

THE CORPORATION OF THE CITY OF FERNIE



Consolidated Streets and Traffic By-Law Bylaw No. 1400

Consolidated to Bylaw:

1632, Amendment Bylaw No. 1
2020, Amendment Bylaw No. 2
2191, Amendment Bylaw No. 3
2267, Amendment Bylaw No. 4
2291, Amendment Bylaw No. 5

All persons making use of this consolidated version of the City of Fernie Bylaw No. 1400 are advised that it has no legal sanction; that the amendments have been embodied for convenience only and that the original bylaws must be consulted for all purposes of interpreting and applying the Bylaw. Subsections or sections of the original bylaw and/or amendments, which have been repealed have not been included in this consolidation

Certified copies of City Bylaws are available from the City Clerk.

Amended on 2016-03-14

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THE CORPORATION OF THE CITY OF FERNIE
BY-LAW No. 1400

A BY-LAW TO REGULATE TRAFFIC, PARKING AND
RELATED MATTERS IN THE CITY OF FERNIE

The City Council of the Corporation of the City of Fernie, in open meeting
assembled, enacts as follows:

WHEREAS the Municipal Council of the City of Fernie is desirous of enacting the powers given under Section 120 of the Motor Vehicle Act, R.S.B.C. 1979, Chapter 288;

AND WHEREAS Council is also desirous of enacting authorities granted by Division 2 of Part 13 of the Municipal Act R.S.B.C. 1979, Chapter 290;

AND WHEREAS in enacting this By-Law Council is desirous of providing regulations, under the authorities stated above, for the safe and judicious use of streets, sidewalks boulevards and lanes within the Municipality;

NOW THEREFORE, the Council of the City of Fernie in open meeting assembled enacts as follows:

1. This By-Law may be cited as the **“Streets and Traffic By-Law”**
2. **INTERPRETATION**

In this By-Law:

“boulevard” means the area other than a sidewalk between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line;

“Business district” means the territory contiguous to a portion of a highway having a length of 200 metres along which there are buildings used for business, industrial or public purposes occupying:

- (a) at least 100 metres of frontage on one side of that portion; or
- (b) at least 100 metres collectively on both sides of that portion;

and includes that portion of the highway;

“Combination of vehicles” means a combination of motor vehicle and trailer or motor vehicle and trailers;

“City” means The Corporation of the City of Fernie;

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“City Engineer” *definition deleted by Bylaw No. 2191.*

“council” means the Council of the Corporation of the City of Fernie;

“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 this 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 every device designed to be propelled by human power upon which a person may ride;

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“Director of Operational Services” means the person serving in the capacity of Director of Operational Services, the Operational Services Department Supervisor or any other person designated by Council to carry out any act or function under this By-Law”

“driver” means a person who drives or is in actual physical control of a vehicle;

“emergency vehicle” means:

- (a) a motor vehicle carrying rescue or first aid equipment responding to an emergency;
- (b) a motor vehicle carrying fire fighting equipment or personnel responding to a fire alarm;
- (c) a motor vehicle driven by a peace officer in the discharge of his duty responding to an emergency;

“gross vehicle weight” or “G.V.W.” means the combined weight of the vehicle and its load;

“highway” means a street, road, lane, bridge, viaduct and any other way open to public use, and includes a roadway, boulevard and sidewalk;

“intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; and, for the purpose of this definition, “highway” does not include a lane or way less than 5 metres in width separating the rear property lines or parcels of land fronting on highways running more or less parallel to and on each side of the lane or way;

“loading zone” means the area or space on a roadway designated pursuant to this By-Law for the loading or unloading of materials or passengers;

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

“motor vehicle” means a vehicle, not run on rails, that is designated to be self-propelled or propelled by electric power obtained from overhead trolley wires;

“owner” as applied to a vehicle means:

- (a) the person who holds the legal title to the vehicle;
- (b) a person who is a conditional vendee, a lessee or a mortgagor and is entitled to be in possession of the vehicle; or
- (c) the person in whose name the vehicle is registered;

“park” 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;

“peace officer” means a constable or person having the powers of a constable and includes a By-Law Enforcement Officer under the provisions of the Police Act.

