

# TOWN OF LADYSMITH



## **“Streets and Traffic Bylaw 1999, No.1309”**

*Consolidated Version as on October 20, 2021  
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

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This consolidation is not a legal document. Certified copies of the original bylaws should be  
consulted for all interpretations and applications of the bylaws of this subject*

June 28, 1999

Includes Amendment Bylaw Nos.: 1619, 1636, 1748, 1941, 1993, 2041, 2042, and 2054

# TABLE OF CONTENTS

<b>PART I</b>	<b>INTERPRETATION .....</b>	<b>1</b>
	DEFINITIONS.....	I-IV
<b>PART II</b>	<b>AUTHORITY.....</b>	<b>8</b>
	APPLICATION .....	8
	EXEMPTIONS .....	8
	DELEGATION OF POWERS .....	9
	BYLAW OFFENSE NOTICES.....	10
<b>PART III</b>	<b>VEHICLE AND OTHER REGULATIONS.....</b>	<b>12</b>
	TRAFFIC CONTROL DEVICES .....	12
	STOPPING AT INTERSECTIONS.....	12
	STUNTING .....	12
	UNNECESSARY NOISE .....	13
	RACING.....	13
	CARELESS DRIVING .....	13
	OBEDIENCE TO TRAFFIC SIGNALS .....	13
	FOLLOWING FIRE VEHICLE.....	14
	DRIVING OVER FIRE HOSE .....	14
	OBEYING FLAGPERSON.....	14
	SPEED LIMITS.....	14
	SCHOOLS .....	14
	PLAYGROUND.....	16
	MEETING SCHOOL BUS.....	16
	APPROACH OF EMERGENCY VEHICLE .....	16
	NOISE FROM MOTOR VEHICLES .....	16
	OBSCURING LICENSE PLATE .....	16
<b>PART IV</b>	<b>PEDESTRIAN AND CYCLE REGULATIONS .....</b>	<b>18</b>
	PERSONS IMPEDING TRAFFIC.....	18
	CYCLES AND PLAY VEHICLES.....	18
<b>PART V</b>	<b>ON STREET PARKING REGULATIONS .....</b>	<b>20</b>
	MANNER OF PARKING .....	20
	WHERE PARKING PROHIBITED .....	20
	PARKING TIME LIMITS.....	23
	LOADING ZONES.....	23
	DISABLED PARKING .....	23
	IMPOUNDMENT OF VEHICLES.....	24
<b>PART VI</b>	<b>GENERAL REGULATIONS .....</b>	<b>25</b>
	OBEDIENCE TO PEACE OFFICERS, FIREFIGHTERS .....	25
	LITTERING .....	25
	ABANDONED VEHICLES.....	25
	FAIL TO STATE NAME .....	25
	GENERAL OFFENCES.....	26
	REMOVAL OF GLASS AND DEBRIS .....	27
	UNAUTHORIZED SIGNS.....	28
<b>PART VII</b>	<b>HIGHWAY USE REGULATIONS – HEAVY TRUCKS – COMMERCIAL VEHICLES .....</b>	<b>29</b>

**TABLE OF CONTENTS continued . . .**

SIZE, WEIGHT AND LOADING RESTRICTIONS .....	29
HIGHWAY USE REQUIRING PERMIT .....	30
HIGHWAY USE PERMITS.....	31
TRUCK ROUTES .....	33
HEAVY COMMERCIAL VEHICLE PARKING .....	34
HEAVY TRUCKS AT NIGHT .....	35
ORDER OF <i>DIRECTOR OF INFRASTRUCTURE SERVICES</i> .....	35
OVERWEIGHT VEHICLES .....	36
<b>PART VIII ALL TERRAIN VEHICLE REGULATIONS .....</b>	<b>38</b>
REGULATIONS.....	38
OPERATION OF ALL TERRAIN VEHICLE .....	38
MOTORCYCLE HELMETS .....	39
<b>PART IX VEHICLE EQUIPMENT REGULATIONS .....</b>	<b>40</b>
<b>PART X SIDEWALK PATIOS .....</b>	<b>41</b>
SIDEWALK PATIO PERMITS .....	41
RETAIL DISPLAYS .....	41
<b>PART XI BOULEVARD AND SIDEWALKS .....</b>	<b>44</b>
SNOW REMOVAL FROM SIDEWALKS .....	44
SIGNAGE ON THE SIDEWALK .....	44
BOULEVARD.....	44
<b>PART XII ENFORCEMENT .....</b>	<b>45</b>
PENALTIES.....	45
<b>PART XIII REPEAL .....</b>	<b>46</b>
<b>SCHEDULE "A" - FINE SCHEDULE .....</b>	<b>1</b>
<b>SCHEDULE "B" - IMPOUND FEE SCHEDULE .....</b>	<b>1</b>
<b>SCHEDULE "C" - DESIGNATED TRUCK ROUTE AND "NO HEAVY TRUCK" ROUTE .....</b>	<b>1</b>
<b>SCHEDULE "D" - HIGHWAY USE PERMIT .....</b>	<b>1</b>
<b>SCHEDULE "E" - APPLICATION FOR SIDEWALK PATIO PERMIT .....</b>	<b>1</b>
<b>SCHEDULE "F" - SIDEWALK PATIO PERMIT REGULATIONS.....</b>	<b>1</b>
<b>SCHEDULE "G" - SIDEWALK PATIO PERMIT NO. ....</b>	<b>1</b>
<b>SCHEDULE "H" - DESIGNATED PATIO AREA.....</b>	<b>1</b>
<b>SCHEDULE "I" - RETAIL DISPLAY PERMIT NO. ....</b>	<b>1</b>
<b>SCHEDULE "J" - APPLICATION FOR RETAIL DISPLAY PERMIT .....</b>	<b>1</b>
<b>SCHEDULE "K" - RETAIL DISPLAY PERMIT REGULATIONS .....</b>	<b>1</b>

**TABLE OF CONTENTS continued . . .**

**TOWN OF LADYSMITH**

**STREETS AND TRAFFIC  
BYLAW 1998, NO. 1309**

A Bylaw to regulate traffic, parking and the use of highways,  
boulevards, sidewalks and public land in the Town of  
Ladysmith.

Whereas the *Council* is authorized, pursuant to the Motor Vehicle Act, the Highway Scenic Improvement Act, and the Municipal Act to regulate traffic and the use of highways and to regulate the use of public areas within the Municipality.

The *Council* of the Town of Ladysmith, in open meeting assembled, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the Town of Ladysmith Streets and Traffic Bylaw. 1998, No. 1309.

**PART I**

**INTERPRETATION**

DEFINITIONS

2. For the purposes of this Bylaw, unless the context otherwise requires:

“*All Terrain Vehicle*” means a self-propelled wheeled or tracked *vehicle* designed for

- (a) personal transportation on or off the *highway*; or
- (b) the transportation of equipment or other goods on or off a *highway*, including but not limited to a *trailer* attached to the *vehicle* and a golf cart, but not a *vehicle* used for farming or an implement of husbandry.

“*Angle Parking*” means the *parking* of a *vehicle* other than parallel to a curb or the lateral lines of a *roadway*.

“*Bicycle Safety Helmet*” means any helmet that has been designated as an approved bicycle helmet by the *Superintendent of Motor Vehicles*.

Bylaw 1993

“*Boulevard*” means that portion of a highway between the edge of the travelled portion of the *roadway* and the adjoining property line and, in the case of a divided *highway*, that portion between the inside curbs.

“*Bus*” means a *motor vehicle* designed to carry more than ten persons.

“*Bus Shelter*” means a kiosk, enclosure, or structure which provides weather protection to transit patrons which may include as part of its structure one or more advertising signs.

“*Bus Stop Sign*” means a sign designated and issued by BC Transit at which public transit *buses* may *stop* and allow the ingress and egress of passengers.

“*Bylaw Enforcement Officer*” means any person designated by the *Council* to enforce the provisions of this Bylaw, including but not limited to a Building Inspector and any person employed by contract or otherwise to enforce *parking* regulations under this Bylaw.

“*Chief of Police*” means the Officer-In-Charge, Ladysmith Detachment, Royal Canadian Mounted Police, and includes any member of the RCMP appointed or designated by the Chief of police to act on his/her behalf.

“*Council*” means the Council of the *Municipality*.

“*Combination of Vehicles*” means every combination of *truck*, *truck tractor*, semi-trailer and *trailer*.

“*Commercial vehicle*” includes but is not limited to:

- (a) a *motor vehicle* having permanently attached to it a *truck* or delivery body;
- (b) an ambulance, casket wagon, hearse, motor *bus*, *tow vehicle*, road building machine, *taxi*, tractor; or
- (c) a *combination of vehicles*.

“*Controlled Access Highway*” means a highway designated as such under the HIGHWAY ACT, R.S.B.C. 1996, c.188.

“*Crosswalk*” means

- (a) a portion of the *roadway* at an *intersection* or elsewhere distinctly indicated for *pedestrian* crossing by signs or by lines or other markings on the road surface; or,
- (b) the portion of a *highway* at an *intersection* that is included within the connection of the lateral lines of the *sidewalk* 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 *roadway*.

“*Cycle*” means a device having any number of wheels that is propelled by human power and on which a person may ride but excludes a *play vehicle*.

“*Disabled zone*” means a *parking zone* identified by a disabled *parking sign*.

Bylaw 1941

“*Director of Development Services*” means the person appointed as Director of Development Services for the *Municipality* and includes his/her authorized deputy.

Bylaw 1941

“*Director of Infrastructure Services*” means the person appointed as the Director of Infrastructure Services for the *Municipality* and includes his/her authorized deputy.

“*Driver*” means a person who drives or is in actual physical control of a *vehicle*.

“*Driveway*” means the improved portion of the *boulevard*, or area between the travelled portion of a highway and the property lines specifically designated and improved to provide vehicular access at a particular point to a parcel of land, and without limiting the generality of the foregoing, includes the curb, *sidewalk*, ditch and *boulevard*.

“*Dumpster Container*” means a container, used for but not limited to receiving garbage, that is designed and intended to be lifted by forks or other device mounted on a *vehicle* and the contents emptied into that part of the *vehicle* designed to receive same.

“*Heavy Truck*” means a *motor vehicle* which

- (a) has a licensed gross *vehicle* weight in excess of 9,000 kg; or
- (b) comprises a tractor towing one or more *trailers* or semi-trailers;

Bylaw 1941

“*Highway*” includes every highway, road, street, *lane*, *boulevard*, *sidewalk*, bridge, viaduct or right- of-way designed, intended for, or used by the general public for the passage of *vehicles*, *cycles* or *pedestrians* and every private place or passageway to which the public, for the purpose of the *parking* or servicing of *vehicles*, has access or is invited.

“*Intersection*” means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the *roadways* of the two highways that join one another at or approximately at right angles, or the area within which *vehicles* travelling on different highways joining at any other angle may come in conflict.

"*Lane*" means a *highway* abutting the rear or side boundaries of parcels of land and which is intended primarily to provide access to the rear or side yards of such parcels.

Bylaw 1941

~~"*Director of Development Services*" means the Director of Development Services of Development Services for the *Municipality* and includes his/her authorized deputy.~~

"*Motor Cycle*" means a *motor vehicle* running on two or three wheels and having a saddle or seat for the *driver* to sit astride.

"*Motorcycle Helmet*" means any helmet that has been designated as an approved *motor cycle* helmet by the *Superintendent of Motor Vehicles*.

"*Motor Vehicle*" means a *vehicle*, not run on rails, that is designated to be self propelled or propelled by electric power obtained from overhead trolley wires or on board storage batteries, but does not include a *motorized wheelchair*.

