

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #1977

A BYLAW TO A BYLAW TO REGULATE TRAFFIC AND THE USE OF HIGHWAYS WITHIN THE BOUNDARIES OF THE CITY OF ROSSLAND

WHEREAS the Council is authorized, pursuant to Section 124 of the Motor Vehicle Act and Sections 542 and 545 - 548 inclusive of the Municipal Act, to regulate traffic and the use of highways within the Municipality.

THEREFORE be it resolved that the Municipal Council of the City of Rossland in open meeting assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "TRAFFIC AND HIGHWAYS REGULATION BYLAW #1977 (1998)".

INTERPRETATION

2. In this Bylaw, unless the context otherwise requires:

"Administrator"	means the Administrator of the City of Rossland and includes any person appointed or designated by the Administrator to act on his behalf.
"Angle parking"	means the parking of a vehicle other than parallel to a curb or lateral lines of the roadway.
"Axle"	means a structure in the same, or approximately the same, transverse plane supported by wheels and on or with which such wheels revolve. Any two axles of a vehicle, or combination of vehicles, the centres of which are less than 106 cm apart, shall be considered to be one axle for the purpose of this Bylaw.
"Arterial Highway"	means highways classified as such pursuant to Section 28 of the <u>Highway Act</u> .
"Boulevard"	means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or roadway, and includes curbs, sidewalks and ditches.
"Bylaw Enforcement Officer"	means the person duly appointed as such from time to time by Council.
"Building Inspector"	means the person or persons duly appointed as such from time to time by Council
"Chief of Police"	means the Officer-in-Charge, Rossland Detachment, Royal Canadian Mounted Police, and includes any member of the R.C.M.P. appointed or designated by the Chief of Police to act on his behalf.
"City"	means the City of Rossland
"Clerk"	means the person duly appointed as such from time to time by Council, and includes any person appointed or designated by the Clerk to act on his behalf.
"Combination of Vehicles"	means a combination of motor vehicles and trailer, or motor vehicle and trailers.
"Commercial"	has the same meaning as commercial vehicle in the <u>Commercial Transport Act</u> .
"Commercial Vehicle"	means any vehicle defined as such by and licensed pursuant to the <u>Commercial Transport Act</u> , and any vehicle not so licensed which is used for the collection or delivery or both, of goods, wares, merchandise and other commodities in the ordinary course of a business undertaking.
"Council"	means the Municipal Council of the City of Rossland
"Crosswalk"	means: (a) Any portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings

on the surface; or

- (b) The portion of a 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.

"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 any rate of speed provided for in this Bylaw or the Motor Vehicle Act.

(b) A motor vehicle driven by a member of the Regional Fire Serves in the discharge of his duties.

(c) A motor vehicle driven by a Peace Officer, Constable or member of the Police Branch of Her Majesty's Armed Forces in the discharge of his duties.

"Fire Chief" means the person duly appointed as such from time to time, and includes any person appointed or designated by the Chief to act on his behalf.

"Farm Vehicle" means a commercial vehicle owned and operated by a farmer, rancher, or market gardener, the use of which is confined to a purpose connected with his farm, ranch, or market garden, including use for pleasure and is not used in connection with any other business in which the owner may be engaged.

"Government Vehicle" means a vehicle operated by the City of Rossland, the Regional District of Kootenay Boundary, the Province of British Columbia or the Government of Canada.

"Highway" includes every highway or boulevard 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 place or passage way owned or operated by the City of Rossland for the purpose of providing off-street parking or for the use of pedestrian or cycle traffic.

"Holder of a Building Permit" means the person or company in whose name a building permit is issued.

"Horsepower" means the gross horsepower of the engine of the towing vehicle as customarily rated by the manufacturer.

"Lane" means any highway not exceeding 8m in width.

"Motor Vehicle" means a vehicle, not run upon rails, that is designed to be self propelled.

"Occupier" means a person

(a) who is qualified to maintain an action for trespass;

(b) in possession of Crown Land or land owned by a municipality under a lease, license, agreement for sale, accepted application to purchase, easement, or other record from the Crown or municipality, or who simply occupies the land.

"Municipal Plate" means a license plate issued to commercial vehicles pursuant to Part 20, Division (2) of the Municipal Act.

"Owner"	in respect of any real property means the registered owner of an estate in fee simple, and in the event of there being registered a life estate includes the tenant for life. In the event that there is registered an agreement for sale and purchase, "Owner" means the registered holder of the last registered agreement for sale and purchase. In the case of real property held in the manner mentioned in Sections 356 and 357 of the <u>Municipal Act</u> , "Owner" means the holder of or occupier as therein set out; and for the purpose of this Bylaw shall include the registered owner of a motor vehicle.
"Park"	when prohibited, means the standing of a vehicle, whether occupied or not.
"Peace Officer"	means a Constable or person having the powers of a Constable and includes a Bylaw Enforcement Officer appointed under the <u>Police Act</u> .
"Pedestrian"	means a person afoot, or an invalid or child in a wheelchair or carriage.
"Permit"	means a document in writing issued pursuant to this Bylaw.
"Person"	includes any corporation, partnerships, firm or association and, for the purpose of this Bylaw, includes the registered owner of a motor vehicle.
"Portable Crusher"	means a machine designed to be moved from one location to another, and whose purpose is the crushing of automobile bodies.
"Residential Area"	means any area zoned residential in the Zoning Bylaw currently in force in the City of Rossland and includes any highway abutting or adjacent to such zones.
"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 the roadways collectively.
"Semi-Trailer"	means a vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and which is so constructed that some part of its weight and some part of the weight of its load rests upon and is carried by the towing vehicle or truck tractor, and includes a pole trailer, but does not include a vehicle having a gross vehicle weight of less than 700 kg (1550 lbs.) which is licensed pursuant to the <u>Motor Vehicle Act</u> .
"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 any other improved area set aside for pedestrian use only.
"Taxi Cab"	means a motor vehicle having a seating capacity for not more than nine persons which, with its driver, is operated or plies for hire by members of the public.
"Traffic"	includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway for purposes of travel.
"Traffic Control Device"	means a sign, signal, line, parking meter, spitter machine, marking, yellow curb, space, barrier, or any other device, placed or erected by authority of the Council or person duly authorized by the Council to exercise such authority.
"Traffic Patrol"	means an adult school crossing guard or a school pupil acting as a member of a school patrol where such guards or pupils are provided under the <u>Public Schools Act</u> or authorized by the Chief of Police.
"Trailer"	includes a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle and constructed so that no appreciable part of its weight rests upon or is carried by the motor vehicle, but does not include a house trailer or a trailer having a gross vehicle weight of less than 700 kg (1550 lbs.) which is licensed under the <u>Motor Vehicle Act</u> .
"Truck Tractor"	means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle so drawn and of the load of the other vehicle.

"Vehicle"	means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.
"Width of Tire"	means, with respect to rubber tires, the width of tire as customarily measured and rated by manufacturers of motor vehicles and tires and, with respect to metal tires or solid rubber tires, the transverse width of the outer circumference of the metal tire or solid rubber tire.
"Winter Tire"	means a tire that is advertised or represented by its manufacturer or a person in the business of selling tires to be a tire intended principally for winter use and that provides or is designed to provide adequate traction in snow or mud and is in such condition respecting tread, wear and other particulars as the regulations under the <u>Motor Vehicle Act</u> may prescribe.
"Yellow Curb"	means a traffic control device that, in accordance with the regulations pursuant to the <u>Motor Vehicle Act</u> , prohibits the stopping, parking, leaving or standing of any motor vehicle, either attended or unattended, except where necessary to avoid conflict with other traffic or in compliance with the direction of a Peace Officer.

