

# **TOWN OF OSOYOOS**



## **TRAFFIC BYLAW NO. 1256, 2009**

### ***CONSOLIDATED VERSION***

**Adopted September 21, 2009  
Updated May 8, 2017**

**(CONSOLIDATED FOR CONVENIENCE PURPOSES ONLY)**

Consolidated Version should be read in conjunction with the complete document.

TOWN OF OSOYOOS

BYLAW NO. 1256

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*A Bylaw to Regulate Traffic and Street Use  
Within the Boundaries of the Town of Osoyoos.*

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WHEREAS Council is authorized to regulate traffic and the use of streets within the Town;

NOW THEREFORE, the Municipal Council of the Town of Osoyoos, in open meeting assembled, enacts as follows:

**Part 1. CITATION**

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1 This Bylaw may be cited for all purposes as “Traffic Bylaw No. 1256, 2009.”

**Part 2. DEFINITIONS**

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2 Words and phrases defined in the *Motor Vehicle Act* shall have the same meaning in this bylaw, unless otherwise defined in this Bylaw;

3 In this Bylaw:

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

“**Arterial Highway**” means an arterial highway as defined in the *Highway Act* and includes Highway 97 and Highway 3 corridors through the Town of Osoyoos boundaries.

“**Boulevard Tree**” means any ornamental or shade tree growing such that its trunk is wholly or partly on a boulevard or within one metre of any street, but shall not include trees grown by private individuals for the production of edible fruit.

“**Driveway**” means any curbing, paving, culvert, grading or other physical improvements installed across a boulevard to facilitate access between a roadway and the adjacent property.

“**CAO**” means the Chief Administrative Officer for the Town of Osoyoos or person delegated by him to act on his behalf.

“**Clearance Area**” means a polygon formed by two or more white lines painted on a roadway and the edge of the roadway, such area being defined for the purpose of prohibiting stopping or standing of vehicles.

“**Commercial Loading Zone**” means a section of street designated by one or more traffic control devices for loading or unloading exclusively by commercial vehicles.

“**Commercial Property**” means any real property used in whole or in part for commercial or industrial purposes.

“**Council**” means the municipal council of the Town of Osoyoos.

“**Curb**” means the vertical or rising portion of a Portland cement concrete structure delineating the outside edge of a paved roadway and shall include the edges of a sidewalk closet to the roadway on streets where there is pavement extending to within 30 centimetres of the sidewalk.

“**Disabled Parking Zone**” means a parking zone identified by the disabled parking sign referred to in the Motor Vehicle Act Regulations.

“**Disabled Parking Permit**” means a permit issued under the Motor Vehicle Act Regulations.

“**Lane**” means any street not exceeding eight metres (8m) in width between property lines.

“**Loading Zone**” means a section of street designated by one or more traffic control devices for loading and unloading.

“**Ministry**” means the Minister of Transportation or a duly appointed designate.

“**Motor home**” means a motor vehicle designed or used primarily for accommodation during travel or recreation, but does not include a motor vehicle that has attached to it a structure:

- (a) designed or used primarily for accommodation during travel or recreation, and
- (b) designed or intended to be detachable;

“**Passenger Zone**” means a section of street designated by one or more traffic control devices for loading or unloading of passengers.

“**Parade**” means any procession of more than thirty pedestrians or more than ten vehicles or more than 10 cycles standing or traveling as a group on any street and shall include a special community event which obstructs movement of traffic on a street but shall not include a funeral procession.

“**Residential Area**” means any area zoned residential in the applicable Zoning Bylaw of the Town in force and shall include streets abutting such zones, and where the zone is different on the two sides of the street, the dividing line shall be taken as the centre line of the street.

“**Regulations**” means the Motor Vehicle Act Regulations, B.C. Reg 26/58.

“**Roller-skates**” means a pair of boots or clamps securely attached to each foot which have affixed to them any number of wheels, and shall specifically not include boards with any number of wheels which are ridden by standing on and are not securely attached to a persons feet.

