



**DISTRICT OF HIGHLANDS**

**BYLAW NO. 300**

**A BY-LAW TO REGULATE ROADS AND TRAFFIC WITHIN THE DISTRICT OF HIGHLANDS**

**This Bylaw is consolidated by the Corporate Officer in accordance with Bylaw No. 301.**

**It includes amendments up to May 7, 2018 (Bylaw No. 404)**

*This bylaw has been consolidated for convenience purposes only and may or may not contain the latest amendment (s).  
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**DISTRICT OF HIGHLANDS  
BY-LAW NO. 300**

**\*\* OFFICE CONSOLIDATION  
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**A BY-LAW TO REGULATE ROADS AND TRAFFIC WITHIN  
THE DISTRICT OF HIGHLANDS**

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WHEREAS the Council of the District of Highlands wishes to establish procedure to be followed when working on public road right-of-ways and parks,

NOW THEREFORE the Council of the District of Highlands in open meeting assembled enacts as follows:

This By-Law is divided into six parts as follows:

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**PART I - INTERPRETATION**

**Section 1 - DEFINITIONS**

1.01 In this By-Law, unless the context otherwise requires:

**COUNCIL** means the Municipal Council of The District of Highlands.

**DISTRICT** means the District of Highlands and the territory thereof.

**DRIVEWAY** means that portion of a District road right-of-way that provides access from the travelled surface of the right-of-way to an abutting parcel of land, that is typically improved by the parcel owner when vehicle access facilities are being provided on the abutting parcel, and includes any additional portion of the right-of-way lacking a travelled surface over which the District has permitted the owner to construct and maintain vehicle access facilities.

**MUNICIPALITY** means the District of Highlands and the territory thereof.

**PARK, PARKING OR PARKED** means the standing of a vehicle whether occupied or not except when standing temporarily for the purpose of and while actually engaged in loading and unloading or in obedience to traffic regulations or traffic signs or signals.

**PUBLIC PLACE** means and includes any place or vehicle to which the public has access as of right or by invitation expressed or implied.

**ROAD RIGHT- OF-WAY** means every highway, road, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, pedestrians, ridden or herded animals, bicycles and other conveyances.

**STORING or STORE** for the purposes of section 5.12 or 5.17 means parking or leaving a vehicle on a highway for any period in excess of 72 consecutive hours.

**TRAFFIC CONTROL DEVICE** means a sign, signal, line, meter, marking, space, barrier or device, placed or erected by the authority of Council or the Administrator of the District or a person authorized by either of them to exercise that authority.

**TRAIL** means a clear corridor within a road right-of-way for the exclusive use of animals, walkers, bikers or other non-motorized conveyances.

## **PART II - TRAFFIC REGULATIONS**

### **Section 2 - TRAFFIC CONTROL DEVICES, ETC.**

- |   |      |  |
|---|------|--|
| <b><u>Placing Devices</u></b>               | 2.01 | The Council or the District staff may place or order traffic control devices to be placed or installed as necessity requires within the District.  |
|   | 2.02 | The District staff may order to be placed for temporary periods not exceeding thirty (30) days at any one time, signs prohibiting parking or stopping and indicating restricted parking, or detours:<br><br>(a) upon either or both sides of any road or portion of road along the route of a parade or procession or in the vicinity of a large public gathering;<br><br>(b) in any other location where under special circumstances he/she deems it necessary in the public interest to do so. |
| <b><u>Unauthorized Signs Prohibited</u></b> | 2.03 | Except as provided in this By-Law, no person shall place, maintain or display upon or in view of any road any traffic control device or sign or device which purports to be or which resembles any traffic control device or anything which hides from view or interferes with the effectiveness of any traffic control device placed or installed under the authority of the Motor Vehicle Act or this By-Law.  |
| <b><u>Directional Signs</u></b>             | 2.04 | District staff are hereby authorized to construct, or may authorize to be placed and maintained on any road right-of-way in the District signs which indicate the direction of a commercial facility, institution or other place.  |
|   | 2.05 | The owner of a commercial facility, institution or other place may make application to the District in the prescribed form to construct a sign or signs bearing the name of such facility and upon receipt of the prescribed fees and in the absence of any valid reason for refusal, District staff shall grant the application and construct the sign.   |
| <b><u>Obedience to Signs</u></b>            | 2.06 | Every pedestrian and the driver of every vehicle shall obey the direction, instruction, limitation, restriction or prohibition of every traffic control device unless otherwise directed by a Police Officer.  |

**Damage to Signs  
Etc.** 2.07 No person shall, without approval of the District staff move, remove, deface, damage, or alter or obstruct the view of or otherwise interfere with any traffic control device.

2.08 No person shall drive or walk on or over any newly painted line or any new road, the presence of which is indicated by red flags or other markers.

**Powers of District  
staff** 2.09 District staff are hereby authorized and empowered to make, table, vary, amend, rescind and revoke orders and to exercise the powers of the Council, in respect to the following matters:

(a) the placing, maintenance, operation, moving and removing of traffic control devices;

(b) the granting of permits pursuant to section 6.03 of this By-Law where the number of persons who are to be members of or take part in a bicycle race will not exceed one hundred.

**Speed Limits** 2.10 No person shall drive or operate a vehicle at a rate of speed in excess of those shown in Appendix "A" attached to and forming part of this By-Law.