*“Motorized Wheelchair”* means a personal conveyance which is used by a person who is disabled, aged or infirmed and is not self-propelled.

*“Municipality”* means the Town of Ladysmith.

*“Park”* when prohibited, means the *standing, stopping* or *parking* of a *vehicle*, whether occupied or not, except when it is to *stand, stop, or park* temporarily for the purpose of and while actually engaged in loading or unloading goods or discharging or taking on passengers.

*“Peace Officer”* means a police officer, constable or a person having the powers of a police officer.

*“Pedestrian”* means a person afoot and includes but is not limited to a person in a wheelchair, in a *motorized wheelchair* or in a carriage.

*“Permit”*, when used as a noun, includes any *permit* issued to an applicant pursuant to this bylaw.

*“Play vehicle”* includes coaster, wagon, scooter, child’s tricycle, in line skates, rollerskates, skateboard, sled, toboggan, ski or skate and any other wheeled or runnered device propelled by human power upon which any person may ride but does not include a *cycle*.

*“Public Place”* includes any land or improvements on land occupied by or under the care, custody or control of the *Municipality*.

*“Recovery Vehicle”* means a *motor vehicle* that is equipped with a winch and boom device or a wheel lift device or both, and that is designated for towing other *motor vehicles* by means of that device.

*“Residential District”* means all those properties within the *Municipality* which are zoned for residential use pursuant to “The Town of Ladysmith Zoning Bylaw, 1995, No. 1160” and its amendments.

*“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.

*“Roll Off Container”* means a container, used for but not limited to receiving demolition debris, that is designed and intended to be loaded and unloaded by means of a winch onto the rails of a *truck* designed for that purpose.

“*Sidewalk*” means the area between the curb lines or lateral lines of a *roadway* and the adjacent property lines improved for use of *pedestrians*, or other uses authorized by a *permit* or any other improved area designated for *pedestrian* use only.

“*Stop*” or “*Stand*” 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 *peace officer* or *traffic control device*;

“*Superintendent of Motor Vehicles*” means the Superintendent of Motor Vehicles as defined in the MOTOR VEHICLE ACT, R.S.B.C. 1996, c. 318.

Bylaw 1941

~~“*Superintendent of Public Works*” means the person appointed as the Superintendent of Public Works for the *Municipality*, and includes his/her authorized deputy.~~

“*Taxi*” means a *motor vehicle* which is designed to carry not more than ten (10) persons including its *driver* and is operated for hire.

“*Tilt and Slide Deck Truck*” means a *motor vehicle* that is equipped with:

- (a) a deck that tilts and slides,
- (b) a winch for self loading not more than two *vehicles* onto the deck, and
- (c) either a lifting tow bar or a wheel lift device designed for towing other *motor vehicles* by means of that bar or device.

“*Tow Vehicle*” means a *tilt and slide deck truck* or *recovery vehicle*.

“*Traffic*” includes *pedestrians*, ridden or herded animals, *vehicles*, *cycles*, *play vehicles* and other conveyances, either singly or together, while using a *highway* to travel, or using a *public place*.

“*Traffic Control Device*” means a sign, signal, line, meter, marking, space, barrier or device placed or erected by authority of the *Director of Infrastructure Services*, to control, prohibit or regulate *traffic*.

“*Traffic Control Signal*” means a *traffic control device*, whether manually, electrically or mechanically operated, by which *traffic* is directed to *stop* and to proceed;

“*Trailer*” means a *vehicle* that is at any time drawn by or used in conjunction with a *motor vehicle* on a *highway* except;

- (a) an implement of husbandry;
- (b) a sidecar attached to a *motor cycle*; and
- (c) a disabled *motor vehicle* that is towed by a *tow vehicle*.

“*Truck*” means a *motor vehicle* designed or used primarily for the transportation of property.

“*Truck Route*” means a *highway*, a portion of a *highway*, or a series of connected *highways*, designated and described as such in Schedule “C” hereto on which *Heavy Trucks* may be present and travel at any and all times.

“*Truck Tractor*” means a *motor vehicle* designed and used primarily for drawing other *vehicles* and not constructed to carry a load other than a part of the weight of the *vehicle* drawn and of the load of the other *vehicle*.

“*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 tracks or rails.

3. Words not specifically defined in this Bylaw shall have the same meaning as defined in the MOTOR VEHICLE ACT, R.S.B.C. 1996 c. 318;

## PART II AUTHORITY

### APPLICATION

4.
  - (1) This bylaw applies to any person involved in any activity or subject matter covered by this Bylaw within the *Municipality*.
  - (2) A person riding a *cycle* or an animal or driving an animal drawn *vehicle* upon a *highway* has all the rights and is subject to all the duties, limitations and responsibilities that apply to the *driver* of a *vehicle* under this Bylaw.

### EXEMPTIONS

5. This bylaw does not apply to:
  - (1) persons, *vehicles* or other equipment while lawfully engaged in *highway* or public utility construction, maintenance or repair work on, over or under the surface of a *highway*.
  - (2) the *driver* of any emergency *vehicle*:
    - (a) while it is responding to an emergency call and sounding an audible signal, siren, or bell, and showing at least a flashing red light; or at the scene of an emergency and showing at least a flashing red light;
    - (b) who is a Peace Officer, in immediate pursuit of an actual or suspected violator of the law;
    - (c) who is a Peace Officer, engaged in a police duty of a nature that the sounding of an audible signal or siren would unduly hamper the performance of that duty;
  - (3) the *stopping, standing or parking* of *vehicles* in official use:
    - (a) that is owned, leased or under contract with the Government of Canada, Province of British Columbia or any *municipality*;
    - (b) by a public utility corporation;
    - (c) as a *tow vehicle*;while such *vehicles* are actually engaged in official use.
  - (4) a *Bylaw Enforcement Officer* engaged in the performance of his/her duties in enforcing the bylaws of the *Municipality*.

## DELEGATION OF POWERS

6. The *Director of Infrastructure Services* is hereby authorized:
- (1) to order the placing or erection of *traffic control devices* for the regulation, control or prohibition of *traffic*, for the purposes of giving effect to the provisions of the MOTOR VEHICLE ACT, R.S.B.C., 1996, c. 318, and this bylaw.;
  - (2) to order the placing or erection of *traffic control devices* for the regulation, control or prohibition of the *stopping, standing or parking* of *vehicles* on a *highway*.;
  - (3) to order the placing or erection, for temporary periods not exceeding thirty (30) days at any one time, of *traffic control devices* prohibiting *parking*:
    - (a) at the entrance to dance halls, funeral parlors, or other places of public assemblage during the periods of assemblage therein;
    - (b) upon either or both sides of the *highway* or portion thereof along the route of any parade or in the vicinity of large gatherings;
    - (c) at any location where, in special circumstances it is deemed necessary to facilitate or safeguard *traffic*, or
    - (d) in front of any buildings or structures under construction, alteration, repair or demolition.;
  - (4) to set apart and allot portions of *highways* adjacent to federal, provincial or municipal public buildings for the exclusive use of officials and officers engaged in them for the *parking* of *vehicles*, and the regulation of that *parking*.;
  - (5) to order the designation of portions of *highways* as:
    - (a) *bus stops*,
    - (b) *bus shelters*
    - (c) loading zones;
    - (d) *taxi* zones; or
    - (e) *cycle* paths.;
  - (6) to order or authorize the erection, maintenance and operation of *bus shelters* that may be permitted on a *highway*.;
  - (7) when, in his/her opinion, any *highway* or any section thereof is unsafe or unsuitable for *traffic*, or it is advisable that *traffic* should be restricted or

- diverted therefrom, to order the closing of such *highway* or section thereof, or the restriction or diversion of *traffic* thereon.;
- (8) to make orders regarding the size, location and type of signs other than *traffic* control devices that may be permitted on a *highway*; and
- (9) to order the alteration, repainting, tearing down removal of any sign or other thing on a *highway*, whether erected or placed thereon with or without his/her approval, without compensation to any person for loss or damage resulting from such alteration, repainting, tearing down or removal.
7. The *Director of Infrastructure Services*, the *Director of Development Services*, the Fire Chief, the Building Inspector, a *Bylaw Enforcement Officer*, a *Peace Officer*, each of their respective Deputies and Assistants, and any person designated by *Council* resolution are authorized to:
- (a) Enforce and carry out the provisions of this bylaw:
  - (b) Enter, at all reasonable times, any day of the week, on any property or premises in order to ascertain whether such regulations are being obeyed;
  - (c) Issue bylaw offence notices; and
  - (d) Detain, tow or impound any *vehicle, trailer, or cycle* in violation of this bylaw.
8. In addition to any other penalty or method of enforcement that may be prescribed by this bylaw, a *Peace Officer* may detain and impound any *play vehicle* being used by any person in contravention of this bylaw.

#### BYLAW OFFENSE NOTICES

- 9.
- (1) The *Director of Infrastructure Services*, in conjunction with the *Chief of Police*, may arrange and administer a system to collect voluntary-indicated and Court-ordered penalties and fines respectively, including the ultimate taking of criminal proceedings; to provide notice to persons who are alleged to have committed a breach of a provision of this Bylaw.
  - (2) The system may also include the collection of voluntary penalties for alleged violations at a rate for each penalty to be collected in accordance with Schedule "A".
  - (3) The *Municipality* may also take and direct civil proceedings against any person alleged to have breached the provisions of this Bylaw.
  - (4) When the *Municipality* enters into proceedings against a person charged with an offense under this Bylaw, the *Municipality* may assess costs:

- (a) where a summons is issued;
- (b) where personal service of a summons is required; or
- (c) where a warrant is obtained.

## PART III VEHICLE AND OTHER REGULATIONS

### TRAFFIC CONTROL DEVICES

10.

- (1) Division 23 of the MOTOR VEHICLE ACT REGULATIONS, BC Reg. 26/58, is hereby adopted as regulations under this Bylaw and shall be applicable to all *highways* as defined herein.
- (2) Where a *traffic control device*, authorized by the *Director of Infrastructure Services* under this bylaw, is erected or placed on any *highway* or *public place*, no person shall drive, operate, *stop* or *park* a *vehicle* or act in a manner contrary to that indicated by the *traffic control device*, except where directed to do so by a Peace Officer.
- (3) Except by order of the *Director of Infrastructure Services*, no person shall tear down, remove, displace or in any manner whatsoever deface, damage or interfere with any *traffic control device* erected or placed pursuant to this Bylaw.
- (4) No person other than the owner or operator of a *vehicle* shall remove any notice placed thereon or affixed thereto by any person authorized to issue such a notice pursuant to this Bylaw.

### STOPPING AT INTERSECTIONS

11. Except when a Peace Officer directs otherwise, where there is a *stop* sign at an *intersection*, a *driver* of a *vehicle* shall *stop*:
  - (1) at a marked *stop* line, if any;
  - (2) before entering a marked *crosswalk* on the near side of the *intersection*, or;
  - (3) when there is neither a marked *stop* line nor a marked *crosswalk*, before entering the *intersection*, at a point nearest the intersecting *highway* from which the *driver* has a view of the approaching *traffic* on the intersecting *highway*.

### STUNTING

12. No person, whether as a *pedestrian*, passenger or *driver* and whether or not with the use or aid of any animal, *vehicle*, *cycle*, *play vehicle*, or other thing, shall perform or engage in any stunt or other activity on a *highway* that is likely to distract, startle or interfere with other users of the *highway*.