“**Skateboard**” means a short board mounded on roller-skate wheels.

“**Street**” means every road, highway, alley, lane, pedestrian walkway right-of-way or other corridor, arterial highways, designated or intended for public use in the movement of any traffic, whether such corridor is physically developed or not, and shall extend to

the lateral property lines of such corridor, including all roadways, sidewalks, boulevards or other features constructed therein.

“**Town**” means the Town of Osoyoos or the area within the boundaries of the Town of Osoyoos as the context may require.

“**Traffic Control Device**” means a sign, light, or other instrument placed by the order of the CAO to control or regulate the movement, location and parking of motor-vehicles or non-vehicular means of transportation.

“**Trailer**” means a vehicle that is at any time drawn on a highway by a motor vehicle, except:

- (a) an implement of husbandry,
- (b) a side car attached to a motorcycle, and
- (c) a disabled motor vehicle that is towed by a tow car,

and includes a semi-trailer as defined in the *Commercial Transport Act*,

### **Part 3. DELEGATION OF POWERS**

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- 4 The CAO is hereby authorized to order the placement or erection of traffic control devices at such locations in the Town, as he deems appropriate to regulate or control the following matters, and by those orders exercise the various powers of the Town under this Bylaw, provided however that the CAO shall not place or erect traffic control devices on an arterial highway or right of way without written consent of the Ministry:
- (1) regulation, control, or prohibition of pedestrian traffic, ridden, herded or driven animals, vehicular traffic and cycle on sidewalks, boulevards, lanes and roadways.
  - (2) regulation, control, or prohibition of the stopping, standing or parking of vehicles and trailers;
  - (3) setting apart or allotting portions of streets adjacent to Federal, Provincial or Municipal buildings for the exclusive use of officials and officers engaged therein for the purpose of parking of vehicles or regulations of such parking;
  - (4) establishment and use of loading, commercial and passenger zones and designation of such zones;
  - (5) prohibition, regulation or control of pedestrian traffic on streets other than at crosswalks;
  - (6) prohibition, regulation or control of traffic on a street in the vicinity of construction, reconstruction, widening, repair, marking or other work being carried out; and
- 5 The CAO may rescind, revoke, amend or vary an order made by him under this section.
- 6 The CAO may place or erect traffic control devices to give effect to any provision of this bylaw or any resolution of Council.

- (1) Any vehicle unlawfully occupying any portion of a street or public place, or otherwise in contravention of any section of this bylaw, may be removed, detained, or impounded by order of the CAO or his designate, or a Bylaw Enforcement Officer. A removal fee in the amount of actual costs including towing fees, an impoundment fee in the amount of the actual cost paid to a commercial storage facility or tow yard for each day or part of a day for which the vehicle is impounded, and a 10% administration fee based on costs of towing and storage, shall be paid by the owner before release of the vehicle and such fees may be recovered by sale of the vehicle at public auction not less than 30 days after the date of impoundment, or by action in a court of competent jurisdiction
- (2) Any trailer remaining unlawfully parked 24 hours after issuance of a Municipal Ticket under the Town's Municipal Ticketing Information Bylaw, may be removed, detained, or impounded by order of the CAO or a Bylaw Enforcement Officer. A removal fee in the amount of actual costs including towing fees, an impoundment fee in the amount of the actual cost paid to a commercial storage facility or tow yard for each day or part of a day for which the vehicle is impounded, and a 10% administration fee based on costs of towing and storage, shall be paid by the owner before release of the vehicle and such fees may be recovered by sale of the vehicle at public auction not less than 30 days after the date of impoundment, or by action in a court of competent jurisdiction.