### **Section 3 - LOCAL TRAFFIC**

3.01 Roads posted "local traffic only" shall not be traveled from one end to the other except by municipal and emergency vehicles or by a vehicle with a social or business destination at an address located on that road or a vehicle operated by a person whose business, place of work or residential address lies within the boundaries of the District of Highlands.

### **Section 4 – GENERAL**

**Directing Traffic** 4.01 Police Officers or any member of a Fire Department may at any time regulate and direct both vehicular and pedestrian traffic upon all roads and may at any time block off temporarily any road or part thereof. A direction of the person regulating traffic may be made by motion of the hand or by word of mouth or any mechanical device.

4.02 No person shall refuse or neglect to obey any lawful direction or regulation of any Police Officer or member of the Fire Department acting under and by virtue of section 4.01.

**No Obstruction** 4.03 No person shall obstruct traffic on a road.

## **Section 5 - Parking and Related Matters**

### **No Parking**

- 5.01 The Council or the District staff may designate as No Parking zones, or as No Stopping zones, areas in which parking or stopping is prohibited, or designate as restricted parking or restricted stopping zones, areas in which parking or stopping is restricted and may designate certain areas as Loading Zones.
- 5.02 Unless when designating any areas as a zone in accordance with section 5.01 the Council or the District staff limits the hours or days when prohibition or restriction shall be in effect, the prohibition or restriction shall be in effect at all times.
- 5.03 Council or the District staff may place or cause to be placed signs to indicate areas which it, or he/she, designate as No Stopping zones, Restricted Parking or Restricted Stopping zones, or Loading zones.

### **Movable Signs**

- 5.04 The Council or the District staff may for the better regulation of traffic, cause to be placed on any road right-of-way movable signs other than those hereinbefore referred to displaying the words No Parking. It shall be unlawful for any person in charge, control or possession of any vehicle to park such vehicle, except for the purpose of loading or unloading merchandise or freight, in any area designated by such signs.

### **Obedience to Signs**

- 5.05 No person being in charge, control or possession of any vehicle shall park or stop the said vehicle at any place which is indicated by sign, signal or other marking, placed in accordance with this By-Law, except in accordance with the restriction indicated by such sign, signal or marking or as hereinafter provided:
- (a) in the case of No Parking zones, no person being in charge or control of any vehicle shall cause or permit such vehicle to remain stationary in a No Parking zone for a period in excess of two minutes;
  - (b) no person being in charge, control or possession of any vehicle shall cause or permit such vehicle to stop or remain stationary in a No Stopping zone except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or Fire Department member or a traffic control device.

### **Parallel Parking**

- 5.06 Save as otherwise provided herein, a driver shall not stop, stand or park his/her vehicle on a road other than on the right side of the road and with the right hand wheels parallel to that side and a distance of not less than one metre from another vehicle.

### **Angle Parking**

- 5.07 The Council may designate road right-of-ways or parts of the roads on which vehicles shall be only parked at an angle with the edge of the road and it shall be lawful for the Council to place or authorize to be placed on road right-of-ways or parts thereof, signs indicating that vehicles shall park at an angle with the road edge.

**Limited Parking**

- 5.08 The Council may designate road right-of-ways or parts thereof on which parking shall be permitted for a limited time only and it shall be lawful for the Council to place or authorize to be placed, signs indicating that Parking shall be permitted for a limited time only on such road right-of-ways or Parts thereof.
- 5.09 No person being in charge, control or possession of any vehicle shall park such vehicle for a period of time in excess of the time limit indicated by such signs.
- 5.10 No person shall park on road right-of-ways:
- (a) a vehicle having a gross vehicle weight of more than 4,000 kilograms; or
  - (b) a vehicle having an overall length of more than 7.0 metres; between the hours of 10 pm and 7 am of the following day.
- 5.11 Notwithstanding any other provision of this By-Law, no person shall park a trailer or camper that is detached from a motor vehicle on any road right-of-way.

**Restriction on Parking and Stopping**

- 5.12 Except when necessary to avoid conflict with traffic or to comply with the law or the direction of a Police Officer or member of the Fire Department, no person shall stop, stand or park a vehicle:
- (a) on a trail;
  - (b) in front of or within 1.5 metres of each side of a driveway entrance abutting a road;
  - (c) within an intersection except as permitted by a sign;
  - (d) within 5 metres of a fire hydrant, stand pipe or water storage tank;
  - (e) within 6 metres upon the approach to any stop sign;
  - (f) within 6 metres either side of the entrance to any public meeting place, Fire hall, or playground;
  - (g) upon any road right-of-way for the principal purpose of:
    - (i) advertising, greasing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency;
    - ii) displaying signs;
  - (h) alongside or opposite a road excavation or obstruction when stopping, standing, or parking obstructs traffic;
  - (i) on the road side of a vehicle stopped or parked at the edge of a road;
  - (j) upon a bridge or other elevated structure upon a road;

- (k) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted;
- (l) in such a manner as to obstruct the visibility of any traffic control device erected by or with the authority of the District;
- (m) so as to obstruct the free passage of traffic on the road.

