

DISTRICT OF ELKFORD

PROVINCE OF BRITISH COLUMBIA

BYLAW NO. 425

**A BYLAW FOR THE REGULATION OF TRAFFIC,
PARKING, AND THE USE OF ALL PUBLIC STREETS,
BOULEVARDS AND SIDEWALKS WITHIN THE DISTRICT
OF ELKFORD.**

The Council of the District of Elkford, in an open meeting assembled, enacts as follows:

PART I - CITATION AND REPEAL

1. (1) This Bylaw may be cited for all purposes as "Traffic and Streets Bylaw No. 425, 1994".
- (2) "Streets and Traffic Bylaw No. 221, 1983" and all amendments thereto are hereby repealed.

PART II - INTERPRETATION

DIVISION 1 - DEFINITIONS

2. (1) "boulevard" means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line;
- (2) "bylaw enforcement officer" means a person authorized by Council for the District of Elkford to enforce the provisions of this Bylaw, or any assistant so designated to enforce the provisions of this bylaw.
- (3) "chief of police" means the senior member of the Royal Canadian Mounted Police in charge of the local detachment.
- (4) "clerk-administrator" means the chief appointed officer of the District or any other official of the District authorized at that time to carry out the duties of the Clerk-Administrator.
- (5) "council" means the Municipal Council of the District of Elkford.
- (6) "crossing zone" means the area or space or section of a street designated by authority of this Bylaw, to permit vehicles to cross over a sidewalk.
- (7) "crosswalk" means
 - (a) a portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the 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;
- (8) "curb" means the edge of a sidewalk or boulevard abutting the street.
- (9) "cycle" means a device having any number of wheels that is propelled by human power and on which a person may ride.

PART II - INTERPRETATION - continued

- (10) "district" means the District of Elkford.
- (11) "driver" means a person who drives or is in actual physical control of a vehicle.
- (12) "fire department" means the fire department established by the District.
- (13) "highway" includes every highway within the meaning of the Highway Act, and every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;
- (14) "loading zone" means the area or space on a roadway designated by authority of this Bylaw for the loading and unloading of freight, materials or passengers.
- (15) "motor vehicle" means a vehicle, not run on rails, that is designed to be self propelled or propelled by electric power obtained from overhead trolley wires;
- (16) "owner" includes a person in possession of a motor vehicle under a contract by which he may become its owner on full compliance with the contract;
- (17) "parade" means a procession or body of pedestrians (except members of the armed forces) standing, marching, or walking upon any street or sidewalk or any group of vehicles (except funeral processions or weddings) standing or moving on any street or a combination of pedestrians and vehicles, for a common purpose or event.
- (18) "park" when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading.
- (19) "pedestrian" means a person afoot, or an invalid or child in a wheelchair or carriage;
- (20) "person" includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law.
- (21) "police officer" means a member of the Royal Canadian Mounted Police;
- (22) "private road" or "driveway" means every road or driveway the title to or possession of which is not vested in the Crown or the District;
- (23) "superintendent of maintenance & district services" means the Superintendent of Maintenance & District Services of the District of Elkford or any other official of the District for the time being authorized to carry out the duties of Public Works Superintendent under the provisions of this or any other Bylaw of the District.
- (24) "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 2 or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of them collectively;

PART II - INTERPRETATION - continued

- (25) "street" means the travelled portion of a highway;
- (26) "street-line" means the boundary between a highway and the adjoining parcel of land;
- (27) "traffic" includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway to travel.
- (28) "traffic control device" means a sign, signal, line, meter, marking, space, barrier or device, not inconsistent with this Part, placed or erected by authority of the Minister of Transportation and Highways or the council of a municipality or a person authorized by either of them to exercise that authority;
- (29) "traffic control signal" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.
- (30) "vehicle" means a device in, on or by which a person or thing is or may be transported or drawn on a highway, except a device designed to be moved by human power or used exclusively on stationary rails or tracks.

