter*, **Bylaw Enforcement Officers, Peace Officers**, and the **Authorized Person** are designated to enforce this Bylaw.
- (e) Pursuant to Sections 264 and 265 of the *Community Charter*, the offences committed under the bylaw and the corresponding fine amounts for those offences are as set out in the City of Prince George *Ticket Information Utilization Bylaw*.
- (f) Council hereby delegates authority to refer any disputed tickets to the Provincial Court to **Bylaw Enforcement Officers, Peace Officers**, and the **Authorized Person**.

### **11.02 Defaulting**

Where in this bylaw any activity, matter or thing is required to be done by any **Person**, in default of it being done by such **Person**, such activity, matter or thing may be done by the **City** at the expense of the **Person** in default, and the expense thereof may be recovered from the **Person**, with interest at the same rate per annum and in like manner as municipal taxes, along with the costs of recovery.

### **11.03 Entering of Property**

Any **Bylaw Enforcement Officer, Peace Officer**, the **Authorized Person** and any **City** employee acting under the direction of the **Authorized Person**, may enter, subject to Section 16 of the *Community Charter*, upon any property subject to the regulations of this bylaw in order to ascertain whether a default or

violation has occurred.

**11.04 Corporate or Group Offenses**

In the event of a corporation, agency, or other group being convicted of any offence against this bylaw, every officer and employee of that group taking part in, or being in anyway concerned in, the act or omission constituting the offence shall be deemed to have committed an offence against this bylaw.

**11.05 No Duty of Care**

Neither failure to enforce this bylaw, nor any error, omission, or other neglect in relation to a **Permit** issued to this bylaw, shall be interpreted as giving rise to a cause of action in favour of any **Person**.

**SECTION 12 - REPEAL**

**12.01** “City of Prince George Highways Bylaw No. 6114, 1994”, and all amendments thereto, are hereby repealed.

**SECTION 13 - CITATION**

**13.01** This bylaw may be cited for all purposes as “City of Prince George Highways Bylaw No. 8065, 2008”.

READ A FIRST TIME THIS THE **12th** DAY OF **MAY** , **2008**.

READ A SECOND TIME THIS THE **12th** DAY OF **MAY** , **2008**.

READ A THIRD TIME THIS THE **12th** DAY OF **MAY** , **2008**.

All three readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

ADOPTED THIS THE **26TH** DAY OF **MAY**, **2008**, BY A **UNANIMOUSLY**  
DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO  
VOTE.

**Colin Kinsley**  
**MAYOR**

**Don Schaffer**  
**CLERK**