

TOWN OF CRESTON

Consolidated to
December 13, 2011

BYLAW NO. 1546

A Bylaw for the regulation of traffic and the use of highways in the Town of Creston.

WHEREAS the *Motor Vehicle Act* authorizes Council, by bylaw, to regulate traffic and designate the use of highways within the Town of Creston boundaries;

AND WHEREAS the Council of the Town of Creston deems it necessary and in the public interest to regulate traffic and designate the use of highways within the Town of Creston boundaries;

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

PART 1 - TITLE

1. This Bylaw shall be cited as "Traffic Regulations Bylaw 1546".

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PART 2 - DEFINITIONS

1. In this bylaw, unless the context otherwise requires:

"**air horn**" means a device or contrivance used or intended to be used for the emission of sound by means of the forced passage of air or gas through such device or contrivance;

"**angle parking**" means the parking of a vehicle other than parallel to a curb or lateral line of the roadway;

"**arterial highway**" means any portion of a Provincial Highway within the Town of Creston as set forth in and designated by the *Highway Act* of the Province of British Columbia;

"**bicycle**" means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 25.4 cm (10 inches) in diameter;

"**boulevard**" means that portion of a highway between the curb line or the lateral line of a roadway and the adjoining property or roadway, and includes curbs, sidewalks, and ditches;

"**bus**" means a rail-less vehicle used as a public utility for the carriage of passengers;

"**Bylaw Enforcement Officer**" means the person appointed from time to time by Council as the Bylaw Enforcement Officer for the Town of Creston;

"**Chief of Police**" means the Chief of Police or his authorized representative or the senior resident member of the Royal Canadian Mounted Police Force, responsible for policing the Town of Creston;

"commercial vehicle" means a vehicle upon which there is displayed a valid and subsisting license plate issued in accordance with the *Local Government Act*; provided that the expression "valid and subsisting license plate" shall not include an exemption plate issued pursuant to the *Local Government Act*;

"crosswalk" means

- (a) any portion of the roadway at an intersection or elsewhere designated for pedestrian crossing by signs or by lines or by 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 side 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;

"Director of Municipal Services" means the person appointed from time to time by Council as the Director of Municipal Services.

"driver" means a person who drives, or is in actual physical control of a vehicle;

"emergency vehicle" means a vehicle used for emergency purposes while its siren and amber or red flashing lights are activated by the driver, and without restricting the generality of the foregoing, includes Provincial and other duly registered ambulances, and vehicles used by the Royal Canadian Mounted Police and the Creston Fire and Rescue Service;

"fee" and **"fees"** means the fees and charges prescribed by the Fees and Charges Bylaw. **BL#1764**

"Fees and Charges Bylaw" means the Fees and Charges Bylaw in force from time to time and adopted by the Council under section 194 of the *Community Charter* or similar successor legislation. **BL#1764**

"highway" means and includes every highway within the meaning of the *Highway Act* and 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 in the Town, but does not include a private right-of-way on private property.

"intersection" means the area at the intersection of two or more highways that is or would be enclosed by crosslines connecting the middle points of the curb corners of intersecting highways or, in the absence of curbs, connecting the points of intersection of the lateral boundary-lines of intersection highways;

"lane" means any highway less than 6.706 m (22 feet) in width;

"Ministry" means the Ministry of Transportation, of the Province of British Columbia;

"motor vehicle" means a vehicle, not run upon rails, that is designed to be self-propelled or propelled by electric power obtained from overhead trolley wires;

"owner in respect of a vehicle" means the person who holds the legal title to the vehicle or a person who is a purchaser under a conditional sales agreement, a lessee or a mortgagor or is entitled to be and is in possession of the vehicle, or the person in whose name the vehicle is registered;

"owner in respect of any real property" means the registered owner of an estate in fee-simple, and in the event of there being registered a life estate includes the tenant for life. In the event that there is registered an agreement for sale and purchase, "owner" means the registered purchaser or assignee in the last registered agreement for sale and purchase or assignment of such agreement. In the case of real property held in the manner mentioned in *the Local Government Act*, "owner" means the holder or occupier as set out;

"parade" means a procession or a body of pedestrians (except members of the armed forces) numbering more than thirty (30), standing, marching or walking upon any highway, or any group of vehicles numbering ten or more (except funeral processions), standing or moving on any highway;

"park", "parking" or "parked" when prohibited, means the standing of a vehicle, whether occupied or not, upon the highway, (other than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations, traffic control devices or signals, or the lawful directions or controls of a Police Officer or other authorized person);

"parking meter" means a device which shall indicate the length of time during which a vehicle may be parked. The parking meter shall have a receptacle for receiving and storing coins, a slot or place in which such coins may be deposited, a timing mechanism to indicate the passage of the interval of time during which the parking is permissible and shall display a signal when said interval of time has elapsed. Operating the parking meter means a person must *deposit valid coins into the receptacle and turn the handle if so equipped*;

"parking meter zones" means the streets or parts of streets designated, pursuant to this bylaw, as constituting a parking meter zone whether so designated by description or by plan;

"parking meter space" means a portion of a street designated by suitable markings, the use of which is controlled and regulated by a parking meter;

"parking space" means a portion of the surface of a street designated by suitable markings to accommodate one vehicle therein;

"pedestrian" means a person or child afoot, in a wheelchair or carriage, or a person or child in or upon a device propelled by human power other than a bicycle;

"permit" means a document in writing issued pursuant to this bylaw;

"person" means and includes natural persons of either sex, associates, corporations, bodies politic, copartnerships, whether acting by themselves or by a servant, agent or employee. The singular shall, when necessary be held to mean and include the plural, the masculine, the feminine and the converse thereof;

