

TOWN OF FORT NELSON

THE TRAFFIC CONTROL BYLAW NO. 615, 2001

, 2001

A bylaw of the Town of Fort Nelson (hereinafter called "the Town") to regulate traffic, parking and the use of all public streets, roads, ways, trails, lanes, approaches and any other public way including boulevards and sidewalks within the boundaries of the Town pursuant to the Local Government Act and to the Motor Vehicle Act.

The Council of the Town, in open meeting assembled, hereby enacts as follows:

1. CITATION

- (1) *This bylaw may be cited as "The Traffic Control Bylaw No. 615, 2001".***

2. REPEALS

- (1) *The following bylaws are hereby repealed in their entirety:***

- (a) *The Town of Fort Nelson Traffic Control Bylaw No. 538, 1998.***

3. APPLICATION

- (1) *This bylaw shall apply to the geographic area of the Town of Fort Nelson.***

4. **DEFINITIONS**

In this bylaw:

- (1) ***"All Terrain Vehicle" means a vehicle as defined in the Motor Vehicle (All Terrain) Act and propelled by motorized power and having two or more wheels, or a track and skis, and a seat for the driver to sit astride, and capable of travel on or off a highway as defined in the Highway Act;***
- (2) ***"Bicycle" means every device propelled by human power upon which any person may ride, having two or three tandem wheels;***
- (3) ***"Boulevard" means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line;***
- (4) ***"Bylaw Enforcement Officer" means the person appointed by resolution of the Council of the Town of Fort Nelson from time to time, or his designate.***
- (5) ***"Commercial or Industrial Trailer" means a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests on & is carried by the motor vehicle or truck tractor and includes a pole trailer, but does NOT include a house trailer or trailer having a gross weight of less than 700 Kg licensed pursuant to the Motor Vehicle Act;***

4. **DEFINITIONS**

- (6) **"Commercial District" means any area within the Downtown Commercial Core (CC), Downtown Commercial Shopping Centre District (CC1), General Commercial (C1), Highway Commercial (C2), Service Commercial (C3), Commercial Campground (C4), or Commercial Golf Course Recreation (C5) zones, as set out in the zoning bylaws of the Town;**
- (7) **"Council" means the elected Council of the Town of Fort Nelson;**
- (8) **"Crosswalk" means**
- (a) **any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by sign 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 extensions 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;**
- (9) **"Curb" means the raised structural element which may be installed at the outside edge of a street or median parking area, primarily for a gutter;**
- (10) **"Driver" means a person who drives or is in actual physical control of a vehicle;**
- (11) **"Double Parking" means two vehicles parked adjacent to any street or boulevard and obstructing traffic;**

4. **DEFINITIONS**

- (12) **"Emergency Vehicle" means**
- (a) **a motor vehicle carrying rescue or first-aid equipment where there is an urgent emergency justifying a rate of speed in excess of speed provided in this bylaw; or,**
 - (b) **a motor vehicle carrying fire fighting equipment in responding to an alarm of fire; or,**
- (13) (c) **a motor vehicle driven by a Peace Officer or by a member of the police branch or any of Her Majesty's Armed Forces or a member of the Provincial Gaol Service in the discharge of his or her duty;**
- (14) **"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 purposes of the parking or servicing of vehicles, has access or is invited to; and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway;**
- (15) **"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 upon different highways joining at any other angle may come in conflict and, for the purpose of this definition, highway does NOT include a lane or right-of-way less than fifteen (15) feet in width and separating the rear property-lines of parcels of land fronting on highways running more or less parallel to & on each side of such lane or right-of-way;**

4. **DEFINITIONS**

- (16) **"Lane" means a street which is not designated for general travel and which is used primarily as a means of access to the rear of residences and business establishments;**
- (17) **"Owner" as applied to a vehicle means**
- (a) **the person who holds legal title to the vehicle; or,**
 - (b) **a person who is a conditional vendee, a lessee or a mortgagor and is entitled to be and is in possession of the vehicle; or,**
 - (c) **the person in whose name the vehicle is registered;**
- (18) **"Park" or "Parking" when prohibited means the standing of a vehicle, whether or occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading;**
- (19) **"Peace Officer" includes all members of the Royal Canadian Mounted Police and any person designated as a Bylaw Enforcement Officer by the Council of the Town;**
- (20) **"Pedestrian" means a person who is afoot or an invalid or a child in a wheelchair or carriage;**
- (21) **"Residential District" means the Residential - Single Family Dwelling & Duplex (R1), Residential - Single and Two Family Restricted (R1A), Residential - Multifamily (R2), Residential - Mixed (R3), Residential - Small Lot (R5), the Public/Institutional (PI), and the Parks & Recreation (PR) zones, as set out in the zoning bylaws of the Town of Fort Nelson;**