**Tow away Zones**

- 5.13 The Council may by order designate road right-of-ways or portions thereof as Tow Away zones.
- 5.14 Where a road right-of-way or portion thereof has been classified as a Tow away zone the District staff may remove or cause to be removed any vehicle which is found to be parked or stopped within such a zone in contravention of this By-Law or the Motor Vehicle Act and cause the same to be detained or impounded until the owner thereof shall have paid to the District all the fees, costs and expenses of such removal, detention and impoundment including charges for storage and if such fees, costs and expenses have not been paid within the time limited by section 6.08 to the Treasurer may proceed to advertise and sell the vehicle and recover the said fees, costs and expenses in accordance with sections 6.08 and 6.09.
- 5.15 The District staff may from time to time by order specify a scale of fees, costs and expenses which shall be recoverable from the owner of any vehicle impounded under this By-Law.

**No Lodging**

- 5.16 No person shall use any vehicle, trailer or camper parked on a road right-of-way for the purpose of lodging, sleeping accommodation or a residence.

**Unlicensed Vehicles**

- 5.17 No person shall park or store an unlicensed vehicle on any road right-of-way.

**PART III - GENERAL REGULATIONS**

**Section 6 – ROADS**

**Roads Not to be Obstructed**

- 6.01 Except as provided for in this By-Law, no person shall excavate in, cause a nuisance upon, encumber, obstruct, injure, foul or damage any portion of a road right-of-way or public place within the District. Without restricting the generality of the foregoing, any person who lounges or loiters upon any road right-of-way or public place or who causes or permits any good, wares or merchandise to remain on any road right-of-way longer than is reasonably necessary to deliver or to remove the same from any premises or vehicle, shall be deemed to be obstructing the road right-of-way.

6.02 Every person hindering or interfering with the traffic on, or obstructing the free use of any road right-of-way or trail shall upon the request of a Police Officer move away and cease causing such a hindrance, interference or obstruction, and in case of any vehicle on any road right-of-way, every person owning or in charge of such vehicle shall, upon the request and according to the directions of a Police Officer, forthwith move said vehicle.

**Bicycle Races**

6.03 No person shall cause, organize, promote, be a member of or take part in, any bicycle race through or on public roads or public places of the District without first having obtained a permit from the Council.

**Use of Road for  
Certain Purpose**

6.04 The District staff may permit in writing, any person or persons to obstruct or cause an obstruction to any road right-of-way or part thereof for the purpose of moving any building, structure or object or part thereof for the purpose of repairing, altering or constructing any building or for any necessary work.

6.05 No person or persons shall occupy any road right-of-way or part thereof for the purpose of carrying on the construction, alteration, repair, maintenance or demolition of any building without first obtaining a permit to do so. The applicant for a permit to occupy part of a road right-of-way for the purpose of this section shall state in his/her application, the period for which the permit is required and shall pay to the Treasurer the following fees:

(a) for each 10 square metres of road right-of-way to be occupied, 75 cents per day, or

(b) for each 7 metres of road frontage 75 cents.

(c) pursuant to the charges outlined in items (a) and (b) above, a minimum fee of \$35.00 will be levied.

6.06 Without restricting the generality of sections 6.10, 6.12, 6.13, and 6.14, no person shall place, deposit or leave upon or in any road right-of-way, or other public place any chattel, obstruction, vehicle or other thing which is or is likely to be a nuisance, and no person being the owner or person entitled to the possession or control of any such thing shall permit or suffer the same to remain upon or in such road right-of-way or other public place.

6.07 The District, its servants, employees or agents, or a Police Officer may remove or cause to be removed any chattel, obstruction, vehicle or other thing unlawfully occupying any road right-of-way or other public place in contravention of this By-Law, and may detain or Impound any such thing until the owner thereof shall have paid to the District the costs, fees, charges and expenses of and incidental to such removal, detention and impoundment, including charges for storage.



- 6.08 Where all the costs, fees, charges and expenses have not been paid within fourteen (14) days from the time of such removal, detention or impoundment the District staff may advertise once in a newspaper published and circulating within the District his/her intention to sell or cause to be sold by public auction the thing impounded pursuant hereto after the expiration of five (5) days from the date of the publication of the said advertisement, and if all the aforesaid costs, fees, charges and expenses are not paid before the expiration of the said five (5) days the District staff may proceed to sell any such thing by public auction.
- 6.09 In addition to all other remedies provided herein, the District may recover in any court of competent jurisdiction the costs, fees, charges and expenses from the owner of the chattel, obstruction, vehicle or other thing in respect of which the same were incurred.

**Unauthorized Construction Prohibited**

6.10 Except as is otherwise provided for in this By-Law, no person except the servants, agents or employees of the District acting in the course of their employment shall build, construct, place or maintain or cause to be built, constructed, placed or maintained on any road right-of-way any structure or object without first obtaining a permit and any structure or object built, constructed, placed or maintained pursuant to this section shall be built, constructed, placed or maintained in accordance with the conditions and terms specified in the permit. The permit must be maintained on the job site. A charge of \$35.00 will be made for permit.

**Removal of Unauthorized Structures**

6.11 It shall be lawful for the District to remove or cause to be removed any unauthorized object or thing which projects upon or encroaches upon any road right-of-way. The charges and expenses of such removal shall be paid by the owner of the property from which the projection or encroachment projects or encroaches on the road right-of-way and if unpaid on the 31<sup>st</sup> day of December next ensuing, such charges and expenses shall be added to and form part of the taxes payable in respect of that property as taxes in arrears.