PART I - ENFORCEMENT

DIVISION (1) OFFENCES OTHER THAN PARKING

3. Restrictions:

Except where otherwise directed by the Administrator, a Peace Officer, or a person authorized by a Peace Officer to direct traffic, no person shall:

DRIVING ON SIDEWALK OR BOULEVARD	(1) Drive a motor vehicle, cycle, or ride or herd any animals, along any sidewalks, walkways or boulevards, unless otherwise permitted to do so by an applicable traffic control device.
PLAYING ON HIGHWAY	(2) Use roller skates, roller blades, skate boards, sleighs, skates, skis or other similar means of conveyance on any highway or sidewalk.
DEBRIS LEFT ON HIGHWAY	(3) Being the person who has removed a wrecked or damaged vehicle from the scene of an accident, leave any glass or other debris from the accident upon a roadway.
OPEN EXCAVATION	(4) Leave any excavation or other obstruction upon a highway without sufficiently fencing, barricading and marking the same with warning lights.
PROCESSION OR PARADE	(5) Drive or operate a vehicle between the persons or vehicles comprising a funeral procession or parade unless the vehicle is part of the funeral procession or parade.
OBSTRUCT TRAFFIC	(6) Stand or loiter in such a manner as to obstruct, impede or interfere with traffic on a roadway.
TRACKED VEHICLE ON HIGHWAY	(7) Operate tracked vehicles on sidewalks, boulevards, roadways or lanes except for the purpose of snow removal or grading and except where specifically authorized by the Administrator under Part VIII.
LANE/MAXIMUM SPEED	(8) Unless otherwise indicated by a traffic control device, drive a vehicle upon a lane at a speed in excess of 20 km/h.
CONSTRUCTION ZONE/MAXIMUM SPEED	(9) Unless otherwise indicated by a traffic control device, drive a vehicle at a speed in excess of 25 km/h in a zone where signs are posted indicating that the road is being repaired, widened or marked.
MERCHANDISE LEFT ON HIGHWAY	(10) Place or permit to be placed any fuel, lumber, merchandise, chattel or ware of any nature on a highway.
DRAG OR SKID	(11) Drag or skid any object along or over a highway in such a manner that the object damages the surface of the highway.

EARTH, MUD, ROCKS	(12) Being the owner or occupier of property abutting on a highway, allow or permit any earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things to be placed on or to cave, fall, crumble, flow, drift, slide or accumulate, or be tracked or carried by a vehicle or vehicles from the property onto a highway; or being there, to remain thereon.
CORNER LOTS	(13) Being the owner or occupier of property abutting on a highway at an intersection of another highway, construct a fence or grow a hedge or permit a fence, hedge or individual trees to remain so that the fence or hedge or individual trees are more than 1m higher than the finished grade at the centre of the intersection for a distance of 5m back along both abutting property lines of the lot, from the point of intersection of the two abutting property lines with the highway.
REMOVAL OF NOTICES	(14) Remove any notice or ticket affixed or placed on a vehicle by a City employee unless he is the owner or operator of such vehicle.
GARBAGE ON HIGHWAY	(15) Being the owner or occupier of property abutting a highway, allow any garbage containers or other facilities related to garbage collection to be upon any portion of the highway, except as may be provided for in the "WASTE REMOVAL BYLAW, No. 1509", as replaced or amended.
DRIVE WITHIN PARKS	(16) Drive a motor vehicle, other than a government vehicle within the boundaries of any City park except upon a roadway.
DITCHES/WATER FLOW	(17) Construct or maintain a ditch, the water from which causes damage to any highway.
DISTRIBUTE LEAFLETS	(18) Distribute leaflets upon any highway by placing the same on the windshield of a motor vehicle parked upon the highway.
TRUCKS/ MAXIMUM WEIGHT	(19) Unless otherwise posted with traffic control devices indicating a truck route, drive a truck with a gross vehicle weight in excess of 13,700 kg upon a roadway, except municipal or utility vehicles while engaged in work upon roadways, or trucks delivering goods and materials to properties on a street or streets directly serviced by the roadway.
INSECURE LOAD	(20) (a) Operate upon a roadway a vehicle carrying any materials or goods which are not secured in such a manner that the materials or goods are unable to fall from the vehicle while the vehicle is proceeding along the roadway. (b) No one operating a vehicle shall permit any materials or goods which fall from the vehicle to remain upon a highway. (c) For the purpose of this subsection, the Load Securement Regulations as set out in Division 35 of the Regulations pursuant to the <u>Motor Vehicle Act</u> shall apply.
NO PASSING SCHOOL	(21) (a) Being the driver of a motor vehicle, overtake and pass another vehicle in a designated school or playground zone, as indicated by a traffic control device, or at a crosswalk. (b) Being the driver of a motor vehicle, drive through a crosswalk when a person or traffic patrol indicates that vehicles are required to stop, in order to allow pedestrians to safely cross the highway.
JAY WALKING	(22) Being a pedestrian, cross any highway at other than a crosswalk.

PART I - ENFORCEMENT

DIVISION (2) PARKING

4. Parking Regulations:

Except when necessary to avoid conflicts with traffic, or to comply with the directions of a Peace Officer or traffic control device or traffic patrol and except while operating a government vehicle or vehicles of a public utility corporation while engaged in their duties, or except an emergency vehicle which is in actual use for official duties, or a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand or park a vehicle:

SIDEWALK	(1) On a sidewalk or a boulevard where a curb is present.
DRIVEWAY	(2) In front of a public or private driveway.
LANE	(3) In any lane, except as permitted pursuant to Section 5(3).
INTERSECTION	(4) Within an intersection except as permitted by a traffic control device.
HYDRANT	(5) Within 5m of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant.
CROSSWALK	(6) On a crosswalk or within 6m of the approach side of a crosswalk.
STOP SIGN	(7) Within 6m upon the approach to a stop sign or traffic control device located at the side of a roadway.
EXIT	(8) Within 6m on either side of the entrance to or exit from a hotel, theatre, public meeting place, fire hall or playground.
SALES	(9) Upon any highway for the principal purpose of: <ul style="list-style-type: none"> (a) Displaying a vehicle for sale; (b) Advertising, greasing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency; (c) Displaying signs; (d) Selling flowers, fruit, vegetables, seafoods, or other commodities or articles.
OBSTRUCTION	(10) Alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic.
DOUBLE PARKING	(11) On the roadway side of a vehicle stopped or parked parallel to the edge of curb of a roadway.
WHERE PROHIBITED BY SIGN	(12) In any place in contravention of a traffic control device that gives notice that stopping, standing, or parking is prohibited or restricted in that place, and at that time.
IN VIOLATION OF TRAFFIC CONTROL DEVICE	(13) On a portion of a highway in which parking is regulated by a traffic control device in violation of the traffic control device.
OBSTRUCT VISIBILITY	(14) In such a manner as to obstruct the visibility of any standard traffic control device erected by or with the authority of the Administrator.
WRONG SIDE/ FACING WRONG DIRECTION	(15) On other than the right side of a two-way highway with the right hand wheels of the vehicle parallel to that side; except where there is provision for angle parking, as signified by traffic control devices consisting of lines painted on the surface of the highway.
DISTANCE FROM CURB	(16) More than 30cm from the curb of a roadway if a curb has been constructed.
ANGLE PARKING	(17) In a designated angle parking zone where the length of the vehicle and any trailer attached thereto exceeds 6m.
RESERVED PARKING	(18) In a space on any highway adjacent to any Federal, Provincial or Municipal public building which is designated as being reserved for the use of officials, unless the operator is such official.
24 HOURS MAXIMUM	(19) On any highway for a continuous period exceeding 24 hours, without first obtaining the written permission of the Administrator.
TRUCKS	(20) Being a commercial vehicle having a gross vehicle weight in excess of 8600 kg. (19,000 lbs.) on any highway in a residential area, between the hours of 9:00 p.m. and 6:00 a.m. of the following day.

