

District of Fort St. James
Traffic and Parking Regulation
Bylaw No. 839, 2007

A Bylaw to Regulate Traffic and Parking in the District of Fort St. James

WHEREAS the Council of a municipality is empowered to enact a bylaw to make different regulations or prohibitions for the municipality, including regulations concerning *traffic* and *parking*;

AND WHEREAS the Council is empowered to enact fines and penalties for violations of those regulations or prohibitions;

NOW THEREFORE the Council of the District of Fort St. James, in open meeting assembled, hereby enacts as follows;

1. ADMINISTRATIVE PROVISIONS

- 1.1 This bylaw may be cited as “District of Fort St. James Traffic and Parking Regulation Bylaw No. 839, 2007.”
- 1.2 This bylaw includes Schedule “A”: Fines.
- 1.3 “Village of Fort St. James Traffic Regulation By-law No. 136” (1971) and any amendments thereto are hereby repealed.
- 1.4 If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.
- 1.5 Metric dimensions are used in this bylaw.
- 1.6 In this Bylaw words imparting the male gender include the female gender and either includes the neuter and vice versa, and words imparting the singular number include the plural number and vice versa

2. DEFINITIONS

In this bylaw, unless context otherwise requires:

- 2.1 “**Angle Parking**” means the *parking* of a *Vehicle* other than parallel to a *curb* or lateral lines of the *roadway*, and shall mean that the right front tire shall be closest to the *curb* or edge of the *highway*.
- 2.2 “**Boulevard**” means the area between the *curbs*, lateral lines, or the shoulder of a *highway* and the adjacent property line and includes a *sidewalk*.
- 2.3 “**Bylaw Enforcement Officer**” means a person appointed by *Council* to enforce District Bylaws, or a *Police Officer*.
- 2.4 “**Commercial Trailer**” means a *trailer* but does not include a recreational trailer or a trailer having a *gross vehicle weight* of less than 700 kilograms.
- 2.5 “**Commercial Vehicle**” means a *Vehicle* which is a commercial vehicle defined as such and licensed under the Commercial Transportation Act, and any *vehicle* not so licensed but which is used for the collection or delivery or both of goods, wares, merchandise, or other commodity in the ordinary course of a business undertaking, and displaying a valid decal or plate issued by a municipality for the purpose of identifying a *commercial vehicle*.

- 2.6 **“Construction Vehicle”** means a *commercial vehicle* that is at any time used to deliver construction materials or equipment, or used to do construction work.
- 2.7 **“Council”** means the Council of the District of Fort St. James.
- 2.8 **“Crosswalk”** means:
- a) the 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) the portion of a *roadway* at an intersection that is included within the connection of the lateral lines of the *sidewalks* on the opposite sides of the *highway*, or within the extension of the lateral lines of the *sidewalk* on one side of the *highway*, measured from the *curbs*, or in the absence of *curbs*, from the edges of the *highway*.
- 2.9 **“Curb”** means that portion of any *boulevard* that borders on the *highway*.
- 2.10 **“Cycle”** means a device having any number of wheels that is propelled by human power and on which a person may ride.
- 2.11 **“Disabled”** means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk.
- 2.12 **“Disabled Zone”** means a *parking zone* identified by the *disabled persons parking* insignia sign.
- 2.13 **“District”** means the District of Fort St. James
- 2.14 **“Emergency Vehicle”** means:
- a) a motor *vehicle* carrying rescue or first aid equipment where there is an emergency justifying a rate of speed in excess of any maximum rate of speed provided for in the Motor Vehicle Act
 - b) a motor *vehicle* driven by a member of a fire department in the discharge of that member’s duties;
 - c) a motor *vehicle* driven by a *Police Officer*, constable or member of the police branch of Her Majesty’s Armed Forces, in the discharge of that person’s duties.
- 2.15 **“Gross Vehicle Weight”** means the combined weight of the *vehicle* without the load plus the weight of any load thereon.
- 2.16 **“Highway”** includes every highway within the meaning of the Highway Act, and every road, street, lane or right of way designated or identified for or used by the general public for the passage of *vehicles*.
- 2.17 **“Owner”** as applied to a *vehicle* means:
- a) the person who holds the legal title of a *vehicle*,
 - b) a person who is a conditional vendee, a lessee or a mortgagor, and is entitled to be in possession of the *vehicle*, or
 - c) the person in whose name the *vehicle* is registered.
- 2.18 **“Park”** means the standing of a *vehicle*, whether occupied or not, upon a *highway* except when the *vehicle* is standing temporarily for the purpose of and while actually used for loading or unloading of the *vehicle*.
- 2.19 **“Permit”** means a document in writing issued by the *Public Works Superintendent* or the *Bylaw Enforcement Officer*, pursuant to this Bylaw.

