

**VILLAGE OF PEMBERTON
BY-LAW NO. 586, 2006**

Parking and Traffic Control Bylaw

WHEREAS Part 3 of the *Motor Vehicle Act* and Section 36 of the *Community Charter* empower Council to regulate parking, traffic and related matters in the Village of Pemberton:

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

CITATION

1. This bylaw may be cited as “Parking and Traffic Control Bylaw No. 586, 2006”.

DEFINITIONS

2. (a) Words defined in the *Motor Vehicle Act* and its regulations have the same meaning in this bylaw, unless otherwise defined in this bylaw.

- (b) In this bylaw:

“Bylaw Enforcement Officer” means a person appointed to that position by the Municipality from time to time;

“commercial vehicle” includes:

- (i) every vehicle defined as a commercial vehicle in Section 1 of the *Commercial Transport Act*;
 - (ii) every vehicle used for the collection, delivery or transportation of goods or passengers in the course of a business; and
 - (iii) every tradesman’s vehicle.

“Council” means the Municipal Council of the Village of Pemberton;

“curb” means a raised portion of highway forming a line of demarcation between the roadway and the boulevard of a highway;

“Director of Development Services” means the person appointed as the Municipality’s Director of Development Services from time to time by Council resolution;

“disabled persons’ parking permit” means a permit issued for the parking of vehicles which are used to transport disabled persons, in accordance with Division 38 of the *Motor Vehicle Act Regulations*;

“fire chief” means the officer-in-charge of Pemberton Fire Rescue;

“fire lane” means that portion of a highway designated as such by a traffic control device and reserved for unobstructed access by Pemberton Fire Rescue emergency vehicles;

“highway” includes:

(i) all public streets, roads, trails, lanes, bridges, trestles, and approaches and any other public way;

(ii) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles; and

(iii) every private place or passageway to which the public, for the purpose of parking or servicing of vehicles, has access or is invited;

“loading zone” means that portion of a highway designated as such by a traffic control device and reserved for the exclusive use of loading or unloading of commercial vehicles;

“Municipality” means the Village of Pemberton;

“no parking zone” means that portion of a highway designated as such by a traffic control device that specifies that parking is prohibited, either generally or at specified times;

“no stopping zone” means that portion of a highway designated as such by a traffic control device that specifies that stopping is prohibited, either generally or at specified times;

“parking lot” means a public parking lot that is owned or operated by the Municipality;

“parking space” means a section of a highway indicated by a traffic control device as a place to park one vehicle;

“special event parking pass” means a parking permit issued pursuant to Section 14 of this bylaw;

“tradesman’s vehicle” means any vehicle, the owner or operator of which holds a valid business license in the Municipality as a tradesman.

“trailer” means any of various accessory, non-motorized vehicles, commonly towed by automotive vehicles.

“vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle.

GENERAL PARKING AND STOPPING PROHIBITIONS

3. No person shall park any vehicle:
- (a) within six (6) metres of a fire hydrant, measured from the point on the curb (or where there is no curb, the edge of the roadway) which is closest to the fire hydrant;
 - (b) in an area designated as a “fire lane”;
 - (c) in an area designated as a “no parking zone”;
 - (d) or stop any vehicle in an area designated as a “no stopping zone”;
 - (e) in an area designated as a “loading zone”;
 - (f) in an area designated as a “disabled persons’ parking zone” or “handicapped zone” unless such vehicle displays a valid disabled persons’ parking permit;
 - (g) adjacent to a curb that is painted yellow;
 - (h) between the hours of 9 p.m. to 9 a.m. local time inclusive, on Monday through Sunday, from November 1st of each year to March 31st of the succeeding year, on that side of any highway assigned even building numbers in the Municipality’s building numbering bylaw, unless permitted by a traffic control device;
 - (i) so as to interfere with the normal flow of traffic;
 - (j) on a sidewalk, boulevard, shoulder or any place reserved for pedestrians except where specifically designated as a parking zone;
 - (k) so as to block a private driveway;
 - (l) within six (6) metres of the nearest point to any intersection;
 - (m) on any highway, including the shoulder thereof, for the purpose of:
 - (i) advertising;
 - (ii) repairing or performing maintenance on the vehicle, except when necessitated by an emergency; or
 - (iii) selling any goods or services;
 - (n) on a highway except on the right-hand side thereof, and the right-hand wheels, if on the highway, shall be not further than thirty (30) centimeters from the curb or if there is no curb, from the edge of the roadway;
 - (o) in contravention of any sign or other traffic control device posted or installed pursuant to this bylaw;