## UNNECESSARY NOISE

13. No person shall cause the emission of any loud and unnecessary noise from a *motor vehicle*:
- (1) By using or by means of the horn, engine, exhaust system, braking system, acceleration system, tires in contact with the *roadway*, or
  - (2) By the amplified sound of an alarm system, radio, television, player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a *motor vehicle* and can easily be heard by someone outside the *motor vehicle*,
  - (3) By starting and idling of a *commercial vehicle* for an excessive period of time; or
  - (4) Otherwise, from the *motor vehicle*, any part thereof, or any thing or substance that the *motor vehicle* or a part thereof comes into contact with.

## RACING

14. No person shall, unless lawfully authorized by the *Director of Infrastructure Services*, drive a *vehicle* on a *highway* in a race or on a bet or wager.

## CARELESS DRIVING

15. No person shall drive a *motor vehicle* on a *highway*
- (1) without due care and attention;
  - (2) without reasonable consideration for others using the *highway*; or
  - (3) at a speed that is excessive relative to the road, *traffic*, visibility or weather conditions.

## NEWLY PAINTED LINES

16. No person shall drive on or over a newly painted line or marking on a *highway* when the line is indicated by a *traffic control device*.

## OBEDIENCE TO TRAFFIC SIGNALS

17. Notwithstanding anything contained in this Bylaw, if on or over a *highway* there is:
- (1) one or more *traffic* controls devices indicating the direction *vehicles* shall proceed, a person shall not drive a *vehicle* other than in the direction indicated;

- (2) a *traffic control device* indicating that a certain movement is prohibited, no person shall drive a *vehicle* in a movement prohibited by the *traffic control device*.

#### FOLLOWING FIRE VEHICLE

18. A *driver* who is not a *driver* of an emergency *vehicle* shall not follow fire apparatus closer than 150 metres or drive or *park* within 150 metres of the place on the same *highway* on which fire apparatus has *stopped* in apparent answer to a fire alarm.

#### DRIVING OVER FIRE HOSE

19. Unless the *driver* has received consent of the Fire Department official in command or a *Peace Officer*, the *driver* shall not drive a *vehicle* over an unprotected hose of a Fire Department when laid down on a *highway* or private *driveway* at the site of the emergency.

#### OBEYING FLAGPERSON

20. Where a flagperson is controlling the movement of *traffic* around the section of *highway* being worked on, a person shall not drive or operate a *vehicle* other than as directed by the flagperson.

#### SPEED LIMITS

21.
  - (1) Subject to this section, a person shall not drive or operate a *motor vehicle* on a *highway* in the *municipality* at a greater rate of speed than 50 km/h, unless posted otherwise.
  - (2) Where the *Director of Infrastructure Services* has caused a sign to be posted for a *highway* changing the rate of speed of *motor vehicles* or a category of *motor vehicles* driven or operated on that portion of the *highway*, a person shall not, when the sign is posted, drive or operate a *vehicle* on that portion of the *highway* at a greater rate of speed than that indicated on the sign for that category of *motor vehicle*.
  - (3) A person shall not drive or operate a *motor vehicle* on a *lane* at a greater rate of speed than 20 km/h.

#### SCHOOLS

22. Between the hours of 8 a.m. and 5 p.m. on a day when school is regularly held, every person driving a *vehicle* on a *highway* shall drive at a rate of speed not

exceeding 30 km/h while approaching, passing or in the vicinity of the school to which the signs relate, where signs are displayed stating a speed limit of 30 km/h or on which the numerals "30" are prominently shown,.

## PLAYGROUND

23. Between dawn and dusk, every person driving a *vehicle* on a *highway* shall drive the *vehicle* at a rate of speed not exceeding 30 km/h when approaching or passing a public playground for children where signs are displayed stating a speed limit of 30 km/h, or on which the numerals “30” are prominently shown.

## MEETING SCHOOL BUS

24. The *driver* of a *vehicle* on a *highway*, on meeting a school *bus*
- (a) that is designated as a school *bus*, and
  - (b) that is *stopped* on a *highway*, and
  - (c) on or near which a sign or signal is displayed indicating the school *bus* is receiving or discharging school children,

shall *stop* the *vehicle* before reaching the *bus* and not proceed until the *bus* resumes motion or the *driver* of the *bus* signals to the *driver* that it is safe to proceed.

## APPROACH OF EMERGENCY VEHICLE

25. On the immediate approach of an emergency *vehicle* giving an audible signal by a bell, siren or exhaust whistle, and showing at least a visible flashing red light, except when otherwise directed by a *peace officer*, a *driver* shall yield the right-of-way, and immediately drive to a position parallel to and as close as possible to the nearest edge or curb of the *roadway*, clear of an *intersection*, and *stop* and remain in that position until the emergency *vehicle* has passed.

## NOISE FROM MOTOR VEHICLES

26. No person shall start, drive, turn or *stop* any *motor vehicle*, or accelerate the *vehicle* engine while the *vehicle* is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, exhaust system or the braking system, or from the contact of the tires with the *roadway*.

## OBSCURING LICENSE PLATE

- 27.
- (1) No person shall obscure a *vehicle* license plate.
  - (2) No person shall operate a *vehicle* with an obscured *vehicle* license plate.

- (3) No person shall operate a *vehicle* equipped with a device capable of temporarily or permanently obscuring a licence plate.

## PART IV

### PEDESTRIAN AND CYCLE REGULATIONS

#### PERSONS IMPEDING TRAFFIC

28.

- (1) No person shall engage in any sport, amusement, exercise or occupation on a *highway* or *stand*, walk, run or loiter in such a manner as to obstruct, impede or interfere with the free passage of *vehicles* on a *highway*.
- (2) No person shall engage in any sport, amusement, exercise or occupation on a *sidewalk* or *stand*, walk, run or loiter in such a manner as to obstruct, impede or interfere with the free passage of another person on a *sidewalk*.
- (3) No person shall engage in street performing, busking, panhandling, fund raising or soliciting donations on a *highway* or a *sidewalk*, unless the person has a *permit* granted by another bylaw or has received approval from *Council* prior to engaging in that activity.

#### CYCLES AND PLAY VEHICLES

29.

- (1) In addition to the duties imposed by this section, a person operating a *cycle* on a *highway* has the same rights and duties as a *driver* of a *vehicle*.
- (2) A person operating a *cycle*
  - (a) shall not ride on a *sidewalk* unless authorized by this bylaw or unless otherwise directed by a *traffic control device*;
  - (b) shall not, for the purpose of crossing a *highway*, ride on a *crosswalk* unless authorized to do so by this Bylaw or unless otherwise directed by a *traffic control device*;
  - (c) shall, subject to paragraph (a), ride as near as practicable to the right side of the *roadway*;
  - (d) shall not ride abreast of another person operating a *cycle* on the *roadway*;
  - (e) shall keep at least one hand on the handlebars;
  - (f) shall not ride other than on or astride a regular seat of the *cycle*;

- (g) shall not use the *cycle* to carry more persons at one time than the number for which it is designed and equipped;
  - (h) shall not ride a *cycle* on a *highway* where signs prohibit their use; and
  - (i) shall not ride a *cycle* on a *highway* without a *bicycle safety helmet*, unless exempted by regulation made by the *Director of Infrastructure Services*.
- (3) A parent or guardian of a person under the age of 16 shall not authorize or knowingly *permit* such persons to operate or ride as a passenger on a *cycle* on a *highway* if that person is not properly wearing a *bicycle safety helmet*.
- (4) A person operating a *cycle* shall not ride it on a *roadway* if there is a usable path intended for the use of *cycles* adjacent to the *roadway*.
- (5) A person shall not ride a *cycle* or *play vehicle* and hold on to a *vehicle* on the *highway*.
- (6) A person shall not operate a *cycle* on a *highway* without due care and attention or without reasonable consideration for other persons using the *highway*.
- (7) A *cycle* operated on a *highway* between 1/2 hour after sunset and 1/2 hour before sunrise shall have a lighted lamp mounted on the front, capable of displaying a white light visible under normal atmospheric conditions at least 150 metres in the direction in which the *cycle* is pointed, and a red reflector of a make or design approved by the *Director of Infrastructure Services*, or a lighted lamp, mounted on the rear and capable of reflecting or displaying a red light toward the rear. In addition, every *cycle* operated on a *highway* shall have the most conspicuous portion of its rear mud guard, for a length of not less than 22.5 cm and the full width of the mud guard, painted white.
- (8) No person shall use a *play vehicle* on a *roadway* unless the *roadway* has a separate *lane* or pathway designated for *cycles*.
- (9) No person shall propel, coast or ride or in any other way use a *play vehicle* on any portion of the *highway* or *sidewalk* in the downtown core bounded by and including Second Avenue, Esplanade, Baden Powell Street and Symonds Street and other areas designated by sign.

## PART V

### ON STREET PARKING REGULATIONS

#### MANNER OF PARKING

30.

- (1) Except when permitted by a *traffic control device*, no person shall *stop, stand or park* a *vehicle* on a *roadway* other than on the right side of the *roadway* and with the right hand wheels parallel to that side, and where there is a curb, within 30 cm of the curb;
- (2) No person shall permit a *motor vehicle* to *stand* unattended or *parked* unless the person has:
  - (a) locked it and made it secure in a manner that prevents its unauthorized use; and
  - (b) if the *motor vehicle* is *standing* on a grade, turned the front wheels of the *vehicle* to the curb or side of the *roadway*;
- (3) No person shall *park* a *vehicle* so as to obstruct the free passage of *traffic* on the *highway*.
- (4) No person shall *park* a *vehicle* where a *traffic control device* indicates that *angle parking* is permitted other than at an angle indicated by *parking* lines marked on the *highway* and with the right front wheel not more than 30 cm from the curb. In the absence of *parking* lines, a person shall *park* at an angle of 60 degrees from the curb.
- (5) No person shall *stop, stand or park* a *vehicle* upon a *highway* without proper or valid license plates.

#### WHERE PARKING PROHIBITED

31. Except when necessary to avoid conflict with *traffic* or to comply with the law or the directions of a Peace Officer or *traffic control device*, a person shall not *stop, stand or park* a *vehicle*:
  - (1) on a *sidewalk* or in area that has non mountable curbs adjacent to them;
  - (2) in front of, or within 2 metres on either side of a public or private *driveway, walkway or cycle path*;

- 
- (3) in an *intersection*, except as permitted by a *traffic control device*;
  - (4) within 5 metres of a fire hydrant measured from a point in the curb or edge of the *roadway* which is closest to the fire hydrant;
  - (5) on a *crosswalk*;
  - (6) within 15 metres of the approach of or 6 metres beyond a *crosswalk*;
  - (7) within 6 metres of the approach of a flashing beacon, *stop sign* or *traffic control signal* located at the side of a *roadway*;
  - (8) within 15 metres of the nearest rail of a railway crossing;
  - (9) on a *highway* for the principal purpose of:
    - (a) displaying a *vehicle* for sale;
    - (b) advertising, greasing, painting, wrecking, storing or repairing a *vehicle*, except where repairs are necessitated by an emergency;
    - (c) displaying signs; or
    - (d) selling flowers, fruit, vegetables, seafood or other commodities or articles;
  - (10) alongside or opposite any street excavation or obstruction when *stopping*, *standing* or *parking* obstructs *traffic*;
  - (11) on the *roadway* side of a *vehicle stopped* or *parked* at the edge or curb of a *roadway*;
  - (12) on a bridge or other elevated structure on a *highway*, or in a *highway* tunnel, except as permitted by a *traffic control device*;
  - (13) in a place in contravention of a *traffic control device* that gives notice that *stopping*, *standing* or *parking* there is prohibited or restricted;
  - (14) in a manner so as to obstruct the visibility of any *traffic control device* erected pursuant to this bylaw;
  - (15) in a designated *angle parking* zone where the length of the *vehicle* and/or *trailer* exceeds 6 metres;

- (16) within 20 metres of the approach of or 10 metres beyond any *bus stop sign*,  
or
- (17) within 9 metres of the lateral line of an intersecting *roadway*.