**Material Upon Roads and Road Right-of-Way**

- 6.12 No Person:
- (a) shall cause, suffer or permit loose material to be deposited or accumulate or remain upon any road right-of-way or public place;
  - (b) being the owner or occupier of any property abutting on or near to any road right-of-way, permit any flow of water from such property on or over such road;
  - (c) shall transport along any road, any sawdust, ashes, debris, refuse, or other material that is likely to be blown or scattered by the wind unless the same is securely covered so as to prevent it from being so blown or scattered;
  - (d) shall permit clay, mud or dirt to fall from vehicles on any road and when any mud, clay or dirt is deposited from vehicles on any road, the driver or owner of such vehicle shall take immediate steps to remove the same;

(e) shall abandon, deposit or leave any vehicle, trailer, or boat upon or in any road right-of-way or public place.

**No Deposit of Material**

- 6.13 No person shall deposit or suffer or cause to be deposited refuse or other matter or things, litter or rubbish of any kind upon any road right-of-way or public place within the District.
- 6.14 Subject to the provisions of this By-Law, no person shall pile or place or cause to be piled or placed on any road right-of-way any lumber, firewood, brick, block rock, stone, debris or other material or do any other act which will cause damage or injury to the road right-of-way.

**Material Upon Road**

- 6.15 No person shall saw, cut or split lumber, wood, cord-wood or firewood upon any road right-of-way within the District with the exception of removing obstacles to traffic.
- 6.16 Neither the purchaser, nor the vendor nor any person employed for the delivering of firewood, sawdust, or coal, shall allow the same to remain deposited upon any road right-of-way in the District for a time longer than sufficient to enable the same to be delivered to the owner or occupier upon the premises for which it is intended and in no case longer than twenty-four (24) hours.
- 6.17 No person shall deposit firewood, sawdust, or coal upon any road right-of-way in the District so as to cause obstruction to the ordinary traffic in such road right-of-ways.

**Disfiguring of Roads, etc., Prohibited**

- 6.18 No person shall disfigure or cause to be disfigured, any road without first having obtained a permit to do so upon such terms, conditions and regulations as shall be specified in such permit. Without affecting the generality of or limiting the meaning of the term "disfigure" as used in this section, any person who paints, draws, writes or otherwise marks upon any road any figure, number, caricature, picture or other marking or who places on or affixes to any road any written or painted notice, sign or advertisement, picture or paper shall be deemed to disfigure the road.

**Removal of Earth, etc. from Municipal Property**

- 6.19 No person shall remove any earth, rock, boulders, gravel, sand or turf from any road right-of-way, park or property belonging to the District, without first having obtained a permit to do so, upon such terms, conditions and regulations as shall be specified in such permit.

**Interference With Surface of Roads**

- 6.20 No person shall remove, injure, disturb or interfere with the surface or subsoil of any road without having first obtained a permit to do so, upon such terms, conditions and regulations as shall be specified in such permit.

**Driveways**

- 6.21 *\*\*added under Bylaw 404, 2018*  
(a) No person shall construct a driveway that occupies any portion of a District road right-of-way without first obtaining a permit for such construction from District staff, or from the District Council in the case of a driveway located on any additional portion of a District road right-of-way lacking a

travelled surface over which the person wishes to construct and maintain vehicle access facilities.

- (b) In issuing a permit pursuant to subsection (a) District staff or District Council, as the case may be, may impose, in addition to the Permit General Conditions set out in Appendix “D”, such terms and conditions as are required to ensure the safety of users of the driveway and the District roadway to which it provides access, and the proper operation and maintenance of District infrastructure.
- (c) The fee for a permit required by subsection (a) is \$50.
- (d) The District shall be under no obligation to issue a permit under this section, as long as the parcel to which the driveway would provide access is accessible from at least one road right-of-way regardless of whether such road right-of-way is within the District.
- (e) All driveways authorized by the District shall meet or exceed the sight distance requirements described in Appendix “B” to this Bylaw unless the District Council varies those requirements on the basis of a report prepared at the applicant’s cost by a traffic safety engineer that certifies that the driveway will perform as well or better than it would have performed under the requirements in Appendix “B”.
- (f) That portion of a driveway constructed on a District road right-of-way, including any additional portion on which the District has permitted the construction of private vehicle access facilities, shall be constructed and maintained by the owner or occupier of the property to which it provides access, at a standard satisfactory to the District.
- (g) No planks or other material shall be placed in any gutter or ditch for the purpose of making a driveway crossing except as a temporary measure and with the written permission of the District, and in obtaining written permission the applicant shall deposit with the District security for any ensuing damage and costs in the amount of \$100.
- (h) As a condition of obtaining a permit under this Bylaw or as a condition of permitting any construction or related works, the owner or applicant shall obtain, provide evidence of, and maintain during the duration of the work, \$2 million liability insurance naming the District as an additional insured, and shall indemnify the District from any and all claims that may arise as a result of the work authorized by the permit or permission.

**Vehicles,**  
**Sidewalks, etc.**

- 6.23 No person shall ride, drive or propel any vehicle, bicycle or trailer upon any trail provided that this section shall not apply to a trail which has been especially constructed for that purpose or gaining entrance or exit to or from premises.