- (p) on any highway for a period longer than seventy-two (72) hours;
- (q) in front of a barricade used to block off a roadway or access to a roadway;
- (r) in a public park, except in designated areas;
- (s) that is unlicensed or uninsured on a highway;
- (t) for the purpose of camping in an area designated as a highway;
- (u) on the roadway side of another vehicle that is stopped or parked at the edge or curb of a roadway, except when necessary to avoid conflict with traffic or to comply with the law or directions of a peace officer or traffic control device; and
- (v) with the vehicle engine idling for a period longer than 10 minutes, unless;
 - (i) the motor vehicle is in lanes of traffic,
 - (ii) the motor vehicle is undergoing emergency repairs along a roadside, or
 - (iii) the motor vehicle is an emergency vehicle.

PARKING LOTS

4. No person shall park any vehicle on any parking lot or in a parking space:
 - (a) for a period longer than the posted maximum time restriction;
 - (b) during any time period for which posted parking regulations designate the parking lot or parking space as a “no parking zone”; or
 - (c) such that any portion of the vehicle:
 - (i) extends into the roadway or parking lot beyond the markings delineating the parking space; or
 - (ii) occupies more than one parking space.

EXEMPTIONS FROM PARKING REGULATIONS

5. Police, Ambulance, and Fire Department emergency vehicles are exempt from all parking and stopping regulations contained in this bylaw.
6. (a) Municipal, Provincial and public utility corporation service vehicles are exempt from all parking and stopping regulations in this bylaw, while the operators of such vehicles are actually engaged in work requiring them to be stopped or parked in contravention of any such provision.

- (b) Any vehicle parked under the authority of paragraph (a) within six (6) metres of a fire hydrant or in an area designated as a “fire lane”, shall be attended at all times and shall be moved immediately at the request of a Bylaw Enforcement Officer, the Fire Chief or the Fire Department Officer in charge at an emergency response incident.

COMMERCIAL VEHICLE PARKING

- 7. No person shall park any commercial vehicle on any highway in the Municipality, except:
 - (a) in a loading zone, in accordance with Section 10 of this bylaw;
 - (b) when the commercial vehicle is standing temporarily while the operator is actually engaged in loading or unloading goods or passengers; or
 - (c) while the operator of the commercial vehicle is actually engaged in providing a tradesman’s service, moving service or other commercial service to another person, on land adjacent to the highway where the vehicle is parked.
 - (d) in an area specifically designated to include parking of commercial vehicles.
- 8. The exception in paragraph 7 (c) does not apply if Section 3(h) or 3(i) of this bylaw prohibits parking at the applicable time or location.
- 9. No vehicle parked under the authority of paragraph 7 (c) may be parked in a “no stopping zone”, a “no parking zone”, a “fire lane”, or within six (6) metres of a fire hydrant.

LOADING ZONES

- 10. (a) Commercial vehicles may be parked for a maximum of thirty (30) minutes in an area designated as a “loading zone”, while the operator of the vehicle is engaged in loading or unloading materials, provided that the vehicle is moved immediately at the request of a Bylaw Enforcement Officer.

PARKING OFFENCE NOTICE

- 11. (a) If a vehicle is parked or stopped in contravention of this bylaw, a Parking Offence Notice in the form set out in Schedule “A” to this bylaw may be issued by placing it on the vehicle or by delivering it to the registered owner of the vehicle.
- (b) A Parking Offence Notice shall specify the reason for which the vehicle is deemed to be parked or stopped in contravention of the provisions of this bylaw.

- (c) Prior to the question of whether a deemed violation of this bylaw is in fact a violation being heard by a Court having jurisdiction, the matter may be settled by the payment to the Municipality of the appropriate minimum settlement amount as indicated on the Parking Offence Notice and as set out in Schedule "B" to this bylaw.