## PARKING TIME LIMITS

32. Notwithstanding any other provision of this Bylaw, no person shall *park* a *vehicle* on any *highway* for more than seventy-two (72) hours continuously.

Bylaw 1941

(1) beyond the time limit specified by the traffic control device.

(2) in the absence of a traffic control device, for more than seventy-two (72) hours continuously. For the purposes of this section, a vehicle shall be deemed continuously parked for as long as it remains within the public parking lot or on either side of the highway within the block in which it was originally parked.

## LOADING ZONES

33. No *driver* or operator of any *vehicle* shall *stop*:

(1) in a loading zone for a period exceeding three minutes for the loading or unloading of passengers or for a period exceeding ten minutes for the loading or unloading of materials, with the exception of licensed *taxis* which shall be permitted to *stop* in loading zones providing:

(a) there is no designated *taxi stand* within the block where the loading zone is located;

(b) the *taxi* operator does not leave the *vehicle* unattended; and

(c) the *taxi driver*, if not in the process of loading or unloading passengers, will vacate the loading zone immediately when it is required for pickup or delivery services;

(2) in any passenger zone for a period exceeding three minutes for the loading or unloading of passengers.

## DISABLED PARKING

34. No person shall *stop* or *park* a *vehicle* in a *disabled zone* on a *highway* without displaying on the *vehicle*:

(1) a valid disabled person's *parking permit* issued pursuant to Division 38 of the MOTOR VEHICLE ACT REGULATIONS, BC Reg. 26/58; or

(2) a *permit* of similar nature issued by another jurisdiction.

## IMPOUNDMENT OF VEHICLES

35.

- (1) Any *vehicle standing or parked* in contravention of this Bylaw or unlawfully occupying a portion of a *highway or public place* may, upon the order of the *Director of Infrastructure Services*, Fire Chief or their designates, a *Bylaw Enforcement Officer* or a Peace Officer, be removed to an impoundment area in such place as is directed by the said person and such *vehicle* shall not be released to its owner until the fees set out in Schedule "B" have been paid to the *Municipality*.
- (2) Notice sent to the address of the registered owner, as shown on the records of the Registrar of Motor Vehicles, of every *vehicle* impounded under this Section and not claimed by its owner within 5 days from the date of impoundment shall:
  - (a) indicate that the *vehicle* is in the *Municipality's* possession and that it has not been claimed;
  - (b) advise the date of impoundment;
  - (c) specify fees owing to reclaim the *vehicle*; and
  - (d) indicate the date after which the *vehicle* may be sold if not reclaimed;
- (3) Any *vehicle* impounded under this Section and not reclaimed within two (2) months from the date of impoundment may be sold at public auction and any monies received from the sale shall:
  - (a) firstly, be applied to the cost of the sale;
  - (b) secondly, be applied to the payment of fees as set out in Schedule A;
  - (c) thirdly, any surplus be sent by registered mail to the address of the registered owner, as shown on the records of the Registrar of Motor Vehicles; and
  - (d) where the owner of the *vehicle* cannot be determined or located after reasonable effort, any surplus after one year from date of impoundment be paid into the general funds of the *Municipality*.

## PART VI

### GENERAL REGULATIONS

#### OBEDIENCE TO PEACE OFFICERS, FIREFIGHTERS

36.

- (1) A Peace Officer, in order to expedite the movement of *traffic* or to safeguard *pedestrians* or property shall have full power to direct and regulate *traffic* and in doing so may disregard any *traffic control device*;
- (2) A Firefighter, in attendance at the scene of a fire or other emergency, in order to expedite the movement of *traffic* or to safeguard *pedestrians* or property shall have full power to direct and regulate *traffic* and in doing so may disregard any *traffic control device*;
- (3) Every person shall at all times comply with any lawful order, direction, signal or command made or given by a Peace Officer or Firefighter in the performance of his/her duty in directing or regulating *traffic*.

#### LITTERING

37. No person shall throw or cause to be deposited or to flow on a *highway* any noxious, offensive or filthy water or other substance or any other article or thing, whether broken or intact.

#### ABANDONED VEHICLES

38.

- (1) No person shall abandon a *vehicle*, or leave a roll-off container or *dumpster container* on a *highway*, public right-of-way, or on a *public place*, without lawful authority.
- (2) Where the *Director of Infrastructure Services, Bylaw Enforcement Officer* or a *Peace Officer* is satisfied that a *vehicle*, roll-off container or *dumpster container* has been abandoned or left on a *highway* without lawful authority, he may have it towed and impounded pursuant to this bylaw.

#### FAIL TO STATE NAME

39. When requested by a Peace Officer or by a *Bylaw Enforcement Officer*.

- (1) the *driver* or operator of a *vehicle*, or the person in charge of a *vehicle* on a *highway*, shall correctly state his/her name and address and the name and address of the owner of the *vehicle*;
- (2) a *pedestrian* or the operator of a *cycle*, who has apparently committed an offence under this Bylaw, shall correctly state his/her name and address.

## GENERAL OFFENCES

40.

- (1) No person shall leave any excavation, *roll off container* or other obstruction on a *highway* without obtaining written permission from the *Director of Infrastructure Services*, and if permission is granted shall place barricades and warning devices for the protection of the public;
- (2) No person being the owner or occupier of any premises, shall cut, saw break, split, place or pile firewood, lumber, blocks, rock, stone, debris or other material, or mix mortar, or do any other act upon a *highway* which will obstruct or impede *traffic* thereon or deface or damage the *highway*;
- (3) No person being the owner or occupier of any premises or any other person purchasing or delivering firewood, lumber, blocks, rock, stone or other material shall allow such firewood, lumber, blocks, rock, stone or other material to remain on or to be placed on any *highway* in such a manner as to obstruct or impede *traffic* thereon;
- (4) No person shall interfere with any *traffic control device*, barricade, sign, warning lamp or other device which is lawfully occupying any *highway* at or near an excavation, obstruction or work being performed thereon;
- (5) No person shall occupy a *vehicle, trailer, camper or boat* parked on a *highway* or *boulevard* for the purpose of lodging, sleeping accommodation or a residence;
- (6) No person shall drive or operate a *vehicle* on a *highway* between the persons or *vehicles* comprising a parade or funeral procession;
- (7) No person shall drive a *vehicle* over an unprotected hose of a fire department when laid down on a *highway* or private *driveway*, at a fire or alarm of a fire unless he/she has received consent of the Fire Department officer in command or a *Peace Officer*.

Bylaw 1941

REMOVAL OF GLASS AND DEBRIS

41. Every person who removes a wrecked or damaged *vehicle* from the scene of an accident on a *highway* shall remove all glass and other debris caused by the accident from the *highway*.

## UNAUTHORIZED SIGNS

42.

- (1) No person, other than the *Director of Infrastructure Services* or a person or persons authorized by the *Director of Infrastructure Services*, shall place or maintain signs of any nature in any manner upon a *highway* or upon erected *highwaysigns* or upon any pole or structure on a *highway*.
- (2) Any sign erected in contravention of subsection (1) may be removed by the *Director of Infrastructure Services* or such other persons as may be duly authorized by the *Director of Infrastructure Services*.
- (3) Any such sign so removed by the *Director of Infrastructure Services* or such other persons as may be duly authorized by the *Director of Infrastructure Services* may be claimed at the Works Yard on payment of an impound fee as set out in Schedule "B".
- (4) The *Municipality* accepts no liability for any damage done to any such sign in any way.
- (5) Signs not claimed within five clear working days will be destroyed in a manner prescribed by the *Director of Infrastructure Services*.

## PART VII

### HIGHWAY USE REGULATIONS – HEAVY TRUCKS – COMMERCIAL VEHICLES

#### SIZE, WEIGHT AND LOADING RESTRICTIONS

43.

- (1) Hereby adopted as regulations pursuant to this Bylaw are
  - (a) MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58
    - (a) Section 19.01;
    - (b) Section 19.02;
    - (c) Section 19.03;
    - (d) Section 19.04; and
    - (e) Section 19.06;
  - (b) MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58 Division 35  
Securement of Vehicle Loads;
  - (c) COMMERCIAL TRANSPORT ACT REGULATIONS, B.C. Reg. 30/78
    - (a) Division 1 Interpretation;
    - (b) Division 2 Application;
    - (c) Division 7 (commencing at Section 7.02) Size and Weight  
Regulations; and
    - (d) Division 8 Pilot Cars and Signs;
    - (e) Division 11 Penalties;
- (2) For the purposes of this bylaw, wherever in these regulations adopted by this bylaw, the term “Minister” or “Minister of Transportation and Highways” appears, the term “*Director of Infrastructure Services*” shall be substituted and where the term “Act” appears, the term “bylaw” shall be substituted.
- (3) No person shall operate a *vehicle* on a *highway* in the *Municipality* contrary to regulation adopted by this section.

## HIGHWAY USE REQUIRING PERMIT

44.

- (1) Except as authorized by a *permit* issued by the *Director of Infrastructure Services* pursuant to this Bylaw, no person shall:
  - (a) place any fuel, lumber, blocks, rock, stone, merchandise, chattel or ware of any nature on any *highway*;
  - (b) deposit, throw, or leave any earth, refuse, debris or other thing on a *highway*;
  - (c) being the owner or occupier of property abutting on a *highway*, cause or *permit* any earth, rocks, stones, logs or stumps or other things to cave, fall, crumble, slide or accumulate from any such property upon a *highway* or, being there, to remain thereon;
  - (d) drag or skid anything along or over a *highway*;
  - (e) dig up, break up or remove any part of a *highway*; cut down or remove trees or timber growing on a *highway*; or excavate in or under a *highway*;
  - (f) change the level of a *highway* whatsoever, or *stop* the flow of water through any drain, sewer or culvert on or through a *highway*;
  - (g) place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structures or things on a *highway*;
  - (h) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a *highway*;
  - (i) mark, imprint or deface in any manner whatsoever a *highway* or structure thereon;
  - (j) ride, drive, lead, move or propel any animal or *vehicle* over or across a *boulevard*, including any curb, *sidewalk* or ditch therein unless such *boulevard* has been constructed or improved to form a suitable crossing;
  - (k) construct a *boulevard* crossing, including a curb, ditch or *sidewalk* crossing;

- (l) cause damage to, cut down or remove trees, shrubs, plants, bushes and hedges, fences or other things erected or maintained on a *boulevard*;
  - (m) operate a *vehicle* while sounding a calliope, loudspeaker or other noise making device, unless the *vehicle* is being operated as an ice cream vendor *vehicle* for which there has been issued a valid business licence;
  - (n) march, drive or otherwise take part in a parade or procession except a funeral procession;
  - (o) conduct construction on a *highway* or *traffic* control relating to such construction; or
  - (p) conduct construction on land adjacent to a *highway* where access from the *highway* to the land is required for that purpose.
- (2) For the purpose of this section construction means new construction, repair, replacement and maintenance of any matter or thing.

#### HIGHWAY USE PERMITS

45.

