

THE CORPORATION OF THE VILLAGE OF McBRIDE

BYLAW NO. 568

A Bylaw regulating Traffic and Parking on Highways within the Village of McBride.

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The Council of the Corporation of the Village of McBride in open meeting assembled enacts as follows:

This Bylaw is divided into five parts, dealing with the following subjects:

- I. Definitions and Interpretation;
- II. Regulations of Traffic and Parking;
- III. Off-Street Parking for the Physically Disabled;
- IV. Offenses and Penalties;
- V. Application and Administration.

I - DEFINITIONS AND INTERPRETATION

1. DEFINITIONS

In This Bylaw:

"Angle Parking"

means the parking of a vehicle other than parallel to a curb or lateral lines of the roadway, and shall mean that the front end of the vehicle shall be closest to the curb or edge of the highway.

"Boulevard"

means the area between the curb lines, the lateral lines of the shoulder of a roadway and the adjacent property line.

"Bylaw Enforcement Officer"

means the person(s) appointed to that position from time to time by Council resolution.

"Corner"

with reference to a highway intersection means the point of intersection of the extension of the lateral curb lines or in the absence of curbs the extension of the edges of the roadway.

"Corporation"

means the Corporation of the Village of McBride.

"Council"

means the Council of the Village of McBride.

"Crosswalk"

means:

- a) a portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossings by signs or by lines or other markings on the surface; or
- b) the portion of a highway at an intersection that is included within the connection of the lateral lines of the sidewalks on the opposite sides of the highway, or within the extension of the lateral lines of the sidewalk on one side of the highway, measured from the curbs, or in the absence of curbs, from the edges of the roadway.

"Cycle"

means a device having any number of wheels that is propelled by human power and on which a person may ride.

"Driveway"

means a part of a highway improved to provide vehicular access from the roadway to adjacent property.

"Fire Lane"

means any area designated and marked or posted as such.

"Gross Weight"

Means the combined weight of a vehicle and load.

"Highway"

includes every highway within the meaning of the Highway Act, and every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of parking or servicing of vehicles, has access or is invited; and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway. This section refers to highway rights-of-way within the jurisdiction of the Corporation of the Village of McBride.

"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 which 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 any highway, not exceeding ten (10) metres in width, including all public pathways. This section refers to highway rights-of-way within the jurisdiction of the Corporation of the Village of McBride.

"Motorcycle"

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

"Motor Vehicle"

means a vehicle, not run on rails, that is designed to be self propelled.

"Municipal Decal"

means a commercial vehicle licence issued pursuant to the Commercial Vehicle Licence Bylaw of the Village of McBride or by any other Municipality.

"Park"

when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading.

"Parking Space"

means that part of the surface of the roadway, the use of which is designated for the purpose of vehicle parking.

"Pedestrian"

means a person afoot, or an invalid or child in a wheelchair or carriage.

"Physically Disabled Placard"

means a valid numbered placard that:

- a) is issued by the Social Planning and Research Council of British Columbia (SPARC);
- b) bears the international wheelchair symbol for the physically disabled, and
- c) is displayed on the motor vehicle by hanging on the vehicle's rear-view mirror or by being placed face-up on the dash board on the passenger side of the vehicle.

"Physically Disabled Passenger Vehicle"

means a motor vehicle that is displaying a currently valid physically disabled placard.

"Physically Disabled Person"

means a person who suffers from a permanent or temporary disability rendering it difficult or burdensome to walk.

"Police Officer"

means a member of the Royal Canadian Mounted Police.

"Property Line"

means the legal boundary between a highway and the parcels of land abutting thereof.

"Public Parking Area"

means an open area, structure, private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited.

"Roadway"

means that portion of the highway that is improved, designated 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 the collectively. This section refers to highway rights-of-way within the jurisdiction of the Corporation of the Village of McBride.

"Shoulder"

means that part of the highway immediately adjacent to the travelled portion of the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel.

"Sidewalk"

means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians.

"Sign"

means any sign or roadway, curb or sidewalk marking or other device placed or erected on a highway under the authority of this Bylaw for the purpose of regulating, warning or informing traffic.

"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.

"Tow Car"

means a motor vehicle used exclusively for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion.

"Traffic"

includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway to travel.