REMOVAL AND IMPOUNDMENT

- 12. Whenever any vehicle is parked in contravention of this bylaw, a Bylaw Enforcement Officer, or a peace officer may authorize the removal and impoundment of that vehicle until all costs of removal and impoundment together with all other lawfully imposed fees and penalties have been paid in full by the owner of the vehicle.
- 13. The Director of Development Services, Fire Chief, Public Works Foreman, a Bylaw Enforcement Officer, or peace officer may also order any parked vehicle removed or impounded under Section 14 if the vehicle interferes with:
 - (a) firefighting operations;
 - (b) snow removal operations;
 - (c) emergency access to any building or property; or
 - (d) the construction, reconstruction, maintenance or repair of any highway or public utility.

POWERS OF THE DIRECTOR OF DEVELOPMENT SERVICES

- 14. Subject to the terms and conditions in this bylaw, the Director of Development Services is authorized to make orders providing for:
 - (a) placing or erection of traffic control devices;
 - (b) regulation, control or prohibition of pedestrian traffic and traffic by other conveyances on sidewalks, walkways, boulevards and lanes;
 - (c) regulation, control or prohibition of the stopping, standing or parking of vehicles within the Municipality;
 - (d) parking zones for persons with disabilities, subject to the Motor Vehicle Act and its regulations;
 - (e) setting apart and allotting of portions of highways adjacent to any federal provincial or municipal public building for the exclusive use of official and officers engaged therein, for the parking of their vehicles, and the regulation of that parking;

- (f) erection, maintenance and operation on any highway or portion thereof of automatic or other mechanical meters, for the purpose of allotting and controlling parking spaces for vehicles, recording the duration of parking, and requiring the driver of every vehicle parked in a parking space to deposit in the appropriate meter a fee for parking in the manner and at the rate prescribed and as measured by the meter;
- (g) removal, detention or impounding of any vehicle unlawfully occupying any portion of a highway or public place and for a scale of fees, costs and expenses therefore, and the recovery of such fees, costs and expenses, either from the owner or by sale of the vehicle, at public auction or by action in any court of competent jurisdiction;
- (h) establishment and use of loading, commercial and passenger zones within the Municipality and for the designation thereof;
- (i) regulation of the width, length and height of vehicles and the width, length, height, fastenings and distribution of loads on vehicles driven or operated on any highway except an arterial highway;
- (j) traffic control devices to be erected or placed indicating that people or equipment are working on a highway where construction, reconstruction, widening, repair, marking or other work is being carried out;
- (k) traffic control devices to be erected or placed to regulate or prohibit traffic on any highway in the vicinity of construction, reconstruction, widening, repair, marking or other work being carried out;
- (l) regulation, control and prohibition of erection or maintenance, or both, of signs, advertisements or guide posts on or over any highway other than arterial highways in the Municipality, and for the alteration, repainting, tearing down or removal of any sign erected or maintained on or over any such highway without compensation to any person for loss or damage resulting from the alteration, repainting, tearing down or removal;
- (m) regulation or prohibition of pedestrian traffic on highways other than at crosswalks;
- (n) use of sidewalks and crosswalks by persons riding cycles;
- (o) prohibition of pedestrian traffic in an unmarked crosswalk designated by a traffic control device;
- (p) establishment of school crossings in the Municipality and the regulation and control of pedestrian and vehicular traffic with respect to them;
- (q) regulation of traffic passing by or in the vicinity of schools through the use of traffic patrols, and for that purpose vesting in the school children or other persons employed in traffic patrols power to require vehicles to stop at school crossings or other designated places on a highway;

- (r) establishment and use of taxi stands in the municipality and their designation;
 - (s) regulation and control of processions on highways in the Municipality;
 - (t) regulation and control of persons using roller skates, sleighs, skates, skis or other similar means of conveyance on highways in the municipality and the closing of a highway or highways or part of them to permit the use of roller skates, sleighs, skates, skis or other similar means of conveyance;
 - (u) placement or construction of traffic calming works or other design features on a roadway;
 - (v) regulation and control of maximum gross vehicle weights of vehicles on a highway or highways within the Municipality, other than arterial highways; and
 - (w) the issuance of special event parking passes, which shall be available to the operators of all passenger vehicles, authorizing parking despite Sections 3(c), (h) and (i) of this bylaw, for defined periods in locations specified by the Director of Development Services.
15. The Director of Development Services is authorized to rescind, revoke, amend or vary orders made under Sections 14.