PART III - REGULATIONS

DIVISION 1 - GENERAL

3. (1) Fire Department

An official or member of the Fire Department, while in the course of duty in or about any fire or at the scene of an accident, in order to expedite traffic or safeguard pedestrians may direct traffic on any street in the vicinity; and no pedestrian or driver shall fail to comply with those directions.

(2) Injury to Highway

No person shall throw, or scatter snow, ice or debris on any travel portion of a highway.

(3) Removal of Earth Etc. From Street

No person shall take up, dig, or carry away any of the earth, sand, or gravel in or from any highway within the District without permission of the Superintendent of Maintenance & District Services.

(4) Planting of Trees

- (a) No person shall plant any tree, nor shall any person remove, cut down, or injure any tree planted on a highway within the District without first obtaining permission in writing from the Superintendent of Maintenance & District Services.
- (b) Trees planted upon any street or boulevard shall be placed at a distance of not less than 4.0 meters apart and set 1.0 meters from the street-line.
- (c) Trees known as Silver Poplar, Lombardy Poplar, Balm of Gilead, Cotton-Wood Tree and Willow shall not be planted on any highway in the District.

PART III - REGULATIONS - continued

(d) No person shall debark, peel, cut, deface, remove, injure, root up, or otherwise destroy or damage any tree, or any part thereof planted in or upon any highway, or public park, in the District, or cut, injure, damage, deface or remove any box or caging or other protection surrounding any tree planted as aforesaid, without permission of the Superintendent of Maintenance & District Services.

(6) Hedges, Etc.

No person shall construct or maintain a structure, or hedge, which abuts on a highway higher than 1.2 meters of the crown of that Highway when it would block the view of drivers of vehicles using the highway at an intersection.

(7) Vandalism and/or Bill Postings

No person shall in any way injure, deface or disfigure any public or private building, wall, fence, railing, sign, monument, post, telephone or electric light pole, or other property of the District by cutting, breaking, daubing with paint, or other manner whatsoever.

DIVISION 2 - TRAFFIC CONTROL

4. Traffic Control

Council will authorize the Superintendent of Maintenance & District Services, or designate, at the direction of Council, to order the placing or erection of applicable traffic control devices at places designated by him in such order to give effect to the provisions of this Bylaw and the Motor Vehicle Act.

Council will authorize the Superintendent of Maintenance & District Services, or designate, to erect, remove or alter any traffic control devices as per resolutions approved by Council.

Such traffic control devices shall include all signs contained in the British Columbia Motor Vehicle Act Regulations and without limiting the generality of the foregoing shall also include:

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| SIDEWALKS | (a) Signs to regulate, control or prohibit pedestrian traffic, ridden or herded animals, vehicular traffic, and cycle traffic on sidewalks, bridges, walkways, or boulevards or in lanes. |
| STOP | (b) Signs to regulate, control or prohibit the stopping of vehicles. |
| PARKING | (c) Signs for the regulation, control or prohibition, of standing or parking vehicles, including parking reserved for handicapped persons. |
| PUBLIC BUILDINGS | (d) Signs to set apart and allot portions of highways adjacent to Federal, Provincial or Municipal public buildings for the exclusive use of officials and officers engaged in them for the parking of vehicles and the regulation of that parking. |