"Police Officer" means and includes any constable or person having the powers of a constable and without limiting the foregoing, a member of the Royal Canadian Mounted Police;

"private road" or "private lane" or "private driveway" means every road, lane or driveway, the title to or possession of which is not vested in the Crown and used for any kind of traffic by the owner or owners thereof and those having the permission of the owners, expressed or implied;

"roadway" means the portion of the highway that is improved, designed, or ordinarily used for vehicle traffic, but does not include two or more separate roadways, the term "roadway" refers to each roadway separately and not to all of the roadways collectively;

"sidewalk" means the area between the curb-lines or lateral lines of a roadway and the adjacent property-lines improved, used, designated or intended for use of pedestrians or any other improved area set aside for pedestrian use only;

"sidewalk crossing" means that portion of a street between the roadway and the property line adjoining the street that is improved or designated for the crossing over or passage of vehicular traffic;

"skateboard" means a free-wheeling device commonly described as a "skateboard" consisting of a flat platform mounted on a set of two or more wheels and intended to transport a person or thing standing thereon by gravity motion;

"stop" or "stand" means:

- (a) when required, a complete cessation from movement; and
- (b) when prohibited, the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or Traffic-Control Device;

"street" means:

- (a) a highway as defined in this section;
- (b) "street" when used in contradistinction to avenue shall mean only streets named as such; and
- (c) "street line" means the line of demarcation between any private property or any property not a street and the adjoining street;

"Town" or "Municipality" means the Town of Creston;

"traffic" means and includes pedestrians, ridden or herded animals, vehicles, bicycles, and other conveyances, either singly or together, while using a highway for purposes of travel;

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

"traffic control device" means a sign, signal, light, line, meter, marking space, barrier or device, placed or erected by authority of the *Director of Municipal Services or other designated employee* for the purpose of regulating, warning or guiding traffic;

"vehicle" means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks;

"Works Superintendent" means the person appointed from time to time by Council as the Works Superintendent of Works for the Town of Creston;

PART 3 - TRAFFIC REGULATIONS

1. (a) The *Director of Municipal Services or other designated employee*, may provide for the control of traffic and for such purposes may direct that traffic control devices be installed and determine their location, type, and character;
 - (b) The *Director of Municipal Services or other designated employee*, shall place and maintain or cause to be placed and maintained all such traffic control devices.
2. The *Director of Municipal Services or other designated employee*, may designate the location of traffic lanes for traffic on any paved street, and such traffic lanes shall be painted white or otherwise marked on the surface of such pavement.
3. The *Director of Municipal Services or other designated employee*, may designate hospital, school and playground zones and shall have the power to determine the boundaries of such hospital, school and playground zones and provide for the erection of traffic control devices in and about the vicinity.

4. The *Director of Municipal Services* may authorize the *Works Superintendent* or any other officer or employee, to close or temporarily close to traffic any street, or portion of any street, at such time and for such periods and in respect of any class or classes of traffic or use, as may be deemed necessary. In the event that any street, or portion of any street is so closed to traffic, good and sufficient barriers, or other traffic control devices or warnings to indicate such closing shall be put into place and until such barrier or barriers or other device or warning has been removed, by or with the authority of the *Director of Municipal Services*, it shall be unlawful for any person to remove, interfere with, or pass beyond such barrier, device or warning, or to enter such closed area.
5. The *Director of Municipal Services* or *other designated employee*, may designate any street or portion of any street, on which busses for the conveyance of passengers, may be operated.
6.
 - (a) No person operating a vehicle shall make a reverse turn, a turn in excess of 90 degrees or any other turn commonly known as a U-turn except at an intersection unless such intersection is posted to the contrary as provided in this section;
 - (b) The *Director of Municipal Services* or *other designated employee*, may designate intersections at which U-turns are prohibited and provide for traffic control devices bearing words or symbols indicating the "U-turns" are prohibited;
7.
 - (a) No person shall drive or operate a vehicle upon a highway, except a lane, within the Town of Creston at a greater rate of speed than 50 km per hour (30 mph) unless posted otherwise;
 - (b) No person shall drive or operate a motor vehicle upon or in a lane within the Town of Creston at a greater rate of speed than 16.1 km per hour (10 mph);
 - (c) The *Director of Municipal Services* or *other designated employee*, may, by causing a traffic control device to be erected or placed on or near any portion of a highway or lane, limit the rate of speed of vehicles driven or operated on that portion of the highway or lane, and may increase or decrease the rate of speed at which a person may drive or operate a vehicle on that portion of the highway or lane;
 - (d) Where a traffic control device has been erected and placed on or near any portion of a highway or lane limiting the rate of speed of vehicles driven or operated on that portion of the highway or lane, no person shall drive or operate a vehicle on that portion of the highway or lane at a greater rate of speed than that indicated on the device.

PART 4 - PEDESTRIANS

1. The *Director of Municipal Services* or *other designated employee*, may design and designate the location of crosswalks for pedestrian traffic on any paved streets and such crosswalks shall be painted white or otherwise marked on the surface of such pavement or designated by traffic control devices.
2. The provisions governing the conduct of persons driving vehicles and of pedestrians in relationship to crosswalks, shall be applicable whether or not such crosswalks are visible or have been worn away by weather or are covered by snow, ice or other obstruction.
3. Within two blocks from an intersection at which traffic control signals are in operation no pedestrian shall cross the roadway at any place except within a marked or unmarked crosswalk.
4. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall give the right-of-way to all vehicles upon the roadway.
5. No person shall stop a vehicle on a crosswalk.

