

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4100

Consolidated for Convenience Only to November 9, 2020

(as amended by Bylaws No. 4129, 4130, 4136, 4177, 4193, 4206, 4232, 4261, 4294, 4322, 4343, 4349, 4351, 4373, 4424, 4429, 4431, 4440, 4446, 4456, 4501, 4531, 4605, 4611, 4619, 4714 and 4767)

A Bylaw to regulate traffic and the use of streets within the Municipality of Oak Bay

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

INTERPRETATION

1 (1) In this Bylaw and any orders made hereunder, the expressions used shall have the respective meanings assigned to them in the *Motor Vehicle Act* and regulations made thereunder, except as set forth in this Section.
*(**Bylaw No. 4429, adopted September 8, 2008)*

(2) In this Bylaw,
"BIKE SHARE OPERATOR" means any person that owns or operates a bike share system.
*(**Bylaw No. 4714, adopted November 13, 2018)*

"BIKE SHARE SYSTEM" means the provision of bicycles for short-term rentals for point to point trips where, by design of the bike share operator, the bicycles are intended to remain upon roadways, streets or other public places even when not being rented by a customer.
*(**Bylaw No. 4714, adopted November 13, 2018)*

"BLOCK" means both sides of a roadway lying between two roadways, other than lanes, that intersect the roadway in question;

"BOULEVARD" means that portion of a street other than a roadway or sidewalk;

"BUS" means a motor vehicle used as a public utility for the carriage of passengers;

"CHIEF CONSTABLE" means the Chief Constable or Deputy Chief Constable of the Corporation;

"COLLECTOR" means the Municipal Treasurer-Collector of the Corporation;

“COMMERCIAL VEHICLE” means a motor vehicle

- (a) upon which there is displayed a valid and subsisting commercial licence plate issued pursuant to the *Commercial Transport Act*, and which either
 - (b) (i) has a net weight in excess of 2,650 kilograms;
 - (ii) has a gross vehicle weight in excess of 4,400 kilograms;
 - (iii) has an overall length in excess of 6.4 metres;
 - (iv) has an overall height in excess of 2.4 metres; or
 - (v) bears any lettering, numbering, insignia or graphics indicating a connection with a trade or business.

“CORPORATION” means The Corporation of the District of Oak Bay;

“COUNCIL” means the Municipal Council of the Corporation;

“CYCLING LANE” means a lane of a roadway in respect of which signs, symbols or road markings indicate that the lane is set apart for the use of bicycles.

*(**Bylaw No. 4429, adopted September 8, 2008)*

“DISABLED PERMIT” means a disabled person’s parking permit issued under Division (38) of the Regulations;

“DISABLED PERSON” means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk;

“DISABLED ZONE” means a parking zone identified by the disabled parking sign set out in Schedule 2 of Division (23) of the Regulations;

“DIRECTOR OF ENGINEERING SERVICES” means the Director of Engineering Services for the Corporation, and includes his/her designate;

*(**Bylaw 4501, adopted Mar 22/10)*

*(**Bylaw 4605, adopted Jan 27/14)*

“MANAGER OF RECREATION PROGRAM SERVICES” means the Manager of Recreation Program Services for the Corporation;

*(**Bylaw 4605, adopted Jan 27/14)*

“MOTOR HOME” means a motor vehicle of height greater than 2.15 metres designed or used primarily for accommodation during travel or recreation, and includes a pickup truck and camper combination;

“MUNICIPAL ADMINISTRATOR” means the Municipal Administrator of the Corporation, and includes his/her delegate;
(*Bylaw 4605, adopted Jan 27/14)

“MUNICIPAL CLERK” means the Municipal Clerk of the Corporation, and includes his/her delegate;
(*Bylaw 4605, adopted Jan 27/14)

“MUNICIPAL CONSTABLE” means a constable appointed by the Police Board of the Corporation under the *Police Act*;

“MUNICIPALITY” means the area within the geographical limits of the Corporation;

“PARK”, “PARKING” or “PARKED” means the standing of a vehicle, whether occupied or not, upon a street, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of merchandise or passengers;

“PARKING SPACE” means any portion of a street or a parking lot owned by the Corporation which has been marked by painted lines, signs or other devices indicating that it is intended for the parking of a vehicle, and, for the purposes of Section 64 only, includes zones or portions of a street, or of a parking lot owned by the Corporation, where parking is prohibited;

“PEDESTRIAN” means a person on foot, an invalid in a wheelchair or an infant in a stroller or carriage, and does not include a person using a cycle, skateboard, scooter, in-line skates or roller-skates for conveyance;

“POLICE POST” means a place designated as such by an order issued pursuant to this Bylaw;
(*Bylaw 4531, adopted May 9/11)

“PUBLIC PLACE” includes any place to which the public has access as of right or by invitation, express or implied;

“REGULATIONS” means the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58;

“ROAD EVENT” includes a block party, road race, marathon, walkathon, film production, theatrical or musical performance, parade, procession, march or other extraordinary use which may affect normal traffic upon a street;

“ROADWAY” means that portion of a street, other than a sidewalk, which is commonly travelled over by vehicular traffic, more particularly the portion so used which has been surfaced with macadam, asphalt, gravel or other hard material;

“SIDEWALK” means that portion of a street, between the curb lines or lateral lines of a roadway and the adjacent property lines, which has been improved for the use of pedestrians;

“SIDEWALK CROSSING” means that portion of a sidewalk, curb or boulevard which has been permanently improved or designed for the passage of vehicles;

“STREET” includes a highway, road, roadway, sidewalk, boulevard, lane, alley or bridge;

“STREET LINE” means the dividing line between any real property and the adjoining street;

“TAXI” means a motor vehicle which is operated, or plies, for hire by members of the public, but does not include an ambulance, a bus, a hearse, a limousine, a vehicle driven by the person who hires it, or a vehicle with a passenger seating capacity of five or less the sole commercial use of which is as a licensed sightseeing vehicle;

“TAXI STAND” means a place designated as such by an order issued pursuant to this Bylaw.

- (3) Unless the context otherwise requires, wording importing the singular number or masculine gender shall include the plural or feminine gender, and the converse shall also apply.

ORDERS

- 2 (1) Any order or orders made by Council pursuant to this Bylaw shall, upon adoption, be certified by the Municipal Clerk as to the fact and date of adoption.
- (2) Any order or orders made by the Director of Engineering Services pursuant to this Bylaw shall, upon issuance, be certified by the Director of Engineering Services and Municipal Clerk as to the fact and date of issuance.
- (3) In any order or orders made by Council or the Director of Engineering Services pursuant to this Bylaw which regulates, controls or prohibits traffic or the parking and stopping of vehicles, the said vehicles may be classified according to their nature, type, character, weight, equipment, accessories or otherwise, and different provisions may be made for different

classes.

(**Bylaw 4177, adopted Jan. 13/03)

- 3 The Municipal Clerk shall have custody of all orders made pursuant to this Bylaw, and having seen to their proper completion shall preserve and keep the originals thereof. He shall keep on hand at least one duly certified copy of each order which on request shall be made available for perusal by any person during regular office hours. He shall furnish certified copies of such orders and may charge a fee of not more than twenty-five (25) cents per page to any person applying, but no fee shall exceed the sum of Five Dollars (\$5.00) per order.

TRAFFIC REGULATIONS

I. AUTHORITY TO MAKE ORDERS

(**Bylaw 4177, adopted Jan. 13/03)

- 4 (1) For the purpose of regulating the movement of traffic in the Municipality, the Council may by order

- No Left Turns** (a) designate the locations where signs bearing words or symbols indicating that left hand turns are prohibited shall be placed;
- No Right Turns** (b) designate the locations, at intersections, where signs bearing words or symbols indicating that right hand turns are prohibited shall be placed;
- Stop Signs** (c) designate the locations, at intersections, where signs bearing the word “STOP” shall be placed;
- Signals** (d) designate the locations where traffic control signals shall be placed;
- One Way Streets** (e) designate the locations where signs bearing words or symbols indicating that a street is a one way street shall be placed;
- Highway Lines** (f) designate the street or streets or portions thereof which shall be marked in the manner provided by Section 155 of the *Motor Vehicle Act*;
- Highway Dividers** (f) designate the street or streets or portions thereof which shall be divided in the manner provided by Section 163 of the *Motor Vehicle Act*;
- No Pedestrian Crossing** (g) designate the locations where signs indicating that pedestrian traffic therein is prohibited shall be placed;
- Cycling Lane** (h) designate, by signs, symbols or road markings, the roadway or part of a roadway upon any street as a

cycling lane, and, if applicable, fix the hours of the day during which such lanes are to be in effect.