“pedestrian” means a person afoot or an invalid or child in a wheelchair or carriage;

“residence district” means the territory contiguous to any portion of a highway having a length of 100 metres along which there are buildings used for residence purposes only or for residence and business purposes occupying:

- (a) at least 50 metres of frontage on one side of that portion; or
- (b) at least 50 metres collectively on both sides of that portion

“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;

“school bus” means a motor vehicle used for conveyance of children to or from school by or under a contract with the authority in charge of the school;

“sidewalk” means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians;

“stop” or **“stand”** means:

- (a) when required, a complete cessation of movement; and
- (b) when prohibited, the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device;

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

“traffic control device” means a sign, signal, line, meter, marking, space, barrier, or device, placed or erected by authority of the Minister of Highways or of the Council or person duly authorized by either of them to exercise that authority;

“traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

“vehicle” means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway.

3. **APPLICATION**

This By-Law applies to all traffic and to the activities of persons on highways in the City of Fernie, other than arterial highways designated under the HIGHWAY ACT.

4. **EXEMPTIONS**

- (1) Unless the context otherwise requires, the provisions of this By-Law do not apply to persons, vehicles and to other equipment while actually engaged in highway or public utility construction or maintenance work on, under or over the surface of a highway while at the site of the work, but do apply to them when traveling to or from the site of the work.
- (2) A person riding an animal or driving an animal driven vehicle on a Highway has the rights and is subject to the duties of a driver of a vehicle under this By-Law.
- (3) Notwithstanding anything herein contained, but subject to subsections (4) and (5), a driver of an emergency vehicle may:
 - (a) exceed the speed limit;
 - (b) proceed past a red traffic control signal or stop sign without stopping;
 - (c) disregard rules and traffic control devices governing direction of movement or turning in specified directions; and
 - (d) stop or stand.
- (4) The driver of an emergency vehicle shall not exercise the privileges granted by subsection (3) unless he is:
 - (a) sounding an audible signal bell, siren or exhaust whistle and showing a flashing red light;
 - (b) a peace officer in the immediate pursuit of an actual or suspected violator of the law; or
 - (c) a peace officer engaged in a police duty of a nature that the sounding of a signal bell, siren or exhaust whistle would unduly hamper the performance of that duty, in which case he may

exercise the privileges granted by subsection (3) by showing a red flashing light only.

- (5) The driver of an emergency vehicle or a vehicle mentioned in subsection (1) exercising any of the forgoing privileges shall drive with due regard for safety, having regard to all the circumstances of the case, including:
 - (a) the nature, condition and use of the highway;
 - (b) the amount of traffic that is on, or might reasonably be expected to be on the highway; and
 - (c) the nature of the use being made of the vehicle at the time.
- (6) Where a peace officer reasonably considers it necessary to:
 - (a) ensure orderly movement of traffic; or
 - (b) prevent injury or damage to persons or property;
 - (c) permit proper action in an emergency:he may direct traffic according to his discretion, notwithstanding anything herein, and every person shall obey his directions.

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- (7) *The holder of a valid Licence of Occupation pursuant to the Outdoor Patio Policy, in effect from time to time, is exempt from the provisions of this By-Law in relation to the licensed area to the extent authorized by said Licence of Occupation.*

5. **DELEGATION OF AUTHORITY**

- (1) *The Director of Operational Services* is authorized to make orders and to exercise the powers of the City in respect of the matters comprised in Sections 5 through 35 of this By-Law and may:
 - (a) rescind, revoke, amend or vary an order made by him; and
 - (b) direct that his orders be carried out by employees, contractors, or agents of the City acting under his directions;provided that no order of the *Director of Operational Services* shall be effective insofar as it is inconsistent with the provisions of this By-Law, and subject to the authority of Council to amend this By-Law notwithstanding any order of the *Director of Operational Services*.
- (2) Orders of the *Director of Operational Services* shall be recorded in writing and a copy of the orders shall be maintained by the City Clerk, but failure to comply with this subsection shall not invalidate an order.