LANE	(21) Within 6m of the entrance or exit of a lane.
OBSTRUCT	(22) In a manner which obstructs the free passage of traffic on any roadway.
IN DESIGNATED AREA ONLY	(23) Upon any portion of a highway where traffic control devices consisting of lines painted upon the surface of the highway designate parking, in any location other than the designated spaces or area.
CYCLE PARKING	(24) Between a portion of a highway that has been improved by the City for the purpose of cycle parking and the highway itself.
CYCLE OR PEDESTRIANS	(25) Upon a portion of a highway that has been improved for the travel of cycles and or pedestrians, and which is designated as such by traffic control devices.
OVERTIME PARKING	(26) On any portion of a highway in contravention of the length of time allowed for parking on that portion of highway as indicated by an applicable traffic control device.
LOADING ZONE	(27) (a) In a loading zone as designated by a traffic control device unless the vehicle is actually in the process of being loaded or unloaded and is displaying valid municipal license plates. (b) Notwithstanding (a), in no case in a loading zone as designated by a traffic control device for a longer period than 15 minutes at any one time.
SCHOOL GROUND	(28) On a highway abutting a primary, elementary or secondary school ground or neighbourhood tot lot from dawn until dusk unless the school ground or tot lot is separated from the highway by a fence.
BUS STOP	(29) In a bus stop, as indicated by the appropriate traffic control device, any vehicle other than a vehicle operated by the Kootenay Boundary Regional Transit Authority between the hours of 6:30 a.m. and 12:00 midnight on each and every day of the year.
FIRE ZONE	(30) In a fire zone, as indicated by a traffic control device.
YELLOW CURB	(31) At a yellow curb.

5. Commercial Vehicles:

- (1) Unless a vehicle displays a valid and subsisting Municipal License Plate, no person shall operate, stop, stand or park a commercial vehicle:
 - (a) On any highway within the City;
 - (b) In a loading zone, designated pursuant to Section 44(15) of this Bylaw.
- (2) Notwithstanding Section 5(1)(b) above, no person shall stand, stop, or park a commercial vehicle displaying a valid and subsisting Commercial Vehicle License Plate in a loading zone designated pursuant to Section 43(15) for a longer period than 15 minutes at any one time.

Parked in a Laneway:

- (3) Notwithstanding Section 4(3), an attended commercial vehicle displaying a valid and subsisting "Commercial Vehicle License Plate" may park in a lane provided that the attended commercial vehicle is actually being loaded or unloaded, and providing that the vehicle is placed so as to leave at least 3m of the adjacent roadway clear, as measured on a line perpendicular to the vehicle;

6. Handicapped Permits:

Notwithstanding the provisions of Sections 4(26) the driver of a vehicle displaying an official Social Planning and Review Council of B.C. "Disabled Persons Parking Placard" shall not be subject to the penalties provided for the breach of those subsections.

7. Temporary Highway Fronting Authorization:

The Administrator is hereby authorized to issue temporary permits for:

- (1) Parking in excess of the length of time allowed for parking on a portion of highway which is subject to time parking restrictions when construction or other activities makes the enforcement of time parking restrictions in a given area, impractical.
- (2) Authorization issued pursuant to (1) shall not be for frequent or repetitive use, and shall only remain valid for the period indicated on the permit.
- (3) The fees to be paid for a permit issued pursuant to (1) shall be as set out in Schedule "A" attached to and forming a part of this Bylaw.

8. Temporary "No Parking":

The Administrator, the Fire Chief, the Chief of Police, or any Peace Officer may place or cause to be placed temporary "No Parking" signs or other applicable traffic control devices on a highway:

- (1) Along the route of any parade.
- (2) In the vicinity of a large gathering or during special circumstances.
- (3) To facilitate the fighting of fires.
- (4) To facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a highway being carried out by the City or any other Utility
- (5) In the interest of public safety.

PART II - PENALTIES

9. Ticketable Offences:

- (1) Ticketable offences and the fines therefor shall be those as set out in Schedule "B" attached to and forming part of this Bylaw.
- (2) Tickets issued for a ticketable offence shall be either as set out in Schedule "C", attached to and forming part of this Bylaw or the Municipal Ticket Information prescribed by regulation under the *Municipal Act*.
- (3) A fine shall not be levied under (1), for any offence if a vehicle is removed for that offence pursuant to Part III of this Bylaw.

10. Violation:

Notwithstanding Section 9, any person who operates a motor vehicle, or who, being the owner or operator of a motor vehicle, permits it to stand or be parked in contravention of a traffic control device or signal is liable on summary conviction to a fine not exceeding the maximum fine prescribed in the Offence Act.

11. Penalty:

Except as otherwise provided in this Bylaw, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding the maximum fine prescribed in the Offence Act.

12. Default:

Where in this Bylaw any matter or thing is required to be done by any person, in default of it being done by such person, such matter or thing shall be done at the expense of the person in default and the expense thereof may be recovered, with interest at six percent (6%) per annum, with costs in like manner as municipal taxes.

13. Inspection:

Any Peace Officer or City Employee may enter, at all reasonable times, upon any property subject to the regulations of this Bylaw in order to ascertain whether such regulations or directions are being obeyed.

PART III - REMOVAL OF VEHICLES, CHATTELS, SNOW, SIGNS AND RUBBISH

14. Removal of Vehicle:

- (1) A Peace Officer, Bylaw Enforcement Officer or a person authorized by the Administrator may move or cause to be moved a motor vehicle, or seize, detain or impound a motor vehicle or cause a motor vehicle to be seized, detained or impounded and taken to and stored in a safe and otherwise suitable place under any one of the following circumstances:
 - (a) The motor vehicle is one in respect of which there has been issued, within a 180 day period more than two parking tickets; or
 - (b) The motor vehicle is unlawfully occupying any portion of a highway or public place.
- (2) The driver or person in charge of the motor vehicle may be requested to move the vehicle to a position so determined by the Peace Officer, Bylaw Enforcement Officer or person authorized by the Administrator.

15. Tow-Away Zones:

Without limiting the generality of Section 14, the following zones are hereby established as tow-away zones.

(1) Bus Stops

Any vehicle, other than a vehicle which is operated by the Kootenay Boundary Transit Authority, or an emergency vehicle which is in actual use for official duties, which is stopped, standing or parked on a portion of a highway which is designated as a "bus stop" as indicated by signs erected pursuant to the provisions of this Bylaw shall be subject to tow-away and impoundment by the City, or its contractors, during the hours of 6:30 a.m. to 12:00 midnight on each and every day of the year.

(2) Fire Zones

Any vehicle, other than an emergency vehicle which is in actual use for official duties, which is stopped, standing or parked on a portion of a highway which is designated as a "fire zone" by a traffic control device or traffic control devices, placed or erected pursuant to the provisions of this Bylaw may be subject to tow-away and impoundment by the City, or its contractors at all times on each and every day of the year.

(3) No Stopping Zones

Any vehicle, other than an emergency vehicle which is in actual use for official duties, which is stopped, standing or parked on a highway in a "no stopping zone", as indicated by traffic control device(s) erected pursuant to the provisions of this Bylaw may be subject to tow-away and impoundment by the City or its contractors during the periods indicated on the applicable traffic control device.

16. Removal of Chattel or Obstructions:

Any chattel, obstruction or vehicle unlawfully occupying any portion of a highway or public place may be removed, detained or impounded by any person authorized to do so by the Administrator or a Peace Officer.

17. Removed, Detained or Impounded:

- (1) Any chattel, obstruction or vehicle removed, detained or impounded may be recovered by the owner upon presenting proof of ownership and upon payment in full of any fees, costs and expenses which may be levied pursuant to the provisions of this Bylaw to:
 - (a) The City's towing contractor or authorized agent in the case of a vehicle.
 - (b) City Hall during regular business hours in the case of any chattel or obstruction.
- (2) If a motor vehicle is removed, detained or impounded, and not claimed by the owner within 72 hours, then the vehicle shall be disposed of pursuant to Section 8 of the Highways (Scenic Improvement) Act.

18. Public Auction:

- (1) Any chattel or obstruction not claimed by its owner within 30 days of its impounding or detention may be sold at public auction, and such auction shall be advertised at least once in a daily newspaper circulating in the City.
- (2) The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the City or its contractors or authorized agents as set out above and thirdly the balance, if any, shall be held by the City for one (1) year from the date of sale for the owner. If unclaimed at the end of the year, such sum shall be paid into the General Revenue of the City.
- (3) Should any chattel or obstruction not be purchased at public auction held pursuant to (1), then the chattel or obstruction shall be disposed of in the City dump, or a place approved by the Administrator, and the expenses incurred in the removal or disposal of the chattel or obstruction, less the proceeds (if any) of disposal, are recoverable as a debt due the City from the owner.