PART 5 - BICYCLES

1. The *Director of Municipal Services or other designated employee*, may designate parts of streets for the parking of bicycles, and may cause to be placed in such areas racks or stands for convenient parking, adjoining the sidewalk or curb, at a distance of not less than 4.572 meters (15 feet) from the corner, intersection or fire hydrant. In areas where such racks or stands are available all bicycles shall be parked in such rack or stand. No person shall park a bicycle on a street in such a manner as to interfere with the operation or parking of other vehicular traffic.
2. Every person riding or operating a bicycle on any highway shall ride and operate the same in a careful and prudent manner, having regard to all the circumstances, including the rate of speed, the nature, condition, and use of the highway, and the traffic that actually is at the time or might reasonably be expected to be on the highway. In describing any offence under this section, it shall be sufficient to charge an accused person with riding to the common danger, and the court Judge shall be entitled to receive evidence for the prosecution showing what acts or circumstances have constituted the offence charged, and the conviction of the court Judge shall be sufficient if it sets forth that the accused person did ride to the common danger, without the necessity of setting forth the specific acts or circumstances which constituted the offence.
3. Every person riding a bicycle upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except those provisions which, by their nature, can have no application.

PART 6 - PARKING AND STOPPING REGULATIONS

1. (a) The *Director of Municipal Services or other designated employee*, may impose vehicle parking restrictions on any street in the Town upon such terms and conditions as deemed appropriate and may further provide for the erection or placing of parking signs or other traffic control devices and their location, type and character;
- (b) The *Works Superintendent or other designated employee*, shall place and maintain or cause to be placed and maintained all such parking signs or other traffic control devices as designated by the *Director of Municipal Services*;
- (c) No driver of a vehicle shall park or cause to be parked any vehicle on any street in the Town for longer than the time limit imposed by a traffic control device.
2. Without restricting the generality of Section 1 above, the *Director of Municipal Services or other designated employee*, may:
 - (a) Designate certain streets or portions of streets as "No Stopping" zones and designate the hours and days during which stopping is prohibited within such zones;
 - (b) Designate certain streets or portions of streets as "No Parking" zones and designate the hours and days during which parking is prohibited within such zones;
 - (c) Designate certain streets or portions of streets as "Limited Time Parking" zones and designate the length of time during which vehicles may be continuously parked within such zones and designate the hours and days during which the parking time limitations in respect of any such zone or zones are to apply;
 - (d) Designate certain streets or portions of streets as "Commercial Loading" zones and designate the hours and days during which such zones are to be in effect as commercial loading zones;
 - (e) Designate certain streets or portions of streets as "General Loading" zones and designate the hours and days during which said zones are to be in effect as general loading zones;

- (f) Designate certain streets or portions of streets as "Bus" zones for the exclusive use of transportation busses and designate the hours and days during which the stopping, standing or parking of vehicles, other than busses, is prohibited;
 - (g) Designate certain streets or portions of streets as "Angle Parking" zones whereby vehicles shall be parked only at an angle with the curb or edge of the roadway and designate the hours and days during which stopping, standing or parking of the vehicles is permitted.
 - (h) Designate certain portions of streets adjacent to any Federal, Provincial or Municipal public building, for the exclusive use of parking by the officials and officers engaged therein and designate the hours and days during which said parking is permitted.
3. (a) Unless a directive from the *Director of Municipal Services or other designated employee*, limits the hours per day or days per week when the zone established by this part shall be in effect, it shall be in effect for the full twenty-four (24) hours of each day.
- (b) If a directive from the *Director of Municipal Services or other designated employee*, designates specific time limits, such limitations of hours shall be indicated on the signs or other devices so erected or placed.
4. The *Director of Municipal Services or other designated employee*, may designate streets or portions of streets where the driver of a vehicle shall not be required to park the vehicle in the manner prescribed by the *Motor Vehicle Act*, provided that the driver shall park the vehicle in the manner indicated by the lines or other markings or signs displayed.
5. The *Director of Municipal Services, Works Superintendent, Bylaw Enforcement Officer, or the Chief of Police* may place or cause to be placed, temporary "No Parking" signs and/or other applicable traffic control devices, on a highway along the route of any parade or in the vicinity of a large gathering or during any special circumstances, (such as during snow removal or street cleaning).
6. No driver of a vehicle shall cause or permit such vehicle to stop or remain standing in any "No Stopping" zone during the hours which stopping is prohibited.
7. No driver of a vehicle shall park such vehicle or permit the same to remain parked in any "No Parking" zone during the hours which parking is prohibited.
8. Except when necessary to avoid conflict with traffic, or to comply with the law, or the directions of a Police Officer or traffic control device or traffic patrol and except while operating a Municipal or Provincial utility vehicle or vehicles of a public utility corporation while actually engaged in their duties, or a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand, or park a vehicle:
- (a) in any lane, excepting a vehicle actually in the process of being loaded or unloaded and then to a maximum of one half hour and in such a manner as to leave sufficient clearance for other vehicles to pass such vehicle;
 - (b) in any street when the length of such a vehicle and/or trailer exceeds 6.096 meters (20 feet);
 - (c) on any highway for a continuous period exceeding twenty-four (24) hours;
 - (d) within 4.572 meters (15 feet) of any fire hydrant;
 - (e) within 4.572 meters (15 feet) of the extension of the lateral boundary line of property adjoining any street intersection;
 - (f) at a greater distance than 30.5 cm (12 inches) from the curb;