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6. **TRAFFIC CONTROL DEVICES**

- (1) The *Director of Operational Services* may order the placing, alteration and removal of traffic control devices to control traffic, parking, and the use of the highways in the City.

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- (2) Except as authorized or required by this By-Law or as permitted in writing by the *Director of Operational Services*, no person other than an employee, agent or contractor of the City or the province on duty shall:
 - (a) place, maintain or display upon or in view of any highway any sign, signal, mark or device which attempts to direct the movement of traffic or the parking of vehicles or purports to be, imitates or resembles any traffic control device; or
 - (b) move, remove, deface, damage, alter or obstruct the view of or otherwise interfere with any traffic control device.
- (3) Every person shall obey the directions, restrictions and prohibitions of all traffic control devices, unless otherwise directed by a peace officer.
- (4) All traffic control devices placed prior to the adoption of this By-Law shall continue to have force and effect until altered, removed or replaced pursuant to this By-Law.

7. **TRAFFIC REGULATION – SIDEWALKS AND BOULEVARDS**

- (1) No person shall contravene the provisions of this Section except in accordance with a written order of the *Director of Operational Services*.
- (2) No person shall obstruct traffic on any sidewalk and no person shall obstruct the free use of any boulevard crossing or curb crossing providing access to private property from a highway.
- (3) Unless written permission from the *Director of Operational Services* is received no person shall place or cause to be placed any merchandise, vehicle or other chattel of any nature on a roadway, sidewalk or boulevard for the purpose of sale, display, measuring, packing or unpacking.
- (4) No person shall drive a vehicle other than a maintenance vehicle on, over or across a boulevard except on an improved crossing.
- (5) No person shall move any chattels across any boulevard except by way of a loading or commercial zone, a lawfully established curb crossing or a temporary protective boardwalk laid across the boulevard.
- (6) No person shall ride a cycle on a sidewalk.
- (7) No person shall drive any vehicle or ride or lead any animal along, over or across any sidewalk at any place other than a lawfully established curb crossing.
- (8) No person shall on or near a sidewalk, boulevard, or other portion of a highway engage in any activity likely to distract the attention of a driver.

8. VEHICLE TRAFFIC – GENERAL REGULATIONS

- (1) In addition to the other requirements of this By-Law, all persons shall drive with due regard for safety, having regard to all the circumstances including but not limited to:
 - (a) the nature, condition and use of the highway at the time; and
 - (b) the amount of traffic that is on or might reasonably be expected to be on the highway.
- (2) No person shall obstruct traffic on a highway.
- (3) Speed:
 - (a) No person shall drive or operate a vehicle on a highway within the City at a speed greater than 40 kilometers per hour, (25 miles per hour) subject to subsections (4) and (5).
 - (b) The *Director of Operational Services* may increase or decrease the permitted rate of speed at which a person may drive or operate a vehicle on a portion of a highway by causing a sign to be placed on that portion, and no person shall drive or operate a vehicle on that portion of the highway at a greater speed than that indicated on the sign.
 - (c) No person shall drive or operate a vehicle on a lane less than six (6) metres in width at a speed in excess of 25 kilometers per hour (15 miles per hour) notwithstanding the absence of any sign designating the maximum rate of speed.
- (4) Lawful Movement Course:
 - (a) No driver of a vehicle shall change the course of the vehicle in a manner, which causes unreasonable interference with the lawful movement of other vehicles.
 - (b) No driver of any vehicle shall turn the vehicle so as to proceed in the opposite direction:
 - (1) on any highway, other than at intersections; or
 - (2) at an intersection controlled by a traffic control signal, at an intersection within a business district or where a sign prohibits making a “U” turn.
 - (c) Notwithstanding any traffic signal indication to proceed, no driver of a vehicle shall enter an intersection or crosswalk in such a manner as to obstruct the movement of other vehicles or pedestrians.
 - (d) Prior to starting, stopping, turning, backing or changing the course of a vehicle the driver shall ensure that such action can be taken safely and without obstructing other vehicles or pedestrians.