19. Market Value Less Than \$100.00:

- (1) Notwithstanding the preceding provisions, where any garbage, rubbish, or chattel with an apparent market value of less than One Hundred Dollars (\$100.00) is left on any highway, such article or articles may be removed and disposed of by the City of Rossland and the full costs of removal or disposal shall be charged to the owner of the garbage, rubbish, abandoned or unlicensed motor vehicle.
- (2) Apparent market value shall be determined by the City Purchasing Agent.

20. Removal of Snow, Ice or RubbishSidewalks and Footpaths:

- (1) Owners or occupiers of real property shall remove snow, ice or rubbish from the sidewalk and footpaths bordering on the real property owned or occupied by them within 24 hours of accumulation of such snow, ice or rubbish on such sidewalk.
- (2) Owners or occupiers of real property shall immediately remove any snow, ice or rubbish from the roof or other part of any structure situated adjacent to or abutting on any portion of any highway if it constitutes a danger to persons using the highway by imposing a threat of falling upon the highway.

21. Posting of Signs:

- (1) Posters, playbills, dodgers, cards and placards may be exhibited on or adjacent to any highway, provided that:
 - (a) The person posting or exhibiting them has filed a written undertaking with the City Clerk stating that he will remove the items prior to a date not more than 30 days from the date of posting; and
 - (b) The person posting or exhibiting the items has filed with the City Clerk security in the amount of \$200.00 in the form of cash or certified cheque, that he will remove all such items prior to the date specified under (a).
- (2) Notwithstanding (1), no person shall post or exhibit any poster, playbill, dodger, card or placard of any kind upon or adjacent to any highway by means of paste, glue or similar adhesive; and no person shall post or exhibit any poster, playbill, dodger, card or placard of any kind by affixing such items to utility poles, traffic control devices or trees.

PART IV - EXTRAORDINARY TRAFFIC

22. Interpretation:

In this Part:

"Extraordinary Traffic"

includes the carriage of any goods or persons over a highway, at either one or more times, and whether in vehicles drawn by animal power or propelled by some other means, that when 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 the nature of the vehicles used, or in the speed at which the vehicles are driven or operated, as, in the opinion of the Administrator, to substantially alter or increase the burden imposed on the highway over that imposed through its proper use by ordinary traffic, and to cause damage and expense in respect of the highway beyond what is reasonable or ordinary.

23. Application:

This part does not apply to arterial highways.

24. Damage:

Where, in the opinion of the Administrator, any highway is liable to be damaged because of extraordinary traffic operating upon it, he 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.

25. Compensation:

Any person to whom this Part might otherwise apply may, with the approval of the Administrator, enter into an agreement for the payment to the City of Rossland of compensation in respect of the damage or expenses which may, in the opinion of the Administrator, be caused by the extraordinary traffic, and thereupon that person shall not be subject to any prohibition or penalty prescribed in this Part, in respect of that extraordinary traffic.

26. Offence:

Every person driving on or using the highway, in contravention of a regulation, limitation or prohibition made under Section 24, commits an offence, and is liable, on summary conviction, to a fine of not less than One Hundred Dollars (\$100.00) and not exceeding the maximum prescribed in the Offence Act.

PART VI SAFETY EQUIPMENT

27. Application:

This Part does not apply to arterial highways.

28. Special Equipment:

The Administrator may, by public notice or by the placing of signs, prohibit vehicles from being driven or operated on a highway if such vehicles are not equipped with chains, or winter tires, or sanding devices, or any combination of these which the Administrator may consider adequate and necessary in view of prevailing road conditions.

PART VII - USES REQUIRING ADMINISTRATOR'S PERMISSION

29. Application:

This Part does not apply to arterial highways.

30. Restrictions:

Except as authorized by a permit issued by the Administrator pursuant to Part VIII of this Bylaw or as required under Encroachment Bylaw No. 1931, as replaced or amended, no person shall:

EXCAVATIONS

(1) Dig up, break up or remove any part of a highway, or cut down or remove trees or timber growing on a highway, or excavate in or under a highway.

DAMAGE TO BOULEVARDS	(2) Cause damage to, cut down or remove, trees, grass, shrubs, plants, bushes and hedges, fences, signs or other things erected, planted or maintained by the City on a highway.
STOPPING WATER	(3) Change the level of a highway in any manner whatsoever, or stop the flow of water through any drain, sewer or culvert on, through or under a highway.
STRUCTURES	(4) Place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway or any portion of a highway.
EFFLUENT FROM DRAIN	(5) Construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a highway.
DEFACING	(6) Mark, imprint or deface in any manner whatsoever a highway or a structure situated upon a highway.
SIGNS	(7) Erect or maintain any sign, advertisement or guide-post on or over any highway or alter, repaint, tear down or remove any sign, advertisement or guide-post erected or maintained on any highway.
TRACKED VEHICLES	(8) Operate tracked vehicles, whether equipped with road plates or not, on sidewalks, boulevards, roadways or lanes, other than for the purpose of snow removal or grading.
VEHICLES AND ANIMALS	(9) Ride, drive, lead, move or propel any vehicle or animal in excess of 270 kg (600 lbs.) over or across any curb, sidewalk or ditch, unless such has been constructed or improved so as to form a suitable crossing, except when such vehicle or animal is being used to improve or maintain the boulevard or, is in any area of the City designated as Agricultural Land Reserve or as a Rural Zone under the City's Zoning Bylaw.
CONSTRUCTION	(10) Construct a boulevard crossing, including a curb, ditch or sidewalk crossing.

31. Bonding Against Damage to Highway:

DEPOSIT	(1) Where an applicant for a building permit to be issued under "Building Bylaw, 1990 No. 1721", as replaced or amended, will, in the course of construction of the building for which the permit is issued: <ul style="list-style-type: none"> (a) Be excavating a foundation or otherwise upon the property; (b) Be bringing heavy equipment onto the site from the adjacent roadway; (c) Be transporting materials from or to the site across a curb or ditch where no boulevard crossing has been constructed;
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the Administrator or the Building Inspector may require the applicant to deposit financial security to cover the cost of any damage to the highway or breaches of Section 30.

(2) The sum of money required in (1) shall be as specified in Schedule E, attached to and forming part of this Bylaw, and shall be deposited with the City in the form of cash, certified cheque, or as an Irrevocable Letter of Credit in the City's standard format from a chartered bank of Canada prior to the issuance of any building permit.

REFUND

- (3) (a) Where a deposit has been made in accordance with (1) and (2), upon completion of the building specified in the building permit, and providing that there has been satisfactory adherence to the provisions of this Bylaw throughout the period for which the building permit was issued, then the deposit shall be refunded in full to the holder of the building permit following final inspection and the issuance of an occupancy permit under "Building Bylaw, 1990 No. 1721", and any amendments thereto.

ADDITIONAL INSPECTION

(b) Notwithstanding (a), where it is necessary for the City to carry out an additional inspection subsequent to final inspection by a Building Inspector pursuant to "Building Bylaw, 1990 No. 1721", and any amendments thereto, in order to ensure that the provisions of this Bylaw have been complied with within the time limitations stipulated, then an inspection fee shall be deducted from the monies on deposit, and this inspection fee shall not be refunded.

(c) The inspection fee provided for in (b), shall be as set out in Schedule H, attached to and forming part of this Bylaw.

DEFAULT

- (4) (a) Notwithstanding (3), where the holder of a building permit fails to abide by the provisions of this Bylaw, or fails to ensure that contractors working on the site specified in a building permit abide by the provisions of this Bylaw at any and all times during the construction of the structure authorized in the building permit, and where the holder of the building permit fails to clean up or repair the highway, or cause the highway to be cleaned up or repaired in a manner satisfactory to the Administrator within 14 days of being notified to do so by a Peace Officer or Building Inspector, then the City or its authorized agents shall carry out such repairs or clean up as is deemed necessary by the Administrator, and to call on the monies on deposit and to pay the costs there from.

(b) Should there be an insufficiency of monies on deposit with the City, then the holder of the building permit and the registered owner of the land at the time at which payment of these monies becomes due shall be jointly and severally liable for payment, and shall pay the balance forthwith, upon invoice, required by the City to carry out, or cause to be carried out, the necessary repairs, clean up, or highway reconstruction.