- (1) The *Director of Infrastructure Services* may issue a *permit* in the form prescribed in Schedule "D" as to those things otherwise prohibited in this Part, subject to payment of an application fee of \$25.00 and subject to other conditions contained in this Part;
- (2) As a prerequisite to the issuance of a *permit* under this Section, the applicant shall:
  - (a) deposit with the *Municipality* a sum of money not less than \$1,000.00 or, where the amount is greater than \$5,000.00, an irrevocable Letter of Credit which is, in the opinion of the *Director of Infrastructure Services*, sufficient:
    - (i) to pay the cost of repairing any potential damage to the *highway*, or any installations therein or thereon, by reason of the things to be done pursuant to the *permit*; or
    - (ii) to ensure that any obligations imposed by the *permit* shall be fulfilled and completed within the time specified in such *permit*; and

- (b) provide satisfactory plans and specifications of any work to be undertaken on, over or under a *highway* and, when same are approved by the *Director of Infrastructure Services* and the necessary *permit* issued, the said work shall conform in every respect to the approved plans and specifications and to the requirements of the Town of Ladysmith Subdivision Control Bylaw, 1994, No. 1115,
- (3) Where a deposit has been made in accordance with this Section, upon satisfactory compliance with the conditions of the *permit* within the specified time, the deposit will be refunded to the *permit* holder, less, where applicable, an inspection fee of \$100.00, or the actual cost incurred by the *Municipality* for administration and inspection in connection with the *permit*, whichever is the greater;
- (4) Where any completed work on, over or under a *highway* is to be taken over by the *Municipality*, the *permit* holder shall maintain such work for a period of one year from the date of completion of the work, as certified by the *Director of Infrastructure Services*. A new *permit* and applicable security deposit will be required for the maintenance period.
- (5) Where any alterations or adjustments to completed works on, over or under a *highway* are required due to reconstruction of a *highway* during the one year maintenance period, the *permit* holder shall pay the cost of such alterations and adjustments.
- (6) The *permit* holder shall indemnify, protect and save harmless the *Municipality* from and against all damages, claims and demands of every kind arising out of or in any way connected with the work or other things for which a *permit* has been issued.
- (7) The *permit* holder shall obtain and maintain in force during the term of the *permit*, liability insurance in the amount of not less than two million dollars, which policy of insurance shall name the *Municipality* as an additional insured, shall contain a cross-liability clause and shall provide that the policy shall not be cancelled or materially altered until the *Municipality* has received thirty (30) days notice in writing.
- (8) In the event that the *permit* holder fails to repair any damage and/or fulfill such obligations as are set out in a *permit* within the specified time, the *Municipality* may draw upon the deposit, repair the damage or fulfill the obligations at the cost of the *permit* holder and deduct the costs of doing so from the deposit. If there are not sufficient funds on deposit to cover the costs, the *Municipality* may recover any shortfall from the *permit* holder.

## TRUCK ROUTES

46.

- (1) No person shall drive, operate, *stop*, or *park* any *Heavy Truck* on any *residential area highway* under the jurisdiction of the *Municipality* unless such *highway* is designated as a *Truck Route* in Schedule "C."
- (2) No person shall drive, operate, *stop* or *park* a *heavy truck* on a *highway* designated as "No Heavy Trucks" in Schedule "C".
- (3) Notwithstanding any other provisions of this bylaw to the contrary, the *council* may by resolution, designate certain *highways* as "*Truck Route*" and certain other *highways* as "No *Heavy Trucks* Route", and upon the passage of each such resolution, the *Director of Infrastructure Services* shall, pursuant thereto, post such designated route with the appropriate signs, and the provisions of this Bylaw shall apply to the enforcing of each such resolution.
- (4) The provisions of this Section shall not apply to
  - (a) any gravel *truck*, fuel delivery tuck, moving van or delivery *truck* while engaged in the pick-up or delivery of soil, fuel, furnishings, fixtures, goods, wares or merchandise to premises fronting on a *highway* not designated as a *Truck Route*, provided the route followed is the shortest feasible route between a designated *Truck Route* or provincial *highway* and the premises;
  - (b) any *heavy truck* while engaged in the construction, upkeep, and maintenance of such *highway* and any utility installed thereon, and the provision of any essential service to the residents whose property fronts thereon; provided, however, that any *heavy truck* providing such essential service does so by following the most direct route which requires the least travel on any "No *Heavy Truck* Route."
  - (c) any school *bus* or other *vehicle* operated for the purpose of providing public transportation within the *Municipality*; or
  - (d) any fire fighting apparatus;
  - (e) travelling to and from the owner / operator's property as specifically identified in Section 47(1).

HEAVY COMMERCIAL VEHICLE PARKING

47.

(1) No person shall park any heavy truck on any highway within a residential area in the *Municipality*, except for the express purpose of parking by the owner / operator between trips, of the motive power unit (tractor), and provided that the parking shall be restricted to the owner / operator's property or the highway immediately adjacent to their property.

(2) No person shall *park*:

(a) a *trailer*, licenced as a commercial *trailer*, or

(b) a *trailer*, licenced as other than a commercial *trailer*,

without the motive power unit attached on any *highway* within the *Municipality*.

- (3) No person shall *stop, stand* or *park* any *vehicle, commercial vehicle* or *combination of vehicles*, having a total length exceeding 6m (19.69 ft.): in any *lane*.
- (4) No person shall *park* any *motor vehicle* having a licensed gross *vehicle* weight exceeding 5,000 kg on any *highway* within a *residential area*.
- (5) No person shall *park* any *motor vehicle* having a licensed gross *vehicle* weight exceeding 5,000 kg on any *highway* between the hours of 7:00 p.m. in the afternoon and 7:00 a.m. in the forenoon of the following day.
- (6) No person shall *park, store, or stand* any *vehicle, motor vehicle, commercial transport vehicle, or trailer* that is loaded with, or contains dangerous goods, as per the Transport of Dangerous Goods Act, on any *highway* at any time.
- (7) The restrictions of this Section shall apply to every day of every year;

#### HEAVY TRUCKS AT NIGHT

48.

- (1) Except as hereinafter specifically provided, no person shall drive or operate any *Heavy Truck* on a *highway* in a *residential area* between the hours of 7:00 p.m. and 7:00 a.m. of the following day, except to travel to and from the owner / operator's property, as specifically identified in Section 47(1).
- (2) This Section shall not apply to:
  - (a) those classes of *vehicles* set out in Subsection 87(3); or
  - (b) a *Heavy Truck* owned or operated by a lawful non-conforming business, while the same is travelling to or from the site of such lawful non-conforming business but is not engaged in the transport of materials or any other things to or from the site.

#### ORDER OF *DIRECTOR OF INFRASTRUCTURE SERVICES*

49. Where the *Director of Infrastructure Services* has ordered closure of, or restricted the load carried on a *highway, portion of highway* or series of connected *highways* and placed signs to that effect, no person shall drive or operate a *vehicle* contrary to that order or contrary to the signs.

## OVERWEIGHT VEHICLES

50.

- (1) Unless permitted under the COMMERCIAL TRANSPORT ACT, R.S.B.C. 1996, c. 58., no person shall operate on a *highway commercial vehicle* if
  - (a) the gross *vehicle* weight of the *commercial vehicle* exceeds its licenced gross *vehicle* weight;
  - (b) the weight of an axle, group of axles or axle unit exceeds the weight permitted by the regulations;
  - (c) the dimensions of the *commercial vehicle* do not conform to the regulations;
    - (i) with load included; and
    - (ii) without load; or
  - (d) the distances between the axles, group of axles or axle units do not conform to the regulations.
- (2) A person who contravenes a provision of this Section commits an offence, and is liable, on summary conviction
  - (a) for a contravention under subsection (1)(c) or (d), to a fine of not more than \$2,000.00;
  - (b) for a contravention under subsection (1)(a) or (b), to a fine of not less than the amount prescribed by the regulations but not exceeding \$2,000.00 and, in addition, to a penalty of not less than the amount prescribed by the regulations but not exceeding \$12.00 for every 100 kg of overload; and
  - (c) every contravention of this section constitutes a separate and distinct offence.
- (3) For the purpose of this section, regulations mean a regulation under the COMMERCIAL TRANSPORT ACT, R.S.B.C. 1996, c. 58

Bylaw 1794

## EXTRAORDINARY TRAFFIC

- 50.1 (1) In this part: "Extraordinary Traffic" includes any carriage of goods or persons over a highway, at either one or more times, that taken in conjunction with the nature or existing condition of the highway is so extraordinary or improper in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at which the vehicles are driven or operated, as, in the opinion of the Director of Infrastructure Services, substantially to alter or increase the burden imposed on the highway through its proper use by ordinary traffic, and to cause, or potentially cause damage and expense in respect of the highway beyond what is reasonable or ordinary.
- (2) Where in the opinion of the Director of Infrastructure Services, any highway is liable to damage through extraordinary traffic thereon, the Director of Infrastructure Services 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.
- (3) Any person to whom this Section might otherwise apply may, with the approval of the Director of Infrastructure Services, enter into an agreement for the payment to the Municipality of compensation in respect of the damage or expense which may, in the opinion of the Director of Infrastructure Services, be caused by the extraordinary traffic and there upon that person shall not in respect of the traffic be subject to any prohibition or penalty prescribed in this Section.

## PART VIII

### ALL TERRAIN VEHICLE REGULATIONS

#### REGULATIONS

51. This section shall not apply to equipment or the operators of same being used by the *Municipality's* Fire Department as part of any duties associated therewith.
52. No person shall operate an *all terrain vehicle* on a *highway* unless it is licenced, insured and equipped in all respects as a *motor vehicle* pursuant to the MOTOR VEHICLE ACT, R.S.B.C. 1996, c. 318 and the MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58.
53. No person shall drive or operate a snowmobile on a *highway* unless he/she is the holder of a *permit*, authorized by the *Chief of Police*, authorizing the operation and subject to the limitation and conditions set out therein.
54. No person shall drive or operate an *all terrain vehicle* between one half (1/2) hour after sunset to one half (1/2) hour before sunrise unless the *vehicle* is equipped pursuant to Sections 4.02, 4.07 and 4.09 of the MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58.

#### OPERATION OF ALL TERRAIN VEHICLE

55. No person shall operate an *all terrain vehicle*
  - (1) in a careless, reckless or negligent manner so as to endanger or cause injury or damage to a person or property of another;
  - (2) in a tree nursery or planting, in a manner that may damage or destroy growing stock;
  - (3) on a *sidewalk*;
  - (4) on the tracks or right-of-way of an operating railroad;
  - (5) on private property without the consent of the owner, lessee or occupant of it; or
  - (6) in such a manner as to drive, harass, chase, run over, injure or kill wildlife or a domestic animal; or
  - (7) in an environmentally sensitive area.

MOTORCYCLE HELMETS

56. A person who operates or rides as a passenger on an *all terrain vehicle* without properly wearing a *motor cycle* helmet commits an offence.

## PART IX

### VEHICLE EQUIPMENT REGULATIONS

57. A person shall not drive or operate a *motor vehicle* or *trailer* on a *highway* unless it is equipped in all respects in compliance with the MOTOR VEHICLE ACT, R.S.B.C., 1996, Chapter 318 and the MOTOR VEHICLE ACT REGULATIONS.

## PART X

### SIDEWALK PATIOS

#### SIDEWALK PATIO PERMITS

58.

Bylaw 2041

(1) The *Director of Development Services* may issue a *sidewalk patio permit* in the form prescribed in Schedule "G" to an applicant provided the applicant completes the application form set out in Schedule "E" ~~pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule "F."

Bylaw 2042

(2) No person shall use or *permit* the use of any portion of *sidewalk or parking space* adjacent to premises owned or occupied by them for any purposes unless a valid *sidewalk patio permit* has been issued by the *Director of Development Services* authorizing such use and the patio is located within the designated patio area shown on the map in Schedule "H" of this bylaw.