**Shrubs,  
Boulevards, etc.**

- 6.24 It shall be lawful for the Council or the District staff to direct that trees, saplings or shrubs be planted on any road right-of-way or park within the District.
- 6.25 No person other than a duly authorized officer or employee of the District acting in pursuance of his/her duties shall without the authority of a resolution of the Council dig up or in any manner injure or destroy any tree, flower, foliage, flowering plant or shrubbery on any road right-of-way.
- 6.26 It shall be lawful for the Council to move or cause to be removed or to trim or cause to be trimmed any trees, shrubs, hedges or bushes growing or standing on lands adjacent to any road right-of-way within the District where, in the opinion of Council, the safety or convenience of the public so require or where any such trees, shrubs, hedges or bushes become injurious to the roadbed, at the expense of the owners or occupiers of land on which they grow, which expense shall be a charge on said lands and if unpaid on the 31<sup>st</sup> day of December next ensuing, such charges and expenses shall be added to and form part of the taxes payable in respect of that property as taxes in arrears. Before proceeding to exercise such power, the Council shall give seven (7) days written notice to the owner or occupier of the said property requiring him to remove or trim the trees, shrubs, hedges, or bushes designated in the notice and if the owner or occupier does not within the said seven (7) days remove or trim the trees, shrubs, hedges or bushes, or make an application of appeal to a court of competent jurisdiction, the power so given by the By-Law may be exercised.
- 6.27 No person shall drive or operate on a road:
- (a) a vehicle having wheels, tires or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs, or other attachments or projections, which extend beyond the tread or traction surface of the wheel tread or track, but such a vehicle may be driven or operated on a highway not having a cement-concrete, asphaltic-concrete, bituminous-treated, or other stabilized or wooden surface;
  - (b) subsection (a) does not apply to the use of tire chains of reasonable proportions on a motor vehicle when required for safety;
  - (c) subsection (a) does not prohibit the use, at any time between the 1<sup>st</sup> day of October in one year and the 30th day of April in the next year, of studded tires.

**PART IV – CONDITIONS OF APPROVAL FOR WORKS AND SERVICES IN ROAD RIGHT-OF-WAYS**

- Permits** 7.01 An application for a permit required by this By-law shall be made in the form of Appendix “C” and every permit issued by the District pursuant to this By-law shall incorporate the Permit General Conditions set out in Appendix “D”.
- Deposits** 7.02 As a prerequisite to the issuance of a permit under this part, the applicant shall, if required by the District Staff deposit with the District a sum of money, or an irrevocable Letter of Credit from a chartered Bank of Canada if the amount is greater than Five Hundred Dollars (\$500) sufficient to pay for the cost of

repairing any damage likely to be done to the highway, and as sufficient security that the obligations imposed by the permit are fulfilled within the time specified by the permit and where applicable one year (1) maintenance.

<b><u>Default</u></b>	7.03	Failure by the permit holder to repair damage and/or fulfill such obligations as are set out in the permit within the specified time, shall enable the District to carry out the repair or fulfill the obligations that have not been met under the terms and conditions of the permit and to deduct the cost thereof from the monies on deposit or to call in the irrevocable Letter of Credit and to pay the costs there from and should there be an insufficiency of monies on deposit or through the Letter of Credit then the Permittee shall pay the balance forthwith upon invoice of the District.
<b><u>Plans</u></b>	7.04	The applicant shall provide, in triplicate a satisfactory plan and/or specifications of the works to be undertaken and when such are supplied and approved by the District staff and the necessary permits issued, the work shall conform in every way to the plans and specifications so provided
<b><u>Insurance</u></b>	7.05	The applicant shall provide evidence satisfactory to the District staff of insurance against all claims for damages for personal injury and property damage which may arise out of the performance of the works covered by the permit in an amount not less than two million dollars (\$2,000,000) for each occurrence. The District shall be added to the policy as co-insured.
<b><u>Materials</u></b>	7.06	The applicant shall provide evidence satisfactory to the District staff that all materials, labour and equipment needed to complete the work with reasonable dispatch are available.
<b><u>As-Builts</u></b>	7.07	The applicant shall provide the District, following completion of the work, with a plan showing the works installed by the applicant if works are installed by the applicant, and such plan shall be drawn and scaled by a Professional Engineer, scale satisfactory to the District staff showing the location, size and description of the works and the date of installation. The plan shall be supplied prior to the return or refund of any deposit on security posted as a condition of the permission.
<b><u>Utility Companies</u></b>	7.08	It is the responsibility of the applicant to determine locations of all utilities prior to commencing any work.
<b><u>Permit Fees</u></b>	7.09	<p>Any person authorized to excavate in or under a highway or District park shall pay to the District a construction inspection fee in the amount of a percentage of the capital cost of the work to be carried out, to a minimum of \$35.00. This fee is in respect of the District's costs to ensure that the excavation and restoration of the highway has been carried out in accordance with the applicable standards. The inspection fee for the work shall be:</p> <p>(a) Above Ground Works 6% of the first \$500,000 and 2% of the remainder of the costs for all above ground or all grade works, including road construction, retaining walls, utility poles or similar work and</p>

- (b) Below Ground Works  
4% of the first \$500,000 and 0.6% of the remainder of the costs for all underground utilities, including manholes, kiosks, pavement repair and the like which are ancillary to the underground works.