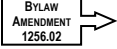
#### **Part 4. STOPPING AND PARKING REGULATIONS**

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- 8 The provisions of this Bylaw prohibiting stopping, standing or parking shall not apply to:
- (1) emergency vehicles;
  - (2) municipal vehicles;
  - (3) provincial, federal or public utility service vehicles when engaged in work which requires the vehicles to stop, stand or park in a manner contrary to this Bylaw;
  - (4) tow trucks while such vehicles are engaged in work requiring them to be stopped or parked in a manner contrary to this Bylaw, provided that this exemption shall not relieve the operator of such vehicles from taking due precautions to indicate the presence of such vehicles on the street while so stopped;
  - (5) any vehicle stopped or parked on the street while being repaired, where that repair is necessitated by an emergency, provided that this exemption shall not relieve the operators of such vehicles from taking due precautions to indicate the presence of such vehicles on the street while so stopped, and provided that where such a vehicle is stopped in manner which obstructs traffic or poses a risk to other traffic, the owner or operator of such vehicle shall immediately arrange for the removal of such vehicle.

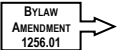
- 9 No person shall stop or stand a vehicle on any street:
- (1) wherever prohibited by a traffic control device;
  - (2) on the roadway side of any vehicle stopped or parked at the edge or curb of a roadway;
  - (3) in an intersection with a lane or within two (2) metres of the nearest property line of an intersecting lane;
  - (4) in front of or within two (2) metres of any driveway;
  - (5) on or within six (6) metres of a painted crosswalk;
  - (6) in front of or within five (5) metres of a fire hydrant measured either side from a point at the curb or edge of roadway closest to the hydrant.
  - (7) other than parallel to the edge of roadway, and in the direction of traffic unless angle parking is specified by signs or lines painted on the roadway;
  - (8) in an area of street designated for angle parking if the vehicle or combination of vehicles is over six (6) metres in length;
  - (9) with wheels located further than three tenths of a metre (0.3m) from a curb where a curb exists;
  - (10) in a manner which will interfere with the free passage of traffic;
  - (11) in a manner such that any part of the vehicle is located on or overhanging above a clearance area painted on a roadway;
  - (12) in a manner such that any part of the vehicle is located either partly or entirely within the traveled portion of a roadway as indicated by white shoulder lines painted on the roadway where such lines exist;
  - (13) on a sidewalk or on a boulevard where a curb exists;
  - (14) within a commercial loading zone, except that this subsection shall not apply to commercial vehicles and that this subsection shall not apply in general between the hours of 6:00 p.m. and 9:00 a.m. of the following day and on those holidays other than Easter Monday;
  - (15) in a disabled parking zone without a disabled parking permit that is displayed on the dashboard on the inside rear view mirror of that vehicle and which is clearly visible inside the vehicle by any person looking through the vehicle's front windshield, or unless the vehicle is being actively loaded or unloaded with a physically disabled passenger, provided however, that if a vehicle is parked in a disabled parking zone to load or unload a disabled passenger and does not display a valid disabled parking permit, it shall not remain stopped for longer than 5 minutes.