(3) The *Director of Development Services* may terminate a *sidewalk patio permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.

(4) The *Director of Development Services* or any of the *Municipality's* employees or contractors may enter the *sidewalk patio permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

#### RETAIL DISPLAYS

59.

Bylaw 2041

(1) The *Director of Development Services* may issue a retail display *permit* in the form prescribed in Schedule "I" to an applicant provided the applicant completes the application form set out in Schedule "J" ~~and pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule "K."

(2) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid retail *permit* display has been issued by the *Director of Development Services* authorizing such use.

- (3) The *Director of Development Services* may terminate a retail *permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.

- (4) The *Director of Development Services* or any of the *Municipality's* employees or contractors may enter the retail display area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

#### EXEMPTIONS

60. Notwithstanding subsections 58(2) and 59(2) a business may install a sidewalk patio or retail display, provided that the sidewalk patio or retail display:

Bylaw 2041

- (a) abuts the front of the business;
- (b) unless permission from an adjacent business or property owners has been given, is located directly in front of the business for which it serves;
- (c) extends no farther than 1.5 meters from the front property line of the business;
- (d) is situated on a sidewalk with a slope not exceeding 2% in any direction;
- (e) does not cover or alter the existing grade or surfacing of the sidewalk; and
- (f) allows for a minimum of 1.5 meters of unobstructed, clearly delineated sidewalk area for pedestrian travel.

## PART XI BOULEVARD AND SIDEWALKS

### SNOW REMOVAL FROM SIDEWALKS

61. Every owner or occupier of residential premises shall remove all snow and ice from any *sidewalk* bordering such residential premises BY not later than 10:00 a.m. following the snowfall, on every day.
62. Every owner or occupier of commercial premises shall remove all snow and ice from any *sidewalk* bordering such commercial premises BY not later than 10:00 o'clock a.m. following the snowfall, on every day.

### SIGNAGE ON THE SIDEWALK

63. No person shall place a sign for advertising on a *sidewalk* or a *highway*, unless permitted under the Ladysmith Sign and Canopy Bylaw, 1995, No. 1176, and amendments thereto.

### BOULEVARD

64. No person shall damage the boulevards, trees, shrubs, plants, bushes and hedges that are adjacent to a *highway*.
65. No person shall damage any fence that is adjacent to a *highway*.
66. No person shall damage any lighting standards that are adjacent to a *highway*.
67. No person shall park a recreational vehicle, boat or *trailer* on a *boulevard* for a period longer than 72 hours.
68. No person shall place, store, *stand*, *park* any unlicensed *vehicle*, *heavy truck*, article, material or item on the boulevard.
69. Every owner or occupier of residential premises shall maintain the boulevard bordering the residential premises in a clean, fit and safe state.

Bylaw 1941

## PART XII

### ENFORCEMENT

#### PENALTIES

70.

- (1) Any person who
  - (a) contravenes;
  - (b) suffers or permits any act or thing to be done in contravention of; or
  - (c) neglects to do or refrains from doing anything required to be done pursuant to; any provision of this Bylaw or any *permit* or order issued pursuant hereto, commits an offence punishable on summary conviction, and except where specifically provided in Schedule "A," shall be liable to a fine of not less than \$100.00.
- (2) Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
- (3) If a person on whom a bylaw offence notice has been served does not dispute the allegation or the amount of the time contained in the ticket or otherwise fails to respond to a ticket under a provision of the OFFENCE ACT, R.S.B.C. 1996, c. 338, an administrative fee of \$35.00 shall be added to the amount of the fine contained in the ticket.
- (4) A person who is entitled to the possession of a impounded *vehicle* or *play vehicle* shall pay the fees prescribed in Schedule "B" for the return of the impounded *vehicle* or *play vehicle*.

**PART XIII**

**REPEAL**

71. The Ladysmith Streets Traffic and Regulation Bylaw, No. 200, 1936 and its amendments are hereby repealed.

READ A FIRST time the 5<sup>th</sup> day of October , 1998.

READ A SECOND time the 21<sup>st</sup> day of June, 1999

READ A THIRD time the 21<sup>st</sup> day of June, 1999

ADOPTED on the 28<sup>th</sup> day of June, 1999

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Mayor (R. Hutchins)

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Director of Development Services of Corporate Services (P. Durban)

## SCHEDULE "A" FINE SCHEDULE

The indicated penalties for alleged offenses committed against this Bylaw are as follows:

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
10(2)	Drive contrary to <i>traffic control device</i>	\$30.00	\$50.00
10(3)	Interfere with <i>traffic control device</i>	\$30.00	\$50.00
10(4)	Remove notice from <i>vehicle</i>	\$30.00	\$50.00
11(1)	Disobey <i>stop sign - stop line</i>	\$30.00	\$50.00
11(2)	Disobey <i>stop sign - crosswalk</i>	\$30.00	\$50.00
11(3)	Disobey <i>stop sign - no stop line/crosswalk</i>	\$30.00	\$50.00
12	Stunting	\$30.00	\$50.00
13	Unnecessary Noise	\$30.00	\$50.00
14	Racing	\$30.00	\$50.00
15	Careless driving	\$30.00	\$50.00
16	Driving over newly painted lines	\$30.00	\$50.00
28(1)	Pedestrian impede <i>traffic on highway</i>	\$20.00	\$35.00
28(2)	Pedestrian impede <i>traffic on sidewalk</i>	\$20.00	\$35.00
28(3)	Busking/Panhandling	\$20.00	\$35.00
29(2)(a)	Cyclist on a <i>sidewalk</i>	\$20.00	\$35.00
29(2)(b)	Cyclist improperly using <i>crosswalk</i>	\$20.00	\$35.00
29(2)(c)	Cyclist on left side of <i>roadway</i>	\$20.00	\$35.00
29(2)(d)	Cyclists riding abreast	\$20.00	\$35.00
29(2)(e)	Cyclist riding without using hands	\$20.00	\$35.00
29(2)(f)	Cyclist not astride seat	\$20.00	\$35.00
29(2)(g)	Cyclist with too many persons	\$20.00	\$35.00
29(2)(h)	Cyclist on <i>highway</i> where prohibited	\$20.00	\$35.00
29(2)(i)	Cyclist without safety helmet	\$20.00	\$35.00
29(3)	Child without safety helmet	\$20.00	\$35.00
29(4)	Cyclist off available bike path	\$20.00	\$35.00
29(5)	Cyclist attached to <i>vehicle</i>	\$20.00	\$35.00
29(6)	Cyclist - undue care on <i>highway</i>	\$20.00	\$35.00
29(7)	Cyclist without lights	\$20.00	\$35.00
29(8)	Play vehicle on roadway	\$20.00	\$35.00
29(9)	Skateboarding in downtown core	\$55.00	\$100.00
30(1)	Parked on wrong side of <i>roadway</i>	\$20.00	\$35.00
30(2)(a)	Left <i>vehicle</i> unsecured	\$20.00	\$35.00
30(2)(b)	Improper wheel position	\$20.00	\$35.00
30(3)	Parked obstructing free passage of <i>traffic</i>	\$20.00	\$35.00
30(4)	Improper <i>angle parking</i>	\$20.00	\$35.00
30(5)	No valid plates	\$20.00	\$35.00
31(1)	Parked on <i>sidewalk</i>	\$20.00	\$35.00

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
31(2)	Parked blocking <i>driveway</i>	\$20.00	\$35.00
31(3)	Parked in <i>intersection</i>	\$20.00	\$35.00
31(4)	Parked at fire hydrant	\$20.00	\$35.00
31(5)	Parked on a <i>crosswalk</i>	\$20.00	\$35.00
31(6)	Park within 15 metres of a <i>crosswalk</i>	\$20.00	\$35.00
31(7)	Park within 6 metres of a <i>traffic control device</i>	\$20.00	\$35.00
31(8)	Park within 15 metres of a railway track	\$20.00	\$35.00
31(9)(a)	Parked advertising for sale	\$20.00	\$35.00
31(9)(b)	Parked for repair or wrecking	\$20.00	\$35.00
31(9)(c)	Parked displaying signs	\$20.00	\$35.00
31(9)(d)	Parked selling goods	\$20.00	\$35.00
31(10)	Parked obstructing <i>traffic</i> at construction	\$20.00	\$35.00
31(11)	Double <i>parked</i>	\$20.00	\$35.00
31(12)	Parked on a bridge or in a tunnel	\$20.00	\$35.00
31(13)	Parked contrary to <i>traffic control device</i>	\$20.00	\$35.00
31(14)	Parked block view of <i>traffic control device</i>	\$20.00	\$35.00
31(15)	Excessive <i>vehicle</i> length - <i>angle parking</i>	\$20.00	\$35.00
31(16)	Parked at bus stop	\$20.00	\$35.00
31(17)	Park within 9 metres of an <i>intersection</i>	\$20.00	\$35.00
32	Parked beyond time limit	\$20.00	\$35.00
33(1)	Parked too long in loading zone	\$20.00	\$35.00
33(2)	Parked too long in passenger zone	\$20.00	\$35.00
34	Parked in <i>disabled zone</i> without permit	\$20.00	\$35.00
36(3)	Disobey direction of a <i>peace officer</i>	\$50.00	\$75.00
37	Littering	\$50.00	\$75.00
38(1)	Abandon container or <i>vehicle</i>	\$75.00	\$100.00
39(1)	<i>Driver</i> fail to correctly state name	\$75.00	\$100.00
39(2)	Pedestrian fail to correctly state name	\$75.00	\$100.00
40(1)	Container without warning protection	\$75.00	\$100.00
40(2)	Place material on <i>roadway</i>	\$75.00	\$100.00
40(3)	Fail to remove material from <i>roadway</i>	\$75.00	\$100.00
40(4)	Interfere with warning protection	\$75.00	\$100.00
40(5)	Use <i>vehicle, trailer, camper</i> or boat for accommodation	\$30.00	\$50.00
40(6)	Interfere in parade or funeral procession	\$30.00	\$50.00
40(7)	Drive over fire hose	\$200.00	\$250.00
41	Fail to remove accident debris	\$30.00	\$50.00
42(1)	Unauthorized signs on <i>highway</i>	\$30.00	\$50.00
43(3)	Fail to comply with Regulations		
	- No oversize permit	\$75.00	\$100.00
	- Contrary to oversize permit	\$75.00	\$100.00