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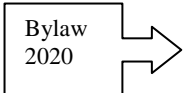
- (5) No Person shall:
 - (a) operate any vehicle other than by sitting in the seat provided for the driver of the vehicle;
 - (b) ride in any vehicle in any position other than a seated position on a seat provided for a passenger;
 - (c) occupy a position within a vehicle so as to interfere with the driver's vision or control of the vehicle; or
 - (d) ride on the outside of any motor vehicle other than a motorcycle, while it is in motion.
 - (e) ride a cycle, sled, toboggan, skis, skates, skateboards, roller skates or similar equipment connected by any means to a moving motor vehicle.
 - (f) occupy or permit the occupation of a trailer while it is in motion on a highway
- (6) The driver of a vehicle passing a bus, other than a school bus, loading or unloading passengers in a residence district shall sound the vehicle horn and proceed with caution for the safety of persons boarding or alighting from the bus.
- (7) Entering/Leaving Lanes, Private Drives, and Garages:
 - (a) Before entering a highway from a lane, private road, driveway, garage or service road the driver of a vehicle shall stop the vehicle at a point not less than three meters nor more than six (6) metres from the highway being entered on, and shall give the right of way to vehicles and pedestrians on the highway.
 - (b) No person shall drive any vehicle leaving a lane, private road, driveway, garage or service road at a speed in excess of 15 kilometers per hour (10 miles per hour) when crossing any boulevard or sidewalk.
 - (c) The driver of a vehicle entering a lane from private property shall give the right of way to vehicles and pedestrians traveling on the lane.

9. **VEHICLE PARKING, STOPPING AND STANDING**

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- (1) *The Director of Operational Services by order may by placement of a traffic control device or as provided for in subsection (6) hereof, regulate, prohibit, discontinue or alter the use of parking spaces and stopping and standing of vehicles;*
 - (a) *The Director of Operational Services may by order, designate, or reserve one or more parking spaces for the use of persons carrying out a special purpose or construction, repair, demolition or other works in a specific location.*
- (2) *No person shall park, stop or stand a vehicle in a manner contrary to a traffic control device or the winter parking regulations established pursuant to subsection (6) hereof.*

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- (3) No person shall park a vehicle on any highway for a continuous period in excess of 72 hours unless posted otherwise.
- (4) No person shall park, stop or stand a vehicle on a highway so as to obstruct the movement of vehicles into or out of a driveway, private road, garage, carport or parking lot adjoining the highway.
- (5) No driver of a vehicle shall park, stop or stand the vehicle so that any portion of the vehicle is adjacent to a curb painted yellow or red.
- (6) *In order to facilitate snow removal from the highways during each period of November 1st to April 15th inclusive, the following winter parking regulations are in effect:*
 - (a) *no parking shall be permitted on Monday, Wednesday, Friday and Sunday on the South or East side of a highway;*
 - (b) *no parking shall be permitted on Tuesday, Thursday and Saturday on the North or West side of a highway;*
 - (c) *any vehicle parked contrary to the winter parking regulations shall thereafter be subject to towing and impoundment pursuant to paragraph 21 herein.*
- (7) No vehicle shall be parallel parked within one metre (3.28 feet) of any other vehicle.
- (8) No vehicle shall be parked with the front of the vehicle facing in the opposite direction to the flow of traffic on the side of the highway on which the vehicle is parked.
- (9) A vehicle parked parallel to a curb shall be parked with two wheels of the vehicle not more than 30 centimeters (12 inches) from the curb.
- (10) Where angle parking is permitted a vehicle shall be parked:
 - (a) with the right front wheel of the vehicle not more than 30 centimeters (12 inches) from the curb;
 - (b) at the angle indicated by parking lines marked on the highway; and
 - (c) where no parking lines are marked on the highway, at an angle of not less than 30 and not more than 60 degrees from the curb.
- (11) No person shall park in a vehicle or combination of vehicles of a length greater than 6.5 meters (21.23 feet) in an angle parking space.
- (12) Except as otherwise permitted by a traffic control device, no vehicle shall be parked less than:
 - (a) three (3) metres (9.8 feet) from an intersection
 - (b) five (5) metres (16.40 feet) from a fire hydrant;

- (c) five (5) metres (16.40 feet) from a crosswalk; or;
- (d) fifteen (15) (49.21 feet) metres from railway crossing;