- 2.20 **“Police Officer”** means a member of the Royal Canadian Mounted Police.
- 2.21 **“Public Works Superintendent”** means the Public Works Superintendent of the District of Fort St. James or anyone authorized to act on his or her behalf.
- 2.22 **“Recreational Vehicle”** means a motor *vehicle* or *trailer* designed, used or intended to be used primarily for accommodation during travel or recreation.
- 2.23 **“Resident”** means a person who resides within the boundaries of the District of Fort St. James.
- 2.24 **“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 of them collectively.
- 2.25 **“Sidewalk”** means that portion of the *boulevard* improved for the use of pedestrians.
- 2.26 **“Stop”** means:
- a) when required, a complete cessation from movement, and
 - b) when prohibited, the stopping or standing of a *vehicle*, whether occupied or not, except when necessary to avoid conflict with other *traffic* or to comply with the directions of a *Police Officer* or *traffic control device*.
- 2.27 **“Traffic”** includes pedestrians, ridden or herded animals, *vehicles*, *cycles* and other conveyances, either singly or together, while using a *highway* to travel.
- 2.28 **“Traffic Control Device”** means a sign, signal, line, marking, space, barrier or device, placed or erected by authority of the Minister of Transportation and Highways, the *Council* of the District, the *Public Works Superintendent* or a person authorized by any of them to exercise that authority, for the guidance, regulation, warning, direction, or prohibition of *traffic*.
- 2.29 **“Trailer”** means a *vehicle* without motor power designed to be drawn by or used in conjunction with a motor *vehicle* but does not include a sidecar attached to a motorcycle.
- 2.30 **“Vehicle”** means a device in, on 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 on stationary rails or tracks.

3. GENERAL POWERS OF THE PUBLIC WORKS SUPERINTENDENT

- 3.1 The *Public Works Superintendent* is authorized to locate, establish and maintain upon any *highway* or *boulevard* such *traffic control devices* as may be deemed necessary for the regulation, direction, control, or prohibition of pedestrian *traffic*, vehicular *traffic*, and *cycle traffic* on any *highway* or *boulevard*.
- 3.2 The *Public Works Superintendent* is authorized, at his discretion, to temporarily close any *highway* for any of the following purposes:
- a) construction or maintenance, or both, of any *highway* or *boulevard*, or anything ancillary to any of them;
 - b) installation, maintenance or removal of utilities;
 - c) construction of buildings on abutting properties if, in the opinion of the *Public Works Superintendent*, such closure or occupation, or both, is desirable to facilitate such construction or is necessary to protect the public during such construction;
 - d) a parade, festival, or block party.

- 3.3 The *Public Works Superintendent* or a *Bylaw Enforcement Officer* may order an owner or occupier of any premises to remove any accumulation of snow or ice from any sidewalk in front of or abutting the premises.

4. GENERAL POWERS OF BYLAW ENFORCEMENT OFFICERS

- 4.1 A *Bylaw Enforcement Officer* is authorized to determine whether a *vehicle* has been abandoned and if that *Bylaw Enforcement Officer* is satisfied that a *vehicle* has been abandoned, the *Bylaw Enforcement Officer* may cause the *vehicle* to be removed and disposed of pursuant to the Motor Vehicle Act.
- 4.2 A *Bylaw Enforcement Officer* may issue bylaw offense notices on any *vehicle parked* or *stopped* in contravention of this bylaw.
- 4.3 A *Bylaw Enforcement Officer* may issue bylaw offence notices to individuals committing an offense under this bylaw.