CONTRAVENTION

- 16. (a) Any person who contravenes any provision of this bylaw commits an offence punishable under the *Offence Act* and is liable to a fine not exceeding two thousand dollars (\$2,000.00) and the costs of prosecution.
 - (b) An owner of a motor vehicle is liable under subsection (a) notwithstanding that the motor vehicle, at the time of the violation, is unattended or is not in the possession of any person.
17. Where a person has parked a vehicle in a parking space in violation of the provisions of this bylaw, a separate offence is committed upon the expiry of each period of time which the vehicle could have been lawfully parked.

SEVERABILITY

18. If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

REPEAL

19. "Street Traffic and Parking Control Bylaw No. 541, 2004" as amended, is repealed and replaced by this bylaw.

20. Despite Section 19, every order made under “Street Traffic and Parking Control Bylaw No. 541, 2004” continues in effect.

READ A FIRST TIME this 5th day of December, 2006.

READ A SECOND TIME this 5th day of December, 2006.

READ A THIRD TIME this 19th day of December, 2006.

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 9th day of January, 2007.

Mayor

Administrator

**Village of Pemberton
Parking and Traffic Control Bylaw No. 586, 2006**

Schedule "A" - Bylaw Offence Notice

Village of Pemberton

P.O. BOX 100, 7400 PROSPECT ST.
PEMBERTON, B.C. V0N 2L0

0058

FILE NO.

BYLAW OFFENSE NOTICE

ISSUED TO:

SURNAME OR CORPORATE NAME		<input type="checkbox"/> YOUNG PERSON		
GIVEN NAMES (OR CORPORATE NAME CONTINUED)	GENDER M / F	YY	MM	DD
ADDRESS				
CITY	PROVINCE	POSTAL CODE		

THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT THE ABOVE NAMED

ON OR ABOUT	<table border="1" style="margin: auto;"> <tr><td align="center" colspan="3">DATE OF OFFENSE</td></tr> <tr><td align="center">YY</td><td align="center">MM</td><td align="center">DD</td></tr> </table>	DATE OF OFFENSE			YY	MM	DD	AT THE TIME OF	<table border="1" style="margin: auto;"> <tr><td align="center" colspan="2">(24 HR CLOCK)</td></tr> <tr><td> </td><td> </td></tr> </table>	(24 HR CLOCK)			
DATE OF OFFENSE													
YY	MM	DD											
(24 HR CLOCK)													

AT OR NEAR _____ STREET ADDRESS _____ IN THE VILLAGE _____ PROVINCE OF BRITISH COLUMBIA

IS ALLEGED TO HAVE COMMITTED THE OFFENSE INDICATED, UNDER THE FOLLOWING BYLAW

BYLAW NAME _____

DESCRIPTION OF OFFENSE	SECTION	FINE
		\$
		\$
PRINT NAME/NUMBER OF BYLAW OFFICER		SIGNATURE

NOTES

**THIS NOTICE MAY BE SETTLED BY VOLUNTARY PAYMENT
OF THE FINE AMOUNT INDICATED, WITHIN 14 DAYS TO:**

**VILLAGE OF PEMBERTON
P.O. BOX 100, 7400 PROSPECT ST.
PEMBERTON, B.C. V0N 2L0**

ENFORCEMENT OFFICER NAME/NO. _____

ENFORCEMENT OFFICER SIGNATURE _____

Outstanding fines will be sent to our Collections. Appeals against the allegations contained in this ticket must be received in writing within 14 calendar days of ticket issuance. For appeals information call the Village Office at (604) 894-6135, or visit our website at www.pemberton.ca

FILE COPY - WHITE

OFFENDER COPY - YELLOW

BYLAW COPY - PINK

Schedule "B"

Park in Contravention of Parking Control Device – Fine \$50.00