4. DEFINITIONS

- (22) ***"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 (2) or more separate roadways, the term "roadway" refers to any one (1) roadway separately and NOT to all of the roadways collectively;***
- (23) ***"Sidewalk" means the area between the curb-lines or lateral lines of a roadway and the adjacent property-lines improved for the use of pedestrians;***
- (24) ***"Stop" or "Stand" means***
- (a) ***when required, a complete cessation of 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 in compliance with the directions of a Peace Officer or traffic-control device;***
- (25) ***"Tanker Truck" means a motor vehicle or truck tractor with a commercial or industrial trailer or semi-trailer transporting any type of liquid or gas having a noxious odour or "dangerous goods" as per the Transport of Dangerous Goods Act, or containing or consisting of a tank transporting any type of liquid or gas having a noxious odour, or "dangerous goods" as per the Transport of Dangerous Goods Act, such as: explosives; gases, including compressed, deeply refrigerated, liquefied or dissolved under pressure; flammable & combustible liquids; flammable solids, including substances liable to spontaneous combustion and substances that on contact with water emit flammable gases; oxidizing substances, including organic peroxides; poisonous (toxic) and infectious substances;***

4. **DEFINITIONS**

- (25) *(Continued) - radioactive materials & prescribed substances as per the Atomic Energy Control Act (Canada); corrosives; and miscellaneous products, substances & organisms considered by the Lieutenant Governor in Council to be dangerous to the life, health, property or the environment when transported;*
- (26) *"Traffic" includes ridden, led or herded animals; pedestrians; vehicles; bicycles and other conveyances, either singly or together, while using a highway for the purposes of travel;*
- (27) *"Traffic-Control Device" means a sign, signal, line, meter, marking, space, barrier or device, not inconsistent with this bylaw, placed or erected by authority of the Minister of Transportation & Highways or of the Council or by a person duly authorized by the Minister or the Council to exercise such authority;*
- (28) *"Vehicle" means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway or roadway;*
- (29) *"Town" means the Town of Fort Nelson.*

5. **ENFORCEMENT**

- (1) *All traffic-control devices placed or erected prior to the adoption of this bylaw shall continue to have force & effect until or unless subsequently altered, removed or revoked by resolution of the Council, and every pedestrian and every driver shall obey the directions, instructions, limitations, restrictions or prohibitions of all traffic-control devices, unless otherwise directed by a Peace Officer.*

5. ENFORCEMENT

- (2) ***Subject to the "Motor Vehicle Act", all persons shall drive with due regard to all the circumstances of the case, including but not limited to***
- (a) ***the nature, condition and use of a highway at all times;***
 - (b) ***the amount of traffic that is on or might be reasonably expected to be on a highway.***
- (3) ***A person shall not drive a vehicle on a highway***
- (a) ***without due care & attention;***
 - (b) ***without reasonable consideration for other persons using the highway; or,***
 - (c) ***at a speed that is excessive relative to the road, traffic, visibility or weather conditions.***

6. TRAFFIC-CONTROL DEVICES

- (1) ***Except with lawful authority, no person shall place, maintain or display upon or in view of any street any sign, signal, mark or device purporting to be, imitating or resembling any traffic-control device, or which attempts to direct the movement or traffic or the parking of vehicles.***
- (2) ***Except with lawful authority, no person shall move, remove, damage, alter or obstruct the view or otherwise interfere with any lawfully-placed traffic-control device, nor shall any person walk or drive over any newly-painted line on any roadway, the presence of which is indicated by flags, barricades or pylons.***

6. **TRAFFIC-CONTROL DEVICES**

- (3) *Except with lawful authority, no person shall tear down, remove, displace, deface or in any way interfere with any traffic-control device lawfully erected or placed on any highway within the Town of Fort Nelson.*

7. **HIGHWAY CONSTRUCTION: USE BY EQUIPMENT**

- (1) *The provisions of this bylaw do not apply to persons, vehicles and to other equipment while actually engaged in highway construction or maintenance work upon or over the surface of any highway while at the site of the work, but do apply to them while travelling to or from the site of the work.*
- (2) *Any person undertaking construction, reconstruction, widening, repair, marking or other work on any highway, boulevard or sidewalk shall erect good and sufficient fences, railings, barriers, detour signs, night lights or other traffic-control devices around every site of such activity as may be necessary for the protection of traffic and the public.*

8. **GENERAL TRAFFIC REGULATIONS**

Wheels, Tires or Tracks with Spikes, Cleats, Etc.