Temporary Street Closures

- (i) direct that on any street, that traffic control devices be erected or placed to indicate that the street is temporarily closed to traffic for the purpose of facilitating the staging of a road event.
- (2) For the purpose of regulating the movement of traffic in the Municipality, the Council or the Director of Engineering Services may by order:

(**Bylaw 4501, adopted Mar 22/10)

No “U” Turns

- (a) designate the locations where signs bearing words or symbols indicating that “U” turns are prohibited shall be placed;

Yield Signs

- (b) designate the locations, at or near intersections, where signs bearing words or symbols instructing traffic to yield the right of way shall be placed;

Crosswalks

- (c) designate the portions of streets which shall be crosswalks marked by distinctive lines or markers upon the street surface, and where signs indicating that such portions of streets are crosswalks shall be placed;

Laned Roadways

- (d) designate the roadway or part of a roadway upon any street or part thereof to be a laned roadway and providing for the marking thereof with suitable lines upon the roadway;

Turning-Laned Roadways

- (e) designate the lane or lanes upon a laned roadway at or near an intersection where suitable traffic control devices shall be placed to direct that no turns or turns only in certain directions shall be made at the intersection by vehicles travelling in such lane or lanes;

Schools & Playgrounds

- (f) designate the locations at or in the vicinity of schools and public playgrounds for children where signs stating a speed limit of 30 kilometres per hour, or upon which the numeral “30” is prominently shown shall be displayed for the purposes of Section 147 of the *Motor Vehicle Act*;
- (3) The Council may, by resolution, at any time rescind, revoke, or vary any order made by the Director of Engineering Services.

(**Bylaw 4177, adopted Jan. 13/03)
(**Bylaw 4501, adopted Mar 22/10)

II REGULATIONS

Fire Department	5	Any officer or member of a Fire Department in attendance at or near any fire or other emergency may direct, stop or prohibit traffic on any street in the vicinity of such fire or other emergency and every person shall comply with such direction.
Work in Streets	6	The Director of Engineering Services may, without benefit of an order, direct that on any street where construction, reconstruction, widening, repair, marking or other work is being carried out, temporary traffic control devices be erected or placed indicating that crews or equipment are working upon the street, and regulating traffic in the vicinity of such work, and every person shall comply with such traffic control devices, and with directions from flag persons appointed by the Corporation to control traffic in such areas. <p style="text-align: right;">(**Bylaw 4501, adopted Mar 22/10)</p>
Temporary Street Closure (Construction)	7	The Director of Engineering Services or his delegate may, without benefit of an order, direct that on any street where construction, reconstruction, widening, repair, marking or other work is being carried out, temporary traffic control devices be erected or placed to prohibit traffic in the vicinity of such work, and every person shall comply with such traffic control devices.
Temporary Signs	8	The Chief Constable may, without benefit of an order, direct that such temporary traffic control devices as he deems necessary to control traffic or parking be placed <ol style="list-style-type: none">(1) along the route or in the vicinity of a road event or large public gathering; and(2) in any other location where special circumstances require, and every person shall comply with same.
Special Speed Zone 20 km/hour	9	(1) No person shall drive or operate a vehicle at a greater rate of speed than 20 kilometres per hour on the highways or portions thereof hereinafter enumerated: <p style="text-align: center;"><i>Barkley Terrace; Esplanade; Estevan Avenue from Beach Drive to Esplanade; Scenic Drive through Uplands Park, at Cattle Point; Tod Road Any lane not exceeding 8 metres in width.</i></p> <p style="text-align: right;">(**Bylaw No. 4373, adopted Jul. 23/07)</p>
Special Speed Zone 30 km/hour	(2)	No person shall drive or operate a vehicle at a greater rate of speed than 30 kilometres per hour on the highways or portions thereof hereinafter enumerated: <p style="text-align: center;"><i>Bee Street; Crescent Road;</i></p>

Denison Road;
Estevan Avenue from Musgrave Street to Dunlevy Street;
Foul Bay Road from Crescent Road to Oak Bay Avenue;
Goldsmith Street;
Hampshire Road from McNeill Avenue to Central Avenue;
Island Road;
King George Terrace from Beach Drive to Crescent Road;
Mountjoy Avenue;
Musgrave Street from Bowker Avenue to Dufferin Avenue
Prospect Place;
Runnymede Avenue;
Runnymede Place;
That portion of Woodburn Avenue north of the intersection with
Dundrum Road.

Special Speed Zone
35 km/hour

- (3) No person shall drive or operate a vehicle at a greater rate of speed than 35 kilometres per hour on the highways or portions thereof hereinafter enumerated:

Newport Avenue from Currie Road to Beach Drive.

Special Speed Zone

- (4) No person shall drive or operate a vehicle at a greater rate of speed than 40 kilometres per hour on the highways or portions thereof hereinafter enumerated:

40 km/hour

Beach Drive from King George Terrace to Thorpe Place;
Bowker Avenue from Beach Drive to Esplanade;
Cadboro Bay Road from Foul Bay Road to Pacific Avenue;
*(**Bylaw 4136, adopted Dec. 10, 2001)*
Cadboro Bay Road from Cedar Hill Cross Road to Hibbens
Close;
Eastdowne Road from Lansdowne Road to Cadboro Bay Road;
*(**Bylaw 4129, adopted June 25, 2001)*
Foul Bay Road north of the extension of the boundary between
3182 Wessex Close and 3188 Wessex Close;
*(**Bylaw 4456, adopted April 27, 2009)*
Granite Street
*(**Bylaw 4619, adopted May 26, 2014)*
Hampshire Road from Oak Bay Avenue to Bowker Avenue;
Henderson Road from Gibbs Road to Cedar Hill Cross Road;
McNeill Avenue from Foul Bay Road to Newport Avenue;
Monterey Avenue north of Oak Bay Avenue;
*(**Bylaw 4440, adopted November 10, 2008)*
Newport Avenue from Currie Road to Oak Bay Avenue;
Oak Bay Avenue from Prospect Place to Foul Bay Road;
St. Ann Street;
*(**Bylaw 4440, adopted November 10, 2008)*
Thompson Avenue;
*(**Bylaw 4351, adopted Mar. 26, 2007)*
University Drive and those portions of Ring Road on the
University of Victoria campus lying within the municipal

*boundaries of the District of Oak Bay;
Upper Terrace.*

*(**Bylaw 4130, adopted August 20, 2001)*

- Sidewalk Use** 10 No person shall hinder or interfere with pedestrian traffic on or obstruct the free use of any sidewalk.

- Sirens** 11 No person shall maintain or use on any vehicle, except an emergency vehicle, any signalling device of the type or kind commonly known as a siren.

- Closed Streets** 12 No person shall permit any vehicle to be in or upon, or shall drive or propel any vehicle in or upon, any street or part of a street which is closed to traffic. Every street or part of a street shall be deemed to be closed to traffic upon which there appears any barrier or written or printed notice purporting to be from the Corporation, stating or indicating that such street or part of a street is closed to traffic.

- Horses** 13 No person shall suffer or permit any horse to run at large, or to stand or be tethered in any street.