PART III - REGULATIONS - continued

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| MEN WORKING | (e) | 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 | (f) | Signs where construction, reconstruction, widening, repair, marking or other work is being carried out to regulate or prohibit traffic in the vicinity of such works. |
| PEDESTRIANS | (g) | Signs to regulate or prohibit pedestrian traffic on highways other than at crosswalks. |
| SKATES | (h) | Signs to regulate, control or prohibit persons using roller skates, sleighs, skates, skis or other means of conveyance on a highway. |
| NO TURNS | (i) | Signs at intersections and in advance of intersections where it is required to prohibit certain movements of traffic. |
| DO NOT ENTER | (j) | Signs at the end of one-way streets to prevent traffic entering from the wrong direction. |
| ONE WAY | (k) | Signs on highways upon which the traffic is required to travel in one direction only. |
| TWO WAY | (l) | Signs at the transition from one-way to two-way streets to indicate that normal travel is restricted to the right hand side of the street. |
| DO NOT PASS | (m) | Signs at the beginning of a zone through which restricted sight distance makes overtaking and passing hazardous. |
| KEEP RIGHT | (n) | Signs within and at the end of median strips and traffic islands. |
| LOADING ZONES | (o) | Signs at locations where, due to adjacent commercial facilities, it is desirable to reserve space for loading and unloading vehicles. |
| TRUCK SIGNS | (p) | Signs in locations where truck traffic is prohibited or restricted. |
| MAXIMUM LOAD | (q) | 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 excessive damage to the roads. |
| MAXIMUM SPEED | (r) | 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 excessive damage to roads. |
| PASSENGER ZONES | (s) | 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 to such vehicles. |

PART III - REGULATIONS - continued

- NO STOPPING (t) Signs at locations where free flow of traffic is required for the roadway.
- SCHOOL ZONES (u) Signs at locations to give advance information of the presence of a school crosswalk or a school maximum speed zone.
- PLAYGROUND (v) Signs at locations where it is required to give advance information of playground adjacent to a roadway, or its maximum speed zone.
- CROSSWALK (w) 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.
- PARALLEL (x) Signs or lines in locations where it is permissible to parallel park.
- WARNING (y) Signs at locations where it is required to warn traffic of hazardous conditions, either on or adjacent to the street or prohibit traffic from using the street.
- TRAFFIC (z) At intersections and other locations where traffic signs are not adequate to control traffic efficiently.
- TAXI ZONES (aa) Signs at locations where due to frequent use by the public it is desirable to reserve a place for taxi cabs only to stop, stand or park to pick up fares.
- TRUCK ROUTES (bb) Signs on streets where the Public Works Superintendent has designated truck routes for movement of truck traffic through the City.
- PARKING LOT (cc) Signs at the entrance to property or upon highways where provision is made for parking of motor vehicles which provide, "No parking unless valid and subsisting passes or tickets are displayed on the dashboard of the vehicle in full view through the front windshield thereof".
- NO PASSING (dd) Signs at locations approaching crosswalks, school and park zones indicating that passing is prohibited.

5. Placing of Temporary Signs

The Superintendent of Maintenance & District Services, Fire Chief, or a Police Officer, or any other official of the District acting in that capacity, may erect or place a temporary traffic sign, at any time or place, in the interest of public safety, and shall advise the Clerk-Administrator of the duration of such signs, as soon as possible.

6. Obedience to Traffic Signs

No person shall disobey the directions or instructions on, or indicated by any traffic control device or traffic control signal placed in accordance with this or any Bylaw of the District, unless otherwise directed by a Police Officer.

PART III - REGULATIONS - continued

7. Unauthorized Signs, Signals

No person shall establish, place, or maintain, or display in, upon, or in view of any street, any sign, signal, or other device which purports to be, or is in imitation of, or resembles any traffic control device, or traffic control signal, or which attempts to direct the movement of traffic or the parking of vehicles, or which hides from view any traffic sign or traffic signal authorized by this Bylaw or the Motor Vehicle Act.

8. Crosswalks

The Council, by resolution, may designate the location of crosswalks for pedestrian traffic on any paved street and the crosswalk shall be painted white or otherwise marked on the surface of the pavement at such places and locations and in the manner directed by Council.

9. Gatherings on Streets

Except with the written permission of the Clerk-Administrator, or designate, no person shall:

- a) form part of a group of persons congregated on a street in a manner which obstructs the free passage of pedestrians or vehicles, or
- b) do anything deliberately which will direct the attention of persons and cause them to congregate in a group upon any street in a manner which obstructs the free passage of pedestrians or vehicles or which places the persons congregated in danger of injury from traffic.