- (1) *No person shall drive, load or unload any vehicle of any kind having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the roadway along or across any bridge or hard-surface highway within the Town of Fort Nelson. Nothing contained herein shall be construed as prohibiting the use of tire chains or studded Winter tires.*

8. **GENERAL TRAFFIC REGULATIONS**

Obstruction of Traffic

- (2) ***No person shall obstruct either pedestrian or vehicular traffic on any highway, sidewalk or boulevard, and no person shall obstruct the free use of any curb crossing or driveway providing access to private property.***

Load & Unloading of Goods

- (3) ***Sub-section 8(2) does NOT prevent persons from moving goods, wares or merchandise across any sidewalk in a residential district with all reasonable dispatch for the purpose of picking up or delivering such goods, wares or merchandise.***

Sidewalks & Boulevards

- (4) (a) ***No person shall drive any vehicle upon, over or across any boulevard, except for the purpose of caring for or maintaining such boulevard.***
- (b) ***No person shall travel with a bicycle, vehicle or animal-drawn vehicle on any sidewalk within the Town.***

All-Terrain Vehicles

- (5) ***No person shall operate an all-terrain vehicle upon a highway or a sidewalk within the Town.***

8. **GENERAL TRAFFIC REGULATIONS**

U-Turns

- (6) ***No driver of any vehicle shall turn a vehicle so as to proceed in the opposite direction***
- (a) ***on any highway between intersections;***
 - (b) ***at any intersection where a traffic-control device has been erected;***
 - (c) ***at any intersection within a business district, unless there is a sign at the intersection indicating that U-turns are permitted.***

Intersection Obstruction

- (7) ***Notwithstanding any traffic-control device indication to proceed, no driver of any vehicle shall enter an intersection or crosswalk in such a manner as to obstruct the movement of other vehicles or pedestrians.***

Traffic Tickets

- (8) ***No person other than the owner or operator of a vehicle shall remove or alter any traffic ticket placed thereon or affixed thereto by a Peace Officer in the course of his or her duties.***

Advertising

- (9) ***No person shall park, occupy or use any portion of any roadway for the purpose of advertising, selling or offering for sale any vehicle.***

8. **GENERAL TRAFFIC REGULATIONS**

Obstruction of Traffic-Control Devices

- (10) ***No owner or occupier of any property in the Town shall on such property allow hedges, shrubs, trees or other vegetation to obstruct traffic-control devices or to prevent drivers a reasonable sight distance of oncoming traffic.***

Use of Simpson Trail by Commercial Vehicles

- (11) (a) ***In this sub-section, the term "commercial vehicle" includes a motor vehicle that is designed and normally used to carry a load and that operates as a single unit or pulls a commercial or industrial trailer; the term "school days" means days when public schools, whether primary, secondary or high schools, are in session; and the term "Public Works Director of Operations" means the person appointed by resolution of the Council of the Town from time to time, or his designate.***
- (b) ***The use of that portion of Simpson Trail between 57 Avenue West to 50 Avenue North by commercial vehicles having a loaded or unloaded maximum weight exceeding 17,000 Kg is prohibited on school days.***
- (c) ***Commercial vehicles EXCEPTED from sub-section 11(b) include: emergency vehicles, tow vehicles for disabled motor vehicles, and vehicles making pick-ups or deliveries to an address located off of Simpson Trail and which are utilizing the most direct route to the address, but do NOT include commercial vehicles used for transporting logs.***
- (d) ***The Public Works Director of Operations may cause to be placed such signs on Simpson Trail and any other highway in the Town as may be required to give effect to this sub-section.***