"Traffic Control Device"

means a sign, signal, line, meter, marking, space, barrier or any other device erected or placed under the authority of this Bylaw for the purpose of warning, regulating, guiding or directing 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 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".

"U-Turn"

means the turning of a vehicle within the highway so as to proceed in the opposite direction to that in which the vehicle was travelling immediately prior to making the turn.

"Vehicle"

means a device in, on or by which a person or thing is or may be transported or drawn on a highway, except a device designed to be moved by human power or used exclusively on stationary rails or tracks.

"Village Foreman"

Means that individual who is the Village Foreman for the Village of McBride or his authorized representative.

2. Interpretation - General

a) In this Bylaw:

- i) words importing the singular number or the masculine gender only, include more persons, parties or things of the same kind than one and females as well as males and the converse.
- ii) A word interpreted in the singular number has a corresponding meaning when used in the plural.
- iii) "may" shall be construed as permissive.
- iv) "shall" may be construed as imperative.

b) **Distances**

Where a distance is used in this Bylaw as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or a part of a highway, such distance shall be measured:

- i) along the curb or edge of the roadway from a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and
- ii) from such object, structure, land, or part of a highway in all directions.

c) **Cumulative Effect**

The various prohibitions of this Bylaw are cumulative and not mutually self-exclusive.

d) **Severability**

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

II - REGULATION OF TRAFFIC AND PARKING

REGULATIONS - SPECIAL CIRCUMSTANCES

3. Parking Prohibited - Special Circumstances

- a) If the Village Foreman is of the opinion that for some temporary period to ensure the safety of the public, the proper movement of traffic, the parking of vehicles, or the proper and safe performance of some vital function of the Village, special regulations are required for the parking or stopping of vehicles on a highway under the jurisdiction of the village, such person is authorized to make special regulations to prohibit or regulate the parking or stopping of vehicles on such highway during such times and days as such person deems proper and necessary and such person shall erect signs or otherwise give reasonable notice to indicate such special regulations.
- b) When signs have been erected or notice has otherwise been given under subsection a), every person shall obey the instructions or directions on any sign so erected and the sign is deemed to have been erected pursuant to the section that normally regulates or prohibits the matter, and those provisions apply to any act or failure to act contrary to the special regulations made pursuant to this section.

PARKING AND STOPPING

4. MANNER OF PARKING

a) **Two-Way Highways**

This section refers to highway rights-of-way within the jurisdiction of the Corporation of the Village of McBride. Subject to subsections b and c, no person shall stop, stand or park a vehicle on a roadway except as follows:

- i) where there is a curb, on the right side of the roadway with the right hand wheels parallel to and not more than thirty (30 cm) centimetres from the curb face; or
- ii) where there is no curb, on the right side of the roadway with the right hand wheels parallel to and as near to the right hand limit of the roadway as is practicable without stopping over any part of a highway which is landscaped or which is not intended for the use of vehicles.

b) **Angle Parking**

Where angle parking is permitted, no person shall stop, stand or park a vehicle on a roadway unless:

- i) the vehicle is parked at the angle designated by signs or markings on the roadway, and;
- ii) the length of such vehicle and any trailer attached shall not exceed six (6 m) metres.

c) **Pavement Markings**

Where a parking space is designated by lines or other markings on the roadway, or otherwise, no person shall stop, stand or park a vehicle or permit a vehicle to remain parked or standing therein except entirely within the area so designated as a parking space.

5. **Parking Prohibited with Signs**

When "no parking" signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on a highway within the area indicated by the signs.

6. **Stopping Prohibited with Signs**

- a) When "no stopping" signs have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped on a highway within the area indicated by the signs.
- b) Section 6 a) of this bylaw does not apply to the stopping of a taxi cab, provided:
 - i) it is displaying a valid municipal decal;

- ii) its stopping does not exceed fifteen seconds ; and
 - iii) it is in the process of receiving or discharging passengers.
- c) Section 6a) does not apply to the stopping of a motor vehicle for the purpose of and while actually engaged in receiving or discharging a physically disabled person provided that such motor vehicle has a valid physically disabled placard displayed.