(c) The balance required under (b), shall be paid in addition to the inspection fee required under Sections 31(3)(b) and 31(3)(c) if applicable, and in addition to an administration charge of Twenty-five Dollars (\$25.00).

PART VIII - CONDITIONS OF ADMINISTRATOR' PERMISSION

32. Permit Fee:

- (1) The Administrator may issue a permit to do any of those things otherwise prohibited in Section 30 of this Bylaw.
- (2) A permit issued under (1) shall be issued subject to the payment of the application fee of Ten Dollars (\$10.00), or such other fee as may be specified in the Schedules and which are applicable, and subject to such other conditions as may be contained in this part.

33. Plans:

The applicant shall provide four complete copies of satisfactory plans and/or specifications of the work to be undertaken and when such are supplied and approved by the Administrator and the necessary permit issued, the work shall conform in every way to the plans and specifications so provided.

34. Standard Conditions to Apply:

Any and all work which is carried out under a permit issued pursuant to the provisions of this Part shall conform in every way to the regulations set out in the City of Rossland " Subdivision & Development Servicing Bylaw #1701", as established by the Administrator.

35. Deposit:

- (1) Prior to the issuance of any permit under this Part, the applicant shall deposit with the Administrator a sum of money sufficient to pay for the cost of repairing any damage likely to be done to the highway, and as sufficient security that the obligations imposed by the permit are fulfilled within the time specified by the permit.
- (2) The deposit required in (1), shall equal ten percent (10%) of the total value of the work to be carried out and shall be in the form of cash or a certified cheque.
- (3) Notwithstanding (2), if the sum of money required pursuant to (2) is greater than Five Hundred Dollars (\$500.00), the applicant may deposit with the Administrator an Irrevocable Letter of Credit from a chartered bank of Canada.

36. As Built Plans:

Following completion of the work, the applicant shall provide satisfactory plans of the works installed by the applicant if works are installed by the applicant and such plans shall be drawn to a scale satisfactory to the Administrator and shall show the location, size and description of the works and the date of installation. The plan shall be supplied prior to the return or refund of any deposit or security posted as a condition of the permission.

37. Refund Less Inspection Fee:

Where a deposit has been made in accordance with this Part and upon satisfactory completion of the work within the time specified, the deposit shall be refunded to the applicant less an inspection fee of Ten Dollars (\$10.00) where applicable.

38. Default:

Failure by the permit holder to repair damage and/or fulfill such obligations as are set out in the permit within the specified time shall enable the City to carry out such repairs or fulfill such obligations that have not been met under the terms and conditions of the permit, and to deduct the cost thereof from the monies on deposit, or to call on the Irrevocable Letter of Credit and to pay the costs therefrom, and should there be an insufficiency of monies on deposit or through the Letter of Credit, then the applicant shall pay the balance forthwith, upon invoice, required by the City to carry out the works or fulfill the obligation, and such balance shall be paid in addition to an administration charge of Twenty-five Dollars (\$25.00).

39. Warnings:

Any person doing work on, in, over or under any highway shall provide and place appropriate barricades, lights and other safety devices as are required to protect the public.

40. Insurance:

The applicant shall provide evidence satisfactory to the Administrator that he is insured against all claims for damages for personal injury and property damage which may arise out of the performance of the work covered by the permit and such insurance shall be in an amount of not less than One Million Dollars (\$1,000,000.00), for each occurrence, and the applicant shall waive all rights of subrogation to the City.

41. Materials:

The applicant shall provide evidence satisfactory to the Administrator that all materials, labour and equipment which are needed to complete the work with reasonable dispatch are available.

42. Utility Companies and Districts:

- (1) The Administrator may issue a permit to a public utility company permitting such company, over the calendar year for which the permit is applicable, to carry out such work as may be necessary in the case of an emergency to repair any break or damage to the utilities under their control, and subject to the terms of any franchise or other agreement entered into between such utility and the City of Rossland.
- (2) There shall be no charge levied for an annual permit issued under (1).

PART IX - TRAFFIC CONTROL DEVICES43. Application:

The provisions of this Part do not apply to arterial highways.

44. Location:

The Administrator is hereby authorized to order the placing or erection of any applicable traffic control devices at such places as he may designate in such order to give effect to the provisions of this Bylaw and the Motor Vehicle Act.

Such traffic control devices shall include all signs contained in the B.C. Motor Vehicle Act Regulations as consolidated in 1980, and without limiting the generality of the foregoing shall also include:

SIDEWALKS, LANES	(1) Signs to regulate, control or prohibit pedestrian traffic, ridden or herded animals, vehicular traffic and cycle traffic on sidewalks, walkways or boulevards, or in lanes.
STOP SIGNS	(2) Signs to regulate, control or prohibit the stopping of vehicles.
PARKING	(3) Signs for the regulation, control or prohibition of standing or parking of vehicles.
PUBLIC BUILDINGS	(4) Signs to set apart and allot portions of highways adjacent to government buildings for the exclusive use of officials and officers engaged therein for the parking of vehicles and the regulation of such parking.
MEN WORKING	(5) Signs where construction, reconstruction, widening, repair, marking or other work is being carried out indicating that men or equipment are working upon the highway.
CONSTRUCTION ZONE/DETOURS	(6) Signs where construction, reconstruction, widening, repair, painting or marking or other work is being carried out to regulate or prohibit traffic in the vicinity of such works.
PEDESTRIANS	(7) Signs to regulate or prohibit pedestrian traffic on highways other than at crosswalks.
SKATES	(8) Signs to regulate, control or prohibit persons using roller skates, sleighs, skates, skis or other similar means of conveyance on a highway.
TURN PROHIBITION	(9) Signs at intersections and in advance of intersections where it is required to prohibit certain movements.
DO NOT ENTER	(10) Signs at the end of one-way roadways to prevent traffic entering the restricted area.
ONE WAY	(11) Signs on highways upon which the traffic is required to travel in one direction only.
TWO WAY TRAFFIC	(12) Signs at the transition from one way to two way roadways to indicate that normal travel is restricted to the right hand side of the roadway.
DO NOT PASS	(13) Signs at the beginning of a zone through which restricted sight distance makes overtaking and passing hazardous.
KEEP RIGHT	(14) Signs within and at the end of median strips and traffic islands.
LOADING ZONES	(15) Signs at locations where due to adjacent commercial facilities it is desirable to reserve space for loading and unloading commercial vehicles.
TRUCK SIGNS	(16) Signs in locations where truck traffic is prohibited or restricted.
MAXIMUM WEIGHT	(17) Signs at locations where due to seasonal weakening of road surfaces, obsolescence of bridges or pavements, or roadway repairs, loads in excess of those prescribed on the signs constitute a hazard to traffic or may cause excessive damage to the roads.

MAXIMUM SPEED	(18) Signs at locations where due to limitations of sight distances, road surfaces, traffic flows and frequency of intersections, speeds in excess of those prescribed on the signs constitute a hazard to traffic or may cause excessive damage to the roads.
BUS STOPS	(19) Signs at locations where a bus or other transit vehicle stops to pick up passengers, and it is desirable to restrict stopping, standing and parking on the road to only such vehicles. A sign erected pursuant to this subsection shall contain the following information: <ul style="list-style-type: none"> (a) That the bus stop is a "tow away zone". (b) Hours of tow away, 6:30 a.m. to 12:00 midnight, Monday to Sunday. (c) The telephone number of the City's towing contractor.
NO STOPPING	(20) Signs at locations where free flow of traffic is required, and where it is desirable, therefore, to permit no stopping on the roadway, except in the case of an emergency.
SCHOOL	(21) Signs at locations where it is required to give advance information and warning, such as the presence of a school adjacent to a roadway, a school crosswalk, or a school maximum speed zone. For the purposes of this subsection, the term "school" refers to all schools in the City of Rossland which are not used for playground purposes. Schools used for playground purposes are as designated in Schedule "F", attached to and forming part of this Bylaw.
PLAYGROUND	(22) Signs at locations where it is required to give advance information and warning of a playground adjacent to a roadway, or its maximum speed zone. Schools which are designated as playgrounds are listed in Schedule "F" attached to and forming part of this Bylaw.
CROSSWALK	(23) Signs or lines at locations where heavy pedestrian traffic crosses a roadway and at locations other than an intersection, such as at schools, playgrounds and public buildings where it is required to control pedestrian traffic.
ANGLE PARKING	(24) Signs or lines in locations where it is permissible to angle park.
WARNING	(25) Signs at locations where it is required to warn traffic of hazardous conditions, either on or adjacent to the roadway or to prohibit traffic from using the roadway.
TRAFFIC SIGNALS	(26) Signs at intersections and other locations where the existing traffic control devices are not adequate to control the traffic efficiently.
TRUCK ROUTES	(28) Signs on streets where the Administrator has designated truck routes for movement of truck traffic through the City.
PARKING	(29) Signs at the entrance to a highway or upon highways where provision is made for parking of motor vehicles under the conditions of "No parking unless valid and subsisting passes or tickets are displayed on the dashboard of the vehicle and which are in full view through the front windshield of the vehicle."
NO PASSING	(30) Signs at locations approaching crosswalks, school and park zones indicating that passing is prohibited.
FIRE ZONE	(31) Signs at locations where standing, stopping or parking of a vehicle would impede the passage or operation of firefighting equipment, indicating that the area is a "FIRE ZONE" and that standing, stopping or parking is prohibited in that area.