9. PARKING REGULATIONS

- (1) Except when complying with the direction of a peace officer, traffic control device, or traffic patrol and except when operating a Municipal or Provincial utility or emergency vehicle, unless the vehicle is immobile, no person shall stop, stand or park a vehicle:**
- (a) on a sidewalk or boulevard;**
 - (b) in front of a public or private driveway;**
 - (c) within an intersection**
 - (d) within 6m of an intersection**
 - (e) in any lane unless actively engaged in the loading or unloading of goods, providing such vehicle does not stop the normal flow of traffic in the lane;**
 - (f) within 5m of a fire hydrant from the point on the curb or roadway closest to the hydrant;**
 - (g) within 6m of the approach of the crosswalk;**
 - (h) within 6m of the approach to a stop sign or traffic control device located at the side of a roadway;**
 - (i) adjacent to a painted yellow curb;**
 - (j) upon any street for the purpose of displaying a vehicle for sale or repairing a vehicle;**
 - (k) in a place prohibited, reserved, or restricted by a traffic control device, light, or for example “no parking sign”;**
 - (l) in a manner as to obstruct the visibility of any standard traffic sign or the normal flow of traffic;**

9. PARKING REGULATIONS

- (1) (m) *in a Handicapped Parking Only Zone as designated by an applicable traffic control device unless displaying an appropriate permit from the from the Social Planning & Research Council of British Columbia suspended from the rear view mirror in plain view of any person looking through the windshield of the vehicle or placed on the dashboard in front of the driver's position indicating that the driver of or a passenger in the vehicle is a disabled person. An out-of-Province vehicle bearing valid identification from its resident jurisdiction identifying it as driven by or transporting a disabled person is deemed to be bearing an appropriate permit;*
- (n) *on private property in a residential area and any highways in a residential district, a vehicle having a gross vehicle weight in excess of 5,600 kg (Approximately 12,345 lbs).*
- (2) *Commercial or Industrial Trailers*
No person shall park any commercial or industrial trailer of any kind on any highway in any residential district.
- (3) *Tanker Trucks*
No person shall park any tanker truck of any kind on any highway in any commercial district or residential district.

- (4) **Campers & Recreational Vehicles**
No campers, recreational vehicles or holiday trailers of any kind shall be occupied while parked or standing on any highway within the limits of the Town, between the hours of 8:00 p.m. and 8:00 a.m.
- (5) **Obstruction of Traffic**
No person shall park any vehicle on or cause any vehicle to occupy any portion of a highway in such manner that it interferes with the normal flow of traffic or interferes with the maintenance of the highway, and any Peace Officer, the Public Works Director of Operations or his designate, and the Fire Chief or his designate may remove or cause to be removed such vehicle, which shall be taken and placed in storage at the cost of the owner of the vehicle.
- (6) *All fees, costs and expenses incurred for the towing, delivery and storage of a vehicle under Sub-section 9(5) shall be paid by the owner within thirty (30) days of the day the vehicle is impounded, and in default of payment within thirty (30) days from the date of impoundment, the Bylaw Enforcement Officer of the Town is hereby authorized to sell said vehicle at public auction or to take other necessary action to recover such costs or expenses.*
- (7) **Parallel Parking in Front of Businesses/Establishments**
There shall be no parallel parking permitted in front of businesses or establishments with designated angle parking on 50th Avenue South and 50th Avenue North

10. PEDESTRIAN TRAFFIC REGULATIONS

- (1) Every pedestrian crossing a roadway shall cross as quickly as possible without stopping or loitering or impeding the free movement of vehicles thereon.**
- (2) No person shall, on any highway or sidewalk, obstruct vehicular or pedestrian traffic or annoy or incommode any other person lawfully upon the highway or sidewalk.**

11. PENALTY PROVISIONS

- (1) Any person who contravenes any of the provisions of this bylaw shall be liable to a fine of not more than Two Thousand Dollars (\$2,000.00), or to imprisonment for a term of not more than six (6) months, or to both a fine and imprisonment.**

12. SEVERABILITY

- (1) If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of the bylaw.**

13. EFFECTIVE DATE

- (1) This bylaw shall take effect upon its adoption.**

READ a first time this day of , 2001.

READ a second time this day of , 2001.

READ a third time this day of , 2001.

CERTIFIED a true & correct copy of "The Traffic Control Bylaw No. 615, 2001" as read a third time by the Council of the Town.

***Debbie M. Walker
Town Clerk***

REVIEWED WITH the Ministry of Attorney-General on the day of , 2001.

APPROVED PURSUANT to the Highways Act this day of , 2001.