- (13) No person shall park any trailer, which is not attached to a motor vehicle on any highway.
- (14) No person shall park a vehicle with a gross vehicle weight of 10,200 kilograms (22,500 pounds) or more:
 - (a) between the hours of 8:00 p.m. and 6:00 a.m., other than in an area zoned for transportation, industrial or wholesale commercial uses or designated for truck parking; nor
 - (b) at any other time and location, for more than (2) hours.
- (15) No person shall park a vehicle in a lane less than six (6) metres (19.68 feet) in width nor stop a vehicle in such a lane except for the purpose of and while engaged in loading or unloading passengers or goods, and shall not in any case:
 - (a) obstruct the movement of vehicular traffic through, into or out of the lane; nor
 - (b) remain for a period exceeding 30 minutes.
- (16) No person shall park a vehicle on a highway for the purpose of selling or offering for sale any article or commodity from the vehicle.
- (17) The *Director of Operational Services* may cause portions of highways adjacent to federal, provincial or municipal public buildings to be set apart and allotted for the exclusive use of officials and officers engaged in the buildings for the parking vehicles, and may by traffic control devices regulate the duration of such parking.

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10. **LOADING, COMMERCIAL AND PASSENGER ZONES**

- (1) No driver shall park a vehicle and leave it unattended in a loading or passenger zone.
- (2) No driver of a vehicle shall stop the vehicle in a loading zone except:
 - (a) while persons are engaged in loading unloading passengers or goods to or from the vehicle; and
 - (b) for a period less than three (3) minutes for the loading or unloading of passengers or a period less than ten (10) minutes for the loading or unloading of goods.
- (3) No driver of a vehicle shall stop the vehicle in a passenger zone except when engaged in loading or unloading passengers for a period less than three (3) minutes.

- (4) No driver of a vehicle other than a duly licensed commercial vehicle shall stop, stand or park in a commercial vehicle zone, and no vehicle shall stop, stand or park in a commercial vehicle zone for a period longer than ten (10) minutes.
- (5) A vehicle operated by a peace officer in the execution of his duty or a vehicle owned or controlled by the City, Province or a public utility, while being operated for a business purpose are exempt from the provisions of subsection 17 of Section 9 and subsections 1 through 3 above.

11. PARKING PERMITS

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- (1) Notwithstanding any other provision of this By-Law in relation to parking, the *Director of Operational Services* may on application issue parking permits to:
 - (a) the owner of a duly licensed commercial vehicle, allowing such vehicle to be parked in a parking space controlled by a parking meter for not more than ten (10) consecutive minutes, without deposit of a parking meter fee;
 - (b) to a person reasonably requiring temporary parking privileges at a specified location in a parking space controlled by a parking meter, for a period of up to 24 hours; and
 - (c) to the owner of a licensed taxi-cab business, for a reservation of a parking space for a taxi vehicle.
- (2) The fees for permits issued under subsection (1) shall be:
 - (a) \$35.00 for a commercial vehicle parking permit;
 - (b) \$5.00 for a temporary meter parking permit; and
 - (c) \$50.00 for a taxi parking permit, plus the cost of installing any required traffic control device required by the *Director of Operational Services*.
- (3) No person shall display on any vehicle a document purporting to provide for any exemption from the provisions of this By-Law unless issuance of the document has been duly authorized by the *Director of Operational Services*.

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12. PROCESSIONS AND PARADES

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- (1) The *Director of Operational Services* may on application order that a portion of a highway be temporarily closed for the purpose of a parade, military procession or funeral procession, and may order that specified traffic control devices be placed and that specified traffic direction measures be taken.



- (2) An application for a parade or procession shall name a person responsible for the parade or procession and that person shall ensure that all orders of the *Director of Operational Services* with regard to the parade or procession are carried out.
- (3) No person shall drive or operate a vehicle so as to obstruct or interfere with the progress of an authorized parade, military procession or funeral procession.