7. Parking Prohibited without Signs

No person shall stop, stand or park a vehicle or permit a vehicle to remain stopped, standing or parked:

- a) on a sidewalk or footpath, unless permitted by the Village Administrator;
- b) on a boulevard;
- c) in front of or within one and one-half (1.5 m) metres of a driveway and loading area;
- d) in an intersection, except as permitted by a sign;
- e) within five (5 m) metres of a fire hydrant measured from a point in the curb or edge of the highway which is closest to the fire hydrant;
- f) on a crosswalk;
- g) within six (6 m) of the approach side of a crosswalk or within six (6 m) metres of the leaving side of a crosswalk;
- h) within six (6 m) metres on the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- i) within six (6 m) metres either side of the entrance to or the exit from a hotel, theatre, public meeting place, dance hall or fire hall; unless otherwise permitted by a traffic control device;
- j) within fifteen (15 m) metres of the nearest rail of a railway crossing;

- k) for the principal purpose of displaying a vehicle for sale;
- l) for the principal purpose of advertising, greasing, painting, wrecking, storing or repairing a vehicle except where repairs are necessitated by an emergency;
- m) for the principal purpose of displaying signs;
- n) for the principal purpose of selling flowers, fruit, vegetables, sea foods or other commodities or articles;
- o) alongside or opposite a street excavation or obstruction when stopping standing or parking obstructs traffic;
- p) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
- q) on a bridge or other elevated structure or within any underpass, unless otherwise permitted by a traffic control device;
- r) in a manner that obstructs the visibility of a standard traffic sign erected by or with the authority of the Minister of transportation and Highways or the Village;
- s) beside a curb which has been painted yellow;
- t) within three (e m) metres of the entrance or exit of a lane;
- u) in such a position that will prevent the convenient removal of any other vehicle previously parked or standing;
- v) on any roadway where the roadway is six (6 m) or less in width;
- w) in such a manner so as to inhibit free access to any garbage container by any person authorized to deposit in or pick up garbage from such garbage container;
- x) in any laneway, except a commercial vehicle while actually loading or unloading and provided the vehicle is so parked, to leave four (4 m) of unblocked laneway for the passage of other vehicles.

- y) on a highway in a space adjacent to any Federal, Provincial or Municipal public building designated as being reserved for the use of officials unless the operator is such an official;
- z) upon a roadway in such a manner as to obstruct the free passage of traffic in the roadway;
- aa) in a loading zone as designated by an applicable traffic control device unless actively engaged in the loading or unloading of a vehicle.

8. Parking Regulations - Snow Removal

No person shall park a vehicle or permit a vehicle to remain parked on any highway so as to interfere in any manner with the work of removing snow or ice there from or the clearing of snow there from.

9. Maximum Parking Limit

a) Specified Parking Period

When signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on a highway for a longer period of time than is displayed on the sign. Each succeeding time period shall be deemed to be a separate offence.

b) General Limit

Subject to the other provisions of this Bylaw, no person shall park a vehicle or permit a vehicle to remain parked on a highway for a period of time longer than five (5) continuous days.

c) Parking Limitation on Adjacent Areas

No person shall move a vehicle or permit a vehicle to be moved from one location to another in the same block so that the cumulative time parked in that block exceeds the maximum parking time limit for that block.

10. Heavy Vehicle Parking

No person shall park or permit to be parked a motor vehicle or trailer or any combination thereof in excess of 17,000. kg on any highway in a residential zone.

11. Fire Lanes

When signs have been erected, no person shall stop a vehicle or permit a vehicle to remain stopped in a fire Lane.

TRAFFIC MOVEMENTS

12. Heavy Vehicles - Municipal Streets

With the exception of commercial buses, recreational vehicles and delivery vehicles, when actually engaged in delivering goods or merchandise to local merchants or residents, no motor vehicle or trailer, or combination thereof in excess of 17,000. kg shall be operated on any street in the Village of McBride unless such street has been designated as a truck route which is indicated by the appropriate signs.

13. U-Turns

Where a U-Turn is not otherwise prohibited under this Bylaw or the Motor Vehicle Act, such a turn shall be made only where it can be made in safety and without interfering with other traffic.

14. Prohibited Movements

When signs have been erected, no vehicle in any intersection, or part of a highway or on property shall be turned or proceed contrary to the erected sign.

SPEED REGULATIONS

15. Speed Limits - Highways

No person shall operate a vehicle on a highway at a greater rate of speed than 50 km/h unless otherwise posted.