## **PART V - DIMENSIONS AND LOADS**

### **Permits**

- 8.01 No person shall, without first obtaining a permit issued pursuant to section 7.02 of this By-Law, drive or operate on any road a vehicle for which a permit is required under the Commercial Transport Act Dimensions and Loads Regulations.
- 8.02 The District may issue a permit in writing to authorize the driving or operation of any vehicle or vehicles on such roads in the District and for such period or periods of time and subject to such terms and conditions as the District staff may, in each case, prescribe. Thereafter and notwithstanding anything to the contrary contained in this part the vehicle or vehicles may be driven or operated upon the roads for the period or periods of time and subject to the terms and conditions so prescribed in the permit.
- 8.03 As a prerequisite to the issuance of a permit under section 7.01, the District staff may require the applicant therefore to deposit with him/her a sum of money in the amount of \$500.00 to pay the cost of repairing any damage likely to be done to the road or Municipal property of any description by reason of the driving or operation of the vehicle on the road, and may require the applicant to submit a report by a British Columbia Professional Engineer concerning such aspects of the proposed use of Municipal road or parts thereof as the District staff may direct.
- 8.04 An application for a permit shall be accompanied by a permit fee of \$25.00, which shall be non-refundable.

### **Conditions**

- 8.05 A permit issued pursuant to this part may, in addition to any other limitations:
  - (a) prohibit the driving or operation of any vehicle on any road right-of- way during certain hours;
  - (b) specify the maximum rate of speed at which any vehicle may travel;
  - (c) require that any vehicle be preceded or followed, or both, by a pilot car in accordance with the Commercial Transport Act Dimensions and Loads Regulations;
  - (d) require that the vehicle be driven or operated on certain specified roads.
- 8.06 A permit issued pursuant to this Part:
  - (a) must be carried in the vehicle and shall be produced for inspection to any Police Officer upon request;

- (b) may not be transferred;
- (c) shall be subject to the conditions stated therein.

8.07 No person shall drive or operate a vehicle in contravention of any provision or condition contained in any permit issued pursuant to this part.

**Damage to Roads and Bridges**

8.08 The Council may, by the erection of signs, impose limitations on either the allow-able axle or gross vehicle weight permitted on a road or bridge if, in his opinion, the road or bridge is liable to be damaged due to traffic or due to the condition of the road or bridge.

8.09 The driver of a vehicle on a road when so required by a Police Officer or by any person authorized in writing by the District shall:

- (a) stop the vehicle at the time and place specified by such Police Officer or authorized person for the purpose of weighing the whole, or part thereof, by means of stationary or portable scales, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried, or for any other purpose related to the enforcement of this By-Law;
- (b) drive the vehicle to a vehicle weighing station designated by the Police Officer or authorized person for the purpose of weighing the vehicle and load;
- (c) rearrange the load upon the vehicle or remove the whole or part of the load from the vehicle in order to comply with this By-Law before continuing to drive or operate the vehicle.

**PART VI - SECUREMENT OF VEHICLE LOADS**

**Methods of Load Securement**

9.01 No person shall drive or operate a commercial vehicle on a road while the vehicle is carrying a load unless the load is secured by sides, sideboards or side stakes and a rear end gate, end board or end stakes that:

- (a) are securely attached to the vehicle;
- (b) are strong enough and high enough to ensure that the load will not shift upon or fall from the vehicle; and
- (c) have no aperture large enough to permit any load or part of the load to pass through.

**PART VII - OFFENCES AND PENALTIES**

**Removal of Material from Roads**

10.01 The District may remove or cause to be removed; any object or material placed or deposited on any road right-of-way or public place in contravention of this By-Law and may repair or cause to be repaired, any damage done to any road right-of-way or public place in contravention of the bylaw. The cost of such removal and repair may be charged to the person or persons who shall have

deposited or caused or permitted to be deposited such material or who shall have caused such damage.

**Violation of  
By-Law**

- 10.02 No person shall do any act or suffer or permit any act or thing to be done in contravention of this By-Law.
- 10.03 Any person:
- (i) who is authorized by or pursuant to this By-Law or pursuant to any contract with the District presently in force; and,
  - (ii) who has reason to believe that any person has committed an offence under section 5 of this By-Law;
- may deliver to the driver of the vehicle a Parking Offence notice.
- 10.04 Delivery of a Parking Offence Notice may be effected by leaving it on the vehicle concerned or by giving it to the person concerned.
- 10.05 Any Parking Offence Notice shall indicate the alleged offence and the amount of the voluntary penalty that may be paid to the District in respect of it.
- 10.06 If a voluntary penalty is paid pursuant to a Parking Offence Notice in the amount and within the applicable time period set out in section 9.07 before any Information has been sworn and a Summons issued, no prosecution shall be instituted in respect of the offence described in the Parking Offence Notice.
- 10.07 The voluntary penalty for any contravention of section 5 of this By-Law shall be:
- (a) \$15.00 if paid within 7 days from the date of the Parking Offence Notice;
  - (b) \$20.00 if paid after 7 days but within 45 days from the date of the Parking Offence Notice;
  - (c) \$25.00 if paid after 45 days from the date of the Parking Offence Notice.
- 10.08 The Penalties imposed under this part shall be in addition to and not in substitution for any other penalty or remedy imposed by this By-Law.