13. TRAFFIC REGULATION DURING CONSTRUCTION

- (1) On a highway where authorized construction, reconstruction, widening, repair, marking or other work is being carried out, traffic control devices may be placed by the person directing, the work:
 - (a) indicating that men or equipment are working on the highway:
and
 - (b) regulating or prohibiting traffic in the vicinity of the work, as is necessary to maintain the safe and orderly flow of traffic.



- (2) The *Director of Operational Services* may make orders respecting the placement of traffic control devices where highway work is being carried out.



- (4) The *Director of Operational Services* may temporarily close a highway or part of it to traffic, or control traffic during the time work is in progress.

14. PEDESTRIAN TRAFFIC

- (1) A pedestrian crossing a roadway shall cross as quickly as is reasonably possible, without impeding the movement of vehicles on the roadway.
- (2) No pedestrians shall cross a roadway in a business district at any place other than within a crosswalk.
- (3) No pedestrian shall cross a roadway within 70 metres of an intersection controlled by a traffic control signal, other than in a crosswalk.
- (4) No person shall stand, sit or lie on any highway, in such a manner as to obstruct vehicular or pedestrian traffic or as to obstruct the entrance to buildings.
- (5) Any person requested by the Director of Operational Services his lawful delegate or a peace officer to move so as to prevent obstruction to a highway, boulevard or sidewalk shall move away forthwith after requested to do so.

- (6) No person shall race or run upon any sidewalk within a business district.

15. SCHOOL TRAFFIC

- (1) Every highway adjacent to a public school is deemed to be a school zone and every intersection within a school zone is deemed to be a school crossing.

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- (2) The *Director of Operational Services* may cause to be designated, by traffic control devices, school zones and school crossings in addition to those established by subsection (1).
- (3) The driver of a vehicle shall yield the right of way to pedestrians within school crossings, except where otherwise directed by a traffic control device, school patrol or peace officer.
- (4) Notwithstanding the absence of a traffic control device no person shall drive or operate any vehicle in school zone at a speed in excess of 25 kilometers per hour (15 miles per hour), between the hours of 7:00 a.m. and 8:00 p.m.
- (5) No driver shall pass a school bus in either direction when flashing red lights or other traffic control devices on the school bus indicate that the bus is loading or unloading.
- (6) Traffic passing by or in the vicinity of a school may be regulated by a traffic patrol established by the principal of the school or by the *Director of Operational Services*, and the school children or other persons employed in a traffic patrol may require vehicles to stop at school crossings or other designated places on the highway.
- (7) No person shall park, stop or stand a vehicle on that side of a highway adjacent to a parcel of land occupied by a school, between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Friday except for statutory holidays, other than in a space designated for parking, stopping or standing by a traffic control device.

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16. ANIMAL TRAFFIC

- (1) Except with the written permission of the *Director of Operational Services* or as permitted as part of an authorized parade or procession no person shall allow any animal owned or controlled by them on any highway in a business district.
- (2) No person shall allow any horse, cow or other animal of a weight in excess of 40 (88.18 pounds) kilograms on any boulevard or sidewalk.

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- (3) No person shall leave any animal or animal-drawn vehicle unattended on any highway.
- (4) No person shall tether any animal to any traffic control device, utility pole, lamp standard or any tree on a highway.

17. VEHICLE EQUIPMENT, DIMENSIONS AND LOADS

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- (1) Except with the written permission of the *Director of Operational Services*, no person shall:
 - (a) drive, operate or park on any highway any farm, roller or excavating machinery;
 - (b) drive or operate on a bridge or paved highway any vehicle equipped with wheels, tires, or tracks having projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections, other than tire chains or studded winter tires; or
 - (c) drive or operate a motor vehicle equipped with one or more tires with a depth of tread less than three millimeters (1/8 of an inch) in the centre tread.