10. Parades

- (1) No person shall be a member of, or take part in a parade unless:
 - (a) the parade is under the direction or control and in charge of some one person as marshall or organizer, and
 - (b) a written permit for the parade has been issued to the marshall or organizer by the Clerk-Administrator as hereinafter provided.
- (2) Application for a parade shall be made in writing to the Clerk-Administrator by the marshall or organizer, or representative at least twenty-four (24) hours before the parade commences.
- (3) The application shall specify the nature of the parade, the day and the hour of commencement and termination of the parade, the place or places of formation or commencement, the route intended to be taken and the point of disbandment.
- (4) The Clerk-Administrator may set the terms for a parade permit, imposed as to time, route, etc., and if the terms are not complied with, the permit shall be deemed cancelled.
- (5) Copies of all written permits for parades shall be delivered by the parade marshall or organizer, to the Fire Chief, Chief of Police, Ambulance Unit Chief and Superintendent of Maintenance & District Services, prior to the parade being held.

DIVISION 3 - OPERATION OF VEHICLE

11. Stopping, Standing, and Parking

(1) Parking Prohibitions

No person shall park or leave standing any vehicle, in, along, or upon any highway that is to say:

- (a) On any portion of a street indicated by traffic signs as reserved for another class of vehicle or for the exclusive use of designated officials and officers.
- (b) adjacent to a curb painted yellow.
- (c) In front of any private driveway.
- (d) Within 7.6 meters of a fire hydrant.
- (e) Within 10 meters of a traffic sign located at the intersection of a street or corner curb line.
- (f) Within any street intersection.
- (g) Upon or within 6 meters of a crosswalk.
- (h) On the street side of any vehicle stopped or parked at the edge or curb of a street.
- (i) On either side of the street in front of the driveway entrance to any Fire Hall.
- (j) For a period longer than 24 hours.
- (k) On any street for the principal purpose of advertising, washing, greasing, repairing, wrecking or storing the vehicle (except emergency repairs) or for the principal purpose of displaying the vehicle for sale.
- (l) In any other area where parking is prohibited.
- (m) On any sidewalk or area designated or used for pedestrian traffic only.
- (n) In the opposite direction to oncoming traffic.

(2) Parking Exemptions

- (a) The provisions of this bylaw prohibiting stopping or parking shall not apply to any emergency vehicle while attending at any emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic.
- (b) The provisions of this bylaw prohibiting stopping or parking shall not apply to:
 - i) Municipal or Provincial utility vehicles.
 - ii) Vehicles of a public utility corporation.
 - iii) Wrecking vehicles used in the enforcement of this bylaw.

PART III - REGULATIONS - continued

12. Operation of Vehicles

(1) Speed of Vehicles

The Driver of any vehicle shall not drive a vehicle, within the District

- i) at any speed which may endanger public safety;
- ii) at any speed which shall delay and obstruct other traffic; nor
- iii) in any case in excess of the posted speed limit.

(2) Noise Making Devices

- i) No person shall sound a horn or instrument other than for the purpose for which it is attached to a motor vehicle.
- ii) No person shall play or allow to be played a radio or stereo within or around a vehicle in such a manner as to cause a disturbance to the peace and quiet of persons near by the vehicle.

(3) Clinging to Moving Vehicles

No person, while riding any bicycle, tricycle, coaster, roller-skates, toy vehicles, sleigh or skis, or any type of footwear, shall cling to any vehicle in motion in or upon any street.

(4) Obstruction on Streets, Etc.

No person shall cut, saw, break, split, place, or pile firewood, lumber, blocks, rocks, stone, debris, or other material or mix mortar, or do any act upon any street which will obstruct or impede traffic thereon or deface or injure such street.

(5) Clearing Scene of an Accident

Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious materials dropped upon the highway from such vehicle.