PARKING AND STOPPING REGULATIONS

I. AUTHORITY TO MAKE ORDERS

*(**Bylaw 4177, adopted Jan. 13/03)*

- 14 (1) The Council may by order
 - Limited Time Parking Zones** (a) designate certain streets, municipal parking lots or facilities, or portions thereof, as “Limited Time Parking” zones, and fix
 - (i) the length of time during which vehicles may be continuously parked within such zones; and
 - (ii) the hours of the day during which, and the days on which, the regulations in respect of any such zone shall apply;
 - Resident Only Parking Zones** (b) designate and set apart streets or portions thereof as “Resident Only Parking” zones for the exclusive use of vehicles of residents of dwellings adjacent to such streets or portions thereof and the invitees and licensees of such residents, and fix the hours of the day during which, and the days on which, such zones are to be set apart;
 - Loading Zones** (c) designate certain streets or portions thereof as “Loading” zones, and fix the hours of the day, and the days on

- which, such zones are to be in effect;
- Bus Zones** (d) designate certain streets or portions thereof as “Bus” zones for the exclusive use of buses;
- Angle Parking** (e) designate certain streets or portions thereof as “Angle Parking” zones;
- Handicapped Parking** (f) designate areas or parking spaces on a street, municipal parking lot or facility as “Disabled” zones;
- Taxi Stands** (g) designate certain streets or portions thereof as “Taxi Stands” for the exclusive use of taxis or any class of taxi;
- Traffic Control Devices** (h) provide for the erection, placing, printing or marking upon any streets or portions thereof such traffic control devices as the Chief Constable or the Director of Engineering Services deems necessary or expedient to give effect to the provisions of this Bylaw, any orders made hereunder, the *Motor Vehicle Act* or any regulations made thereunder, and such provision may be included in any order made pursuant to this Bylaw or may be set forth in a separate order or orders;
- Police Posts** (i) designate certain streets or portions thereof as “Police Posts” for the exclusive use of a marked Oak Bay Police Department vehicle.
(*Bylaw 4531, adopted May 9/11)
- (2) The Council or the Director of Engineering Services may by order
- No Stopping Zones** (a) designate certain streets or portions thereof as “No Stopping” zones and, if applicable, fix the hours of the day, and the days on which such zones are to be in effect;
- No Parking Zones** (b) designate certain streets or portions thereof as “No Parking” zones and, if applicable, fix the hours of the day during which such zones are to be in effect;
- Marked Spaces** (c) place or cause to be placed marks or lines upon the surface of any street or streets indicating the spaces or portions of such street or streets within which each vehicle shall be parked;
- Passenger Zones** (d) designate certain streets or portions thereof as “Passenger” zones and fix the length of time which vehicles may remain stopped or standing for the purpose of loading or unloading passengers.

- (3) The Council may, by resolution, at any time rescind, revoke, or vary any order made by the Director of Engineering Services.
(*Bylaw 4177, adopted Jan. 13/03)
(*Bylaw 4501, adopted Mar 22/10)
- Exemptions** 15 (1) In respect of those municipal parking lots or facilities on lands described as Lot B, Section 23, Victoria District, Plan 42273, and Lot A, Section 23, Victoria District, Plan 49177, the Council may implement a scheme for exempting persons holding a valid and subsisting membership in the Oak Bay Seniors Activity Association at the Monterey Centre, 1447 Monterey Avenue, from orders made pursuant to Section 14(1)(a).
(*Bylaw 4232, adopted Jun 29/04)
- Monterey Centre**
- Municipal Hall** (2) In respect of those municipal parking lots or facilities on lands described as Lots V and W, Sections 23 and 69, Victoria District, Plan 673, the Council may implement a scheme for exempting municipal employees or persons holding a valid and subsisting temporary visitors permit from orders made pursuant to Section 14(1)(a).
(*Bylaw 4232, adopted Jun 29/04)
- Cadboro Bay and Cranmore Road** (3) In respect of the municipal parking lot or facility on land described as:

Parcel 1 (DD 136140-I) of Parcel “A” (DD 77566-I) of Lots 9 and 10 of Sections 28 and 61, Victoria District, Plan 69, the said Parcel 1 lying wholly within the said Lot 10 and Section 28, the Council may implement a scheme for exempting municipal employees from orders made pursuant to Section 14(1)(a).
(*Bylaw 4349, Feb. 26/07)

II. REGULATIONS

- No Stopping Zones** 16 No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to stop or remain standing in a “No Stopping” zone when such zone is in effect, which shall be at all times unless otherwise designated.
- No Parking Zones** 17 No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to remain standing in a “No Parking” zone for a period in excess of two minutes when such zone is in effect, which shall be at all times unless otherwise designated.
- Limited Time Parking** 18 (1) No person being in charge, control or possession of a vehicle shall park such vehicle or permit same to remain parked in any “Limited Time Parking” zone for a period in excess of the time during which vehicles may be continuously parked within such zone as indicated by signs placed in or near such zone pursuant to this Bylaw.

- (2) Where a vehicle has been parked in a "Limited Time Parking" Zone in violation of the provisions of this Section, a separate offence shall be deemed to be committed at the expiry of each further period of time during which the vehicle would have been lawfully parked as indicated by signs placed in or near the Zone.
- (3) For the purpose of this Section, a vehicle shall be deemed to have been continuously parked
 - (a) for as long as it remains within the block in which it was originally parked; or
 - (b) if moved out of the block in which it was originally parked and returned within a period shorter than the time limit established for the "Limited Time Parking" zone.

Exemption Permit

- (4) (a) Notwithstanding the provisions of Subsections (1), (2), and (3), but subject to Subsection (5) and all other relevant provisions of this Bylaw and the *Motor Vehicle Act*, it shall be lawful for any person residing in a dwelling abutting a "Limited Time Parking" zone, and being the holder of a valid and subsisting permit in the form described in Schedule "A" attached hereto, from time to time to park a vehicle upon which such permit is displayed in the manner provided in Paragraph (b), and while such permit is so displayed, to allow such vehicle to remain parked in that portion of the street upon which the place of residence of such person abuts and which is included within the area bounded by the projection across such street of the lateral boundaries of the lot or lots upon which the place of residence of such person is situated.
- (b) Every such permit shall be conspicuously displayed on the rear window driver's side in such a manner as to allow the same to be readily observed and read by persons outside the vehicle on which it is displayed.
- (c) Any person residing on premises as described above and being the owner of a vehicle registered at such premises may from time to time obtain a permit as aforesaid upon making application to the Municipal Clerk.

(**Bylaw 4501, adopted Mar 22/10)
- (d) The Municipal Clerk may establish procedures for the efficient administration of permits issued under this Subsection.

(**Bylaw 4501, adopted Mar 22/10)

- (e) Every such permit shall forthwith expire and cease to be of any further force or effect upon the holder ceasing to be a resident of the place therein described as his place of residence.
- (5) It shall be lawful for any person being a guest in a dwelling as aforesaid or engaged in transacting business with or performing work for or rendering services to any person residing in or being a guest as aforesaid, to park any vehicle and permit same to remain parked on the portion of such street described in Section 18(4)(a), provided, however,
 - (a) that such person is actually present at the dwelling as a guest or is actually engaged in transacting business or performing work for or rendering a service to a person residing at the dwelling at the time the vehicle is parked; and
 - (b) that such person has placed a note upon the dash of said vehicle which identifies the dwelling in which the person is either a guest or providing services with such note to be displayed in such a manner as to allow the same to be readily observed and read by persons outside the vehicle on which it is displayed.