5. STOPPING OR PARKING OF VEHICLES

5.1 Parking Prohibitions

Except when necessary to avoid conflict with *traffic* or to comply with the law or the directions of a *Bylaw Enforcement Officer*, *Police Officer*, or *traffic control device*, no person shall:

- a) *park* a *vehicle* upon any *highway* for any continuous period exceeding 48 hours without movement;
- b) *park* a *vehicle* in any *District-owned parking* area for any continuous period exceeding 48 hours, without written authorization from the *Public Works Superintendent* or *Bylaw Enforcement Officer*;
- c) abandon any *vehicle* upon a *highway*;
- d) *stop* or *park* a *vehicle* on a *boulevard* or *sidewalk*;
- e) *stop* or *park* a *vehicle* in contravention of a *traffic control device*;
- f) *stop* or *park* a *vehicle* on a *highway* so that it impedes the normal flow of *traffic*;
- g) *stop* or *park* within 6 metres of the approach side of a *crosswalk*;
- h) *park* a *vehicle* within 5 metres of a fire hydrant measured from a point on the *curb* or edge of *highway* which is closest to the fire hydrant;
- i) *stop* or *park* a *vehicle* within 6 metres on the approach to a stop sign;
- j) *stop* or *park* upon a *roadway*, other than on the right side of the *roadway*, and with the right hand wheels parallel to that side, except where *angle parking* is permitted;
- k) *stop* or *park* a motor *vehicle* or *trailer* on a *highway* without displaying on it the number plates issued for the current licence year of that motor *vehicle* or *trailer*;
- l) *stop* or *park* any *vehicle* so that it impedes passage of vehicles entering or exiting private property via a private driveway;
- m) *stop* or *park* any *vehicle* on any *highway* for the purpose of greasing or repairing such *vehicle* except repairs necessitated by an emergency;
- n) occupy a *vehicle* as living quarters for any continuous period exceeding 24 hours while it is *parked* upon any *highway* or in any other public place, excluding designated camping or resting areas;
- o) *stop* or *park* a *vehicle* in a designated *disabled zone* unless the *vehicle* displays a valid *disabled*

parking permit;

- p) *stop, park* or leave standing any *vehicle*, attended or unattended, adjacent to or upon a *curb* painted yellow, except where necessary to avoid conflict with other *traffic*, or in compliance with the direction of a *bylaw enforcement officer* or *traffic control device*.

5.2 Manner of Parking

- a) No person shall *stop* or *park* a *vehicle* other than parallel to the *curb* on a *highway*, except where signs or markings indicate that *angle parking* is permitted, in which case the *vehicle* shall be *parked* at the angle to the *curb* indicated by such signs or markings, and parallel to and between such markings and as close to the *curb* as practicable, but in no case greater than 30 centimetres from the *curb*.
- b) Where parallel *parking* is permitted, *vehicles* shall be *parked* with wheels nearest the *boulevard* positioned parallel to the *highway*, and where there is a *curb*, within 30 centimetres of the *curb*.

5.3 Commercial Trailer Parking

- a) No person, being the *owner* or operator of a *commercial trailer* shall *park* such a *commercial trailer* when it is attached to a *vehicle* on any *highway* for more than two consecutive hours, except when the *vehicle* is delivering or picking up goods, merchandise or other things, or waiting to do so.
- b) No person, being the *owner* or operator of a *commercial trailer* shall place or *park* such *commercial trailer* on any *highway* if such *trailer* is not attached to a *vehicle* and capable of being pushed or drawn at all times, without first obtaining a written *permit* from the *Public Works Superintendent* or *Bylaw Enforcement Officer*.

5.4 Vehicles Exempt from Parking Regulations

Notwithstanding anything elsewhere contained in this bylaw, the provisions relating to *stopping* or *parking* of *vehicles* shall not apply to:

- a) *emergency vehicles*;
- b) *vehicles* used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems, water systems and sewage systems;
- c) municipal and other government *vehicles*;
- d) towing service *vehicles*.

