

Town of Creston

Bylaw No. 1784

A bylaw to regulate extraordinary traffic.

WHEREAS the *Motor Vehicle Act* authorizes Council, by bylaw, to regulate extraordinary traffic.

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Citation

1.1 This Bylaw may be cited as “Truck Regulations Bylaw No. 1784, 2013”.

Part 2 Severability

2.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

3.1 Town of Creston Bylaw No. 1424, cited as “Truck Regulations Bylaw No. 1424, 1999” and all amendments thereto, are hereby repealed.

Part 4 Definitions

4.1 In this *Bylaw* unless the context otherwise requires:

“Bylaw Notice” means a notice issued under this Bylaw to a person that has failed to comply with the regulations, prohibitions and requirements of this *Bylaw* and that the person must comply within a specified period of time and meet certain conditions.

“Bylaw Notice Enforcement Bylaw” means the Bylaw Notice Enforcement Bylaw in force from time to time and adopted by the Council under section 194 of the *Community Charter* or similar successor legislation.

“Commercial Vehicle” means a vehicle upon which there is displayed a valid and subsisting licence plate issued in accordance with the *Local Government Act*; provided that the expression “valid and subsisting licence plate” shall not include an exemption plate issued pursuant to the *Local Government Act*.

“Council” means the elected Council of the Town of Creston.

“Director of Public Works and Engineering” means the person appointed by Council as the Director of Public Works and Engineering for the Town of Creston.

“Extraordinary Traffic” means and includes any carriage of goods or persons over a *street* (whether in vehicles drawn by animal power or propelled by some other means), that taken in conjunction with the nature or existing condition of the street, is so extraordinary or improper that it will substantially alter or increase the burden imposed on the street and cause damage and expense beyond what is reasonable or ordinary.

“Gross Vehicle Weight” means the weight of the licenced vehicle.

“Officer” includes the officer positions appointed by Council and identified in the current Officers and Employees Bylaw for the Town, those being the Town Manager, Executive Assistant and Director of Finance and Corporate Services for the Town of Creston.

“Peace Officer” means, for the purposes of this Bylaw only, any person employed or appointed by the Town as a Public Safety Compliance Officer, Bylaw Enforcement Officer, a member of the Royal Canadian Mounted Police, any municipal police officer or an approved licenced security officer.

“Public Safety Compliance Officer” means the person appointed by Council as the Public Safety Compliance Officer or Bylaw Enforcement Officer for the Town of Creston and for the purposes of this Bylaw also includes any authorized alternates.

“Residential Zone” means those zones identified as Single Family Residential (R-1), Zero Lot Line Residential (R-2), Multi-Family Residential (R-3), Apartment Residential (R-4) and Mobile Home Park Residential (R-6) in the current Town of Creston Zoning Bylaw.

“Street” means and includes every highway within the meaning of the *Highway Act*, every street within the meaning of the Town of Creston Traffic Regulations Bylaw, and includes every street, sidewalk, boulevard, road, lane, bridge, viaduct, public place, alley, avenue, thoroughfare, drive, crescent, square, triangle, court, court-yard, right-of-way and all other places open to the use of the public for the purpose of traffic within the Town, but does not include a private right-of-way on a private property.

“This Bylaw” means Truck Regulations Bylaw No. 1784, 2013.

“Town” means the Town of Creston.

“Town Manager” means the person appointed by Council as the Chief Administrative Officer of the municipality and where any reference is made to the Town Manager this shall include the Officer positions.

“Traffic Control Device” means a sign, signal, light, line, meter, marking space, barrier or device, placed or erected by authority of the Director of Engineering and Public Works, Manager of Engineering or authorized designate, for the purpose of regulating, warning or guiding traffic.

“Truck” means a motor vehicle, other than a bus, that is either permanently fitted with special equipment or is designed to and normally used to carry a load, and that may operate as a single unit or may pull a full trailer or pony trailer.

“Truck Route” means and includes all streets designated truck routes, as shown on Schedule “A”, which is attached to and forms a part of this Bylaw, which are also identified by traffic control devices posted on all designated truck routes, for the movement of truck traffic through the Town.

“Unloaded Logging Truck” means a logging truck that is unloaded and in a bunks-up position (i.e., the trailer is loaded on the truck itself in a ‘cargo’ position).

“Vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a street, except a device designated to be moved by human power or used exclusively upon stationary rails or tracks.