Exception

- (6) Notwithstanding anything contained in Subsections (4) and (5), no person may be exempted from the requirements of Subsections (1), (2), or (3) in respect of any “Limited Time Parking” zone on the following portions of streets:
 - (a) Oak Bay Avenue between Monterey Avenue and the projection of the westernmost property line of 2154-78 Oak Bay Avenue;
 - (b) Wilmot Place between Oak Bay Avenue and Theatre Lane;
 - (c) Hampshire Road between Oak Bay Avenue and Theatre Lane;
 - (d) Hampshire Road between Oak Bay Avenue and the projection of the northernmost property line of 1423 Hampshire Road;
 - (e) Monterey Avenue between Oak Bay Avenue and the projection of the northernmost property line of Lot 19, Section 23, Victoria District Plan 368B (1429 Monterey Avenue);

- (f) the west side of Monterey Avenue between Oak Bay Avenue and Theatre Lane;
- (g) Estevan Avenue between Musgrave Street and Dunlevy Street;
- (h) the east side of Musgrave Street in the area demarcated by the curb indentation adjacent to 2510 Estevan Avenue; and
- (i) the north side of Granite Street in the area demarcated by the curb indentation lying between the rear entrance of the Oak Bay Municipal Hall on lands described as Lots V & W, Sections 23 & 69, Victoria District, Plan 673 and the entrance to the municipal parking facility on lands described as Lot B, Section 23, Victoria District, Plan 42273.

(7) Notwithstanding the restricted scope of the exemptions to the regulations applicable to a “Limited Time Parking” zone as set out in Subsections (4) and (5), for the following portions of streets:

- (a) both sides of Dundrum Road;
- (b) both sides of Kendal Avenue between Henderson Road and Cardiff Place; and
- (c) both sides of Avondale Road between Henderson Road and Cardiff Place,

the said exemptions shall be interpreted and applied so as to extend to residents, guests and persons transacting business or rendering services on any residentially zoned parcel of land fronting on either

- (d) the east side of Henderson Road north of the boundary between 3273 Henderson Road and 3283 Henderson Road; or
- (e) the west side of Henderson Road north of Gibbs Road,

but only during the times when the cycling lanes and the associated parking prohibitions on Henderson Road north of Gibbs Road are in effect.

*(**Bylaw No. 4446, adopted January 12, 2009)*

Resident Only Parking Zones

19 (1)

Except as provided in Subsection (2), no person being in charge, control or possession of a vehicle shall park such vehicle or permit same to remain parked in any “Resident Only

Parking” zone when such zone is in effect, which shall be at all times unless otherwise designated.

- (2)
 - (a) Notwithstanding the provisions of Subsection (1), but subject to all other relevant provisions of this Bylaw and the *Motor Vehicle Act*, it shall be lawful for any person residing in a dwelling situate on any lot or lots abutting a street or portion of a street designated as a “Resident Only Parking” zone and being the holder of a valid and subsisting permit in the form described in Schedule "A" attached hereto, from time to time to park a vehicle upon which such permit is displayed in the manner provided in Paragraph (b), and while such permit is so displayed, to allow such vehicle to remain parked in that portion of the street upon which the place of residence of such person abuts and which is included within the area bounded by the projection across such street of the lateral boundaries of the lot or lots upon which the place of residence of such person is situated.
 - (b) Every such permit shall be conspicuously displayed on the rear window driver's side in such a manner as to allow the same to be readily observed and read by persons outside the vehicle on which it is displayed.
 - (c) Any person residing on premises as described above and being the owner of a vehicle registered at such premises may from time to time obtain a permit as aforesaid upon making application to the Municipal Clerk.
*(**Bylaw 4501, adopted Mar 22/10)*
 - (d) The Municipal Clerk may establish procedures for the efficient administration of permits issued under this Subsection.
*(**Bylaw 4501, adopted Mar 22/10)*
 - (e) Every such permit shall forthwith expire and cease to be of any further force or effect upon the holder ceasing to be a resident of the place therein described as his place of residence.
- (3) It shall be lawful for any person being a guest in a dwelling as aforesaid or engaged in transacting business with or performing work for or rendering services to any person residing in or being a guest as aforesaid, to park any vehicle and permit same to remain parked on the portion of such street described in Section 19(2)(a), provided, however,
 - (a) that such person is actually present at the dwelling as a

guest or is actually engaged in transacting business or performing work for or rendering a service to a person residing at the dwelling at the time the vehicle is parked; and

(b) that such person has placed a note upon the dash of said vehicle which identifies the dwelling in which the person is either a guest or providing services with such note to be displayed in such a manner as to allow the same to be readily observed and read by persons outside the vehicle on which it is displayed.

(4) Notwithstanding the restricted scope of the exemptions to the regulations applicable to a "Resident Only Parking" zone as set out in Subsections (2) and (3), for the following portion of a street:

(a) both sides of Frederick Norris Road between Henderson Road and Cardiff Place,

the said exemptions shall be interpreted and applied so as to extend to residents, guests and persons transacting business or rendering services on any residentially zoned parcel of land fronting on

(b) either side of Henderson Road north of Avondale Road,

but only during the times when the cycling lanes and the associated parking prohibitions on Henderson Road north of Gibbs Road are in effect.

*(**Bylaw No. 4446, adopted January 12, 2009)*

Commercial Vehicles

20

No person shall park or permit to remain parked on that portion of a street adjacent to any land designated for residential use pursuant to the Zoning Bylaw, or its successors, of the Corporation,

- (1) a commercial vehicle, at any time unless and except for as long as it is required to be parked there for the purpose of enabling its driver or user to perform a commercial service on such land;
- (2) a motor home;
- (3) A trailer; or
- (4) a bus which is not used as a public utility for the carriage of passengers.

Commercial Loading Zones

21

(1) No person being in charge, control or possession of any vehicle shall cause or permit such vehicle to stop or remain standing in any "Loading Zone" during the hours of the day when such

loading zone is in effect, unless the vehicle displays a valid and subsisting decal issued pursuant to Division 3 of Part 20 of the *Local Government Act*, and

- (a) goods, wares or merchandise are actually being loaded or unloaded therefrom; or
- (b) such person is actually performing a commercial service at premises located within 15 metres of either side of such loading zone.

(2) Notwithstanding Paragraphs (1)(a) and (1)(b), no person shall cause or permit such vehicle to stop or remain standing in any "Loading Zone" during the hours mentioned in this Section for a period exceeding 30 minutes.

Bus Zones	22	<p>(1) No person being in charge, control or possession of a vehicle which is not a bus shall cause or permit such vehicle to stop or remain standing in a "Bus" zone.</p> <p>(2) Notwithstanding the provisions of Subsection (1), it shall be lawful for a motor vehicle used for the carriage of passengers for the purpose of sightseeing tours to remain stopped or standing for the purpose of loading or unloading passengers in the "Bus" zone on the south side of Oak Bay Avenue adjacent to the Oak Bay Municipal Hall property legally described as Lots V and W, Sections 23 and 69, Victoria District, Plan 673. <i>(**Bylaw 4322, adopted Jun 26/06)</i></p>
Angle Parking Zones	23	<p>(1) No person being in charge, control or possession of a vehicle shall park such vehicle within an "Angle Parking" zone except so that it shall stand within 30 centimetres of and at an angle with the curb either as indicated by the lines, markings or other signs placed for that purpose, or as set out in an order made under this Bylaw, and at a distance of not less than 60 centimetres from any other vehicle.</p> <p>(2) No person being in charge, control or possession of a vehicle having an overall length in excess of 6 metres shall park such vehicle in an "Angle Parking" zone.</p>
Passenger Zones	24	No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to stop or remain standing in a "Passenger" Zone except for the purpose of loading or unloading passengers, and for a time exceeding that set out in an order made under this Bylaw.
Boulevard Parking	25	No person being in charge, control or possession of a vehicle shall cause or permit such vehicle to stop or remain standing on any boulevard which is separated from the roadway by a sidewalk or curb.
Driveways	26	No person being in charge, control or possession of a vehicle shall cause

or permit such vehicle to stop or remain standing within one metre of either side of a public or private driveway.

24 Hour Parking 27 Notwithstanding Sections 18(4), 18(5), 19(2) or 19(3), no person being in charge, control or possession of a vehicle shall cause or permit such vehicle to remain continuously parked on any street for a period in excess of 24 hours.

Marked Spaces 28 Where spaces have been marked or lined in accordance with Section 14(2)(c), no person being in charge, control or possession of a vehicle shall park such vehicle on the street or portion of the street so marked unless such vehicle is wholly within the space demarcated by such lines or marks.