16. Speed Limits - School and Playgrounds

- a) No person shall operate a vehicle on a highway at a greater rate of speed than 30 km/h where signs are erected, between the hours of 8:00 am and 5:00 pm on a day school is regularly held, while approaching, or passing in the vicinity (as indicated by signs) of the school to which the signs relate.
- b) No person shall operate a vehicle on a highway at a greater speed than 30 km/h when approaching or passing, between dawn and dusk, a public playground for children where signs are erected.

DRIVING AND RELATED RULES

17. Barricaded Highways

No person shall drive, operate or park a vehicle or permit a vehicle to remain parked on any part of any highway barricaded and marked by signs showing that its use for the time is prohibited or restricted.

18. Coasting on Roadways

No person shall coast on a roadway or sidewalk whether on a sleigh, skateboard, rollerskates, rollerblades, skis, cart or other similar means of conveyance, except while crossing such roadway in a crosswalk.

19. Traffic Control at Fires

- a) No driver, other than that of an emergency vehicle, shall follow fire apparatus closer than one hundred and fifty (150 m) metres or drive or park within one hundred and fifty (150 m) metres of the place on the same highway on which fire apparatus has stopped in answer to a fire alarm.
- b) Unless directed by a fire department official or a police officer, 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 a fire alarm.

20. Emergency and Special Regulations

Notwithstanding any provisions of this Bylaw to the contrary, the Village Foreman may, during any emergency or special circumstance, by the erection of appropriate signs or signals, prohibit or regulate the movement of vehicles on any highway or part of a highway and no person shall drive or operate a vehicle in contravention of any such sign or signal.

21. Funeral and Other Processions

- a) No person shall, except under the direction of a police officer, drive or operate a vehicle on a highway between vehicles comprising a funeral cortege or other procession recognizable as such by the display of pennants or other identifying insignia while the vehicles in such procession are in motion.

- b) No person shall drive a vehicle in a funeral cortege or other procession on a highway except as near to the right hand side of the roadway as is practicable and follow the vehicle ahead as close as is practicable and safe.

22. Vehicles on Sidewalks, Walkways, Boulevards or Lanes

No person shall operate a vehicle, unless permitted by the Village Administrator, on a sidewalk, walkway, boulevard, or lane except when entering or leaving a driveway or lane or when entering or leaving land adjacent to a highway.

23. Village and Utility Vehicles - Exemption

The provisions of Section 22 do not apply to:

- a) vehicles of the Village while such vehicles are engaged in the performance of cleaning, maintenance, clearing, repair, construction or other work on any highway;
- b) vehicles of Utility companies while such vehicles are engaged in repairs to utilities under or over any highway.

24. Emergency Vehicles - Exemption

Sections 3 to 11, 17, 19, 21 and 22 shall not, in the case of emergency, apply to ambulances, police vehicles, fire vehicles or vehicles of Provincial or Municipal Emergency programs.

PEDESTRIANS

25. Right of Way Between Vehicle and Pedestrian

- a) Subject to Section 27, the driver of a vehicle shall yield the right of way to a pedestrian where traffic control signals are not in place or not in operation when the pedestrian is crossing the highway in a crosswalk and the pedestrian is on the half of the highway on which the vehicle is travelling, or is approaching so closely from the other half of the highway that he is in danger.
- b) a pedestrian shall not leave a curb or other place of safety and walk or run into the path of a vehicle that is so close it is impractical for the driver to yield the right of way.

- c) Where a vehicle is slowing down or stopped at a crosswalk or at an intersection to permit a pedestrian to cross the highway, the driver of a vehicle approaching from the rear shall not overtake and pass the vehicle which is slowing down or stopped.

26. Crossing at Traffic Signal

Where a pedestrian is instructed or permitted by a traffic control signal to enter or to proceed across a roadway, he shall do so at an intersection, only in a marked or unmarked crosswalk.

27. Crossing at Other Than a Crosswalk

When a pedestrian is crossing a highway at a point not in a crosswalk, he shall yield the right of way to a vehicle.

28. Pedestrian Prohibited on Roadway

- a) Where there is a sidewalk that is reasonably passable on either or both sides of a highway, a pedestrian shall not walk on a roadway.
- b) Where there is no sidewalk, a pedestrian walking along or on a highway shall walk only on the extreme left side of the roadway or the shoulder of the highway, facing traffic approaching from the opposite direction.
- c) A person shall not be on a roadway to solicit employment or business from an occupant of a vehicle.