45. Orders:

- (1) The Administrator is hereby authorized to issue orders pursuant to Sections 44 and 47 of this Bylaw, and the City Clerk shall affix the Corporate Seal to the order and certify the same to be a true copy. Following this procedure, the order shall come into full effect.
- (2) A single order may contain any number of orders related to the matters set out in Section 44 or 47.

46. Rescind, Revoke, Amend or Vary Order:

- (1) The Administrator may rescind, revoke, amend or vary any order made by him, provided such order does not require the doing of any act contrary to or inconsistent with this Bylaw or the Motor Vehicle Act,
- (2) To vary or amend an order, the Administrator shall issue a new order reflecting the variation or amendment, and revoking the original order, and the City Clerk shall affix the Corporate Seal to the new order and certify the same to be a true copy.

47. Control:

- (1) The Administrator may order the alteration, repainting, tearing down or removal of any sign, advertisement or guide-post erected or maintained on or over any highway and in the exercise of this authority no compensation shall be paid to any person for loss or damage resulting from the alteration, repainting, tearing down or removal of any sign, advertisement or guide-post placed upon or over any highway.
- (2) No person, other than a person authorized pursuant to this Bylaw or the Motor Vehicle Act, shall place or erect a sign on real property which purports to regulate the adjacent highway.
- (3) Where a traffic control device listed under Section 44 is reported down or missing outside of normal working hours, such signs shall be re-erected or replaced on the next regular working day of the operations division.

48. Temporarily Closing Street:

- (1) When, for any reason, any highway or portion thereof, is unsafe or unsuitable for traffic, or it is deemed advisable that traffic should be restricted thereon or diverted therefrom, the Administrator, Fire Chief, or any Peace Officer, may close the highway, or portion thereof, or restrict or divert the traffic thereon or therefrom, and for that purpose, may erect traffic control devices pursuant to Section 44(6) of this Bylaw.
- (2) Where a highway or portion thereof is temporarily closed or the traffic thereon is restricted or diverted under (1), then no unauthorized person shall enter upon, or travel upon the highway or portion thereof, in contravention of the applicable traffic control devices.

49. Highway Signs:

Where traffic control devices have been authorized and placed or erected under the provisions of the Motor Vehicle Act by the Ministry of Transportation and Highways, the same shall be deemed to have been properly placed or erected pursuant to the provisions of this Part.

50. M.V.A. Regulations:

Traffic control devices erected pursuant to this Part shall, where applicable, comply with the sign regulations as set out in the Regulations to the Motor Vehicle Act.

PART X - VEHICLE REGULATIONS

DIVISION (1) - GENERAL REGULATIONS

51. Application:

This Section does not apply to arterial highways.

52. Prohibitions:

Except as authorized by a permit issued by the Administrator pursuant to Section 57 of this Bylaw, no person shall drive or operate on a highway:

- | | |
|-------------------|---|
| MAXIMUM WIDTH | (1) A passenger vehicle so loaded that any part of the load extends beyond the sides of the vehicle or more than 185 cm beyond the back of the vehicle. |
| PNEUMATIC TIRES | (2) A vehicle, other than a horse-drawn vehicle, the wheels of which are not equipped with pneumatic tires in good order. |
| SOLID TIRES | (3) A vehicle equipped with solid rubber tires, the thickness of which between the rim of the wheel and the surface of the highway is less than 32 mm. |
| SPEED/SOLID TIRES | (4) A solid rubber tired vehicle at a greater rate of speed than 20 kmh. |

SPIKES, CLEATS,
OTHER
ATTACHMENTS

(5) A vehicle having wheels, or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs, or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread, or track and except that this prohibition does not apply to a vehicle equipped with tire chains of reasonable proportions when required for safety or winter studded tires when used between October 1st and April 30th of each calendar year.

LOAD

(6) A vehicle unless it is so constructed and loaded as to prevent any of its load:

(a) From shifting or swaying in such a manner as to affect the operation of the vehicle; or

(b) From dropping, sifting, leaking or otherwise escaping therefrom, excepting that sand may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(7) A vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner hazardous to other users of the highway. The regulations pertaining to such shall be as specified in Section 3(20) of this Bylaw.

(8) A vehicle, other than on an Arterial Highway, contrary to the provisions of the Motor Vehicle Act, and the Motor Carrier Act, or the regulations pursuant thereto.

PART X - VEHICLE REGULATIONS

DIVISION (2) - SIZE AND WEIGHT REGULATIONS

53. Dimensions:

Except as authorized by a permit issued by the Administrator pursuant to Section 57 of this Bylaw and except as permitted under Section 54, no person shall drive or operate on any highway:

MAXIMUM WIDTH

(1) A vehicle having a total outside width, with or without load, in excess of 2.6 m, except that with loads of loose hay, loose straw or loose fodder, the load may project over the side of the vehicle such distance as results in a total outside width not in excess of 3.1 m.

MAXIMUM HEIGHT

(2) A vehicle having a height, with or without load, in excess of 4.2m.

OVERALL LENGTH

(3) (a) A single vehicle having an overall length, with our without load, in excess of 11 m, except as provided in (b), (c) and (d);

(b) A trailer the overall length of which exceeds 12.5 m, except that in the case of a "reefer-van", the overall length may be extended to include the refrigeration and/or heating unit only;

(c) A semi-trailer the overall length of which exceeds 14m, except that in the case of a "reefer-van" the overall length may be extended to include the refrigeration and/or heating unit only;

(d) A bus the overall length of which exceeds 12.5 m;

(e) A combination of vehicles having an overall length, with or without load, in excess of 20 m, except as provided in (f) and (g);

(f) A combination of three vehicles consisting of a 3-axle tandem drive truck-tractor, semi-trailer and trailer, or a 3-axle tandem drive truck-tractor and two semi-trailers, having an overall length, with or without load, in excess of 22 m, provided that the distance from the kingpin of the first semi-trailer and/or its load does not exceed 16.75 m;

(g) A combination of vehicles carrying a load of non-reducible logs, poles or piling in excess of 21.5 m.

54. Exemptions:

Section 53 shall not apply to:

- (1) To farm equipment temporarily operated on a highway during the hours of daylight.

55. All Signs to Apply:

Notwithstanding any of the provisions of the regulations under Section 53 or a permit issued pursuant to this Bylaw, the maximum height, length or width of a vehicle or load allowable on a highway or portion of a highway that is expressly limited as to maximum height, length or width of a vehicle or load by a traffic control device erected by or with the authority of the Administrator shall be that set out on the traffic control device.

56. Weight Restrictions:

Notwithstanding any of the provisions of this Bylaw, no person shall, without a permit issued pursuant to this Bylaw, drive or operate on a highway, or a portion of a highway, including a bridge, a vehicle or combination of vehicles having a gross weight on any axle or group of axles, or a gross vehicle weight, in excess of any load limit as may be indicated by a traffic control device.