*(**Bylaw 4351, adopted Mar. 26/07)*

Handicapped Parking/Disabled Zone 29 No person shall

(1) (a) stop, leave standing or park in a "Disabled" zone a vehicle displaying a disabled permit unless the vehicle is stopped, left standing or parked for the purpose of transporting a disabled person; or

(b) stop, leave standing or park in a "Disabled" zone a vehicle that does not display

(i) a disabled permit, or

(ii) a permit of a similar nature issued by another jurisdiction.

(2) (a) An application for a disabled permit shall be made by or on behalf of a disabled person to the Disability Resource Centre.

(b) Council hereby designates the Disability Resource Centre as responsible for issuing and cancelling "disabled permits" pursuant to Division (38) of the Regulations.

(c) Council hereby designates the Disability Resource Centre as responsible for determining all matters pertaining to the issuance and cancellation of disabled permits under Division (38) of the Regulations, including without limitation the

(i) criteria for establishing that a person qualifies as a disabled person;

(ii) Form of the application for a disabled permit;

- (iii) information required to be submitted on or with the application for a disabled permit; and
 - (iv) duration of a permanent, temporary or substitute disabled permit.
- Taxi Stands** 30 No driver of a vehicle other than a taxi shall cause or permit the vehicle to stop or remain standing within any area designated as a Taxi Stand.
- Police Posts** 30.1 No driver of a vehicle other than a marked Oak Bay Police Department vehicle shall cause or permit the vehicle to stop or remain standing within any area designated as a Police Post.
*(**Bylaw No. 4531, adopted May 9/11)*
- Miscellaneous Prohibitions** 31 Except when necessary to avoid conflict with traffic or to comply with the law or the directions of a peace officer or traffic control device, no person being in charge, control or possession of a vehicle shall stop, stand or park such vehicle.
- (1) on a sidewalk;
 - (2) in front of a public or private driveway;
 - (3) in an intersection, except as permitted by a sign;
 - (4) within 5 metres of a fire hydrant measured from a point in the curb or edge of the roadway which is closest to the fire hydrant;
 - (5) on a crosswalk;
 - (6) within 6 metres of the approach side of a crosswalk;
 - (7) within 6 metres of the approach to a flashing beacon, STOP sign or traffic control signal located at the side of a roadway;
 - (8) within 6 metres either side of the entrance to or exit from a hotel, theatre, church, public meeting place, dance hall, fire hall or playground;
 - (9) on a highway for the principal purpose of
 - (a) displaying a vehicle for sale;
 - (b) advertising, greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency;
 - (c) displaying signs; or
 - (d) selling flowers, fruit, vegetables, sea foods or other commodities or articles;

- (10) alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic;
- (11) on the roadway side of a vehicle stopped or parked at the edge or curb of a roadway;
- (12) on a bridge or other elevated structure on a highway, except as permitted by a traffic control device;
- (13) in a place in contravention of a traffic control device that gives notice that stopping, standing or parking there is prohibited or restricted; or
- (14) in a manner that obstructs the visibility of a standard traffic sign erected by or with the authority of the Minister of Transportation and Highways or a municipality;
- (15) on a roadway other than on the right side of the roadway and with the right hand wheels parallel to that side;
- (16) on a cycling lane, subject to the terms of an order made pursuant to Section 4(1)(h),
(**Bylaw No. 4429, adopted September 8, 2008)

**Overnight
Parking Prohibition
Municipal Parking
Lot Police/Fire
Department**

32

- (1) No person being in charge, control or possession of a vehicle, other than an employee of the Corporation acting in the course of his employment, shall, except for the purpose of conducting business with the Police Department, the Fire Department, or other emergency service department of the Corporation, park such vehicle or allow the same to remain parked in the municipal parking lot situate on the following described lands:

That part of Monterey Avenue between St. Ann Street and Lulie Street;

Lots 1 and 2, Section 61, Victoria District, Plan 11899;

Lots 4 and 5, Block 5, Section 61, Victoria District, Plan 1029A,

at any time between the hours of twelve o'clock midnight and six o'clock in the forenoon on any day, provided, however, that this Section shall not detract from or abrogate any right conferred by or under any agreement to which the Corporation is a party in respect of the Scout and Girl Guide Halls situate on the said Lots 1 and 2.
- (2) Subsection (1) notwithstanding, the Chief Constable may, in an emergency situation, grant permission in writing for the parking of a vehicle on the lands and during the time stated therein.

- Overnight Parking Prohibition Municipal Parking Lot – Cadboro Bay Road** 33 No person being in charge, control or possession of a vehicle shall park such vehicle or allow the same to remain parked in the municipal parking lot situate on the following described land:
- Parcel 1 (DD 136140-I) of Parcel “A” (DD 77566-I) of Lots 9 and 10 of Sections 28 and 61, Victoria District, Plan 69, the said Parcel 1 lying wholly within the said Lot 10 and Section 28,
- at any time between the hours of twelve o’clock midnight and six o’clock in the forenoon on any day.
- Parking Prohibition in Parking Lot at Oak Bay Recreation Centre** 33.1 No person being in charge, control or possession of a vehicle shall park such vehicle or allow the same to be parked in a municipal parking lot situate on any of the following described lands:
Lot 1, Sections 28 and 69, Victoria District, Plan 27193,
Lots 5 and 6, Sections 28 and 69, Victoria District, Plan 2376,
- unless such person:
- (**Bylaw 4343, adopted Jan. 22/07)*
- (1) while the vehicle is so parked, is on the premises of the Oak Bay Recreation Centre, 1975 Bee Street, for the purpose of participating in or accompanying, picking up or dropping off a participant in a program, event or meeting taking place at the Recreation Centre, or for the purpose of performing a commercial service for or transacting business with the Parks and Recreation Department of the Corporation; or
- (2) (a) is an employee of the Corporation; and
- (b) the time during which the vehicle is so parked does not extend more than thirty (30) minutes beyond either end of the period corresponding to the work shift of the employee.
- (**Bylaw 4232, adopted Jun 29/04)*
- Parking Prohibition in Municipal Parking Lot at Oak Bay Municipal Hall** 33.2 (1) Between the hours of 8:00 a.m. and 4:30 p.m., Monday to Friday, excluding holidays, no person being in charge, control or possession of a vehicle shall park such vehicle or allow the same to remain parked in the Oak Bay Municipal Hall parking lot situate on the following described land:
- Lot W, Sections 23 and 69, Victoria District, Plan 673,
- unless such person, while the vehicle is so parked, is transacting business, performing a commercial service, attending a meeting, making an inquiry, application, payment, delivery or pickup, conducting research, or working as an employee, proprietor, manager, contractor, consultant, councillor or volunteer, at the Oak Bay Municipal Hall, 2167 Oak Bay Avenue.
- (**Bylaw 4261, adopted Jan.24, 2005)*

- (2) Subsection (1) notwithstanding, the Municipal Council may from time to time, by resolution and on terms it considers advisable, grant permission for the temporary occupancy of all or part of the municipal parking lot described therein.
(**Bylaw 4261, adopted Jan.24/05)

- (3) Subject to Section 15(2), nothing in Subsection (1) shall exempt any person from an order made pursuant to Section 14.
(**Bylaw 4261, adopted Jan.24/05)

Overnight Sleeping in Vehicles

- 33.3 (1) No person being in charge, control or possession of a vehicle shall park such vehicle or allow the same to remain parked in a street or municipal parking lot at any time between the hours of 9:00 p.m. and 7:00 a.m. for the purpose of sleeping in the vehicle, or to use the vehicle for accommodation or as a residence.
(** Bylaw No. 4767, adopted Nov. 9, 2020)
- (2) No person shall use a vehicle while it is parked on a street at any time between the hours of 9:00 p.m. and 7:00 a.m. for the purpose of sleeping, accommodation or as a residence.
(** Bylaw No. 4767, adopted Nov. 9, 2020)

LOAD SECUREMENT

- 34 No person shall drive or operate a vehicle on any street while such vehicle is carrying a load except where such load is secured in accordance with Schedule “B” attached to and forming a part of this Bylaw.