13. Weight and Size

(1) Dimensions

Except as authorized by a permit issued by the Superintendent of Maintenance & District Services pursuant to Subsection (4) and except as permitted under Subsection (2) and (5)(b), no person shall drive or operate on any highway:

Maximum Width

- (a) 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

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

PART III - REGULATIONS - continued

Overall Length

- (c) (i) A single vehicle having an overall length, with or without load, in excess of 11 m, except as provided in (ii), (iii) and (iv);
- (ii) 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;
- (iii) 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;
- (iv) A bus the overall length of which exceeds 12.5 m;
- (v) A combination of vehicles having an overall length, with our without load, in excess of 20 m, except as provided in (vi) and (vii);
- (vi) 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;
- (vii) A combination of vehicles carrying a load of non-reducible logs, poles or piling in excess of 21.5 m.

(2) Exemptions

This Section shall not apply to an implement of husbandry temporarily operated on a highway during the hours of daylight.

(3) All Signs to Apply

Notwithstanding the regulations or a permit issued under this Section, 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 Superintendent of Maintenance & District Services shall be that set out on the traffic control device.

(4) 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 III - REGULATIONS - continued

(5) Authorization

The Superintendent of Maintenance & District Services, by the issuance of a written permit, may authorize the driving or operation on a highway of a commercial vehicle that does not conform to this Section (Dimensions).

(6) Lugs, Cleats, etc.

- (a) No person shall operate or use any vehicle having wheels, tires, or treads, 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, tire or tract, upon any street in the District, that will cause damage to such street.
- (b) Paragraph (a) does not apply to vehicles equipped with what is normally referred to as "studded tires", in compliance with the provisions of the Motor Vehicle Act.

DIVISION 4 - PEDESTRIAN REGULATIONS

14. Crosswalks

At any street intersection where crosswalks are located and painted, pedestrians shall use such crosswalks in crossing the street.

DIVISION 5 - CYCLES

15. Rights and Duties of Operator of Cycle

- (1) In addition to the duties imposed by this section, a person operating a cycle on a highway has the same rights and duties as a driver of a vehicle.
- (2) A person operating a cycle
 - (a) shall not ride on a sidewalk unless authorized by a bylaw made under section (120) or unless otherwise directed by a sign;
 - (a.1) shall not, for the purpose of crossing a highway, ride on a crosswalk unless otherwise directed by a sign;
 - (b) shall, subject to paragraph (a), ride as near as practicable to the right side of the roadway;
 - (c) shall not ride abreast of another person operating a cycle on the roadway;
 - (d) shall keep at least one hand on the handlebars;
 - (e) shall not ride other than on or astride a regular seat of the cycle;
 - (f) shall not use the cycle to carry more persons at one time than the number for which it is designed and equipped;
 - (g) shall not ride a cycle on a highway where signs prohibit their use;
 - (h) shall obey all highway traffic control signs.