PART X - VEHICLE REGULATIONS

DIVISION (3) - PERMITS

57. Authorization:

- (1) The Administrator by the issuance of a written permit in the form specified in Schedule "G" attached to and forming part of this Bylaw may authorize the driving or operation on a highway of a commercial vehicle that:
- (a) Does not conform to Section 50 (General Prohibitions), and the fee for the permit shall be in accordance with the rates set out in Schedule "H" of this Bylaw.
 - (b) Does not conform to Section 51 (Dimensions), and the fee for the permit shall be in accordance with the rates set out in Schedule "H" of this Bylaw.
- (2) The Administrator may specify in the permit the hours of day for which the permit shall be valid and the date for which the permit shall be valid and the route which shall be followed.

58. Penalty:

Any driver, operator or owner of any vehicle or any other person who violates any of the conditions contained in a permit issued pursuant to Section 57 commits an offence and is liable on summary conviction, to a fine of not more than Two Thousand Dollars (\$2,000.00).

PART IX - ENACTMENT

59. Remainder of Bylaw to be Maintained Intact:

In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

60. Incorporation of Existing Regulations:

- (1) All those things done and regulations and provisions made by Council pursuant to "Traffic And Highways Bylaw 1998, #1977", are hereby adopted as orders made pursuant to this Bylaw, and shall have the same authority as orders made by the Administrator pursuant to Section 45.
- (2) The Administrator is hereby authorized to rescind, repeal, vary or amend an order which is adopted pursuant to (1), providing always that the Administrator follows the procedure set out in Section 46.

61. Appeal:

- (1) An appeal may be brought against any order of the Administrator under Section 45 or any order varied or amended under Section 47.
- (2) The appeal in (1) shall be submitted in writing to the City Clerk and the Clerk shall forward the appeal directly to the Standing Committee having jurisdiction over transportation matters.

62. Repeal:

The following bylaws as amended are hereby repealed:

- (1) "TRAFFIC SAFETY BYLAW #1721"
- (2) "HIGHWAY WORKS REGULATION BYLAW, #1773"

63. In Effect

- (1) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 PUBLISHED PURSUANT TO BYLAW #1962
 RECONSIDERED AND FINALLY ADOPTED

this 25th day of May, 1998
 this 25th day of May, 1998
 this 25th day of May, 1998
 this 26th day of May, 1998
 this 22nd day of June, 1998

Mayor

City Clerk

21
SCHEDULE "A"

CITY OF ROSSLAND TRAFFIC AND HIGHWAYS BYLAW

TEMPORARY HIGHWAY FRONTING AUTHORIZATION

1. Where any person has been granted permission for the temporary occupation of any street frontage in any area pursuant to Section VII of this Bylaw, then the fee for the permit shall be:
 - (a) \$5.00 per day for each parking space granted;

2. **DEPOSIT**
 - (a) Where any person has been granted permission for the temporary occupation of any street frontage in any unmetered area he shall erect temporary signs in that area, which shall be supplied by the City. Security in the amount of \$35.00 for each sign shall be deposited with the City and shall be refunded to the applicant upon return of each temporary sign in good condition.
 - (b) Should the applicant fail to return a temporary parking sign, or should the temporary parking sign be returned in such a condition that it is no longer usable as determined by the City Clerk, then the security deposit for that temporary parking sign shall be forfeited.
 - (c) Should a temporary parking sign be returned in a damaged but repairable condition, the City reserves the right to assess the cost of any necessary repairs to the temporary parking signs, and this amount shall be deducted from the permit holder's security deposit.

SCHEDULE "B"**CITY OF ROSSLAND TRAFFIC AND HIGHWAYS BYLAW****TICKETABLE OFFENCES AND THE FINES THEREFOR**

OFFENCES	REGULAR FINE	DISCOUNTED FINE
Double Parking s.4(11)	\$7.00	\$5.00
Overtime Parking s.4(26)	\$7.00	\$5.00
Improperly parked in Designated Area s.4(23)	\$7.00	\$5.00
Reserved Space s.4(18)	\$7.00	\$5.00
Parking More than 30 cm. from curb s.4(16)	\$7.00	\$5.00
Jay Walking s.3(22)	\$7.00	\$5.00
Continuously Parked for over 24 hrs. s.4(19)	\$7.00	\$5.00
Commercial Vehicle Over 8,600 kg. 4.(20)	\$7.00	\$5.00
Obstructing Cycle Parking s.4(25)	\$7.00	\$5.00
Parking in Cycle or Pedestrian Only Zone s.4(25)	\$7.00	\$5.00
Parking on a Sidewalk s.4(1)	\$7.00	\$5.00
Parking too close to a Crosswalk s.4(6)	\$7.00	\$5.00
Parking in a Loading Zone s.4(27)	\$7.00	\$5.00
Parking in front of a Driveway s.4(2)	\$7.00	\$5.00
Parking Facing Wrong Direction s. 4(15)	\$7.00	\$5.00
Parking within 6m of a Fire Hydrant s.4(5)	\$7.00	\$5.00
Parked in Contravention of Signs s.4(12) & s.4(29)	\$7.00	\$5.00
Parked in Violation of Traffic Control Device 4(13)	\$7.00	\$5.00
Parking in Lane s.4(3)	\$7.00	\$5.00
Parking within 6m of a Stop Sign s.4(7)	\$7.00	\$5.00
Parking in Intersection s.4(4)	\$7.00	\$5.00
Parking within 6m of Exit s.4(8)	\$7.00	\$5.00
Causing an Obstruction/Traffic Congestion s. 4(10), s.4(22) & 3(6)	\$7.00	\$5.00
Obstructing Visibility s.4(14)	\$7.00	\$5.00
Parking Within 6m of Lane Access s.4(8)	\$7.00	\$5.00
Parking at a Yellow Curb s.4(31)	\$7.00	\$5.00
Parking in Fire Zone s.4(30)	\$7.00	\$5.00
No Municipal License Plate s.5(1)(2)	\$7.00	\$5.00
Any other Prohibited Act listed under Part I of Bylaw	\$7.00	\$5.00

MUNICIPAL TICKETING INFORMATION**TICKETABLE OFFENCES AND THE FINES THEREFOR****INCLUDED UNDER THE ROSSLAND TICKET INFORMATION UTILIZATION BYLAW #1890**

Parked in Contravention of Signs - Handicap Zone s.4(12)	\$50.00
Roller skating / skateboarding / riding bicycle on sidewalk s.3(2)	\$50.00
Riding sled / sleigh / toboggan on sidewalk s.3(2)	\$50.00
Fail to remove debris from accident scene s.3(3)	\$50.00
Drag or Skid object on highway s.3(11)	\$50.00
Operate track vehicle on highway s.3(7)	\$100.00
Deposit of earth / rock / stones / trees / logs / stumps / mud / branches / garden clippings or other things on highway s.3(12)	\$100.00
Chattel on a Highway s.3(10)	\$50.00
Deposit litter on highway / boulevard / sidewalk s.3(15)	\$100.00
Fail to trim trees / shrubs / hedges / bushes s.3(13)	\$50.00
Construction on highway / sidewalk s.30(1) & s.30(10)	\$100.00
Damage to Boulevards s.30(2)	\$50.00
Stopping Water s.30(3)	\$50.00
Structure placed on highway s.30(4)	\$50.00
Effluent from drain s.30(5)	\$50.00
Defacing highway or structure on highway s.30(6)	\$50.00
Erect or maintain sign s.30(7)	\$50.00
Damage to curb, sidewalk or ditch s.30(9)	\$50.00

SCHEDULE "C"

TRAFFIC VIOLATION TICKET

SCHEDULE "D"

CITY OF ROSSLAND TRAFFIC AND HIGHWAYS BYLAW

FEE SCHEDULE - REMOVAL OF CHATTEL, OBSTRUCTIONS AND VEHICLES

1. The following fees, costs and expenses shall be paid by the owner of any chattel, obstruction or vehicle removed, detained or impounded pursuant to Part III of this Bylaw.
 - (a) removal of any vehicle \$50.00
 - (b) for storing vehicles in private storage yards:
 - (i) automobiles, including panel and pickup trucks \$5.00/day
 - (ii) heavy trucks, tractors or trailers \$7.00/day
 - (c)
 - (i) for any chattel, obstruction, or thing unlawfully occupying any portion of a highway, including sidewalks, public pedestrian rights of way, or boulevards, or any public place
 - (ii) minimum charge of \$30.00
 - (iii) impoundment fee of \$5.00/day including the first day
 - (i) for any obstruction the total cost of removal of the obstruction plus the cost of disposing of the obstruction, plus a fee of \$10.00 or such other fees as may be charged by any contractor of the City engaged by the City to tow and store a vehicle.