- (g) within 61 cm (2 feet) of any sidewalk crossing, gate, stairway, garage entrance, private driveway or any other access for vehicles into private and public property or premises;
 - (h) within 6.096 meters (20 feet) upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
 - (i) upon any highways for the principal 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 display signs;
 - iv selling flowers, fruits, vegetables, sea foods, or other commodities or articles;
 - (j) in such a manner as to obstruct the visibility of any standard traffic sign erected by or with the authority of the Ministry of Transportation or the Town.
9. (a) i No driver of a vehicle shall park such vehicle or permit the same to remain parked in any limited time parking zone for a period in excess of the time during which the vehicles may be continuously parked within such zone, as indicated by signs or other devices;
- ii Subsection 9.(a)(i) above shall not apply to the driver of any vehicle belonging to or in use by the Town, its agents, servants and employees in the course of their employment as evidenced by appropriate signs or markings or by a notice signed by the *Bylaw Enforcement Officer* and displayed on such a vehicle.
- (b) i Notwithstanding section 9.(a), it shall be lawful for any person residing within a residential area, and being the holder of a subsisting permit in the form prescribed from time to time by the *Bylaw Enforcement Officer*, to permit the vehicle to remain parked in that portion of any highway upon which the permit specifies.
- ii Every such permit shall be conspicuously displayed on such parked vehicle in such manner and in such place as to permit the same to be readily observed and read by persons outside the vehicle on which it is displayed.
- iii Any person residing within a residential area may from time to time obtain a permit upon making application in writing to the *Bylaw Enforcement Officer*.
- iv Every such permit shall expire and shall cease to be of any further force or effect at midnight on the 31st day of December of each year unless it has previously been renewed in the manner hereinafter provided.
- v Upon application being made in writing to the *Bylaw Enforcement Officer* by any resident, every such permit shall be renewed from year to year by the *Bylaw Enforcement Officer* stamping or marking the date of such renewal and it shall continue in force for a further period of one (1) year, expiring upon the 31st day of December.
- vi Every such permit, whether renewed or not, shall expire and cease to be of any further force and effect upon the holder ceasing to be a resident of the place therein described as his place of residence.
- vii No person shall be entitled to obtain and no person shall have in his possession at any time, more than one subsisting permit;
10. (a) Except as in subsection 10.(b), no driver of a vehicle shall park or permit same to remain parked, in any zone designated as a "Residential Parking" zone during the time or times when such zone is designated for residential parking.

- (b) Notwithstanding the provisions of subsection 10.(a) it shall be lawful at any time for any person being a guest of the person residing in any dwelling, situate on any street or portion of a street designated as a "Residential Parking" zone, to park any vehicle or permit the same to remain parked on such street or portion thereof.
 - (c) Nothing in this section shall be construed so as to exempt any person from any provision of this bylaw or of the *Motor Vehicle Act*, relative to the parking or stopping of vehicles other than the provisions of subsection 10.(a) of this section.
11. (a) No driver of a vehicle shall cause or permit such vehicle to stop or remain standing in any "Commercial Loading" zone during the hours of the day when such commercial loading zone is in effect, unless the vehicle is a commercial vehicle as defined by this bylaw and goods, wares or merchandise are actually being loaded or unloaded.
- (b) No driver of a commercial vehicle shall cause or permit such vehicle to stop or remain standing in any commercial loading zone during the hours set forth in subsection 11.(a) of this section, for a period exceeding one half (1/2) hour.
12. (a) No driver of a vehicle shall cause or permit such vehicle to stop or remain standing in a "General Loading" zone during the hours of the day when such general loading zone is in effect except for the purpose of loading or unloading goods, wares or merchandise or passengers therein or therefrom.
- (b) No driver of a vehicle shall cause or permit such vehicle to stop or remain standing in a "General Loading" zone for a period exceeding three (3) minutes during the hours of the day when such general loading zone is in effect, for the purpose of loading or unloading passengers, nor for a period exceeding one half (1/2) hour during the same hours for the purpose of loading or unloading goods, wares or merchandise and then only while such goods, wares or merchandise are actually being loaded or unloaded on or from such vehicle.
13. No driver of a vehicle other than a bus, shall cause or permit such a vehicle to stop or remain standing within a "Bus Zone" during the time or times when prohibited.
14. Where any portion of a street has been designated for the exclusive use of any of officials or officers outlined in *Part 6, subsection 2.(h)* of this bylaw, no driver of a vehicle who is not such an official or officer shall park such vehicle or permit the same to remain parked upon the said portion of the street so designated.
15. No driver of a vehicle shall park such vehicle within an "angle parking zone" except so that it shall stand with the forward end of the vehicle within 30.1 cm (12 inches) of and at an angle with the curb as indicated by the lines, markings or other signs placed for that purpose and at a distance of not less than 61 cm (2 feet) from any other vehicle.
16. Where vehicles are parked parallel to the edge of the roadway, no driver of a vehicle shall cause or permit the vehicle to be parked closer than 61 cm (2 feet) from any other parked vehicle.
17. Except where otherwise prohibited, it shall be lawful for the driver of a vehicle to stop, stand or park the vehicle on the left side of any street, for which signs or symbols have been placed indicating that the street is a ONE-WAY street; provided that the vehicle is parallel to that side and, where there is a curb, within 30.1 cm (12 inches) of the curb.
18. Where lines, markings or other signs are placed upon any portion of a street indicating the manner in which vehicles shall be parked thereon, no driver of a vehicle shall park such vehicle upon the said portion of a street except in accordance with such lines, markings or other signs.
19. No driver of a vehicle shall cause or permit such vehicle to remain continuously parked upon any street within a residential area between the hours of 1:00 a.m. and 5:00 a.m. unless the said vehicle is parked on that part of the street which abuts on the premises in which the driver or owner of the vehicle resides.;