PART III - REGULATIONS - continued

- (3) A person operating a cycle shall not ride it on a roadway if there is a usable path intended for the use of cycles adjacent to the roadway.
- (4) A person shall not ride a cycle, coaster, roller skates, sled or play vehicle when it is attached by the arm and hand of the rider or otherwise to a vehicle on a highway.
- (5) A cycle operated on a highway between 1/2 hour after sunset and 1/2 hour before sunrise shall have a lighted lamp mounted on the front, capable of displaying a white light visible under normal atmospheric conditions at least 150 m in the direction in which the cycle is pointed, and a red reflector of a make or design approved by the superintendent for the purpose of this section, or a lighted lamp, mounted on the rear and capable of reflecting or displaying a red light toward the rear. In addition, every cycle operated on a highway shall have the most conspicuous portion of its rear mud guard, for a length of not less than 22.5 cm and the full width of the mud guard, painted white.
- (6)
 - (a) If an accident occurs by which a person or property is injured, directly or indirectly, owing to the presence or operation of a cycle on a highway or a sidewalk, the person in charge of the cycle shall
 - (i) remain at or immediately return to the scene of the accident;
 - (ii) render all possible assistance; and
 - (iii) give to anyone sustaining loss or injury, and to any police officer who is present, his name and address and the name and address of the owner of the cycle, and if the cycle has been licensed and registered, the licence or registration number of the cycle.
 - (b) Where an accident involving the presence or operation of a cycle on a highway or a sidewalk, either directly or indirectly causes death or injury to a person or damage to property causing aggregate damage apparently exceeding \$25, the person in charge of the cycle shall immediately report the matter to a police officer or a person designated by the superintendent to receive those reports, and shall furnish information, including that referred to in section 61(4), respecting the accident as may be required by the police officer or person designated.
 - (c) Every report made under this section is without prejudice and is for the information of the Provincial or municipal police, and shall not be open to public inspection. The fact the report has been made is admissible in evidence solely to prove compliance with this section, and the report is admissible in evidence on the prosecution of any person for the offence of making a false statement in it.
 - (d) Notwithstanding paragraph (c), a police officer may, where giving evidence in a proceeding, refer to a report prepared by him under this subsection to refresh his memory.

PART III - REGULATIONS - continued

- (7) A person shall not operate a cycle
 - (a) on a highway without due care and attention or without reasonable consideration for other persons using the highway, or
 - (b) on a sidewalk without due care and attention or without reasonable consideration for other persons using the sidewalk.
- (8) (a) Where a person is convicted of an offence under this Act in respect of his riding or operating a cycle, the court may, in addition to or in lieu of any penalty otherwise prescribed, order the cycle seized, and on the expiry of that period the person entitled to it may again have possession of the cycle.
 - (b) For the purpose of seizing and impounding a cycle pursuant to an order made under paragraph (a), a police officer may enter by force any place or building in which the cycle is situated.

DIVISION 6 - ENFORCEMENT

Offence and Penalty

A person who contravenes any of the provisions of this Bylaw, commits an offence and is punishable in accordance with the Offence Act.

16. Removal of Vehicle

- (1) A Police Officer, Bylaw Enforcement Officer or a person authorized by the Clerk-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 if the motor vehicle is unlawfully occupying or obstructing 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 Police Officer, Bylaw Enforcement Officer or person authorized by the Clerk-Administrator.

(3) Removal of Chattel or Obstructions

Any chattel or obstruction 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 Clerk-Administrator or a Police Officer.

(4) Removed, Detained or Impounded

- (a) 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:

PART III - REGULATIONS - continued

- RECOVERY (i) The District's towing contractor or authorized agent in the case of a vehicle.
- (ii) The District Office during regular business hours in the case of any chattel or obstruction.
- WRITTEN NOTICE (b) 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 7 of the Highways (Scenic Improvement) Act.

17. Public Auction

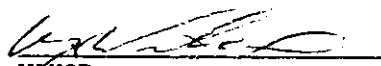
- (1) Any chattel or obstruction not claimed by its owner within 30 days of its impounding or detention under this Bylaw may be sold at public auction, and such auction shall be advertised at least once in a daily newspaper circulating in the District.
- (2) The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the District or its contractors or authorized agents as set out above and thirdly the balance, if any, shall be held by the District 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 District.
- (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 a place approved by the Superintendent of Maintenance & District Services, 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 District from the owner.
- (4) Notwithstanding the preceeding 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 District and the full costs of removal or disposal shall be charged to the owner of the garbage, rubbish, abandoned or unlicensed motor vehicle.
- (5) Apparent market value shall be determined by the District Treasurer.

READ a first time this 13th day of January, 1992.

READ a second time this 13th day of January, 1992.

READ a third time this 27th day of June, 1994.

RECONSIDERED AND ADOPTED this 11th day of July, 1994.


MAYOR


CLERK-ADMINISTRATOR