Part 5 General Regulations

- 5.1 No person shall disobey any Traffic Control Device erected pursuant to this Bylaw, except where otherwise directed by a Peace Officer or Public Safety Compliance Officer.
- 5.2 Unless otherwise posted by a Traffic Control Device indicating a truck route, no person shall stop or park any truck or commercial vehicle with a gross vehicle weight in excess of 5,500 kilograms on any street between the hours of 10:00 p.m. and 6:00 a.m.
- 5.3 No person shall operate a vehicle upon a street carrying any materials, substances or goods unless such materials, substances or goods are secured so that they cannot fall or spill from the vehicle while the vehicle is proceeding along the street; or permit any material or goods falling or spilling from a vehicle to remain on a street.
- 5.4 In the event that any materials, substances or goods shall fall or spill from the vehicle while the vehicle is proceeding along the street, the driver of such vehicle shall take all reasonable precautions to safeguard traffic.
- 5.5 Any materials, substances or goods that have fallen or spilt from a vehicle may be removed and disposed of by the Town at the expense of the owner of the vehicle.
- 5.6 No person shall place, without authorization of the Director of Public Works and Engineering, or authorized designate, any petroleum products, lumber, merchandise or commodities of any nature on any Town street.
- 5.7 No person shall drive, drag or skid anything along any Town street that may cause damage to the street.

Part 6 Truck Routes

- 6.1 Unless otherwise posted with a sign or Traffic Control Device, indicating a truck route, no person shall operate a truck or commercial vehicle on a roadway except:
- a) While such truck or commercial vehicle is making collection or delivery of goods or materials, provided that the operator proceeds by the most direct route from the point of collection or delivery to or from the nearest truck route;
 - b) While such truck or commercial vehicle is proceeding to or from the business premises of the truck or commercial vehicle, provided that the operator proceeds to or from the business premises by the most direct route to or from the nearest truck route;
 - c) While such truck or motor vehicle is proceeding to or from a licenced garage for the purpose of repairs or servicing, provided that the operator proceeds to or from the garage by the most direct route to or from the nearest truck route;
 - d) Town or utility vehicles while engaged in work upon such roadways;
 - e) While such truck or commercial vehicle is being operated in the service of the Town while engaged in work upon such roadways;
 - f) While such truck or commercial vehicle is carrying agricultural produce from a farm to a packing house, provided that the operator proceeds by the most direct route from such farm to the packing house; or

- g) In the course of driver instruction or testing in order to qualify for a Class 1, 2, 3 or 4 Operator's Licence, provided that the person proceeds by the most direct route from the destination to or from the nearest truck route.
- 6.2 Section 6.1 does not apply to transit busses or school busses that are engaged in the pick-up or drop-off of passengers.
- 6.3 Where, in the opinion of the Director of Public Works and Engineering, any street is liable to damage through extraordinary traffic thereon, he or she may regulate, limit or prohibit the use of the street by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein.

Part 7 Storage

- 7.1 The following objects are not permitted on any lot in any residential zone except when loading or unloading:
- a) Trucks or commercial vehicles in excess of 5,500 kilograms gross vehicle weight;
 - b) Recreational vehicles in excess of 5,500 kilograms gross vehicle weight;
 - c) Industrial, construction or logging equipment;
 - d) Not more than two commercial vehicles each having a gross vehicle weight of less than 5,500 kilograms;
 - e) Not more than two recreational vehicles each having a gross vehicle weight of less than 5,500 kilograms; or
 - f) Fuel storage tanks exceeding 205 litres (except where tank is used strictly for residential heating purposes).

Part 8 Offences and Penalties

- 8.1 The owner of a vehicle shall incur the penalties provided for any violation of this Bylaw with respect to any vehicle owned by him or her unless at the time of such violation the vehicle was in the possession of some person other than the owner without the owner's consent; but nothing in this section shall relieve the operator of a vehicle not being the owner from incurring the penalties herein for such violation.
- 8.2 A Peace Officer or Public Safety Compliance Officer is hereby empowered to remove any vehicle, object or thing which is an obstruction or an inconvenience to the free use of any street in the Town, or which may encroach thereon, or is in contravention of any section of this Bylaw, at the expense of the owner or person in charge or control thereof, provided that the foregoing shall not in any way relieve from responsibility or liability any person guilty of an infraction of any provision of this Bylaw.
- 8.3 Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision in this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists.
- 8.4 A Peace Officer or Public Safety Compliance Officer is hereby authorized to issue Bylaw Notices for violations of the provisions of this Bylaw and to serve said Bylaw Notices by leaving them on the vehicles which are subject of such violations or upon the persons

Schedule "A" to
TOWN OF CRESTON
BYLAW NO. 1784

DESIGNATED TRUCK ROUTES

- 1) **Hwy 3** from the intersection of Highway 3A to 27th Avenue.
- 2) **North half of Erickson Road** from Highway 21 to 25th Avenue
- 3) **16th Avenue** from Bypass Right-of-Way (next to 1029 - 16th Avenue North) to Erickson Road
- 4) **Cook Street** from Canyon Street to 16th Avenue.