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- (2) Except with the written consent of the *Director of Operational Services*, no person shall operate or tow on a highway a vehicle or combination of vehicles in excess of:
 - (a) 2.5 metres (8.20 feet) in width;
 - (b) 18 metres (59.05 feet) in length;
 - (c) 4.5 metres (14.76 feet) in height or;
 - (d) 7,000 kilograms (15,400 pounds) gross vehicle weight

- (3) A load placed on a vehicle is deemed to be part of the vehicle for the purpose of determining the maximum dimensions set out in subsection (2).
- (4) A load placed on a vehicle:
 - (a) shall be securely fastened so that the load does not completely or partly shift or fall from the vehicle;
 - (b) shall not extend more than 0.5 metre (1.64 feet) beyond a side or the rear of the vehicle, or beyond the front of the vehicle.
- 5) No person shall leave any vehicle unattended on a highway if any part of the vehicle has been raised or placed on a jack.

18. WINTER TIRES

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The *Director of Operational Services* may by notice published in a newspaper circulating in the City or by the placement of signs on highways, prohibit the operation of vehicles which are not equipped with chains or winter tires or

sanding devices or any combination thereof which he may consider necessary in the circumstances, and no person shall drive any vehicle in contravention of such public notice or signs.

19. SLEIGHS, SKATES AND SIMILAR EQUIPMENT

Bylaw
2191



No person shall coast or slide on any highway, on a sleigh, toboggan, skis, skates, skateboards, roller skates or similar equipment except on highways closed to the vehicular traffic by the order of Council or the *Director of Operational Services* expressly for such purposes.

20. SIGNS AND ADVERTISEMENTS

Bylaw
2191



(1) Except with the written permission of the *Director of Operational Services*, no person shall place, carry or propel any sign, banner, poster, advertisement or guidepost on or over a highway.

Bylaw
2191



(2) The *Director of Operational Services* is empowered to cause the tearing down or removal of any sign or other device placed in contravention of subsection (1), without compensation to any person for the loss of damage, which results.

Bylaw
2191



(3) Except with the written consent of the *Director of Operational Services*, no person shall drive, park or stand any vehicle on a highway when such vehicle displays advertising other than markings identifying the owner or operator of the vehicle.

(4) No person shall place any handbills in or on any vehicle on any highway.

21. VEHICLE OR CYCLE IMPOUNDMENT AND SALE

Bylaw
2191

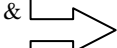


Bylaw
1632



(1) The *Director of Operational Services* and any peace officer or any person acting under their instructions are authorized to remove, detain and impound any vehicle *or cycle* unlawfully occupying a portion of a highway or public place, including without limiting the generality of the foregoing any vehicle parked in contravention of the parking regulations of this By-Law.

Bylaw 2191 &
Bylaw 1632



(2) Any vehicle *or cycle* removed pursuant to this section shall be impounded with due dispatch at a place designated for vehicle *or cycle* impoundment by the *Director of Operational Services*.

- (3) *"Any vehicle or cycle unlawfully occupying any portion of a street or public place may be removed, detained, or impounded by order of the Director of Operational Services or peace officer.*

- (a) The owner of a vehicle or cycle removed or impounded under this section must pay to the City all of the fees, costs and expenses of removal, impoundment and storage of the vehicle or cycle before the vehicle or cycle will be released to the owner.
- i) A removal fee equivalent to the actual cost of removal including towing fees;
 - ii) An impoundment fee of \$10.00 per day or the actual cost paid to a commercial storage facility or tow yard for each day or part of a day for which the vehicle is impounded, and
 - iii) A 10% administration fee based on costs of towing and storage, shall be paid by the owner before release of the vehicle;
- (b) The Director of Operational Services or City Clerk may proceed in accordance with the provisions of the Warehouse Lien Act, as if the City were a warehouse under that Act, for the sale of a vehicle or cycle if any fees, costs, or expenses referred to in subsection 21(3)(a) are not paid immediately.
- (c) Such fees may be recovered by sale of the vehicle at public auction not less than 30 days after the date of impoundment, or by action in a court of competent jurisdiction.

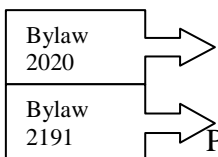
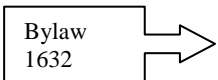
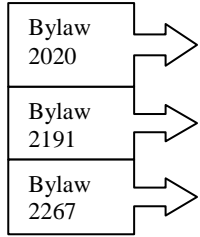
- (4) Payment of the fees provided for in subsection (3) shall not relieve the owner or driver of the vehicle *or cycle* from liability for a penalty imposed for contravention of this By-Law.