SCHEDULE "E"

CITY OF ROSSLAND TRAFFIC AND HIGHWAYS BYLAW

FEE SCHEDULE: BONDING AGAINST DAMAGE TO CITY STREETS DURING THE COURSE OF CONSTRUCTION ON OTHER THAN THE HIGHWAY ITSELF.

1. Cash, Certified Cheque or Approved Irrevocable Letter of Credit to be deposited with the City prior to the issuance of any building permit [pursuant to section 31(2)] in the amount of:
 - (a) Single Family Residence\$500.00
 - (b) Duplex\$500.00
 - (c) All others (except corner lots) \$10.00/frontage foot (minimum fee \$500.00)

Where the applicant has more than two (2) concurrent building permits issued under (1) and (2) above, the maximum bonding required will be \$1,000.00.

2. For the purposes of (A)(3), corner lots shall pay the following fees:
 - (a) For a corner lot fronted by two highways \$5.00/frontage foot minimum fee (\$500.00)
 - (b) For a corner lot fronted by two highways, one of which is an arterial highway \$10.00/frontage foot excluding arterial footage (minimum fee \$500.00)
3. Fee for necessary additional inspection - subsequent to final inspection by a Building Inspector, in order to ensure that the provisions of this bylaw have been complied with. (Pursuant to section 31(3)(b) and 31(3)(c) - \$50.00.

SCHEDULE "F"

CITY OF ROSSLAND TRAFFIC AND HIGHWAYS BYLAW

1. For the purposes of Sections 44(21) and 44(22) of this Bylaw, the following schools are designated as playgrounds:
 - (a) Cook Avenue Elementary - 1541 Cook Avenue
 - (b) MacLean Elementary School - 2160 St. Paul Street
 - (c) Rossland secondary School - 2390 Jubilee Street

SCHEDULE "G"

CITY OF ROSSLAND TRAFFIC AND HIGHWAYS BYLAW

USE OF PERMITS

1. The purpose of Permits is to authorize movement of special loads within acceptable limits which exceed the normal loading restrictions in overall dimensions, or the movement of vehicles or loads which would otherwise be prohibited under Section 52 of the Traffic and Highways Bylaw.
2. Permits will be valid only for a single movement and for specific loads indicated on the application. Thus the Permit System will not form the basis of scheduled or repetitive trucking operations.
3. Notwithstanding 1, this permit shall in no way be construed as giving permission for the operation of a vehicle on any highway in contravention of any regulation, limitation or prohibition which may be made from time to time for the protection of the highway, pursuant to City of Rossland Traffic and Highways Bylaw, other than that specific regulation, limitation or prohibition which may be named in the permit.

CONDITIONS OF PERMIT

4. **Permittee to Assume Liability:**

The holder of the permit shall move the object or load described in the application entirely at his own risk and shall accept full responsibility for all damages or injury to any person or persons using the highway, or otherwise; and for any and all loss or damage on privately owned or City property which may result from the operation of the vehicle under the authority of the permit. The holder of the permit shall protect, indemnify and save harmless the City from all loss, damage or injury resulting, directly or indirectly, from the operation of the vehicle.

5. **Permittee to Ensure Vehicle Safety:**

The gross vehicle weight of the vehicle, or combination of vehicles, named herein shall not exceed the safe practical carrying capacity of the vehicular combination of vehicles or any of the component parts thereof. The permittee shall be responsible for the checking of the vehicle for which this permit is issued to ensure that it is mechanically sound.

6. The following regulations apply to the marking and travel of vehicles (loaded or unloaded) which exceed normal width and length regulations:

(a) Overall length (measured out to out of vehicle and/or load):

- (i) There shall be conspicuously displayed, at the extreme rear and extreme width of such loads, red flags during daylight hours and clearance lights during the period between sunset and sunrise, or at any time when the atmospheric conditions are such that objects on the highway are not plainly visible at a distance of 100 m.

(b) Overall width (over 2.5 m and less than 3.5 m overall):

- (i) There shall be conspicuously displayed, at extreme edges, red flags during daylight hours and clearance lights during the period between sunset and sunrise, or at any time when the atmospheric conditions are such that objects on the highway are not plainly visible at a distance of 100 m.
- (ii) Where the overall width is in excess of 3.5 m the load shall be preceded and followed by warning vehicles bearing red flagging and conspicuous signs reading "Wide Load Following" on the preceding vehicle, and "Wide Load Ahead" on the following vehicle. Such wide loads shall be moved during daylight.

7. Clearance Lights:

Every public service and commercial vehicle having a width in excess of 2.5 m, or a length in excess of 18 m including the load thereon, shall be equipped with clearance lights in accordance with the following provisions:

- (a) On the front of the vehicle, two amber lights, one at each extreme width of the vehicle and/or load and as near the top as practicable.
- (b) On the rear of the vehicle, two red lights, one at each extreme width of the vehicle and/or load, and as near the top as practicable.

Providing, however, in the case of a vehicle where it is impracticable to have clearance lights mounted at either the front or the rear of the body of the vehicle, then the said required clearance lights may be carried at the ends of a bar of pipe securely attached to the top or the rear of the cab of the vehicle in such a manner that the extreme width of the truck and/or load may be plainly indicated from the front and the rear of the vehicle.

- (c) All public service and commercial vehicles, including pole trailers, shall, when carrying loads of lumber, poles, well casing or other materials which extend beyond the rear of the vehicle, be provided with flexible extension cords for the purpose of displaying red clearance lights at the extreme rear and extreme width of such loads.
 - (d) In the case of semi-trailers or any combination of vehicles which exceed 10.5 m in length, then in addition to the above requirements, a red lateral light shall be located as near the centre as possible on the left side of the vehicle and in such a position as to make it clearly visible from any vehicle approaching from the left.
 - (e) All clearance lights shall be controlled from a circuit that is separate from the head and tail light circuit of the vehicle.
 - (f) All clearance lights shall be such and so placed that they shall be visible from a distance of at least 150 m under normal atmospheric conditions.
 - (g) During the period between sunset and sunrise or at any time when the atmospheric conditions are such that objects on the public highways are not plainly visible a distance of 100 m the said clearance lights shall be alight.
8. Before commencing to move the object or load, the operator shall ascertain whether the dimensions of the object or load are such as would collide with any guide-post or railing along the highway or with any portion of ridges through which he might have to pass. Under no circumstances shall such posts or railings be removed without permission from the Administrator.
9. The operator shall also ascertain if there are any telephone, telegraph or power wires under which the object or load has to be moved and if the height of the object or load is such as is likely to collide with such wires in any degree, then under no circumstances shall the object or load be moved until the consent of the agency owning the wires has been obtained.
10. If, in the opinion of the Administrator, the operation of the vehicle is found to be causing injury or damage to the highway, or it is found that the operation of the vehicle is not in the interests of the public, the Administrator may suspend or cancel the Permit.
11. It shall be sufficient notice that the permit is suspended if such notice is given by the Administrator, or by any person authorized by the City Clerk, verbally or otherwise, to the person owning or to the person driving or operating the vehicle, and no formal notice of suspension shall be required.
12. This permit shall be produced for inspection upon demand of any peace officer or any person authorized by the administrator.
13. No person shall change or alter this Permit in any manner, unless he is authorized to do so by the Administrator.

SCHEDULE "H"

CITY OF ROSSLAND TRAFFIC AND HIGHWAYS BYLAW

**SCHEDULE OF PERMIT FEES PURSUANT TO
PART X, DIVISION (3) "PERMITS"**

1. Attached to and forming part of Bylaw No. 1977

(a)	Operation on a highway:	<u>FEE</u>
	vehicle prohibited under Section 52	\$10.00
	Section 53: Oversized Vehicles	\$10.00

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