This exemption does not relieve the drivers of said *vehicles* from taking due precautions to indicate their presence on a *highway parked* or *stopped*, while engaged in work.

6. HIGHWAY USAGE

6.1 Pedestrians

No person or persons shall stand or assemble on any *highway* or *sidewalk* so as to obstruct or prevent other persons from using the *highway* or *sidewalk* for the passage of motor *vehicles* or pedestrians.

6.2 Regulation of Cycles, Skateboards, and Roller Blades

- a) Unless the context otherwise requires, a person operating a *cycle* on a *highway* has all the rights and is subject to all the duties that any *vehicle* operator has under this bylaw.
- b) Any person operating a skateboard, rollerblades or other similar equipment and apparatus associated with such equipment, shall yield the right of way to and shall not interfere with the quiet enjoyment of any person or *traffic* on or in a public place, *highway* or road.

6.3 Vehicle Regulations

Except as authorized by a written *permit* from the *Public Works Superintendent*, 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* 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, traction surface or smooth surface of the wheel, tread or track, excluding studded tires and tire chains of reasonable proportions when required for safety;
- c) A *vehicle* that is dropping, sifting, or leaking any escapement of its load;
- d) A *vehicle* with any load unless the load or 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*;

6.4 General

- a) No person shall remove any notice affixed or placed on a *vehicle* by a *Bylaw Enforcement Officer* unless he is the *owner* or operator of such *vehicle*;
- b) No person shall camp overnight on any *highway* or in any park or in any *parking* area, other than those areas approved for overnight camping;
- c) No person shall remove, alter, deface, cover up or damage any *traffic control device* erected pursuant to the provisions of this bylaw.
- d) No person shall place, erect or display on or within view of any highway, any sign, signal or other device which purports to be or imitates or resembles any traffic control device.
- e) Except as specifically authorized by a resolution of *Council* or by bylaw, no person acting in the course of that person's business, shall place or cause or permit to be placed by any person in their employ or under their control, any fuel, merchandise, chattel or wares of any nature on any *highway* or *boulevard*, or to conduct business from a *vehicle* parked on any *highway*.
- f) The *Public Works Superintendent* or *Bylaw Enforcement Officer* may seize any merchandise, *vehicle*, fuel, chattel or wares of any nature found to be unlawfully occupying a portion of a *highway*, *boulevard* or public place and may cause such object to be removed, detained and impounded.
- g) No person shall cause or permit refuse of any type to be thrown, dropped or let fall from or out of any *vehicle* onto any *highway*, *sidewalk* or *boulevard*.

7. FINES AND PENALTIES

7.1 Violations

Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.

7.2 Ticketing

Fines and penalties for tickets issued for offences against this bylaw shall be in accordance with Schedule

“A”, attached hereto and forming part of this Bylaw.

7.3 Impoundment of Vehicles

- a) Any *vehicle* unlawfully occupying any portion of District property, *highway, boulevard, highway*, or public place may, upon the order of a *Bylaw Enforcement Officer*, be removed to an impoundment lot.
- b) Any vehicle parked on a highway that is deemed to be an impedance to snow removal may, upon the order of the Public Works Superintendent, be removed to an impoundment lot.
- c) A *vehicle* removed under Sections 7.3(a) or 7.3(b) will not be released to its *owner* until the costs of its removal and impoundment are paid. These costs are established in an agreement between the District and its towing agent.
- d) If a *vehicle* that has been impounded is not claimed by its *owner* within thirty-one days of being given a notice of the impoundment, the *vehicle* may be sold at public auction. Any monies received on the *vehicle's* sale shall be applied to the cost of the sale, impoundment, storage, and removal fees. In the event of a surplus, the monies will be sent to the registered *owner* at the address shown for such *owner* in the records of the Superintendent of Motor Vehicles.