**Cancellation of  
Permit**

- 10.09 If any person offends against any of the provisions or conditions of any permit; or does or suffers or permits any act or thing to be done in contravention or in violation of any of any of the provisions or conditions of any permit or neglects to do or refrains from doing anything required to be done by any of the provisions or conditions or any permit or does any act or thing which violates any of the provisions or conditions of this Bylaw or gives false information to obtain a permit or otherwise howsoever, the District staff may forthwith cancel any permit issued pursuant to this By-Law.



**Section 11 - Violation of By-Law**

- 11.01 Any person:
  - (a) contravening or committing a breach of, or committing an offence against, this By-Law, or,
  - (b) refusing, omitting, or neglecting to fulfill, observe, carry out or perform a duty of obligation by this By-Law,shall be guilty of an offence against this By-Law and each day that such violation is caused or allowed to continue shall constitute a separate offence.
- 11.02 Any person guilty of any violation of this By-Law shall be liable upon summary conviction to a minimum fine of one hundred dollars (\$100.00) or imprisonment or both, not exceeding the maximum allowed by the Offence Act, as amended from time to time.
- 11.03 Nothing herein shall prevent the District from taking such other lawful action as is necessary to prevent or remedy any violation of this By-Law.

**Section 12 - Severability**

- 12.01 If a 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.

**Section 13 - Citation**

- 13.01 This By-Law may be cited for all purposes as the "District of Highlands Bylaw No. 300 to Regulate Roads and Traffic".

**Section 14 – Repeal**

- 14.01 Bylaw No. 36, being the “District of Highlands Bylaw No. 36 To Regulate Roads and Traffic, and all amending Bylaws thereto, are hereby repealed.

READ A FIRST TIME THIS 18<sup>th</sup> DAY OF FEBRUARY, 2008

READ A SECOND TIME THIS 18<sup>th</sup> DAY OF FEBRUARY, 2008

READ A THIRD TIME THIS 18<sup>th</sup> DAY OF FEBRUARY, 2008

ADOPTED THIS 3<sup>rd</sup> DAY OF MARCH, 2008

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Corporate Officer

**APPENDIX "A" TO BY-LAW NO. 300 (SPEED LIMITS)**

<b><u>ROAD NAME</u></b>	<b><u>SPEED LIMIT</u></b>
Blacktail Road .....	30 km/h
Blue Valley Road .....	30 km/h
Bukin Drive East .....	30 km/h
Bukin Drive West .....	30 km/h
Bukin Place.....	30 km/h
Caleb Pike Road .....	30 km/h
Cheryl Place .....	30 km/h
Compton Road.....	30 km/h
Corry Road .....	30 km/h
Crestwood Court.....	30 km/h
Danby Place .....	30 km/h
Davies Road .....	30 km/h
Deerfield Place.....	30 km/h
Duggan Place.....	30 km/h
Eagles Lake Road.....	30 km/h
Emma Dixon Road.....	30 km/h
Finlayson Arm Road .....	40 km/h
Fork Lake Road.....	30 km/h
Gowlland Road.....	30 km/h
Hanbury Place.....	30 km/h
Hanington Road .....	30 km/h
Hawkins Place .....	30 km/h
Hazlitt Creek Road .....	30 km/h
Highlands Park Terrace .....	30 km/h
Industrial Way.....	30 km/h
Jayhawk Place .....	30 km/h
Lakeridge Place .....	30 km/h
Lone Tree Place.....	30 km/h
Lorimer Place .....	30 km/h
Lorimer Road .....	30 km/h
Lost Lake Road .....	30 km/h
Martlet Road.....	30 km/h
Michael Place.....	30 km/h
Millington Place .....	30 km/h
Millstream Lake Road .....	25 km/h except between Millstream Road and Munns Road which shall be 50 km/h
Millstream Road .....	50 km/h except 40 km/h between Millstream Lake Road and Emma Dixon Road and 30 km/h from Emma Dixon Road to the end of Millstream Road
Munns Road.....	50 km/h except between the West side of Section 76 and the Northern boundary of Section 37 on Munns Road which shall be 30 km/h
Old Mossy Road .....	30 km/h
Quail Place .....	30 km/h
Raven Heights .....	30 km/h
Red Cedar Court.....	30 km/h
River Road.....	30 km/h
Robb Place .....	30 Km/h
Rockridge Place.....	30 km/h
Rolla Place.....	30 km/h
Ross Durrance Road.....	25 km/h
Rowntree Road .....	30 km/h
Skyview Place.....	30 km/h
Southwood Drive .....	30 km/h
Stag Road .....	30 km/h
Stewart Mountain Road.....	30 km/h

**CONTINUED**  
**APPENDIX "A" TO BY-LAW NO. 300 (SPEED LIMITS)**

Talon Ridge .....	30 km/h
Tammy Place.....	30 km/h
Taylor Way .....	30 km/h
Timberglen Place .....	30 km/h
Verona Crescent.....	30 km/h
Via Road .....	30 km/h
Westridge Place .....	30 km/h
White Pine Terrace .....	30 km/h
Woodridge Place.....	30 km/h
York Place.....	30 km/h ( <i>added under Bylaw No. 348</i> )

**APPENDIX "B" TO BY-LAW NO. 300**

The minimum stopping sight distances for issuance of a Driveway Access Permit shall be:

<b>Design Speed<sup>2</sup></b>	<b>Sight Distance <sup>1</sup> (in metres), as per Land Use</b>		
	<b>Residential</b>	<b>Farm</b>	<b>Commercial or Industrial</b>
30 km/h	30		
40 km/h	45	55	60
50 km/h	65	80	100
60 km/h	85	100	120

**APPENDIX "C" TO BY-LAW NO. 300**

**APPLICATION FOR WORK ON OR WITHIN DISTRICT STREETS**

Pursuant to Bylaw No. 300, a permit for work on or within the District roads must be obtained from the District office.