CYCLES

29. Rights and Duties of the Operator of a Cycle

- a) in addition to the duties imposed by this section, a person operating a cycle on a highway has the same rights and duties as the driver of a vehicle.
- b) A person operating a cycle:
 - i) shall not ride on a sidewalk unless authorized by Bylaw or unless otherwise directed by a sign;
 - ii) shall not, for the purpose of crossing a highway, ride on a crosswalk unless authorized to do so by a Bylaw or unless otherwise directed by a sign;

- iii) shall, subject to paragraph (i), ride as near as practicable to the right side of the roadway;
 - iv) shall not ride abreast of another person operating a cycle on the roadway;
 - v) shall keep at least one hand on the handlebars;
 - v) shall not ride other than on or astride a regular seat of the cycle;
 - via) shall not use the cycle to carry more persons at one time than the number for which it is designed and equipped; and
 - vidi) shall not ride a cycle on a highway where signs prohibit their use.
- c) 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.
- d) A person shall not operate a cycle:
- i) on a highway without due care and attention or without reasonable consideration for other persons using the highway; or
 - ii) when permitted, on a sidewalk without due care and attention or without reasonable consideration for other persons using the sidewalk or lane.

30. Cycles and Animals Prohibited

When Signs have been erected, no person shall ride or cause to be ridden or use a cycle or animal on any highway or part of the highway.

SIGNS

31. Erection of Signs, Traffic Signals, Etc.

The Village Foreman is hereby authorized and directed to erect and maintain such signs, traffic control signals, markings, barricades, traffic control devices and other structures and equipment as are required to give effect to this Bylaw and as are required to regulate, direct, warn or inform pedestrian and vehicular traffic for the safety and convenience of the public.

32. Conflicting Private Signs

No person shall place, maintain or display upon, or visible from, any highway any sign, signal, marking or device which;

- a) conceals a traffic control device, or traffic signal from view,
- b) interferes with the effectiveness of a traffic control device or traffic control signal, or
- c) purports to be or is an imitation of or resembles any erected sign, traffic control signal or traffic control device.

33. Defacing Signs and Traffic Signals

No person shall move, remove, deface or in any manner interfere with any sign, traffic control signal, marking or other traffic control device placed, erected or maintained under this Bylaw.

34. Freshly Painted Lines on Roadway

No person shall wilfully drive any vehicle over any marking on the roadway where markers are in place to indicate that the marking material has been freshly applied nor shall any person drive onto or over or otherwise move or remove any marker so placed.

GENERAL REGULATIONS

35. General Regulations

- a) No person shall place or permit to be placed any ice or snow upon a highway.
- b) No person shall leave any excavation or other obstruction insufficiently fenced or barricaded and marked without warning lights.
- c) No person shall stand or loiter in such a manner as to obstruct or impede or interfere with traffic on a highway.
- d) No person shall without first obtaining permission from the Village Foreman operate a tracked vehicle on roadways, sidewalks, boulevards, roads or lanes.

- e) No person shall place or permit to be placed any fuel, lumber, merchandise, chattel or ware of any nature on a highway.
- f) No person being the owner or occupier of property abutting on a highway shall allow or permit any earth, rocks stones, logs or stumps or other things to cave, fall, crumble, slide or accumulate from any such property on to the highway, or allow it to remain on the highway.
- g) No person shall drag or skid anything on or over a highway.
- h) In a park, no person shall drive, park, stop or permit any vehicle to be driven, parked, stopped or stand contrary to parks regulations.
- i) In a parking area no person shall cause or permit a vehicle of which he is the owner to be parked, or stopped in other than a designated parking space.
- j) No person shall camp overnight on any street or highway or in any park or in any parking area other than those areas approved for overnight camping.
- k) No person shall place, allow or permit anything to project across onto or over a highway so as to impede the normal flow of traffic.
- l) No person shall allow a vehicle so mechanically disabled that it cannot be driven to be parked on any roadway at any time or on any other portion of a highway for more than twenty-four (24) hours.