- (5) A vehicle that has been impounded for 30 consecutive days may, ten (10) days after the mailing of a notice to the owner by registered or certified mail, be sold at public auction and the fees prescribed herein deducted from the proceeds of sale returned to the owner. *A cycle that has been impounded for thirty (30) consecutive days may be sold at public auction and the proceeds from sale shall become general revenue to the City.*

- (6) A sale at auction pursuant to subsection (5) shall not prevent the City from recovering the fees prescribed in subsection (3) by action in a Court of competent jurisdiction.

22. ENFORCEMENT AND PENALTIES

- (1) *This Bylaw may be enforced by a peace officer, Bylaw Enforcement Officer, the Director of Operational Services, or anyone so authorized by the Director of Operational Services and the foregoing persons are*



empowered to do all things reasonably necessary to carry out the enforcement of this Bylaw. A person is guilty of a contravention of this Bylaw and commits an offence who:

- (a) violates any provisions of this bylaw;*
- (b) causes or permits any act or thing to be done in contravention or violation of any provisions of this bylaw;*
- (c) neglects or omits to do anything resulting in a contravention of this bylaw.*

(2) Each day that a contravention of this bylaw is permitted to exist shall constitute a separate and distinct offence.

(3) Every person who commits an offence under this bylaw is liable to:

- (a) a fine and penalty of not more than \$1,000.00 and not less than \$30.00 for each offence if issued a violation ticket;*
- (b) a fine and penalty of not more than \$10,000.00 and not less than \$300.00 for each offence if prosecuted pursuant to the provisions of the Offence Act, R.S.B.C., 1996 Chapter 338.*

(4) The Director of Operational Services may prescribe a scale of voluntary payments to be paid by persons notified of an alleged offence against this By-Law and such payments may be increased at specified times or upon specified events.

(5) No person other than the owner or operator of a vehicle shall remove or alter any traffic ticket or other notice placed upon the vehicle by a peace officer or City employee.

(6) The owner of a motor vehicle shall be held responsible for any violation of this By-Law committed with regard to the vehicle, notwithstanding that, the vehicle was unattended or in possession of another person, unless it is proven that the person in possession of the vehicle was not a person entrusted by the owner with possession.

Bylaw
2191

23. SEVERANCE

If any portion of this By-Law is found invalid by a decision of a Court of competent jurisdiction the invalid portion shall be severed without effect on the remainder of the By-Law.

24. REPEAL

The Corporation of the City of Fernie **"Streets and Traffic By-Law No. 993, 1972** and all amendments thereto are hereby repealed.

Introduced and read a First time this 26-Day of August, 1985.

Read a Second time this 26th Day of August, 1985.

Read a Third time this 26th day of August, 1985.

First reading rescinded this 15th Day of October, 1985.

Re-read a Second time as amended this 15th Day of October, 1985

Re-read a Third time as amended this 15th Day of October, 1985.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 28th Day of October, 1985

Mayor

Clerk

I hereby certify the foregoing
to be the true original By-Law
No. 1400.

Bylaw	Reason for Amendment	Adoption Date
1632 Amend No. 1	Text Amendments in Sections: 21 -Vehicle or cycle impoundment and sale 22 - Enforcement and Penalties	1993-08-16
2020, Amend No. 2	Text amendments in Sections: 9 - Vehicle parking, Stopping and Standing 21 -Vehicle or cycle impoundment and sale 22 - Enforcement and Penalties	2005-11-28
2191, Amend No. 3	Text amendment in Sections: 2 - Interpretation – term city engineer deleted Director of Operational services included 4 - Exemptions	2012-07-23
2267, Amend No. 4	Text amendment in Section 21 (3). Text is amended and replaced with text that amends the impound fee collected for vehicles towed by the City and adds an administrative fee	2014-11-24
2291, Amend No. 5	Text amendment in Section 9, Vehicle Parking, Stopping and Standing Sub- section (1) designate, reserve one or more parking spaces for the use of persons carrying out a special purpose or construction, repair, demolition or other works in a specific location.	2016-03-14