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
	- Wheels and tires	\$75.00	\$100.00
	- Weighing of <i>vehicles</i>	\$75.00	\$100.00
	- No overload permit	\$75.00	\$100.00
	- Contrary to overload permit	\$75.00	\$100.00
	- Fail to secure load as required	\$75.00	\$100.00
	- Misuse of overload or oversize permit	\$75.00	\$100.00
	- No axles permit	\$75.00	\$100.00
	- Contrary to axles permit	\$75.00	\$100.00
	- Overweight on towing dolly	\$75.00	\$100.00
	- No pilot car as required	\$75.00	\$100.00
	- No flags or lamps as required	\$75.00	\$100.00
45	- Fail to obtain <i>highway</i> use permit	\$75.00	\$100.00
46(1)	<i>Heavy Truck</i> off <i>truck</i> route	\$100.00	\$150.00
46(2)	<i>Heavy Truck</i> on no <i>Heavy Truck</i> route	\$100.00	\$150.00
47(1)	<i>Heavy Truck</i> parked in residential district	\$75.00	\$100.00
47(2)(a)	Commercial <i>trailer</i> parked with no motive power unit attached	\$75.00	\$100.00
47(2)(b)	Non-commercial <i>trailer</i> parked with no motive power unit attached	\$20.00	\$35.00
47(3)	Excessive <i>vehicle</i> length in a <i>lane</i>	\$20.00	\$35.00
47(4)	<i>Vehicle</i> over 5,000 kg after hours	\$35.00	\$50.00
47(5)	Commercial <i>truck</i> after hours on the <i>highway</i>	\$75.00	\$100.00
47(6)	Dangerous goods on <i>highway</i>	\$75.00	\$100.00
48(1)	<i>Heavy Truck</i> operating after hours	\$100.00	\$150.00
49	Drive contrary to order of <i>Director of Infrastructure Services</i>	\$75.00	\$100.00
50(1)(a)	Exceed licensed gross <i>vehicle</i> weight		**
50(1)(b)	Exceed axle weight permitted		**
50(1)(c)(i)	Exceed load dimensions		**
50(1)(c)(ii)	Exceed <i>vehicle</i> dimensions		**
50(1)(d)	Non-conforming distance between axles		**
52	ATV not insured or equipped as required	\$30.00	\$50.00
53	Snowmobile on <i>highway</i> without permit	\$30.00	\$50.00
54	No lights on ATV when required	\$30.00	\$50.00
55(1)	Careless operation of ATV	\$30.00	\$50.00
55(2)	Operate ATV in planting area	\$30.00	\$50.00
55(3)	Operate ATV on sidewalk	\$30.00	\$50.00
55(4)	Operate ATV on railroad right-of-way	\$30.00	\$50.00
55(5)	ATV on private property without permission	\$30.00	\$50.00
55(6)	Operate ATV harassing wildlife	\$30.00	\$50.00
55(7)	Operate ATV in environmentally sensitive area	\$75.00	\$100.00

56	Operate ATV without helmet	\$30.00	\$50.00
67	RV over 6.5 m. parked on boulevard beyond time limit	\$30.00	\$50.00

NOTE: \*\* Refer to Section 51(2) for penalties

## SCHEDULE "B"

### IMPOUND FEE SCHEDULE

1. Fee for removal to an impound lot of a *vehicle* having a licensed gross *vehicle* weight:
  - i) not exceeding 5,000 kg is \$77.46
  - ii) exceeding 5,000 kg but not exceeding 6,300 kg is \$81.80
  - iii) exceeding 6,300 kg but not exceeding 9,072 kg is \$129.67
  - iv) exceeding 9,072 kg is \$172.47
  
2. Fee for storage of an impounded *vehicle* shall be calculated at a rate of \$15.87 for each calendar day or any part thereof, including the first day of impoundment.
  
3. Fee for storage of unauthorized signs shall be calculated at a rate of \$10.00 for each calendar day or any part thereof.
  
4. Fee for detention and removal of a *play vehicle* is \$40.00.
  
5. Fee for impoundment of a *play vehicle* shall be calculated at a rate of \$2.00 for each calendar day or any part thereof, including the first day of impoundment.

**SCHEDULE “C”**  
**DESIGNATED TRUCK ROUTE AND “NO HEAVY TRUCK” ROUTE**

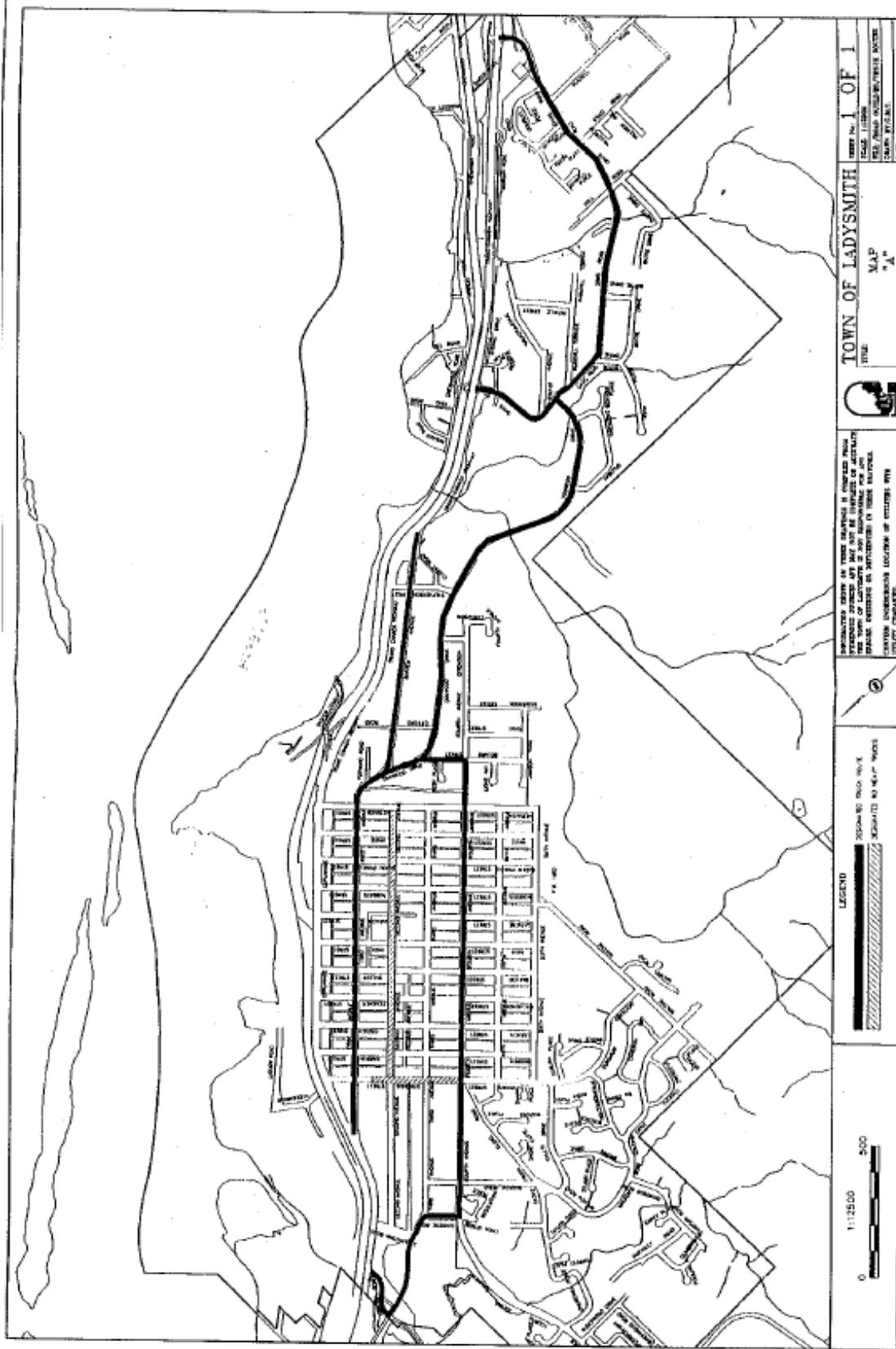
1. Designated “*Truck Route*”

(1) Esplanade, Grouhel Road, Christie Road, Christie Road Extension, Fourth Avenue, 300 Block of Belaire, Dogwood Drive, Davis Road, Bayview Avenue, First Avenue as shown on Map “A” attached to this schedule.

2. Designated “No *Heavy Trucks*” Routes

(1) Symonds Street, westbound between the access to Lot A, Block 31, Oyster District Plan S1274 and 4th Avenue and 2nd Avenue as shown by the area outlined and cross hatched on the map “A” attached to this schedule.

# MAP A



# SCHEDULE "D"

## HIGHWAY USE PERMIT

Public Works Department  
Municipal Hall  
Ladysmith, B.C.

Permit No. \_\_\_\_\_

File No. \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Pursuant to the provisions of Ladysmith Streets and Traffic Bylaw, permission is hereby granted to the above named applicant to:

insofar as such work or other matter relate to the use of municipal highways or any part thereof.

This *permit* shall be valid and subsisting from the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, and shall expire on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

AND at all times during the currency thereof, shall be subject to cancellation without prior notice if the holder thereof shall neglect, fail or refuse to observe and to comply with all the requirements of "Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309" and this Permit, which is issued subject to the following conditions:

1. All necessary plans and specifications of any works to be installed on, over or under *highway* shall have been deposited with the *Director of Infrastructure Services* and have been approved by him.
2. This *permit* shall be valid only for the specific works or other uses of a municipal *highway* stated herein. Any alterations and additions shall be covered by a separate *permit*.
3. The construction and maintenance of any works on, over or under a *highway* shall be carried out and completed to the satisfaction of the *Director of Infrastructure Services*.
4. Any person appointed by the *Director of Infrastructure Services* for that purpose shall have free access at all times to all parts of any works installed pursuant hereto for the purpose of inspecting same.
5. This *permit* shall be in force only during such time as any works installed pursuant hereto are used and maintained by the applicant to the entire satisfaction of the *Director of Infrastructure Services*.
6. The *Municipality* shall not be responsible for grade changes to property accesses caused by the reconstruction of any municipal *highway*.
7. While reasonable care will be taken on the part of the *Municipality* to avoid damage to any private works while carrying out the construction or maintenance of any public work in any *highway*, the *Municipality* accepts no responsibility of any kind for such damage if the same should result from such public work.
8. Before opening up any *highway* or interfering with any public work, notice in writing of intention to do so shall be given to the *Director of Infrastructure Services*, not less than seven (7) clear days before work is commenced.
9. The applicant shall hold and save harmless the *Municipality* from and against all claims, damages and costs of every kind arising out of or in any way connected with any works installed pursuant hereto and all other things authorized by this *permit*.

I, the Applicant of this Permit, agree to all terms and conditions herein before expressed, and am bound thereby and by all provisions of "Town of Ladysmith Streets and Traffic, Bylaw, 1998, No. 1309" as the same pertains to this Permit, and deposit herewith the required security, being \_\_\_\_\_(\$ \_\_\_\_\_) Dollars in cash, (or irrevocable Letter of Credit), to guarantee the fulfillment by me of the terms and conditions set out herein within the time specified in this Permit.

\_\_\_\_\_  
(Signature of Applicant)

Permit No. \_\_\_\_\_ issued by the *Director of Infrastructure Services* this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
*Director of Infrastructure Services*

Application Fee (\$25.00) paid. Receipt No. \_\_\_\_\_

Security Deposit by way of cash

(or Letter of Credit) Receipt No. \_\_\_\_\_

# SCHEDULE "E"

## APPLICATION FOR SIDEWALK PATIO PERMIT

I, \_\_\_\_\_ of  
\_\_\_\_\_  
(address) (phone number)

hereby apply for a *sidewalk patio permit* adjacent to:

Business Premises Address: \_\_\_\_\_

Legal Description ("the lands"): \_\_\_\_\_

The lands are/are not located in a Development Permit Area named: \_\_\_\_\_

The registered owner of the said lands (if not the applicant)

is: \_\_\_\_\_

of: \_\_\_\_\_

(address) (phone number)

My interest in the lands is (lease/rent): \_\_\_\_\_

My Business Licence Number: \_\_\_\_\_

My Liquor Licence Number: \_\_\_\_\_

I herewith pay my Sidewalk Permit Application \$25.00 non-refundable portion: \_\_\_\_\_  
\_\_\_\_\_  
(check if received)

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a *sidewalk patio permit* issued under "Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309." I have included a copy of my current business licence and three (3) sets of plans prepared in accordance with the Sidewalk Patio Design Requirements and Details of Plans for *sidewalk patio* location. I also understand that upon approval, ~~I will submit a payment of \$5.00 per m<sup>2</sup> for the approved patio area (Schedule "\_\_\_") and provide proof of \$2 million third party liability insurance with The Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the permit. (March 1<sup>st</sup> to October 31<sup>st</sup>).~~

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

Bylaw 2041

Bylaw 2041

Bylaw 2054

## SCHEDULE "F" SIDEWALK PATIO PERMIT REGULATIONS

"Sidewalk Patio" refers to an outside eating and drinking area located on an adjacent *sidewalk or parking space* and used in conjunction with an adjoining eating and/or drinking business premise lawfully licenced for that purpose.