III - OFF STREET PARKING FOR THE PHYSICALLY DISABLED

36. Parking Required for the Physically Disabled

- a) One reserved parking space for the exclusive use of physically disabled persons, or persons conveying physically disabled persons, to park their motor vehicles, shall be established at the Robson Centre, Robson Valley Recreation Centre, Village Main Street - Bank, McBride Secondary School, McBride Centennial Elementary School and Elks Park. These parking spaces are to be identified by authorized signs as prescribed in Section 37 a).

- b) The Village Foreman is hereby authorized to establish physically disabled parking spaces on highways for the use of physically disabled persons.

37. Authorized Signs

- a) The authorized signs referred to in section 36 shall;
 - i) be at least thirty (30 cm) centimetres in width and sixty (60 cm) centimetres in height;
 - ii) display the symbols and colours as shown in Schedule "B": to this Bylaw, but one (1) or both of the arrows may be deleted.
- b) The public parking area owner is responsible for;
 - i) the procurement, installation and maintenance of the authorized signs referred to in Section 36; and
 - ii) for ensuring that the shape, symbols and colour of the authorized sign referred to in Section 36 conform to the provisions of subsection a).

38. Prohibited Parking

- a) When signs have been erected, whether on a highway or on a public parking area, no person shall park or permit a vehicle to remain parked in a physically disabled space identified by authorized signs as prescribed by Section 37 a) of this Bylaw, unless a valid physically disabled placard is displayed upon the rear view mirror or the dashboard of the motor vehicle.
- b) The Provisions respecting the placement of a valid physically disabled permit referred to in subsection a) hereof shall be deemed to be satisfied if a valid physically disabled permit is placed on the dashboard of the motor vehicle at the request of a Police Officer, Bylaw enforcement Officer, or a public parking area owner or operator.
- c) Public parking area owners shall not authorize any person, other than a physically disabled person or a person conveying a physically disabled persons, to park a motor vehicle in any space reserved for physically disabled persons and identified by authorized signs as prescribed by Section 37 a) of this Bylaw.

- d) Notwithstanding the other provisions of the Bylaw, a Bylaw Enforcement Officer or Police Officer does not require the written complaint of the public parking area owner or operator to enforce the provisions of subsection a) hereof.

39. Free Access

Public parking area owners and operators shall maintain unobstructed access to each parking space identified by authorized signs as prescribed by Section 37 a) of this Bylaw and each space shall be kept free of snow or otherwise maintained to the same standards as all other parking spaces in the same parking facility.

40. Regulation of Use

- a) A displayed physically disabled placard shall not be valid when the motor vehicle in or on which it is displayed is not actually being used for the purpose of transporting a physically disabled person.
- b) No person other than the person to whom it was issued, or a person conveying the person to whom it was issued, shall use or display a physically disabled placard issued to a physically disabled person to enjoy the privileges as described in this Bylaw.

IV - OFFENSES AND PENALTIES

41. Penalties

- a) **Subject to Summary Conviction**

Every offence created under this Bylaw relating to unlawful parking, standing or stopping a vehicle is punishable on summary conviction pursuant to the provisions of the Offence Act, RSBC 1979 c.305 and amendments thereto.

- b) **Offenses**

Every person who contravenes a provision of this Bylaw to which the Offence Act applies pursuant to the provisions of subsection a) commits an offence and shall be liable on summary conviction to a fine not exceeding \$2,000.00 and the costs of prosecution.

c) **Offenses Punishable by the Motor Vehicle Act**

Any person who contravenes any section of this Bylaw for which a penalty is provided by the Motor Vehicle Act is guilty of an offence and on conviction is subject to the penalties provided therefor in the Motor Vehicle Act.

42. Parking Infraction Notice

A Bylaw Enforcement Officer or a Police Officer upon observing a motor vehicle apparently parked, standing, or stopped in contravention of this Bylaw, may issue or cause to be issued a Traffic Infraction Notice as detailed in Schedule "A". The Traffic Infraction Notice is to be left on the motor vehicle which is parked, standing or stopped in contravention of this Bylaw, and the leaving of the Traffic Infraction Notice shall be deemed to be personal service of the Traffic Infraction Notice upon the owner or operator of such motor vehicle.

43. Removal of Parking Infraction Notice

No person other than the owner or operator of a vehicle shall remove any notice placed thereon or affixed thereto by a Bylaw Enforcement Officer or a Police Officer in the course of his duties in enforcing the provisions of this Bylaw.