- 10 No person shall stop or stand a vehicle on a street other than a lane inside any intersection with another street other than a lane, or within six (6) metres of the nearest property line of any intersecting street other than a lane.
- 11 No person shall stop or stand a vehicle on a lane:
- (1) inside any intersection with another street, or within two (2) metres of the nearest property line of any intersecting street;
  - (2) on either side of a lane abutting commercial property except while actually engaged in loading or unloading of passengers or materials;
  - (3) in a manner which leaves less than three (3) metres of unobstructed roadway or which will interfere with the free passage of other vehicles;
- 12 No person shall park a vehicle on any street;
- (1) whenever or whenever prohibited by a traffic control device;
  - (2) in a manner such that any part of the vehicle is located on or overhanging above a line painted on a roadway delineating separate parking stalls;
  - (3) for a period of time exceeding the posted time limit on a traffic control device except that this subsection shall not apply between the hours of 6:00 p.m. and 9:00 a.m. of the following day and on those holidays other than Easter Monday, which are defined in the *Interpretation Act*, unless specified otherwise by a traffic control device;
  - (4) for a continuous period in excess of twenty-four hours unless such vehicle is legally parked by the owner or occupier of real property on a section of street (on which parking is not prohibited by traffic control device) abutting the property he owns or occupies;
  - (5) for the purpose of calculating time in subsections (3) and (4) of this section, a vehicle shall be considered continuously parked unless it is moved from its parking space and not returned to the same side of the street in the same block for a period equal or greater than the posted time limit.
  - (6) park any boat trailer or utility trailer, including a trailer attached to a motor vehicle upon any street overnight between the hours of 11:00 p.m. and 6:00 a.m.;
  - (7) park any motor home, trailer, including a trailer attached to a motor vehicle, upon any street unless in emergency situations or for the purposes of loading and unloading, and in the case of a motor home, only for a period not to exceed 2 hours while doing business in Town.
  - (8) in a loading zone or commercial loading zone other than for the purpose of and while actually engaged in loading or unloading, and in any event not for a period exceeding 30 minutes, except that this subsection shall not apply between the hours of 6:00 p.m. and 9:00 a.m. of the following day and on those holidays other than Easter Monday, which are defined in the *Interpretation Act*, unless specified otherwise by a traffic control device;

- (9) in a passenger zone for a period exceeding five (5) minutes;
- (10) between the hours of 9:00 p.m. and 6:00 a.m. of the following day on any street in a residential area, a commercial vehicle in excess of five thousand six hundred kilograms (5,600 kg) licensed gross vehicle weight;
-  (11) in a manner as to interfere with the removal of snow and ice on any street;
-  (12) where the clearance is less than twelve (12) feet between stopped or parked vehicles to ensure that snow or ice removal equipment has free passage on a street.

## Part 5. REGULATION OF TRAFFIC

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
- 13 No person shall drive or operate a vehicle upon any lane within the Town at a rate of speed greater than twenty kilometers per hour (20 km/h).
- 14 No person shall drive or operate a vehicle upon any street other than an arterial highway within the Town contrary to restrictions on vehicle type or weight which council may implement by resolution from time to time.
- 15 No person shall:
  - (1) operate a cycle on any sidewalk, crosswalk, walkway or boulevard within the Town except in areas where such use is permitted by a traffic control device, except that this section shall not apply to:
    - (a) roller-skates used in a responsible manner, in full control and not interfering with pedestrian traffic;
    - (b) a wheelchair designed to carry a physically disabled person while it is actually being ridden by a disabled person;
    - (c) a stroller, baby buggy or other device designed to carry infants and young children while it is being used for its intended purpose; or
    - (d) a child's tricycle when it is ridden by a child who is under the age of six (6) years;
    -  (e) a motorized scooter operated by a person with mobility impairments and used in a responsible manner so as not to interfere with pedestrian use and used at a speed that does not limit the ability of the user to stop with little notice.
  - (2) stand or loiter or congregate in such a way as to interfere with or disrupt the movement of traffic, unless he is participating in a parade or special event for which required permits have been issued as stated in this Bylaw;
  - (3) ride, herd or drive any animal on a sidewalk, boulevard or walkway except that this subsection shall not apply to dogs led by a leash.



- (4) operate on any street, any loudspeaker, instrument or other noisemaking device for the purpose of advertising, unless he has first obtained a written permit from the CAO, which permits may only be issued to charitable or non-profit organizations.
  - (5) propel, coast, ride or in any other way use a skateboard as conveyance on any sidewalk, crosswalk, walkway or boulevard in the following areas:
    - (a) along Main Street, from the east boundary to the west boundary of the Town of Osoyoos;
    - (b) along 78<sup>th</sup> Avenue, from 85<sup>th</sup> Street to Spartan Drive;
    - (c) along 85<sup>th</sup> Street, from 78<sup>th</sup> Avenue to Main Street; and
    - (d) along Spartan Drive, from Main Street to 78<sup>th</sup> Avenue.
  - (6) No person shall operate a commercial vehicle using or causing to be used, an engine braking device, or “Jake” brake within the Town.
- 16 No person:
- (1) shall organize or sponsor a parade or special event on any street, unless he first obtains a written permit for such a parade or special event from the CAO and in the event of an arterial highway, written permission from the Ministry.
  - (2) who is taking part in any parade or special event on any street shall stop, block, disrupt or in any way interfere with traffic unless such action is allowed as a condition of a permit issued under subsection (1) of this section.
- 17 No person shall drive a vehicle in any parade unless he is a part of the parade nor interfere in any manner with any parade or special event that is being conducted in compliance with a permit issued under section 16 of this Bylaw.