Bylaw 2042

### I. General Regulations

1. A valid *highway use permit* for a *sidewalk patio* (hereinafter called a "*sidewalk patio permit*"), must be obtained from the Town of Ladysmith Development Services Department prior to establishing an outside seating arrangement on a *sidewalk* (part of the "*highway*").

Bylaw 2054

2. Unless expressly authorized in a *sidewalk patio permit*, a *sidewalk patio* must be removed between the months of October 31<sup>st</sup> and March 1<sup>st</sup>. A ~~*sidewalk patio permit* may only be issued for an eight month season recurring annually, commencing March 1<sup>st</sup> through and including October 31<sup>st</sup> in any calendar year.~~

Bylaw 2042

3. More than one *sidewalk patio permit* may be permitted adjacent to a development provided each *sidewalk patio* area is being operated from an adjacent business premise. The boundaries of a *sidewalk patio* area should not extend in width beyond the adjacent business premises to which it is a part.

4. An Applicant for a *sidewalk patio permit* must:

- a) have a valid business licence for the adjacent business premise;
- b) have a valid liquor licence, if appropriate;
- c) provide proof of a valid \$2 million dollar third party public liability insurance policy with the Town of Ladysmith named as an insured party, such insurance is to be valid throughout the term of the *permit* and be non-cancellable without the Town of Ladysmith's consent; and
- d) provide three sets of *sidewalk patio* plans which meet the following Sidewalk Patio Design Requirements and Details of Plans for Sidewalk Patio Location.

5. The *Director of Development Services* may terminate a *sidewalk patio permit* immediately if the permittee breaches any term or condition of the *permit* or with 90 days written notice for any reason.

6. The *Director of Development Services* or any of the *Municipality's* employees or contractors may enter the *sidewalk patio permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

## SCHEDULE “F” SIDEWALK PATIO PERMIT REGULATIONS

### II. Sidewalk Patio Design Requirements:

The patio layout and design will be evaluated according to the following requirements:

#### A. Encourage a Pedestrian Environment in Commercial Areas:

1. All patio areas are encouraged to incorporate seasonal plantings to beautify the streetscape.
2. Patio operators must maintain any decorative planting associated with the patio.
3. A patio area containing other than tables and chairs flush to the face of a building must be defined with a perimeter enclosure which physically “defines” the patio area and associated activities and discourages encroachment of patrons and furniture into adjacent *pedestrian* circulation areas or other patio areas.
4. “Open,” transparent or planter box type enclosures are encouraged. Solid patio enclosures higher than 0.9 metres are not permitted.
5. A solid planter perimeter may be used provided it has a dimension no less than 25 centimetres in thickness; it may be finished in a variety of materials including wood, tile, stone, brick or wrought iron and must be removable.
6. The design of patio and perimeter enclosures should fulfill the intent of any relevant Development Permit guidelines in the *Municipality’s* Official Community Plan for the area in which the patio will be located.
7. The permanent fixture of any material or canopy support to the *sidewalk* is not permitted.
8. Any overhead awnings and canopies attached to adjacent buildings must have a minimum of 3 metres of clearance from the *sidewalk*, measured vertically, and may not be supported from the *sidewalk* or patio.
9. Appropriate disabled persons’ access must be provided to all, or a portion, of the patio.
10. At least one *pedestrian* access to any outdoor seating arrangement which is enclosed must be provide from the adjacent *sidewalk*.
11. Patio seating shall not exceed the number of existing seats authorized within the parent business premises.

## SCHEDULE “F”

### SIDEWALK PATIO PERMIT REGULATIONS

#### B. Protect Public Safety:

12. Any proposed *sidewalk* patio location must be at the front, side or rear of the business with which it is associated.
13. A proposed patio area must not block or materially hinder access to emergency fire connections or access to adjacent buildings.
14. A minimum *sidewalk* width of 1.5 metres must be maintained.
15. A minimum 1.2 metres clearance must be maintained between a proposed patio (including enclosure) and any obstruction (e.g. power pole, sign pole, hydrant) to accommodate wheelchairs and *pedestrians*.
16. Any proposed corner locations will be reviewed for potential obstruction of sight lines of a *driver* operating a *vehicle* on an adjacent or nearby street or *lane*, which will not be permitted. In addition, a minimum of 2 metres of *sidewalk* width clear for unobstructed *pedestrian* circulation must be provided.
17. Any outside seating arrangement must be of a construction style which allows for immediate removal, if so required.
18. Any patio furniture and enclosure must be kept in a clean and safe condition.

#### C. Details of Plans for Sidewalk Patio Location

The *sidewalk* patio plans which accompany this application must:

1. Show in scale of not less than 1:75 (metric) the proposed size of the patio.
2. Show its location in respect of adjacent business access, windows, existing or proposed canopy or awning, curb line and *intersection*.
3. Show any pole, *stop* sign, hydrant, bench, garbage container, tree, *boulevard* or other obstruction within 5 metres from the perimeter of the patio.
4. Include a Site Plan in plan (top) view including the area adjacent to the curb and extended 5 metres to either side of the adjacent premises.
5. Include a Front Elevation drawing that must indicate the slope(s), if any, of the adjacent *sidewalk*.
6. Include a Side Elevation (end view) drawing showing the profile of the proposed patio with associated furniture against the face or side of the building.

**SCHEDULE "G"**  
**SIDEWALK PATIO PERMIT NO. \_\_\_\_\_**  
**~~DURATION OF PERMIT: MARCH 1 TO OCTOBER 31~~**

Bylaw 2054

Pursuant to "Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309" permission is hereby granted to:

Name: \_\_\_\_\_

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(phone number)

for a *sidewalk patio permit* adjacent to:

Business Premise Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

in accordance with the attached Schedule "F" and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.

Bylaw 2041

~~The Town of Ladysmith received the required fee in the amount of \$\_\_\_\_\_ for the approved *permit* area.~~

2. Construction details and furniture layout on the attached, approved plans must be completed and used, respectively.

3. No area other than the *permit* area may be used as a *sidewalk patio*.

Bylaw 2054

4. Unless condition 11 expressly authorizes the permit area to be used for a sidewalk patio after November 1<sup>st</sup>, the permit area may only be used for a sidewalk patio between March 1<sup>st</sup> and October 31<sup>st</sup> of each year.

Bylaw 2042

~~The *permit* area may only be used for a *sidewalk patio* between March 1<sup>st</sup> and October 31<sup>st</sup> of each year, including of this calendar year.~~

5. This *permit* automatically ceases if the permittee has his/her associated business licence or liquor licence suspended or revoked.

Bylaw 2054

6. Unless condition 11 expressly authorizes the permit area to be used for a sidewalk patio after November 1<sup>st</sup>, the permittee will remove all sidewalk encumbrances by the 1<sup>st</sup> of November

~~The permittee will remove all *sidewalk* encumbrances by the 1<sup>st</sup> of November.~~

7. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.

8. The permittee will keep the required third party liability insurance valid during the term of this permit.

Insurance Company: \_\_\_\_\_ Policy No. \_\_\_\_\_

9. This *permit* may be altered or revoked by the *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.
10. The *Director of Development Services* or any of the *Municipality's* employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.
11. The permit area may also be used for a sidewalk patio between \_\_\_\_\_ and \_\_\_\_\_ of each year, including this calendar year, subject to any additional conditions of winter use required by the *Director of Development Services*.

Bylaw 2054

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(*Director of Development Services*)

**SCHEDULE "H"  
DESIGNATED PATIO AREA**

**SCHEDULE "I"**  
**RETAIL DISPLAY PERMIT NO. \_\_\_\_\_**

Pursuant to the "Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309" permission is hereby granted to:

Name: \_\_\_\_\_

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(phone number)

for a retail display *permit* adjacent to:

Business Premise Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

in accordance with the attached Schedule "K" and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.
2. No area other than the *permit* area may be used as a retail display.
3. The *permit* area may only be used for retail sales.
4. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
5. The permittee will keep the required third party liability insurance valid during the term of this permit.  
Insurance Company: \_\_\_\_\_ Policy No. \_\_\_\_\_
6. This *permit* may be altered or revoked by the *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.
7. The *Director of Development Services* or any of the *Municipality's* employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

\_\_\_\_\_  
(*Director of Development Services*)

## SCHEDULE "J"

### APPLICATION FOR RETAIL DISPLAY PERMIT

I, \_\_\_\_\_ of

\_\_\_\_\_ (address)

\_\_\_\_\_ (phone number)

hereby apply for a retail display *permit* adjacent to:

Business Premises Address: \_\_\_\_\_

Legal Description ("the lands"): \_\_\_\_\_

The lands are/are not located in a Development Permit Area named: \_\_\_\_\_

The registered owner of the said lands (if not the applicant)

is: \_\_\_\_\_

of: \_\_\_\_\_

\_\_\_\_\_ (address)

\_\_\_\_\_ (phone number)

My interest in the lands is (lease/rent): \_\_\_\_\_

My Business Licence Number: \_\_\_\_\_

Bylaw 2041

I herewith pay my Retail Display Application \$25.00 non-refundable portion: \_\_\_\_\_

\_\_\_\_\_ (check if received)

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a retail display *permit* issued under "Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309." I have included a copy of my current business licence and one (1) set of plans prepared in accordance with the Retail Display Requirements and Details. I will also provide proof of \$2 million third party liability insurance with the Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the *permit*.

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

## SCHEDULE “K” RETAIL DISPLAY PERMIT REGULATIONS

“Retail Display” refers to an outside display area located on an adjacent *sidewalk* and used in conjunction with an adjoining business premise lawfully licenced for that purpose.

1. A retail display permit is only valid for one year.
2. An applicant for a retail display *permit* must:
  - a) have a valid business licence for the adjacent business premise;
  - b) provide proof of a valid \$2 million dollar third party public liability insurance policy with the Town of Ladysmith named as an insured party, such insurance is to be valid throughout the term of the *permit* and be non-cancellable without the Town of Ladysmith’s consent; and
  - c) provide one set of plans which shows the location of the display area.
3. Any proposed retail display location must be at the front, side or rear of the business with which it is associated.
4. A proposed retail display area must not block or materially hinder access to emergency fire connections or access to adjacent buildings.
5. A minimum *sidewalk* width of 1.5 metres must be maintained.
6. A minimum 1.2 metres clearance must be maintained between the proposed retail display area (including enclosure) and any obstruction (e.g. power pole, sign pole, hydrant) to accommodate wheelchairs and *pedestrians*.
7. Any proposed corner locations will be reviewed for potential obstruction of sight lines of a *driver* operating a *vehicle* on an adjacent or nearby street or *lane*, which will not be permitted. In addition, a minimum of 2 metres of *sidewalk* width clear for unobstructed *pedestrian* circulation must be provided.
8. Any structure must be of a construction style which allows for immediate removal, if so required.
9. Any structure used must be kept in a clean and safe condition.
10. The location and placement of the retail display must be approved by the *Director of Development Services*.