MISCELLANEOUS

Street Signs

- 35 The Director of Engineering Services may affix or cause to be affixed upon any street signs bearing the name of such street or an intersecting street, or indicating the direction to any street or place, and no person shall injure, deface or remove such signs or supports thereof.
(**Bylaw 4501, adopted Mar 22/10)

Benches, Etc.

- 36 The Director of Engineering Services may place or cause to be placed benches, seats or bicycle racks on any sidewalk or boulevard.
(**Bylaw 4501, adopted Mar 22/10)

Conduct on Streets

- 37 (1) No person shall, either directly or indirectly, hinder or interfere with pedestrian or vehicular traffic on or obstruct the free use of any street.
- (2) No person shall throw, catapult or sling any stone, snowball, firework or other missile on any street.
- (3) No person shall light any fire on any street.

- (4) No person shall be upon a street for the principal purpose of selling, offering for sale or renting any commodity or article, or for the principal purpose of selling or offering for sale any service.
- (5) No person shall ride any roller-skates, skateboard, in-line skates or similar apparatus on:
- (a) Christie Way; or any roadway, boulevard, sidewalk, curb or other public place within ten (10) metres of any point on Christie Way;
 - (b) any sidewalk, boulevard or curb abutting the roadway portion of Oak Bay Avenue lying between Foul Bay Road and Monterey Avenue;
 - (c) any concrete path or walkway situate on the following described lands (Turkey Head Walkway):

Block B, Section 23, Victoria District, Plan 368
Block C, Section 23, Victoria District, Plan 368
Block A, District Lot 144, Victoria District
District Lot 252, Victoria District; and
 - (d) Barkley Terrace, Sylvan Lane, or Denison Road, including in addition to the roadways, all boulevards, sidewalks and curbs situate thereon.
*(**Bylaw 4611, adopted Apr 14/14)*
- (6) No person shall ride any skateboard or similar apparatus on:
- (a) that portion of Granite Street, including in addition to the roadway all sidewalks, pathways, ramps, stairs, benches, railings, boulevards, curbs and parking bays situate thereon, lying between the projection of the west boundary of Mitchell Street and the projection of the east boundary of Victoria Avenue; and
*(**Bylaw 4129, adopted Jun 25/01)*
 - (b) Granite Street outside of the block described in paragraph (a), including in addition to the roadway all sidewalks, pathways, ramps, stairs, benches, railings, boulevards, curbs and parking bays situate thereon, except between the hours of 7 o'clock in the morning and 10 o'clock in the evening.
*(**Bylaw 4129, adopted Jun 25/01)*
- (7) Where any person rides roller-skates, a skateboard, in-line skates or similar apparatus in contravention of subsection (5), or a skateboard in contravention of subsection (6), the roller-skates, skateboard, in-line skates or apparatus shall be deemed to be unlawfully occupying the street or other public place, and the

provisions of Section 42 shall apply to the removal, detention and impoundment of the roller-skates, skateboard, in-line skates or apparatus.

*(**Bylaw 4129, adopted Jun 25/01)*

Selling/Displaying on Streets 37.1

Notwithstanding Section 37(1) and Section 37(4), a portion of a street abutting land designated for a category of commercial use pursuant to the *Zoning Bylaw, 1986*, may be occupied and used for the display and sale of goods, refreshments, or both, where either:

*(**Bylaw 4294, adopted Nov. 28/05)*

- (1) (a) Council has approved a licence of occupation of such portion to a person for a defined period for a not-for-profit community event which Council has determined to be for the benefit of the Municipality at large, in respect of which such use is ancillary, or for the purpose of an event of not more than eight (8) consecutive hours in duration which Council has determined to be of general benefit to the adjacent business district and which creates no undue inconvenience for adjacent residents or the public at large;
- (b) the person to whom the licence is granted has executed an agreement indemnifying the Corporation against claims arising out of the event, releasing the Corporation from claims of its own arising out of the event, providing evidence of comprehensive public liability insurance to a limit of not less than Three Million Dollars (\$3,000,000) inclusive for each occurrence for bodily injury, death, and damage to property including loss of use thereof, with the Corporation named as an additional insured, agreeing to pay all costs incurred by the Corporation in connection with the occupancy, and agreeing to abide by any other conditions of occupancy which may reasonably be required by the Corporation in light of the nature of the street and the scale and nature of the event;
*(**Bylaw 4501, adopted Mar 22/10)*
- (c) the person to whom the licence is granted has prepared and obtained the approval of the Chief Constable for a traffic plan which safely accommodates diverted vehicular and pedestrian traffic;

or

- (2) such occupancy and use is ancillary to a not-for-profit community event under the auspices and control of the Corporation, which Council has determined to be for the benefit of the Municipality at large, and for which the Chief Constable has approved a traffic plan which safely accommodates diverted vehicular and pedestrian traffic.

*(**Bylaw 4294, adopted Nov. 28/05)*

- (3) The Director of Engineering Services or designate may, despite sections 25, 37(1), 37(4), and 42(1), enter into an agreement with a bike share operator to permit the operation of a bike share system on roadways, streets, and public places within the Municipality on such terms and conditions as the Director of Engineering Services or designate deems appropriate in the circumstances including, without limitation, conditions respecting the provision of insurance, indemnification of the Municipality, the time, location and manner of use of roadways, streets and public places for the bike share system, the provision to the Municipality of aggregated or anonymized data relating to the operation of the bike share system, default, and termination.

*(**Bylaw 4714, adopted November 13, 2018)*

Parades, Etc.

- 38 No person shall cause, organize, promote, be a member of or take part in any road event or public gathering of any kind or nature whatsoever through or on a street or public place unless there has first been obtained a permit therefor, issued pursuant to an order of the Municipal Administrator, Municipal Clerk, and without limiting the foregoing, in the case of a film production, the Manager of Recreation Program Services, who, upon receipt of an application, may

*(**Bylaw 4261, adopted Jan. 24/05)*

*(**Bylaw 4605, adopted Jan 27/14)*

- (1) authorize the issuance of a permit;
- (2) authorize the issuance of a permit subject to certain terms and conditions; or
- (3) decline to authorize the issuance of a permit,

after giving consideration to the traffic control implications of the application.

- 38.1 In the issuance of a permit under Section 38, the official so authorized may grant to the applicant an exclusive right of temporary occupancy and may, after consulting with the Chief Constable, suspend the effect of an order issued pursuant to Section 14 for the duration of the road event if required for the safe and efficient conduct of the event.

*(**Bylaw 4261, adopted Jan. 24/05)*

- 38.2 Notwithstanding Section 38, where an application for a permit for a road event or other public gathering contemplates the closure of a street to traffic other than on an intermittent basis, a permit may only be issued pursuant to a resolution of the Municipal Council.

*(**Bylaw 4261, adopted Jan. 24/05)*

- 38.3 Section 38.2 does not apply to an application for a permit for a block party.

*(**Bylaw 4605, adopted Jan. 27/14)*

- (2) A street occupancy permit will be issued by the Director of Engineering Services subject to the following conditions:
(**Bylaw 4501, adopted Mar 22/10)
- (a) that construction work will take place within 6 metres of a street line;
 - (b) that the width of the area of the street to be occupied by the owner or contractor shall not exceed the distance between the curb or edge of the paved portion of the street and the street line, plus 3 metres from the curb or pavement edge towards the centre of the street;
 - (c) that all materials, structures, and objects occupying the street shall be properly marked with flashing amber lights and appropriate signage as determined by the Director of Engineering Services, in a manner which shall be visible from all directions of approaching traffic;
(**Bylaw 4501, adopted Mar 22/10)
 - (d) that all materials and structures on the street shall be removed within 5 days of completion of construction within 6 metres of the street line.
- (3) No person shall occupy any street or portion thereof without first having obtained a permit from the Director of Engineering Services. Such permit shall extend only to the actual construction, alteration, repair, painting, cleaning, maintenance or demolition of a building or structure, and no person shall occupy any street or portion thereof with articles or things not intended for immediate use in connection with the activity for which the permit has been issued. Such permit shall be in the form set out and attached as Schedule "C" to this Bylaw.
(**Bylaw 4501, adopted Mar 22/10)
- (4) No person shall occupy any portion of a street beyond the aforementioned 3 metre limit, provided, however, that the Council may authorize the Director of Engineering Services to issue a permit for the occupancy of a greater area, subject to such terms and conditions as it may deem fit and proper under the circumstances.
(**Bylaw 4501, adopted Mar 22/10)
- Fee**
- (5) Every holder of a street occupancy permit shall pay to the Collector the sum of Two Dollars (\$2.00) per 10 square metres of occupancy per day.
- (6) Every holder of a street occupancy permit shall fence the occupied area and any excavation, and where pedestrian traffic is diverted onto the roadway, shall provide and maintain a protected illuminated sidewalk of a design and construction acceptable to the

Director of Engineering Services.