- (a) No trailer of any kind whatever, where it constitutes a traffic hazard, shall be parked on any highway of the Town, unless it is attached to a vehicle capable of towing it;
 - (b) No motor vehicle of any kind whatsoever shall remain parked on any street of the Town for continuous period of more than twenty-four (24) hours where, in the opinion of the *Director of Municipal Services or Bylaw Enforcement Officer*, it constitutes a nuisance.
20. (a) The provisions of this bylaw regulating the parking of vehicles shall not apply to any emergency vehicle while attending at any emergency call nor to Doctors while attending an emergency call on a patient, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic.
- (b) The provisions of this bylaw prohibiting stopping or parking shall not apply to municipal or provincial utility vehicles, vehicles of a public utility corporation, wreckers or towing vehicles, nor police vehicles, while such vehicles are actually engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions.

PART 7 - ARTERIAL HIGHWAYS

1. For the purpose of this part only, unless the context otherwise requires:
"highway" - means any part of a Provincial Arterial Highway located within the Town.
2. The *Director of Municipal Services or other designated employee*, is empowered or authorized to do any act in respect of any highway, but where required, a permit from the Ministry for such act shall first be obtained.
3. The *Director of Municipal Services or other designated employee*, may apply all or any section of Part 6 of this Bylaw, to any highway within the Town.
4. Where not prohibited by Provincial Statute or Regulation or by the Ministry, all other parts and sections of this Bylaw shall apply to every highway within the Town, insofar as the same are not inconsistent with the nature and use of an arterial highway.

PART 8 - GENERAL STREET USE REGULATIONS

1. A person riding an animal or driving an animal-drawn vehicle upon a highway, has all the rights and is subject to all the duties that a driver of a vehicle has under the *Motor Vehicle Act* and/or this Bylaw, insofar as the same are not inconsistent with the nature and use of such animal or vehicle.
2. Any officer or member of the Creston Fire and Rescue Service, while in the course of duty in or about any fire or at the scene of any accident or emergency, may direct traffic on any street in the vicinity of such fire, accident or emergency, for the purposes of assisting in the exercise of such duty, to expedite traffic or to safeguard persons or property, and it shall be unlawful for any pedestrian or a driver of any vehicle to fail to comply with the directions of any such officer or member of the Creston Fire and Rescue Service.
3. No driver of a vehicle, except such vehicles conveying authorized persons to perform in connection with a fire, accident or emergency, shall follow closer than 152.4 m (500 feet) of any Creston Fire and Rescue Service vehicle traveling in response to any fire or other alarm; drive or stop such vehicle within a radius of 152.4 m (500 feet) of any fire, accident or emergency; or drive such vehicle over or upon any fire hose laid on any street, unless directed to do so by a Police Officer or a member of the Town Creston Fire and Rescue Service.
4. No person other than the owner or driver of a vehicle, shall remove any mark (chalk-line), reasonably placed or notice placed on or affixed to such vehicle, by a Police Officer or a *Bylaw Enforcement Officer* in the course of his/her duties to check parking times or otherwise.

5. No person shall drive, ride, propel or allow to be driven or propelled, any vehicle, bicycle, skateboard, roller skate or in-line skate upon the sidewalk of any street, except light carriages or chairs for the conveyance of children and invalids, or tricycles for children.
6.
 - (a) No person shall ride any roller skates, skateboard or similar apparatus on any highway or other public place including, without limitation, a sidewalk.
 - (b) Roller skates, a skateboard or similar apparatus ridden by any person contrary to subsection 6.(a) shall be deemed to be chattels unlawfully occupying the highway or public place and shall be subject to removal, detention and impoundment under Subsection 6.1(c).
 - (c) A Bylaw Enforcement Officer or a Peace Officer may on behalf of the municipality, remove, detain or impound or cause the removal, detention or impounding of a chattel, obstruction or thing unlawfully occupying any portion of a highway or other public place including, without limitation, a sidewalk.
 - (d) A person entitled to possession of a chattel, obstruction, or thing detained or impounded under this Section shall be entitled to its release upon payment to the municipality of the fees, costs and expenses prescribed in subsection 6.(e), below.
 - (e) **BL#1764**
 - (f) If a chattel impounded under this Section is not reclaimed within 30 days of its removal, detention and impoundment, and the *Director of Municipal Services or other designated employee*, determines that it has a market value, he or she may sell it at a public auction, but if the chattel has no market value, he or she may dispose of it as garbage and may recover the fees payable under this Section by way of action in a Court of competent jurisdiction.
 - (g) Any surplus of the proceeds of an auction sale, after deducting the costs of auction and fees payable under this Section, shall be paid to the person entitled to the chattel, if his or her identity and address are known, but if unknown, the surplus shall be paid into the municipalities general revenue account and forfeited to the municipality.
7.
 - (a) Every person with the care or control of a vehicle upon any street, in the event of an accident to such vehicle upon any such street, shall forthwith remove the same to the side of such street free from the line of traffic as soon as permitted by the Police, and shall, throughout the hours between sunset and sunrise, mark both ends of such vehicle with red lights sufficient for the safety of other users of the highway; provided that the said vehicle may then be allowed to remain on the street, pending removal for repairs, for a total period after such accident not exceeding sixteen (16) hours.
 - (b) No person shall make repairs to a vehicle upon any street in the Town, except for small temporary repairs necessary for the removal of the said vehicle from the street.
 - (c) Every person who removes a wrecked or damaged vehicle from the scene of an accident in which the said vehicle received damage or was wrecked, shall also remove all glass and other debris resulting therefrom.
8. The following vehicles in the order named, shall have the right-of-way in the use of all highways and public places, namely: Creston Fire and Rescue Service vehicles and apparatus, police vehicles, and ambulances responding to or returning from emergency calls, and vehicles in any funeral procession, and vehicles in a parade; and no person shall fail, neglect or refuse to give such vehicles the right-of-way, or shall block, impede or in any way interfere with their progress.
9.
 - (a) The principal of any public or private school may appoint any persons to constitute a traffic patrol and such persons shall be vested with power to require the stopping of vehicles at crosswalks by displaying flags or other devices bearing the word "Stop".