44. Voluntary Payment of Parking Penalties

- a) Any person, upon presentation of a Traffic Infraction Notice alleging a violation of this Bylaw, at the office listed on the said Traffic Infraction Notice, may pay out of court within fourteen (14) calendar days from the date of issue of the said Traffic Infraction Notice, the specific penalty provided for such as offence in Schedule "A" of this Bylaw at the office listed on the Traffic Infraction Notice. Upon such payment, no further proceedings shall be taken under this Bylaw in respect of the said offence alleged on the Traffic Infraction Notice.
- b) Any person who is issued a Traffic Infraction Notice for alleged violation of this Bylaw because a valid physically handicapped permit was not displayed, and who within twenty (20) calendar days from the date of issue of said Traffic Infraction Notice obtains a physically disabled permit from S.P.A.R.C., upon presentation of the Traffic Infraction Notice and the physically disabled

permit at the office noted on the Traffic Infraction Notice shall not be required to pay the penalty for the alleged violation of the provisions of the said sections, and upon such presentation no further proceedings shall be taken under this Bylaw in respect of the said offence alleged on the Traffic Infraction Notice.

45. Failure to Pay the Parking Infraction Notice

Where, by this Bylaw, a specific fine or penalty is provided and such fine or penalty is not paid out of court, then upon the expiration of the voluntary payment period, legal proceedings may be commenced against the registered owner of the vehicle. After the commencement of legal proceedings, the registered owner may pay out of court up to twenty-four (24) hours prior to the scheduled court appearance, the amount shown in Schedule "A". Upon payment, no further proceedings shall be taken under this Bylaw in respect of the said offence alleged on the Traffic Infraction Notice.

46. Vehicle Subject to Removal When Illegally Parked

In addition to any other penalties provided by this Bylaw, upon discovery of any vehicle parked, stopped or standing on any highway in contravention of the provisions of this Bylaw, a Police Officer or Bylaw Enforcement Officer or person authorized by the Public Works superintendent may cause such vehicle to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removing, care and storage thereof, if any, are a lien upon the vehicle being released.

V - APPLICATION AND ADMINISTRATION

47. Enforcement

This Bylaw shall be enforced by the Royal Canadian Mounted Police and Bylaw Enforcement Officers of the Village.

48. Application of the Bylaw

This Bylaw applies to all highways under the jurisdiction of the Corporation.

49. Bylaw subject to the Motor Vehicle Act

The Provisions of this Bylaw are subject to the provisions of the Motor Vehicle Act.

50. Schedules Adopted

The Schedules referred to in this Bylaw shall form part of this Bylaw.

51. Repeal

The Village of McBride "Traffic Regulation Bylaw No. 54, 1952 and the Village of McBride "Traffic Regulation Amendment Bylaw No. 156, 1962 are hereby repealed.

52. Citation

This Bylaw may be cited for all purposes as the "Village of McBride Traffic and Parking Bylaw No. 568, 1997.


READ A FIRST TIME THIS 12TH DAY OF AUGUST 1997

READ A SECOND TIME THIS 13TH DAY OF JANUARY 1998


READ A THIRD TIME THIS 30TH DAY OF MARCH 1998

RECONSIDERED AND ADOPTED THIS 31ST DAY OF MARCH 1998


Clerk


Mayor, M. Bonneville

I hereby certify the forgoing to be a true and correct copy of the "Village of McBride Traffic and Parking Bylaw No. 568, 1997".


Clerk.

BYLAW NO. 568

SCHEDULE "A"

The penalty to be levied with respect to these offenses shall be \$25.00 if such penalty is paid within 14 calendar days from the date of issue of the Traffic Infraction Notice.

After 14 calendar days from the date of issue of the Traffic Infraction Notice the penalty shall be \$50.00.

<u>Offence Description</u>	<u>Bylaw Section</u>
Park in "No Parking Zone"	5
Park When Prohibited Without Signs	7
Park - Interfere with Snow Removal	8
Park Longer than 24 Hours	9 b)
Heavy Vehicle in Prohibited Area	10
Park in Fire Lane	11
Place or Permit to be Placed Ice or Snow on Highway	35 a)
Park in a Physically Disabled Parking Space	38 a)