## Part 6. USE OF STREETS

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-  18 *Removed by Traffic Amendment Bylaw No. 1256.01*
- 19 Notwithstanding the above, no person shall perform or cause to be performed, any of the following without first obtaining written permission from the CAO and in the case of an arterial highway, permission from the Ministry:
- (1) alter any grades on any part of any street;
  - (2) construct a driveway on any street;
  - (3) plant or install any landscaping other than grass, turf, flowers, bedding plants or low shrubs on any street.
- 20 No person shall remove, damage, kill or cut any boulevard tree unless ordered or permitted to do so by the CAO.

- 21 No person shall erect or place any sign, sign board, advertisement, advertising device, either permanent or portable, on any street or arterial highway or right of way unless a permit for such placement has been first obtained from the CAO or in the case of an arterial Highway or right of way, written permission from the Ministry, unless such sign is a temporary or permanent traffic control device installed under the authority of this Bylaw.
- 22 No person shall discard, place, store or display any refuse, garbage, chattel or obstruction on any street or arterial highway other than in compliance with the Town of Osoyoos Garbage Collection & Disposal Bylaw as amended or in compliance with a written permit issued by the Superintendent or in compliance with a resolution of Council authorizing special events which involve placement of goods on street, or in the case of an arterial highway, written permission from the Ministry.
- 23 The CAO may issue permits for the placement, storage or display of any chattels or obstruction on any street if:
- (1) (a) placement of the chattels on the building side or curb side of the sidewalk covers no more than one metre (1m or 3'3") of the sidewalk, measured from the wall of the building or from the curb; and
  - (b) placement of the chattels leaves a minimum, at all times, of one and one half meters (1.5 m or 5") wide unobstructed corridor on the sidewalk for passage of pedestrians and wheelchairs;
  - (2) placement of the chattels shall not restrict vehicular or pedestrian traffic and shall not interfere with, or reduce the visibility of any traffic control device, or in appearance be confused with a traffic control device.
  - (3) the business owner or operator shall provide the Town with the evidence of a comprehensive general liability insurance policy containing a minimum of \$1,000,000 (one million dollars) of public liability and property damage. The policy must name the Town of Osoyoos as additional insured (or in the case of along an arterial highway, also naming the Province of British Columbia as additional named insured), and notice of cancellation must be sent to the Town.
  - (4) The business owner or operator shall complete the "Sidewalk Permit Agreement", a copy of which is attached as Schedule "A" and can be obtained at the Town Office.
  - (5) The CAO is hereby authorized to execute the "Sidewalk Permit Agreement", a copy which is attached as Schedule "A" to this Bylaw.
- 24 The CAO and the Bylaw Enforcement Officer are each authorized to remove, detain or impound any chattel or obstruction unlawfully occupying any street, arterial highway or public place.
- 25 Where any obstruction or chattel impounded under authority of this Bylaw consists of any sign, advertising or guide post, it may be removed and disposed of with no compensation to any person.
- 26 Any obstruction or chattel not claimed by its owner within thirty (30) days of it impounding may be sold at public auction and the proceeds of such auction sale shall be applied firstly to the costs of the sale, secondly to the fees and expense of the Town and the

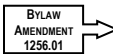
balance, if any, shall be held for ninety (90) days from the date of sale for the owner, and if unclaimed by that time, shall be paid into the general operating fund of the Town.