- (b) No driver of a vehicle which is approaching a crosswalk where a member of a traffic patrol is in attendance shall cause or permit the vehicle to proceed through or into the crosswalk when a flag or other device with the word "Stop" thereon is being displayed with the intent to control traffic approaching from either direction.
10. The *Director of Municipal Services or Works Superintendent* shall direct that on any highway where construction, reconstruction, widening, repair, marking or other work is being carried out, traffic control devices shall be erected or placed to regulate or prohibit traffic in the vicinity of such work, and to indicate that men or equipment are working upon the street.
11. The *Director of Municipal Services, Bylaw Enforcement Officer, Works Superintendent, Police Officer, Fire Chief* or any other officer authorized by Council, is hereby authorized to place or to employ such temporary traffic control devices as he deems necessary to assist him in controlling traffic.
12. No person shall be a member of, or take part in, any parade unless:
- (a) such parade is under the direction or control of one person as a Marshal or organizer, and
 - (b) application has been made in writing to the *Director of Municipal Services*, by or on behalf of the Marshal or organizer to hold a parade, at least 48 hours before such parade commences, and
 - (c) a written permit for such parade has been issued to such Marshal or organizer by the *Director of Municipal Services or other designated employee*,.
 - (d) The *Director of Municipal Services or other designated employee*, may, at his own discretion, withhold a permit to any applicant who fails to provide proof of liability insurance, adequate crowd control, provisions for street cleanup, or any other item deemed appropriate; and may impose terms and conditions on any permit issuance.
13. No driver of a vehicle shall drive between the vehicles comprising a funeral procession or parade or other authorized procession while it is in motion, except in obedience to the directions of a traffic control device or of a Police Officer; provided that during the hours of daylight a vehicle in a funeral or other procession or parade shall have the head lights thereof lighted or shall display a pennant or other identifying insignia.
14. (a) No person shall operate upon a vehicle any calliope, loudspeaker or other broadcasting or noise making device upon the streets of the Town for advertising or any other purposes, unless a written permit has been granted by the *Director of Municipal Services* for such purpose.
- (b) No person being the driver, operator, or any other person in charge of a vehicle equipped with an air horn shall sound such air horn or suffer or permit the same to be sounded in or on any highway or elsewhere in the Town at any time.
- (c) No person being the driver, operator or any other person in charge of a vehicle equipped with a horn other than an air horn shall sound such horn or suffer or permit same to be sounded in or on any highway or elsewhere in the Town except as required by or under the *Motor Vehicle Act* or for the purpose of giving reasonable warning to persons on or about a highway of a hazard or danger.
- (d) Subsections 14.(b) shall not apply to the driver, operator or other person in charge of an emergency vehicle.
15. No person shall post any bill or placard upon any tree or post in any street, or keep any box or receptacle upon any street for the deposit or storage of chattels or merchandise.

16. No person owning or occupying any property abutting on or contiguous to any street shall allow or permit any earth, rock, stones, trees, log, stumps, or any other substances to fall, crumble, slide, accumulate, or to be otherwise deposited from any such premises upon any street, or, having been so deposited to remain thereon.
17. No person shall place, or cause or suffer 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 in the actual course of receipt, delivery or shipment, or use any portion of any sidewalk for the purpose of selling, measuring, packing or unpacking any goods, wares, or merchandise, except with written permission granted by the *Director of Municipal Services*.
18. No person shall place, or cause or permit to be placed, any firewood, coal, chattels, merchandise or any other thing in or on any street except while moving the same in or out of the premises adjoining such street.
19. No person shall throw or deposit, or cause or permit to be thrown or deposited, in or on any street, any items, floor or store sweepings, garbage, building materials, paper, refuse, waste matter, solids, or liquids, animal or vegetable matter, or any substance or thing whatsoever.
20. No person shall throw or deposit or cause to be thrown or deposited on any sidewalk any vegetable, fruit, peelings or other substances liable to cause any person accident or injury, or in any gutter any refuse, paper sweepings, waste, or other substances liable to close or choke such gutter.
21. No person shall throw, drain, deposit, pour or cause or permit to flow or be thrown, drained, deposited or poured over or upon any street any water or any other liquid substance.
22. When anything has been kept, thrown, deposited, drained, poured or otherwise placed, or has fallen crumbled, slid or accumulated on any street contrary to the provisions of this bylaw, the *Works Superintendent* is hereby authorized, in addition to all other remedies allowed and all penalties imposed, to remove the same at the expense of the person who placed, left or caused or permitted to be placed or left such thing on such street.
23. Except as provided by the *Fire Marshal Act* or the *National Building Code*, no person shall construct, install, have or maintain any gate or door so constructed or installed so as to swing or project across, over or out upon any street or lane within the Town.
24. No person other than a duly authorized Officer or employee of the Town acting in pursuance of his duties shall dig up or in any manner remove, injure or destroy any trees, flower, foliage, flowering plant, foliage plant, or shrubbery in any street.
25. No person shall break, tear-up, or remove any planking, pavement, sidewalk, crossing, curbing, or other surface of or on any street, or dig or make any excavation in, on, or under any street within the Town for any purpose whatsoever, without having first obtained the written permission of the *Director of Municipal Services*, and it shall be the duty of any person having obtained such permission to erect a sufficient fence, railing, or barrier around every excavation made by him in such a manner as to prevent accident, and place and keep upon such fence, railing, or barrier a suitable and sufficient amber light during the night and take such further care and precaution as the *Director of Municipal Services* may deem necessary, including indemnifying the Town against all loss, costs, charges, expenses and damages to or for which the Town may be put or become liable by reason of the permission granted. It shall be the duty of the *Director of Municipal Services*, before giving any such permission, to obtain from every such person security that he will perform all the obligations imposed upon him by this bylaw or any other bylaw of the Town.