(**Bylaw 4501, adopted Mar 22/10)

- (7) Any person who
- (a) erects on any street a pole for supporting electric power wires or telecommunication wires;
 - (b) removes such a pole from any street;
 - (c) cuts down or removes a part of a tree that could fall upon any street in the course of such cutting down or removal; or
 - (d) lifts any object over any street by derrick, crane or any similar device;

shall first notify the Director of Engineering Services of the time and place where such activity will be carried out, and during same shall maintain on such street at least 15 metres on either side of such activity appropriate warning signs or barriers including flashing amber lights.

(**Bylaw 4501, adopted Mar 22/10)

- (8) Where the occupancy of any street, the delivery of materials, or the use of machinery reduces vehicular traffic to “one-way”, or when required by the Chief Constable, the person occupying the street, delivering materials or using machinery shall provide a competent flagman to regulate such traffic.

Unauthorized Construction

41

- (1) Except as otherwise allowed by this Bylaw or other enactment, no person other than an employee, contractor or agent of the Corporation acting in the course of his employment or contractual obligations, as the case may be, shall cause or permit any structure, object or thing to be built, constructed, placed or maintained in, on or under any street unless the person is the owner of the adjoining land and has received permission by way of an encroachment agreement, licence of occupation, or easement, whichever may be required by Council pursuant to its authority under Section 35(11) of the *Community Charter*, S.B.C. 2003, c. 26.
- (2) No owner of land adjoining the portion of a street in, on or under which a structure, object or thing has been permitted to be built, constructed, placed or maintained pursuant to an encroachment agreement, licence of occupation, or easement shall construct, place or maintain such structure, object or thing except in accordance with the terms and conditions of the encroachment agreement, licence of occupation, or easement, as the case may be.
- (3) For the boulevard adjoining the land owned by him, a person seeking the permission referred to in Section 41(1) shall include

the following in an application to the Corporation:

- (a) a nonrefundable application fee in the amount of \$100.00;
- (b) a letter explaining the rationale for the proposed works;
- (c) a dimensioned site plan to scale not less than 1:500, showing:
 - (i) the location of all underground pipes, conduits, utility poles, irrigation heads, meters, manholes, utility covers and any other infrastructure in, under, over or upon the boulevard within a horizontal distance of 2 metres from every part of the proposed works;
 - (ii) the location of the property line defining the boundary between the land and the boulevard;
 - (iii) the location of any roadway, curb or public sidewalk adjacent to the boulevard;
 - (iv) the location of any driveway crossing the boulevard;
 - (v) location of existing boulevard trees;
 - (vi) any areas of existing vegetation other than grass on the boulevard;
 - (vii) the proposed location of a testable backflow prevention device if the proposed works include an irrigation system; and
 - (viii) the location and horizontal dimensions of the proposed works; and
- (d) dimensioned elevation plans for any proposed works projecting above the surface of the boulevard.

- (4) No permission shall be granted pursuant to subsection (1) if the effect would be to create a conflict with any provision of the *Driveway Access Bylaw, 1987*, as amended from time to time, or a successor thereto.

(**Bylaw 4501, adopted Mar 22/10)

Objects on Streets

42

- (1) Without restricting the generality of Section 41, no person shall abandon, place, deposit or leave upon, above or in any street or other public place any chattel, obstruction, 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 chattel, obstruction or thing shall permit or suffer the same to remain upon or in such street or other public place.

- (2) The Chief Constable or Director of Engineering Services may remove, detain and impound, or cause the removal, detention or impoundment of, any chattel, obstruction, or other thing occupying a street or other public place in contravention of Subsection (1).

(**Bylaw 4501, adopted Mar 22/10)

- (3) After removal, detention or impoundment, the person entitled to the possession of the chattel, obstruction, or thing may obtain its release upon signing an undertaking that the person will not again place it on, above or in any street or other public place in contravention of this section and upon payment to the Corporation of the fees, costs and expenses listed in Subsection (4).

- (4) For each removal, detention and impoundment, the person entitled to possession of the chattel, obstruction or thing shall pay to the Corporation:

- (a) a removal and detention fee as follows:

<u>WEIGHT OR TYPE OF OBJECT</u>	<u>DETENTION OR REMOVAL FEE</u>
Up to 10 kilograms	\$10.00
Over 10 kilograms up to 65 kilograms	\$25.00
Over 65 kilograms	\$40.00
For any roller-skates, skateboard, in-line skates or similar apparatus	\$25.00

- (b) an impoundment fee as follows:

<u>WEIGHT OR TYPE OF OBJECT</u>	<u>IMPOUNDMENT FEE</u>
Up to 10 kilograms	\$2.00 per day, including the first day
Over 10 kilograms up to 65 kilograms	\$5.00 per day, including the first day
Over 65 kilograms	\$7.00 per day, including the first day
For any roller-skates,	\$2.00 per day, including the

skateboard, in-line skates first day
or similar apparatus

- (5) If the person entitled to the possession of any detained object does not, within 14 days of its detention, including the date of detention, sign the undertaking and pay the fees, costs and expenses as specified in Subsection (4), and it appears to the Chief Constable or Director of Engineering Services that the object detained has a market value, the Chief Constable or Director of Engineering Services may immediately thereafter cause it to be sold by public auction to the highest bidder, but may otherwise cause it to be disposed of as garbage.
*(**Bylaw 4501, adopted Mar 22/10)*
- (6) From the proceeds of any auction sale held pursuant to this section, the Collector shall
- (a) firstly, deduct the costs of the auction;
 - (b) secondly, deduct the fees payable to the Corporation pursuant to Subsection (4);
 - (c) thirdly, pay the surplus, if any, to the person entitled if that person's identity and whereabouts are known.
- (7) If the identity or whereabouts of the person entitled to the surplus is not known, the Collector shall:
- (a) hold any surplus for one year from the date of the auction; and
 - (b) if any surplus is not claimed within that period, shall pay the amount into the general revenue of the Corporation and it shall be forfeited to the Corporation.
- (8) No action taken pursuant to any of the preceding Subsections shall be a bar to the prosecution of any person who contravenes any provision of this section or of any other section of this Bylaw.
- (9) Without restricting the generality of Section 41, no person shall permit a vehicle to be abandoned, left upon or to be unlawfully occupying any street or other public place, and no person being the owner or person entitled to the possession or control of any such vehicle shall permit or suffer the same to unlawfully remain upon or in such street or other public place.
- (10) The Chief Constable or Director of Engineering Services may:
*(**Bylaw 4501, adopted Mar 22/10)*
- (a) remove or cause to be removed any vehicle occupying a

street or other public place in contravention of Subsection (9) or the *Motor Vehicle Act*, and

(b) cause the vehicle to be detained or impounded until the owner of the vehicle pays to the Corporation all the fees, costs and expenses of removal, detention and impoundment, including charges for storage.

(11) Where any fees, costs and expenses incurred by the Corporation are not paid immediately, the Collector may proceed in accordance with the provisions of the *Warehouse Lien Act* for the sale of the vehicle as if the Corporation were the warehouseman.