Please complete the following and return to the above address.

---

**PART I**

Address of work site: \_\_\_\_\_

Lot: \_\_\_\_\_ Section: \_\_\_\_\_ Plan: \_\_\_\_\_

Distance from property line: \_\_\_\_\_

Type of work / purpose: \_\_\_\_\_

Owner: \_\_\_\_\_

Applicant: \_\_\_\_\_  
(if not owner)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

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**PART II**

THIS APPLICATION FORM MUST INDICATE THE FOLLOWING INFORMATION pursuant to the District of Highlands Bylaw No. 300

1. Section 6.21:

- My proposal meets the minimum stopping site distance as set out in Appendix B to Bylaw No. 300 for: (choose one)
- Residential                       Farm                       Commercial or industrial

**OR**

I request Council to consider varying the requirements in Appendix B to Bylaw No. 300. I attach a report authored by a traffic safety engineer certifying that the subject driveway will perform as well or better than it would have performed under the sight distance requirements described in Appendix "B".

2. Section 7.09:

- To carry out works and services within a road right-of-way or District park.

**PART III**

If not the owner of the property, the applicant must indicate by signing the following:

I (we) hereby agree to bound by the Provisions of the District of Highlands Traffic and Highways Regulation Bylaw and amendments thereto which may govern work in or under municipal streets of well as to such special conditions restrictions and regulations as may be imposed by the District staff. I (we) hereby agree that, if, as a result of the actions of the District or its agents in the course of road maintenance, the works are damaged, the District or its agents will not be held liable for repairs or loss.

That, the person or person for whom these works are being constructed, or by whom these works are maintained, shall, at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by these works, and shall save harmless and keep indemnified the District from all claims and demands whatsoever in respect of these said works and such works.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

I/We have given consent to \_\_\_\_\_ to act on our behalf for work to be carried out as required under this application.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**APPENDIX "D" TO BY-LAW NO. 300**

**PERMIT GENERAL CONDITIONS**

**A. NOTIFICATION/ROAD CLOSURES**

- (1) No work shall commence until the drawing and this permit have been approved by the District of Highlands and 3 prints of the approval drawings are received by the Engineering Department.
- (2) (a) Prior to starting any work, a minimum of 48 hours notice in writing must be given to the District of Highlands.  
(b) Any permit holder is responsible for contact in all service agencies 24 hours before digging.  
(c) Any permit holder is responsible for maintaining pedestrian safety in formal or informal access situations at all times within the construction area. Any vehicles/ equipment within road allowance cannot obstruct pedestrian traffic.
- (3) Road closures are not permitted without 24 hours notice given to the District of Highlands and Fire Department and approval of detour signing is received. Scheduling may be restricted with respect to summer traffic, bus routes, or other project coordination.
- (4) Any existing utilities, electrical, water and sanitary services, hydrants, valves, etc., shall be located prior to construction and shall remain accessible and useable at all times.

**B. SURFACE AND UTILITY REPAIRS**

- (1) Any damage to works or utilities including trees shall be reported immediately to the District of Highlands who may undertake repairs at the applicant's expense or direct that the applicant make the necessary repairs, with restoration equal to existing or to the satisfaction of the adjacent property owner.
- (2) No undermining under any existing concrete works is permitted. Replacement shall include cutting and complete removal of the total concrete section and any curb returns removal shall be replaced with standard wheel chair ramps.
- (3) All pavement patching shall be not-mix asphalt. All cuts through pavement shall be a straight line, approved by the District of Highlands prior to patching and shall be completed within 15 hours of excavation.
- (4) No asphalt patching, or concrete repairs shall be done after October 30, without approval of the District of Highlands.
- (5) Written approval shall be received by the District of Highlands for any work within 2.0m of the branch spread of any trees within the public road allowance.
- (6) For any trench within the public road allowance, where the utility inverts are 1.0m or less, the backfill above the duct zone shall be 75 minus crushed gravel to finished subgrade.

**C. INSPECTION AND ACCEPTANCE**

- (1) In the event that construction is contrary to the approval given by this permit, the applicant or utility owner shall correct the installation. Failure to comply with the requirement on this permit will give the District reason to order the applicant to stop work.
- (2) The applicant or owner of the utility shall place no liability on the District as a result of any damage arising out of this permit approval including a 1-year maintenance period.
- (3) Within 3 months of the "Notice of Substantial Completion", the applicant shall submit an As Built drawing to the District of Highlands.
- (4) Clean-up and dust control may require mechanical sweeping of all paved streets on a daily basis.
- (5) Upon notice in writing of the intention of the part of the District to construct, extend, alter or improve any public works, the utility owner for which this permit is granted shall coordinate with the District within three months from receipt of notice shall complete this relocation work as may be necessitated by the construction.