26. No person shall, without having first received the written permission of the *Director of Municipal Services* in writing, construct, open, maintain, or use any area, cellar, trap-door, grating, or other opening in or under any sidewalk or street within the Town, and it shall be the duty of the *Director of Municipal Services*, before giving such permission, to take from every such person security that they will perform all the obligations imposed by this section.
27. No person shall construct, install, erect or maintain any door-step, porch, railing, or any other projection or obstruction, into, on or over any street of the Town unless such person has first received the written permission of the *Director of Municipal Services*.
28. The *Director of Municipal Services*, Works Superintendent, Bylaw Enforcement Officer, Chief of Police, or any person authorized by any of them is hereby empowered to remove any 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 any infraction of any provision of this Bylaw.
29. No person shall construct a fence to such a height or so close to the boulevard that such fence will obstruct the vision of and create a hazard to drivers at intersections.
30. No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control signal or device, or which attempts to direct the movement of traffic or the parking of vehicles, or which hides from view or interferes with the effectiveness of any authorized traffic control signal or device.
31. (a) The owner or occupier of any land, or real property within the Town is required to remove snow, ice, or rubbish from every sidewalk and footpath adjoining or bordering on the real property owned or occupied by him; and particularly, such snow or ice shall be removed prior to the hour of 12:00 o'clock noon on any day except Sunday or a Statutory Holiday.

(b) The owner or occupier of any land or real property within the Town, shall, whenever any snow or ice accumulates upon the roof, gutter, cornice, or any other part or attachment on or of any building within the Town (which adjoins or slopes towards any street or sidewalk, and which is likely to discharge or precipitate such snow or ice upon such street or sidewalk to the danger of the public safety), clear such roof, gutter, cornice, part or attachment of and from snow or ice.

(c) Any owner or occupier of any land or real property described in subsections 31. (a) and 31. (b) who allows such snow, ice, or rubbish to remain upon the sidewalks or footpaths adjoining or bordering on the real property owned or occupied by him or who allows snow and ice to remain on the roof, gutter, cornice, part or attachment of any building located on such property shall be guilty of a violation of this bylaw. **BL#1773**

(d) Notwithstanding subsection 31.(c) if in default of such removal of snow, ice or rubbish as required in subsections 31.(a) and 31.(b), the *Director of Municipal Services* or *Bylaw Enforcement Officer* is hereby authorized and directed to carry out such removal at the expense of the person in default and the charges for doing so (including all expenses incidental thereto) including interest if unpaid on the 31st day 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.
32. No person shall throw, drop, deposit, or leave, or let fall from or out of any vehicle or conveyance, any bottle, glass, crockery, nails, tacks, wood, sawdust, debris or refuse or any object or material whatsoever upon any street, vehicle or pedestrian in the Town and in the case of a street, any person, having so thrown, dropped, deposited, left or let fall from or out of any vehicle or conveyance, any such object or material shall remove, or cause to be removed the same from such street.

33. No person shall cut, saw, break, split, place or pile firewood, lumber, blocks, rocks, stones, debris, or other material or mixed mortar, or do any act upon any street, which will obstruct or impede traffic thereon or deface or injure any street in the Town, except with the written permission of the *Director of Municipal Services*.
34. (a) No person shall construct, install, erect or maintain any awning, the crossbars of which shall in any way extend over any street or sidewalk in the Town at a lesser height than 2.1 m (7 clear feet) above the same; provided that a loose canvas fringe may extend to a maximum of 20 cm (8 inches) below the said crossbars.
- (b) No person shall construct, install, place, hang or suspend a sign at any height above a sidewalk, or projecting over any street or continue or maintain any such sign not in conformity with the provisions of this section or any other bylaw of the Town.
- (c) No person shall place, maintain, or display upon or in view of any portion of a sidewalk, street or highway any sign or other form of display used for the purpose of advertising any business or event unless it is in compliance with all Town Bylaws and has first received written permission of the *Director of Municipal Services*.
- (d) The *Director of Municipal Services or other designated employee*, is authorized to disapprove the use of signs or displays under the provisions of section 34.(c) which would create a public hazard or if the use would contravene any Town of Creston bylaw.
35. The *Director of Municipal Services, Works Superintendent or Bylaw Enforcement Officer* is hereby authorized to remove any vehicle from any highway where such vehicle impedes in snow removal or other public works at the expense of the owner, and he is further authorized to post such signs and traffic control devices as may be necessary to expedite these works.
36. No person shall operate or use any vehicle having wheels, tires, or tracks constructed or equipped with projecting spikes, cleats, grips, clamps, flanges, lugs, or other attachments or projections which extend beyond the tread or traction surface of the wheel, tire or track or with metal wheels, tracks, runners or skids upon any street in the Town, other than arterial highways, except approved chains or metal studded winter tires as per the "Motor Vehicle Act", or with the prior written consent of the *Director of Municipal Services*.
37. No person shall paint, draw, or write upon, affix any notice or advertisement to or mark, deface or disfigure any sidewalk, street, traffic control light or device or any structure or fixture in or on any such sidewalk or street, except in the execution of authorized works.
38. (a) No person shall cause or permit a vehicle to stop, stand, or park on any sidewalk, curb, boulevard or sidewalk crossing.
- (b) No person, when entering or leaving a driveway or lane or when entering upon or leaving land adjacent to a street shall drive a vehicle upon a sidewalk, curb or boulevard except for that portion thereof that lies within a sidewalk crossing.
- (c) A "sidewalk crossing" for the purposes of this section shall mean a sidewalk crossing designed and constructed of such materials and in such manner as the *Director of Municipal Services or other designated employee*, shall, by permit, direct and approve.
39. (a) No person shall plant any shrub, bush or hedge closer than 45.7 cm (18 inches), nor any tree closer than 2.1 m (7 feet) from his exterior property line, unless the plant materials are shown on a detailed planting plan approved through the Development Permit process.