7.4 Disposal of Objects

- a) After the expiration of thirty-one days from the date of seizure of an object, the *Public Works Superintendent* is authorized to sell the object by auction and the proceeds of the sale shall be the property of the District.
- b) The District may recover fees, costs, and expenses for removal, detention, impounding and storage of an object seized by sale of the object at public auction.
- c) Where, in the opinion of the *Public Works Superintendent*, it is impractical to dispose of a seized object by public auction, the *Public Works Superintendent* may dispose of the object in any way deemed fit.

7.5 Liability for Damages and Costs

In addition to all other penalties herein provided, any person causing damage to any *highway* or *boulevard*, or any person being the *owner* or operator of a *vehicle* that has caused damage to any *highway* or *boulevard*, shall be responsible for the cost of repairing such damage.

READ A FIRST, SECOND AND THIRD TIME THIS 28th DAY OF FEBRUARY, 2007.

ADOPTED THIS 14TH DAY OF MARCH, 2007.

Rob MacDougall, Mayor

Nigel Black, CAO

Certified a true copy of “District of Fort St. James Traffic and Parking Regulation Bylaw No. 839, 2007”.

Nigel Black, CAO

Bylaw No. 839, 2007
Schedule "A": Fines

Offence	Section	Fine First Offence	Fine Subsequent Offence
<i>Park</i> exceeding 72 hours without moving	5.1(a)	\$25.00	\$50.00
<i>Park</i> overnight	5.1(b)	\$50.00	\$75.00
Abandon <i>vehicle</i>	5.1(c)	\$100.00	\$200.00
<i>Stop</i> or <i>park</i> on <i>boulevard</i> or <i>sidewalk</i>	5.1(d)	\$50.00	\$75.00
<i>Stop</i> or <i>park</i> in contravention of <i>traffic control device</i>	5.1(e)	\$25.00	\$50.00
<i>Stop</i> or <i>park</i> to impede flow of traffic	5.1(f)	\$25.00	\$50.00
Illegal <i>stopping</i> or <i>parking</i>	5.1(g),(h),(i),(j)	\$25.00	\$50.00
Unlicensed <i>vehicle/trailer parked</i> on road	5.1(k)	\$50.00	\$100.00
<i>Stop</i> or <i>park vehicle</i> of more than 4,600 kilograms over 2 hours	5.1(l)	\$50.00	\$100.00
<i>Stop</i> or <i>park</i> on <i>highway</i> for maintenance	5.1(m)	\$50.00	\$100.00
Use <i>vehicle</i> as living quarters	5.1(n)	\$50.00	\$50.00
<i>Park</i> or <i>stop</i> in <i>disabled zone</i>	5.1(o)	\$50.00	\$100.00
Violation of parallel <i>parking</i>	5.2(a), (b)	\$25.00	\$50.00
<i>Parking commercial trailer</i> over 2 hours	5.3(a)	\$50.00	\$100.00
<i>Park</i> or place unattached <i>commercial trailer</i> on <i>highway</i> without <i>permit</i>	5.3(b)	\$50.00	\$100.00
Person(s) obstructing <i>highway</i> or <i>sidewalk</i>	6.1	\$25.00	\$50.00
Interference with pedestrians	6.2(b)	\$25.00	\$50.00
Overloaded passenger <i>vehicle</i>	6.3(a)	\$100.00	\$150.00
Operating <i>vehicles</i> with tracks, cleats, ribs, clamps, flanges, lugs, etc., on <i>highway</i>	6.3(b)	\$500.00	\$750.00
<i>Vehicle</i> dropping, leaking, shifting load	6.3(c)	\$250.00	\$500.00
Insecurely fastened cover on load	6.3(d)	\$100.00	\$200.00
Removal of posted notice on <i>vehicle</i>	6.4(a)	\$100.00	\$150.00
Illegal overnight camping	6.4(b)	\$100.00	\$200.00
Remove, alter, deface, cover, damage <i>traffic control device</i>	6.4(c)	\$200.00	\$200.00
Display imitation traffic control device	6.4(d)	\$200.00	200.00
Conduct business from a <i>vehicle</i> or place merchandise on any <i>highway</i>	6.4(d)	\$200.00	\$300.00
Refuse from vehicle	6.4(g)	\$50.00	\$100.00