***Approving Officer, North Peace District
Ministry of Transportation & Highways***

ADOPTED this day of , 2001.

CERTIFIED a true & correct copy of "The Traffic Control Bylaw No. 615, 2001" as adopted by the Council of the Town.

***Debbie M. Walker
Town Clerk***

**THE CORPORATE SEAL of the Town of Fort Nelson was hereto affixed
in the presence of:**

**Harry Clarke
Mayor**

**Debbie M. Walker
Town Clerk**

THE MUNICIPAL TICKET INFORMATION
BYLAW NO. 610, 2001
(In Reference to Traffic Control Bylaw No. 615, 2001)

Designated Bylaw Enforcement Officers for Bylaw No. 615, 2001

Bylaw Enforcement Officer
Fire Chief
Public Works Director of Operations
Royal Canadian Mounted Police Officer

Offence Bylaw No. 610, 2001 Section/Fine

Offence	Section	Fine
<i>Placement of Unauthorized Sign/Signal/Mark/Device for Traffic Movement</i>	6(1)	\$100
<i>Unauthorized Removal of Traffic Control Device</i>	6(2)	\$100
<i>Damage Traffic Control Device</i>	6(2)	\$100
<i>Deface Traffic Control Device</i>	6(3)	\$100
<i>Failure to Keep Off Newly Painted Lines</i>	6(2)	\$100
<i>Failure to Erect Protective Traffic Control Devices Around Construction Sites</i>	7(2)	\$100
<i>Engaging Hard-Surface Highway with Vehicle Wheels Having Projections</i>	8(1)	\$100
<i>Obstruction of Traffic</i>	8(2)	\$100
<i>Operation of Vehicle on Boulevard</i>	8(4) a	\$100
<i>Operation of Bicycle on Sidewalk</i>	8(4) b	\$25
<i>Operation of Vehicle on Sidewalk</i>	8(4) b	\$100
<i>Operation of All-Terrain Vehicle on Highway/Sidewalk</i>	8(5)	\$100
<i>Obstruction of Intersection/Crosswalk</i>	8(7)	\$100
<i>Removal/Alteration of Traffic Ticket</i>	8(8)	\$50
<i>Use of Highway for Advertising Sale of Vehicle</i>	8(9)	\$50
<i>Obstruct View of Traffic Control Devices</i>	8(10)	\$100

Obstruct Sight of Oncoming Traffic	8(10)	\$100
Use of Simpson Trail with Commercial Vehicle on School Days	8(11) b	\$100
Parking a Vehicle on a Sidewalk or Boulevard	9(1) a	\$100
Parking a Vehicle in front of a Public or Private Driveway	9(1) b	\$100
Parking within an Intersection	9(1) c	\$100
Parking within 6m of an Intersection	9(1) d	\$100
Unauthorized Parking in any Lane	9(1) e	\$100
Parking Within 5m of a Fire Hydrant	9(1) f	\$100
Parking on a Sidewalk	9(1) g	\$100
Parking within 6m of the Approach of a Crosswalk	9(1) h	\$100
Parking within 6m of the Approach to a Traffic Control Device	9(1) i	\$100
Parking Adjacent to a Yellow Painted Curb	9(1) j	\$100
Parking Upon Any Street for the Purpose of Repairing a Vehicle	9(1) k	\$100
Parking in a Place Prohibited, Reserved, or Restricted by a Traffic Control Device	9(1) l	\$100
Parking in a Manner as to Obstruct the Visibility of any Traffic Control Device or Flow of Traffic	9(1) m	\$100
Unauthorized Parking in a Designated Handicapped Zone	9(1) n	\$100
Parking of a Heavy Vehicle in a Residential Zone	9(1) o	\$100
Parking of Commercial/Industrial Trailer in Residential District	9(2)	\$100
Parking of Tanker Truck in Residential/Commercial District	9(3)	\$100
Occupation of Recreational Vehicles Parked on Highway between 8:00 PM and 8:00 AM	9(4)	\$50
Obstruction of Traffic with Parked Vehicle	9(5)	\$50
Parallel Parking in front of Businesses or Establishments with Designated Angle Parking	9(7)	\$100

<i>Obstruction of Free Movement of Traffic on Highway by Pedestrian</i>	<i>10(1)</i>	<i>\$50</i>
<i>Obstruction of Traffic on Highway/Sidewalk by Pedestrian</i>	<i>10(2)</i>	<i>\$50</i>