- (b) The occupier or owner of any land adjacent to a street shall cause all trees, shrubs, hedges and bushes growing or standing upon such land to be trimmed and cut back so as to prevent any obstruction or interference with the free use of the street by persons or vehicles.
 - (c) Where, in the opinion of the *Director of Municipal Services* or *Bylaw Enforcement Officer*, any trees, shrubs, hedges, bushes, or fences obstruct or interfere, or threaten to obstruct or interfere with the use of a street or with the safety or convenience of the public have damaged, endangered, or threaten to damage or endanger the roadbed, sidewalk, or works lawfully on the street, notice shall be given to the owner or occupier of the lands for maintenance or removal of same.
 - (d) The notice shall require the owner or occupier to remove, cut down, or trim the trees, shrubs, hedges or bushes or fence within five (5) days from the date specified. It shall further direct that if the owner or occupier fails to comply with the requirements of the notice, the *Director of Municipal Services* or *Bylaw Enforcement Officer* shall enter upon the lands and effect such removal, cutting down or trimming at the expense of the owner of the lands, in accordance with the provisions of the *Local Government Act*.
40. Every owner of a private street or lane shall at all times exhibit thereon at its junction with any public street sign bearing the words "Private Lane" or "Private Street" in letters of not less than 7.6 cm (3 inches) in height.
41. (a) No person shall form part of a group of persons assembled or congregated on a sidewalk or street in such a manner as to obstruct the free passage of pedestrians or vehicles, except with the written permission of the *Director of Municipal Services*.
- (b) Every person offering an inducement to the public by way of entertainment, sale or otherwise, shall control those persons awaiting admission to the premises in such manner that a queue or line-up of such persons shall be formed parallel and adjacent to the street-line, where no sidewalk exists or upon and restricted to one-half of the sidewalk adjacent to the street so as to allow unobstructed pedestrian passage on the one-half of the sidewalk adjacent to the street-line.
 - (c) No person may use any highway for the purpose of soliciting aid in any manner whatsoever except by a permit issued by the *Director of Municipal Services* or *Bylaw Enforcement Officer*.
42. (a) The *Director of Municipal Services* or other designated employee, is empowered to grant to the owner of property adjacent to any street the privilege of a Passenger or Loading Zone upon payment of a fee for each unmetered space comprised in such Passenger Zone or Loading Zone. **BL#1764**
- (b) Notwithstanding any other provision of this Bylaw, the *Director of Municipal Services*, Chief of Police or Bylaw Enforcement Officer is hereby authorized to remove or cause to be removed any vehicle in an unauthorized zone, and for such purpose he may engage the services of a towing company, and the proper charges of such towing company shall be paid by the owner of such vehicle.

PART 9 - OFFENCES AND PENALTIES

1. 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 of 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. **BL#1773**
2. The *Director of Municipal Services* or other designated employee, shall keep a separate record and index of all *regulations* made under the authority of this bylaw, such record, index and copies of such resolutions to be made available for examination by the public at and during those hours that the Creston Town Hall is open for public business. **BL#1773**

3. All traffic control devices, signals and parking meter zones, existing in the Town of Creston as of the date of final adoption of this bylaw, are hereby confirmed as if they had been installed by regulation imposed by the *Director of Municipal Services* under the provisions of this bylaw. **BL#1773**
4. If a driver has parked a vehicle in a parking space in violation of the provisions of this Bylaw, a separate offence shall be deemed to be committed upon the expiry of each period of time during which the vehicle could have been lawfully parked as indicated by a traffic control device. **BL#1773**
5. The owner of a chattel or obstruction removed, detained or impounded pursuant to this Bylaw shall pay those fees, costs and expenses incurred by the Town for that purpose. **BL#1773**

PART 10 - GENERAL ADMINISTRATION

1. Traffic Regulations Bylaw No. 733 and all amendments, are hereby repealed.
2. This bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and a SECOND TIME by content this 25th day of March, 2002.

READ A THIRD TIME this 25th day of March, 2002.

APPROVED by the Ministry of Transportation this 17th day of April, 2002.

ADOPTED this 22nd day of April, 2002.

“Don Leben”
Mayor

“Wm. F. Hutchinson”
Director of Corporate Administration Services

SCHEDULE "A"

BL#1773

INDEX OF AMENDING BYLAWS

Bylaw #1667	Adopted October 23, 2007
Bylaw #1764	Adopted December 13, 2011
Bylaw #1773	Adopted December 13, 2011

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.