- 27 No obstruction or chattel shall be released until the Town has received payment for:
- (1) any fines and penalties legally due to the Town in respect of the unauthorized use or placement of such chattels on a street; and
  - (2) any fees or storage charges prescribed by resolution of council.
- 28 The Town, its members of Council, employees, officers or agents shall not be liable for damage to any vehicles or chattels removed, detained or impounded under authority of this Bylaw.

## Part 7. – GENERAL

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- 29 If any section, subsection or clause of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and shall not effect the validity of the remainder of this Bylaw.
- 30 Every person who violates any provision of this Bylaw is guilty of an offence and shall be liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) plus the cost of prosecution for each offence.
- 31 Every day or portion of day for which an offence continues shall constitute a new offence, provided however that where an offense consists of leaving a vehicle stopped or parked in excess of a specified time limit, the continuation of an offence beyond each elapsed period of time so specified shall constitute a new offence, and separate charges may be laid for each such time period in which an offence occurs.

-  32 The following sections of this Bylaw are enforceable by the Town as they relate to the Highway 97 and Highway 3 corridors through the Town of Osoyoos boundaries:
- 4, 6, 7, 8, 9, 10, 11,12, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31.

- 33 Traffic Bylaw No. 1000, 1995 and all amendments thereto are hereby repealed.

Read a first and second time on the 15<sup>th</sup> day of June, 2009.

Read a third time as amended on the 20<sup>th</sup> day of July, 2009.

Approved by the Minister of Transportation pursuant to Section 124(13) of the Motor Vehicle Act on the 25<sup>th</sup> day of August, 2009.

Adopted on the 21<sup>st</sup> day of September, 2009.

*[original signed by Mayor Wells]*

\_\_\_\_\_  
Mayor

*[original signed by Janette Van Vianen]*

\_\_\_\_\_  
Corporate Administration Officer

SCHEDULE "A"  
TOWN OF OSOYOOS  
Sidewalk Permit

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BETWEEN:

The Town of Osoyoos  
P.O. Box 3010  
Osoyoos, BC  
V0H 1V0

(Hereinafter called the "Permitter")

AND:

(Hereinafter called the "Permittee")

WHEREAS \_\_\_\_\_ has applied to the Town of Osoyoos for a permit to place encroachments onto the sidewalk in front of their business located at \_\_\_\_\_ and more legally described as \_\_\_\_\_ hereby agrees to indemnify and save harmless the Town of Osoyoos, its' employees and agents from and against all claims, demands, loss costs, damages, actions, suits or other proceedings in any way related to anything done or omitted to be done by the Permittee in connection with a sign or other chattels for which this permit has been granted pursuant to Osoyoos Traffic Bylaw No. 1256, 2009.

In consideration of the granting of this permit the Permittee agrees to carry a minimum of One Million Dollars (\$1 million) Liability Insurance on the above named business and legal parcel named herein and will name the Town of Osoyoos as a third party on this insurance for municipal roadways and the Province of British Columbia as a third party on this insurance for provincial highways. (*Copy of which must be supplied to the Town on application of this permit*).

If at any time this insurance becomes void or cancelled then this permit is no longer valid and the Permittee must forthwith remove all encroachments on the sidewalk. As a further consideration of this permit the Permittee must comply with the following.

1. Placement of chattels on the building side of the sidewalk will cover no more than one metre (1 m) of the sidewalk measured from the property line or wall of the building.
2. Placement of chattels on the curb side of the sidewalk leaves a minimum of one and one half metre (1.5 m) of unobstructed area from the building side to the chattels.
3. Placement of chattels on the sidewalk will leave a minimum of one and one half metres (1.5 m) of unobstructed sidewalk at all times.

\_\_\_\_\_  
Permitter:

\_\_\_\_\_  
Permittee:

