

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW NO. 545

A BYLAW TO REGULATE TRAFFIC, PARKING AND THE USE OF PUBLIC STREETS IN THE VILLAGE OF WARFIELD

WHEREAS it is expedient to regulate traffic, parking and the use of streets in the Village of Warfield;

NOW THEREFORE, the Council of the Village of Warfield, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as the "Village of Warfield Traffic Bylaw No. 545, 1995".
2. "The Village of Warfield Traffic Control Bylaw No. 388, 1979" is hereby repealed.
3. This Bylaw shall take effect upon registration.

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PART 1 - DEFINITIONS

In this Bylaw, unless the context otherwise requires, the expressions and definitions contained within the "Motor Vehicle Act", the "Motor Carrier Act", the "Highway Act", the "Municipal Act", the "Interpretation Act", and the "Commercial Transport Act" and regulations thereto, shall be applicable, and the following additional interpretations shall prevail throughout:

"ACCESS" means a driveway intended for ingress and/or egress to abutting property from a highway.

"ANGLE PARKING" means the parking of a vehicle other than parallel to a curb.

"BOULEVARD" means the area other than a sidewalk between the curb lines of a roadway or the lateral lines of a roadway or the shoulder thereof and the adjacent property line.

"BUS" means a motor vehicle which is designed, constructed and used for the transportation of more than ten passengers.

"BUS STOP SIGN" means a sign indicating a place at which public transit buses may stop and allow the ingress and/or egress of passengers.

"BUS STOP ZONE" means the entire length of the curb lane within an area extending 20 meters on the near side indicating a bus stop; or means any length of curb painted yellow.

"COIN" means the lawful coin of Canada.

"COLLECTOR" means the person appointed by Council to the position of Collector as defined in the Municipal Act.

"COMMERCIAL VEHICLE" means a vehicle upon which is displayed a valid and current license plate decal issued in accordance with Division (2) of Part 11 of the Municipal Act and the Commercial Vehicle Licensing Bylaw No. 438, 1984.

"COUNCIL" means the Council of the Village of Warfield.

"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.

"CURB" means the raised structural element which may be installed at the outside edge of a highway or median parking area, primarily for a gutter.

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

"DOUBLE PARK" means to stand a vehicle on the travelled portion of the highway, adjacent to a parked vehicle or a parking space, so that the parked vehicle or parking space is wholly or partially between the standing vehicle and the curb or lateral boundary of the highway.

"EMERGENCY VEHICLE" means a vehicle used for emergency purposes while its siren and/or flashing lights are activate, and without restricting the generality of the foregoing, includes Provincial and other duty registered ambulances, and vehicles used by the R.C.M.P., Regional Fire Services and Cominco Ltd.

"HANDICAPPED SPACE" means that portion of a highway designated by a traffic control device for the exclusive use of vehicles displaying an authorized handicapped identification label.

"HAZARDOUS MATERIALS" means any explosive, flammable, toxic, noxious or other harmful or hazardous materials, including dynamite, concentrated chemicals in either solid, liquid or gaseous form, pressurized gases, gasoline and diesel fuel.

"HIGHWAY" includes all public streets, roads, ways, trail, lanes, bridges, and any other public way or right of way designed or intended for or used by the general public for the passage of vehicles excluding "Arterial Highways as defined under the Highway Act".

"HOLIDAY" has the same meaning as S. 29 of the Interpretation Act.

"LANE" means a service road along the back of residential or commercial property.

"LIMITED TIME PARKING ZONE" means as area set aside for the parking of vehicles on a highway and posted with a traffic control device indicating the extent of the area and the period of time during which the parking of a vehicle is permitted on a continuous basis.

"LOADING ZONE" means an area designated by a traffic control device as a loading zone.

"MUNICIPAL LICENCE PLATE DECAL" means a decal issued by the Village in accordance with Division 2 of Part 11 of the Municipal Act and the Commercial Vehicle Licensing Bylaw 438.

"ONE WAY STREET" means a highway designated as one way, by traffic control devices, upon which vehicles shall move only in the direction indicated.

"OPERATOR" means any person who drives, operates, propels, or is in physical control of a vehicle.

"PERMIT" means a document in writing issued pursuant to this Bylaw.

"PUBLIC TRANSIT BUS" means any vehicle operated under the auspices of B.C. Transit for use by the general public.

"PUBLIC UTILITY COMPANY VEHICLE" means a vehicle of West Kootenay Power, B.C. Telephone Co., Shaw Cable, B.C. Gas Co., and utility vehicles of the Provincial Government while being operated for the installation, inspection, operation or repair of its respective utility, such vehicles shall be marked or signed in such a way as to be identifiable with a utility company.

"RECREATION VEHICLE" means a chassis mounted camper, a motor home, a holiday trailer, or a boat trailer intended for recreational use.

"VILLAGE FIRE CHIEF" means the person appointed as such by the Regional District of Kootenay Boundary, the Village of Warfield, and/or any person delegated to assist him in carrying out his duties under this Bylaw.

"RESERVED PARKING" means a parking space reserved for a special or exclusive use as indicated by a traffic control device.

"RESIDENTIAL AREA" means any area zoned for residential land use in the Village Zoning Bylaw.

"ROAD CLOSURE PERMIT" means a permit which authorizes the closure of a highway or portion of a highway.

"SHOULDER" means the portion of the highway between the travelled portion of an uncurbed highway and the ditch; or if there is no ditch, the area between the travelled portion of the highway and the boulevard.

"SIDEWALK" means the portion of a highway intended exclusively for use by pedestrians and includes walkways on bridges.

"SIDEWALK CROSSING" means the portion of a sidewalk or curb for passage of vehicular traffic.

"TIME" means either Pacific Standard Time, or Pacific Daylight Saving Time, whichever is proclaimed to be in effect by the Province of British Columbia.

"TRAFFIC CONTROL DEVICE" means a sign, signal, line, meter, marking, space, barrier, or device, not inconsistent with this Bylaw, placed or erected by authority of the Minister of Transportation and Highways or of the Council or a person duly authorized by either of them to exercise that authority.

"TRAILER" means a vehicle, excluding a recreation vehicle, that is at any time drawn upon a highway by a motor vehicle.

"U-TURN" means the turning of a vehicle so as to change its direction opposite to that in which it was proceeding.

"VEHICLE" includes any means of conveyance in, upon, or by which any person or property is or may be transported or drawn upon a street irrespective of the mode of power.

"WORKS FOREMAN" means the person appointed as such by Council, and any person delegated to assist him in carrying out his duties under this Bylaw.

PART 2 - AUTHORITIES

2.01 The Village CLERK may:

- (1) authorize and issue Parking Exemption Permits;
- (2) issue or cause to be issued offence notices for violation of this Bylaw;
- (3) impound or cause to be impounded, any vehicle, trailer or cycle in violation of the Bylaw or interfering with the operations of the Public Works Department.
- (4) on any highway place, erect or cause to be placed or erected traffic control devices to regulate or prohibit traffic where deemed necessary to ensure the orderly movement of traffic, or to prevent injury or damage to persons or property or the highway and where such traffic control devices are so placed or erected, they shall have the same force and effect as if placed or erected by resolution of Council.
- (5) by himself/herself or by anyone authorized under his/her direction, place, replace or alter traffic control devices at any location he/she may determine to give effect to the provisions of the Motor Vehicle Act and this Bylaw;

2.02 **PEACE OFFICERS**, or any person duly authorized by Council to enforce this Bylaw, may:

- (1) issue offence notices for violations of this Bylaw;
- (2) direct and regulate traffic in any number he deems necessary and in so doing, may disregard any traffic control devices;
- (3) impound any vehicle, trailer or cycle that is in violation of this Bylaw.

2.03 The **VILLAGE FIRE CHIEF**, or any person duly authorized by him, may:

- (1) direct and regulate traffic in any manner he deems necessary and in doing so, may disregard any traffic control device;
- (2) impound if necessary for the purpose of carrying out his required duties, any vehicle or trailer;
- (3) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

PART 3 - GENERAL TRAFFIC REGULATIONS

3.01 APPLICATION

Unless the content otherwise requires;

- (1) The provisions of this Bylaw do not apply to persons, vehicles, and to other equipment while actual engaged in highway construction or maintenance work upon, under or over the surface of a highway while at the site of the work, but do apply to them when travelling to or from the site of work.

3.02 TRAFFIC CONTROL DEVICES

- (1) No person shall park, drive or operate a vehicle or cycle in contravention of a traffic control device;
- (2) No person shall drive or walk on or over a newly painted line or marking, nor remove or alter any traffic control device;
- (3) No pedestrian shall disobey any traffic control device.

3.03 OBEY COMMANDS

Every person shall at all times comply with any lawful order, direction, signal or command made or given by a police officer, fireman, ambulance attendant, flag person or school patrol.

3.04 SPEED LIMITS

- (1) No person shall operate a vehicle on a lane at a greater rate of speed than twenty (20) km/h.
- (2) No person shall operate a vehicle within a construction zone at a greater rate of speed than twenty (20) km/h unless otherwise posted.

3.05 DAMAGE TO SIDEWALKS

- (1) No operator of a vehicle shall park or drive on, over or upon any sidewalk, curb or boulevard so as to encumber, obstruct, or damage same;
- (2) When a sidewalk crossing is not available, crossing by a vehicle will be permitted upon adequate provision being made to protect the sidewalk or boulevard from damage by use of suitable planking or other material, having due consideration for the size and weight of the vehicle and load.

3.06 BLOCKING INTERSECTIONS

No operator of a vehicle shall block an intersection or a marked crosswalk, notwithstanding any traffic control device.

3.07 VEHICLE WHEELS

No person shall drive any vehicle of any kind having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections engaging the roadway along, on or across any bridge or hard surface highway within the Village, without first obtaining the written permission of the Village Clerk who shall determine which bridges and highways may be used and the conditions of such use. Nothing herein contained shall be construed as prohibiting the use of tire chains or studded winter tires.

3.08 LOAD LIMITS

No person shall, without a permit issued under authority of this Bylaw and subject to the provisions of this Bylaw, operate on a highway a vehicle or combination of vehicles and trailers having a weight not conforming to the requirements of the Commercial Transport Act and Regulations thereto.

3.09 VEHICLE SIZE

No person shall, without a permit, and subject to the provisions of this Bylaw, operate on a highway a vehicle or combination of vehicles and trailers having a size not conforming to the requirements of the Motor Vehicle Act and Commercial Transport Act and Regulations thereto.

3.10 CYCLES AND SKATEBOARDS

- (1) No person shall ride a cycle or skateboard on a sidewalk;
- (2) No person shall leave a cycle or skateboard on a sidewalk, highway or public place in a position which obstructs the free movement of pedestrian or vehicle traffic, and where a cycle or skateboard is found as stated herein, the said cycle or skateboard may be impounded forthwith.

3.11 IMPOUNDMENT OF VEHICLES

- (1) Where a vehicle is standing or parked:
 - (a) in violation of any of the provisions of this Bylaw;
 - (b) in a position that causes it to interfere with removal of snow, ice or sand from a highway, boulevard or sidewalk;
 - (c) in a position that causes it to interfere with fire fighting;
 - (d) in a position that causes it to interfere with the normal flow of traffic on a highway;
 - (e) in a position that causes it to interfere with the construction, improvement, alteration, widening, marking, repair or maintenance of a highway;
 - (f) apparently abandoned on a highway;
 - (g) on a highway without proper or valid license plates displayed as required by the British Columbia Motor Vehicle Act;

The Village Clerk, or Peace Officer may:

- (a) remove the vehicle, or require the driver or person in charge of such vehicle to move it to a position determined by him;
- (b) remove the vehicle or take the vehicle into his custody and cause it to be taken to and stored in a safe and otherwise suitable location.

- (2) All costs and charges for the removal, care and storage of a vehicle removed under this section shall be paid by the owner of the vehicle, and shall be a lien thereon in favour of the keeper of any repair shop, garage or storage place in which such vehicle is stored and the same may be enforced upon him in the manner provided by the builders' Lien Act, Warehousemen's Lien Act, Highways Scenic Improvement Act or Municipal Act.

3.12 REMOVAL OF OFFENCE NOTICE

- (1) No person, other than the owner or operator of a vehicle, shall remove from a vehicle and no one should be permitted to alter in any way whatsoever any offence notice issued under the authority of this Bylaw;
- (2) No person shall remove or otherwise attempt to alter in any way whatsoever, any chalk or other identification applied to a vehicle to enforce any provision of this Bylaw.

3.13 U-TURNS

No person shall make a U-turn with a vehicle when unsafe to do so or when prohibited by a traffic control device.

PART 4 - PEDESTRIAN REGULATIONS

4.01 CROSSWALKS

- (1) No pedestrian, crossing a highway where a marked crosswalk exists, shall cross outside the limits of the markings;
- (2) No pedestrian shall cross a highway in contravention of a traffic control device.

4.02 HITCHHIKING

No pedestrian shall stand upon or walk along a travelled portion of the highway for the purpose of soliciting a ride from an occupant of a vehicle.

PART 5 - PARKING REGULATIONS

5.01 TIME LIMITS

Notwithstanding any other provisions of this part, no person shall park a vehicle on any highway for more than twenty-four (24) hours continuously.

5.02 LANE PARKING

- (1) No person shall park a vehicle in a lane unless there is displayed upon the vehicle a valid and subsisting municipal licence plate decal issued for the vehicle in accordance with Division (2) of Part 11 of the Municipal Act and with the Commercial Vehicle Licensing Bylaw No. 1962, 1984.
- (2) No person shall park a vehicle in a lane unless he is actively engaged in the loading or unloading of goods from a vehicle in which case parking will be permitted for a period of not more than thirty (30) minutes;

5.03 PROHIBITED PARKING

- (1) Except when necessary to avoid conflict with traffic or to comply with the law or the directions of a peace officer or traffic control device, no person shall stop, stand, or park a vehicle:
 - (a) on a sidewalk or boulevard;
 - (b)
 - (i) in front of nor within one (1) meter of a public or private driveway, sidewalk crossing, gate or stairs, in a residential area;
 - (ii) in front of nor within one (1) meter of a public or private driveway, sidewalk crossing, gate or stairs, in a commercial or industrial zone as designated in the Village of Warfield Zoning Bylaw No. 440;
 - (c) within an intersection;
 - (d) within five (5) meters of a fire hydrant measured from a point in the curb or edge of the highway which is closest to the fire hydrant;
 - (e) on a crosswalk;
 - (f) within six (6) meters of a crosswalk or an intersection or any flashing beacon, stop sign, or traffic control signal located at the side of a highway;
 - (g) within fifteen (15) meters of the nearest rail of a railway crossing;
 - (h) upon any highway for the purpose of
 - (i) displaying a vehicle for sale;

- (ii) advertising, greasing, painting, wrecking, storing, or repairing any vehicle, except where repairs are necessitated by an emergency;
 - (iii) displaying signs;
 - (iv) selling any product.
- (i) alongside or opposite a highway excavation or obstruction when stopping, standing, or parking obstructs traffic;
 - (j) upon a bridge or other elevated structure on a highway except as permitted by a traffic control device;
 - (k)
 - (i) on a highway in such a manner as to obstruct or impede the normal flow or traffic; or
 - (ii) on a marked lane of a laned highway except where permitted by a traffic control device.
 - (l) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking is there prohibited or restricted;
 - (m) in such a manner as to obstruct the visibility of any traffic control device;
 - n) on any portion of a street where lines, markings or other signs are placed indicating the manner in which vehicles shall be parked, except in accordance with such lines, markings or other signs;
 - (o) alongside a curb painted white or yellow which designates restricted or prohibited parking;
 - (p) within 6 meters of the lateral boundary line of an intersecting street;
 - (q) in a manner that the rear of the vehicle is facing the curb.
- (2) No person shall move a vehicle that is not lawfully under his control into any of the places mentioned in Subsection (1).

5.04 PARKING DISTANCE FROM CURB

- (1) No person shall park a vehicle on a highway except on the right hand side thereof in the same direction as the normal flow of traffic, and the right hand wheels shall be no further than thirty (30) centimeters from the face of the curb;
- (2) On any one-way highway, a person may park on the left-hand side of the highway, in the same direction as the normal flow of traffic, however, the left wheels shall be no further that thirty (3) centimeters from the face of the curb.

5.05 DOUBLE PARKING

No person shall double park a vehicle on a highway.

5.06 TRAILER PARKING

- (1) No person shall park any trailer upon any highway unless in emergency situations or the trailer is attached to a vehicle by which it may be propelled or drawn;
- (2) No person shall park any recreation vehicle upon any highway in a residential area whether attached or detached from a vehicle by which it may be propelled or drawn, for more than twenty-four (24) hours continuously.

5.07 LOADING ZONES

No person shall stop a vehicle:

- (1) in any loading zone for a period exceeding three (3) minutes for the loading or unloading of passengers or for a period exceeding ten (10) minutes for the loading or unloading of goods or material;
- (2) notwithstanding anything contained in this section, no driver of any vehicle other than a commercial vehicle shall stop in any loading zone, and then only while actually engaged in loading or unloading goods and in any event for a period not exceeding ten (10) minutes.

5.08 BUS STOP ZONES

No person shall stop or park a vehicle in a bus stop zone.

5.09 HANDICAPPED PARKING

- (1) No person shall stop or park a vehicle in a handicapped space unless such vehicle displays a valid decal or placard issued by the Social Planning and Research Council of British Columbia;
- (2) No person shall park a vehicle displaying the SPARC decal or placard in a handicapped space unless the driver or any passenger in the vehicle is the disabled person to whom the decal or placard has been issued.

5.10 COMPLIMENTARY RESIDENTIAL PARKING PERMIT

No person shall park a vehicle on a highway in a residential area contrary to a traffic control device unless such person has acquired an authorized Residential Parking Permit, and such permit is displayed on the vehicle, and the vehicle is parked in accordance with the conditions of the permit.

5.11 WEIGHT AND LENGTH RESTRICTIONS RESIDENTIAL

Notwithstanding any other provisions of this Bylaw, No person shall park any vehicle having a gross vehicle weight exceeding 5,500 kilograms, or a length in excess of 7.5 meters on a local street within a residential area for a consecutive period longer than four (4) hours.

5.12 LIMITED TIME PARKING ZONE

No person shall park a vehicle in any limited time parking zone for a period in excess of the time during which vehicles may be continuously parked within such zones as indicated by traffic control devices displayed in the vicinity of the zone.

PART 6 - GENERAL HIGHWAY USE REGULATIONS

6.01 SNOW REMOVAL

- (1) Every owner or occupier of real property within the Village shall remove any accumulation of snow or ice upon any sidewalk abutting the real property or premises owned or occupied by the person not later than 12:00 o'clock noon or any day except Sunday or a Statutory Holiday;
- (2) Every owner or occupier of real property within the Village shall remove any accumulation of snow or ice from any roof, gutter, cornice or other attachment on or of any building which is likely to discharge or fall onto a street or sidewalk to the danger of the public's safety;

- (3) Every owner or occupier shall remove any accumulation of rubbish, dirt, debris, or other material from any sidewalk abutting the land or the premises owned or occupied by the person in such a manner that the sidewalk is clean at all times;
- (4) Notwithstanding subsections (1), (2), and (3), in default of such removal of accumulation of snow, ice, dirt, debris or other material, the Works Foreman may carry out such removal at the expense of the person in default and the charges for doing so, including all expenses incidental thereto, if unpaid on the 31st of December in any year, shall be added to and form part of the taxes payable in respect of that land or real property as taxes in arrears;
- (5)
 - (a) No person shall deposit, pile or spread snow or ice cleaned from sidewalks, driveways, roofs, parking lots, car lots, automobile service stations or garages or any other surface or property, on any highway, sidewalk, boulevard, or other public place, except the place designated therefore by the Works Foreman;
 - (b) Nothing herein contained shall be construed as prohibiting the Village from plowing snow to the property line of any highway or from removing such plowed snow.

6.02 DRAINAGE

- (1) No person shall alter or stop the flow of water through any drain, sewer ditch or culvert on any highway;
- (2) Owners of real property shall not permit their rainwater down spouts and eavetroughs to discharge directly onto any highway or sidewalk.

6.03 LITTERING

- (1) No person shall operate on a highway, a vehicle or combination of vehicle and trailer unless it is so constructed, loaded, or covered as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping there from;
- (2) Should any material, due to any cause whatsoever, fall from the vehicle, the operator shall forthwith take all reasonable precautions to safeguard traffic from the consequences thereof and shall remove such material from the spillage area;
- (3) No person shall place, throw, deposit or discard on any highway any rubbish, litter or waste material of any description;

- (4) Notwithstanding subsections (1), (2), and (3), in default of such removal of any load, rubbish, litter or waste material, the Works Foreman is hereby authorized to carry out such removal at the expense of the person in default.

6.04 CONSTRUCTION

- (1) No person shall excavate, construct any works or occupy the highway for the purposes of construction adjacent to the highway unless authorized by permit to do so;
- (2) Where authorized works are carried out on, over, or under any highway, appropriate signs, flashers, barricades or other warning devices shall be provided around the construction zone to the satisfaction of the Village.

6.05 IMPENDING TRAFFIC, DAMAGE TO HIGHWAYS

- (1) No person shall cut, saw, break, split, place, or pile firewood, lumber, blocks, stone, debris or other material or mix mortar upon any highway;
- (2)
 - (a) No person shall coast or slide on any highway, sidewalk, or boulevard with sleds, toboggans, skis, skateboards, or other like apparatus except on highways, sidewalks or boulevards expressly closed to vehicular traffic by Council for such purposes;
 - (b) A sled, toboggan, skateboard, or other like apparatus operated in contravention of this Bylaw by coasting, may be confiscated and held as evidence pending possible prosecution by the Village under this Bylaw;
- (3) No operator of a vehicle shall drive through any military or funeral procession nor through the ranks of any other authorized parade or procession or in any way obstruct, impede or interfere with the same;
- (4)
 - (a) No parade shall be held on a highway unless application therefore has been made in writing to, and receives the approval of the Council, through the Village Clerk, by the marshal, organizer or other person in charge thereof, at least two weeks before the parade commences, and that application shall specify the nature of the parade, the day and hour on which such parade is to be held, the place or places of formation or commencement thereof, the route intended to be taken and the point of disbandment thereof;
 - (b) Council may set such conditions for a parade as may be recommended by the Royal Canadian Mounted Police, the Ministry of Transportation and Highways, or such other authorities as they deem applicable;

- (5) Unless with the permission of the Village Clerk, no person shall place, or cause to be placed by any person in his employment or under his control, any merchandise, vehicles, wares or any other thing on any street or sidewalk for the purpose of sale or display, or for any other purpose whatsoever, except during the actual course of receipt, delivery of shipment of such merchandise;
- (6) No person shall form part of a group or persons assembled or congregated on a sidewalk or highway in such a manner as to obstruct the free passage of pedestrians or vehicles;
- (7) No person may use any sidewalk or highway for the purpose of soliciting aid or the purchase of any merchandise, goods, wares or services in any manner whatsoever.

6.06 NOISE AND ADVERTISING

- (1) No person shall operate upon a vehicle any calliope, loudspeaker or other noise-making device upon the streets of the Village for advertising or other purposes unless a permit has been applied for and granted by Council;
- (2) No person shall post any bill, notice, placard or any other advertising on any electric light standard, telephone pole, hydrant, street sign, or traffic signal standard in or upon any highway.
- (3) No person shall place, set up or maintain any stand, advertising board or banner on any sidewalk for the purpose of advertising any article, thing or service whatsoever without the permission of the Village Clerk.

6.07 STRUCTURES OVER THE HIGHWAY

- (1) No person shall, except as provided herein or by any other bylaw, or unless otherwise authorized by Council, erect or maintain any structure which encroaches on or over any highway or public land;
- (2) Authorized structures encroaching on the highway shall have a minimum clearance of 2.5 meters above any sidewalk or walkway and five (5) meters above any roadway;
- (3) No person shall place, erect, remove or alter any sign, structure or other device on or over a street without a permit;

- (4) Every owner or occupier of real property, or their agents or any other person who shall in any way require to drive, pull, or propel any vehicle, equipment or trailer across any pavement, sidewalk, boulevard or curbing and gutter for the purpose of entering his property or when leaving the travelled portion of the street, or for any other reason, shall first construct across the pavement, sidewalk, boulevard, curbing and gutter, a protection sufficient to prevent the same from being damaged and shall not obstruct the drainage of surface water on or in any ditch or street or storm drain within the Village;
- (5) Every person who in any way damages any pavement, paved or unpaved sidewalk or curbing or gutter while leaving the traveled portion of the street, shall be liable to the Village and shall pay for the cost of repairing such damage to the satisfaction of the Village.

6.08 PROPERTY ACCESS

- (1) No person shall alter an existing access to a property or construct a new access to a property without obtaining permission from the Village Clerk;
- (2) Every means of access to and from a street for any parcel of land or real property abutting thereon, shall require the approval of the Village. The location and extent of such access shall be within the discretion of the Village. The cost of constructing any such approved access shall be borne by the owner of the property abutting on the streets on the street from where the access is taken;
- (3) Where the approval of any access under this section involves the construction of any public property, the owner of the property requiring the access shall be responsible for the construction and ongoing maintenance and repair of such access, and shall indemnify and save harmless the Village against all liability, suits, actions, claims, damages, costs and expenses, which may be incurred by the Village, and shall be in the form of an easement or right-of-way agreement between the Village and the abutting owner.

6.09 PUBLIC UTILITIES

- (1) No person or gas, telephone, telegraph, pipeline company, radio or television broadcasting company or closed circuit television company shall use the streets in the Village of Warfield for the construction and installation of the aforementioned utilities until they have first supplied the Village with complete plans and specifications of the proposed work to be constructed or installed, and have in turn received written permission from the Village to use the streets;
- (2) All construction undertaken by any utility company under the provisions of this section shall be in accordance with applicable Village of Warfield

bylaws and all applicable Provincial and Federal Statutes;

- (3) Where a utility is granted a permit under this section, the utility shall erect and maintain a good and sufficient fence, railing or barricade around every excavation, construction or installation, in such manner as to prevent accidents, and shall place and keep upon such fence, railing or barricade, suitable and sufficient lights during the night and shall take such further care and precaution as the Village may deem necessary for the safety of the public.

6.10 EMERGENCY VEHICLES

No person driving or operating any vehicle, except such vehicles as are conveying authorized persons who may have duties to perform in connection with the emergency, shall follow closer than within 150 meters of an emergency vehicle.

6.11 TREES OVER HIGHWAYS

- (1) Every person being the owner or occupier of real property shall cause all trees, shrubs or other vegetation to be properly trimmed and cut back, so as to prevent physical obstruction and visibility impairment to pedestrian and vehicle traffic on a sidewalk or highway;
- (2) No person shall dig up, or in any manner remove, injure, destroy or trim any trees, flowers, foliage, flowering plant, or shrubbery on any highway.

6.12 SCHOOL CROSSINGS

- (1) The Council is hereby authorized to establish school crossings, upon any highway within the Village, where the same are deemed necessary, and shall by order post traffic control devices for the regulation and control of pedestrian and vehicular traffic, with respect to such crossings;
- (2) The Principal of any regular day school in the Village may appoint from among the students a school patrol to assist pedestrians in crossing highways at designated school crosswalks during the hours of 8:00 a.m. to 5:00 p.m. on any regular school day.
- (3) A member of a school patrol may control the movement of traffic at such designated school crosswalks by exhibiting a manual traffic control device of a design approved by resolution of the Village Council;
- (4) Drivers of vehicles and pedestrians shall obey the instructions of any approved traffic control device exhibited by a member of a school patrol at designated school crosswalks.

PART 7 - PENALTIES

7.01 GENERAL PENALTY

- (1) Every person who violates any of the provisions of this Bylaw for which a specific penalty has not otherwise been designated, shall be deemed to have committed an offence against this Bylaw and shall be liable to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars for each offense;
- (2) Notwithstanding anything hereinbefore contained, where a notice of an offence is issued pursuant to the provisions of section 5.09 of this Bylaw, the person to whom it is issued shall be liable to a fine of Thirty-five (\$35.00) Dollars for each offence.

7.02 VOLUNTARY PAYMENT

- (1) Notwithstanding anything hereinbefore contained, where a notice of an offence is issued pursuant to the provisions of Part 3, 4, 5 and 7 of this Bylaw, with the exception of Section 5.11 and 7.05 (1), the person to whom it is issued may:
 - (a) if paid within three (3) days of the issuance of the notice of an offence, pay to the Village the sum of Five (\$5.00) Dollars as full satisfaction for each offence;
 - (b) after three (3) days and within seven (7) days of the issuance of the notice of an offence, pay to the Village the sum of Ten (\$10.00) Dollars as full satisfaction for each offence;
 - (c) after seven (7) days of the issuance of the notice of an offence, pay to the Village the sum of Fifteen (\$15.00) Dollars as full satisfaction for each offence.

7.03 DEFAULT

In addition to any other penalty which may be incurred, anyone failing to comply with the provisions of Part 6 of this Bylaw within the time limited therefore, or within a reasonable time upon notice to that effect by the Village, shall be subject to the Village carrying out any such work at the expense of the offender, and any charges or costs incurred by the Village in this regard, shall be recoverable by it in any Court of competent jurisdiction.

READ THE FIRST AND SECOND TIME this 4th day of JULY, 1995

READ AS AMENDED A THIRD TIME this 20th day of NOVEMBER, 1995.

RECONSIDERED, FINALLY PASSED and ADOPTED as amended is 6th day of
DECEMBER , 1995.

Mayor

Clerk

I hereby certify that this is a true copy of Bylaw No. 545, cited as the "Village of Warfield
Traffic Bylaw, 1995".

Clerk