Material Upon Streets

43 No person

(1) shall cause, suffer or permit loose material to be deposited or accumulate or remain upon any street or public place;

(2) being the owner or occupier of any property abutting on or near to any street, shall cause or permit any flow of liquid from such property on or over such street;

(3) shall transport along any street any sawdust, ashes, debris, refuse or other material that is liable to be blown or scattered, unless the same is securely covered so as to prevent it from being so blown or scattered;

(4) shall deposit or suffer or allow to be deposited broken glass or other material or thing dangerous to traffic on any street or public place;

(5) being in charge, control or possession of a vehicle shall cause, suffer or permit any clay, mud, dirt, concrete or cement to be deposited by such vehicle on any street, and if clay, mud, dirt, concrete or cement is so deposited shall take immediate steps to remove the same at his expense;

(6) being the occupier, and in case there is no occupier, being the owner or lessee, of land and premises abutting any sidewalk shall permit any accumulation of snow, ice, dirt, litter or rubbish to be or remain upon such sidewalk;

(7) shall pile, place, or cause to be piled or placed, leaves, tree branches, yard trimmings or other garden waste on the roadway portion of any street; and

(**Bylaw 4343, adopted Jan. 22/07)

(8) shall pile, place, or cause to be piled or placed, leaves, tree branches, yard trimmings or other garden waste on a sidewalk or boulevard, except, only on the portion of the adjacent boulevard

bounded by the projection of the lateral boundaries of the lot from which such material is generated and in respect of which lot the person is either a resident or an owner, during the five (5) day (Monday to Friday) period in March of each year when the Corporation provides a garden waste collection service as more particularly specified in a notice published or otherwise disseminated in advance by the Corporation, including also the ten (10) day period immediately preceding the commencement thereof, and in compliance with all rules and conditions of service set out in such notice.

*(**Bylaw 4343, adopted Jan. 22/07)*

- 43.1 Notwithstanding Section 43(8), a person may pile, place, or cause to be piled or placed, leaves on the portion of the adjacent boulevard bounded by the projection of the lateral boundaries of the lot from which such material is generated and in respect of which lot the person is either a resident or an owner, between October 1 and December 15, both inclusive, in each year.

*(**Bylaw 4343, adopted Jan.22/07)*

Deposit of Harmful Material

- 44 No person shall deposit or suffer or cause to be deposited decayed vegetables, carrion or other organic waste or other refuse, matter or thing injurious to public health; or any straw, shells, glass, crockery, cans, tin ware, chips, dung, filth or fruit peel of any kind; or paper of any kind or other matter or things dangerous to traffic; or other rubbish of any kind upon any street or public place.

- 45 Subject to the provisions of this Bylaw, no person shall pile or place or cause to be piled or placed on any street any lumber, firewood, bricks, blocks, rocks, stone, debris or other material or do any other act which will cause injury to the street.

- 46 (1) No person shall saw, cut or split lumber, wood, cordwood or firewood or store fuel upon any street or sidewalk within the Municipality.

- (2) Neither the purchaser, nor the vendor, nor any person employed for the delivering of firewood, sawdust, coal or other material, shall allow the same to remain deposited upon any street in the Municipality 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 24 hours, nor permit it to remain on such street after dusk without being properly marked by a red light. No person shall deposit firewood, sawdust or coal upon any street in the Municipality so as to cause obstruction to the ordinary traffic in such street. No person shall permit to remain upon any sidewalk or street in the Municipality any debris or pieces of dust or coal, or any chips of wood or other dust or rubbish caused by the deposit of coal or wood. The owner or occupier of every building or parcel of land fronting on any street within the Municipality, in front of whose premises coal or wood shall have been deposited for delivery and the vendor of coal or

wood, or person employed by him to deliver the same shall, immediately after such delivery, cleanse or cause to be cleansed, the sidewalk and street and remove or cause to be removed therefrom, all chips, bark, coal, dust, debris and other rubbish caused by such deposit.

Engines, Machines (3) In no case shall any engine or machine for sawing wood be allowed to remain upon any of the streets of the Municipality.
(*Bylaw 4501, adopted Mar 22/10)

Disfiguring of Streets, Etc. 47 No person shall disfigure or cause to be disfigured, any sidewalk or street. Without affecting the generality of or limiting the meaning of the term “disfigure” as used in this section, any person, save an employee of the Corporation acting in the course of his employment, who paints, draws, writes or otherwise marks upon any sidewalk or street any figure, number, letter, caricature, picture or other marking or who places on or affixes to any sidewalk or street any written or painted notice, sign or advertisement, picture or paper shall be deemed to disfigure the street or sidewalk.

Removal of Earth, Etc. 48 No person shall remove any earth, rock, boulders, gravel, sand or turf from any street, park or lot belonging to the Corporation without first having obtained a permit in writing from the Director of Engineering Services, upon such terms, conditions and regulations as shall be specified in such permit.
(*Bylaw 4501, adopted Mar 22/10)

Interference with Surface of Streets, Etc. 49 (1) No person shall break, tear up, or remove any planking, pavement, sidewalk, curbing macadamizing, or other street surface, or make any excavation in or under any street, without having first obtained permission in writing from the Director of Engineering Services, and in case any such permission is granted, the work so permitted shall be done only under the direction of the Director of Engineering Services, and the person to whom such permission is granted shall, within a time to be stated in such permission, complete the work and replace, relay, and make good whatever he may have broken, torn up, removed or excavated under such permission.

(*Bylaw 4501, adopted Mar 22/10)

(2) A person obtaining permission under Subsection (1) shall during the continuance of the work or obstruction keep and maintain all fences and lights, and take such further precautions as may be necessary to prevent accident to persons or property as may be required by the Director of Engineering Services or the most recent edition of the *Ministry of Transportation and Highway's Traffic Control Manual for Work on Roadways*, and shall be responsible for all damage or loss arising from accidents that may occur to any person or property by reason of such work or obstruction.

(*Bylaw 4501, adopted Mar 22/10)

Vehicles on Sidewalk 50 No person shall ride, drive or lead any animal or move, drive or propel any

vehicle over, upon or across any curb, boulevard or sidewalk except within that portion thereof which is a sidewalk crossing constructed pursuant to the *Driveway Access Bylaw* of the Corporation.

Sidewalk Crossings 51 Every sidewalk crossing shall be kept in good repair by the owner of the property abutting thereon.

Boulevards 52 (1) The Council may direct that trees, saplings, shrubs, foliage or grass be planted on any street, or that boulevards be constructed on any street.

(2) Except as set out in an off-site servicing agreement with the Corporation with respect to:

- (a) a development which is the subject of a permit or other approval issued at the Council level; or
- (b) a subdivision approved by the Subdivision Approving Officer for the Corporation,

and subject to Sections 41, 52.1 and 52.2, no person other than an employee, contractor or agent of the Corporation acting in the course of his employment or contractual obligations, as the case may be, shall plant any tree, sapling, shrub or foliage of any kind, or construct any rockery, or pile any dirt, gravel or similar material, on any street.

*(**Bylaw 4501, adopted Mar 22/10)*

(3) No person except the agents, servants or employees of the Corporation acting in the course of their employment shall dig up, remove, injure or destroy any flower, foliage, flowering plant, foliage plant, grass or shrubbery on any street.

(4) No person other than an employee, contractor or agent of the Corporation acting in the course of his employment or contractual obligations, as the case may be, shall cause or permit any activity which may injure any tree on any street (hereinafter called any “public tree”), and without restricting the generality of the foregoing, no such person shall

*(**Bylaw 4501, adopted Mar 22/10)*

- (a) remove, spray, fertilize, prune, disturb, scar, cut above or below ground, or alter in any other way, any public tree;
- (b) deposit, place, store, or maintain on public or private land any stone, brick, sand, concrete, soil or other material or equipment which impedes the free passage of water, air or nutrients to the roots of any public tree;
- (c) mark, break, remove bark from, or in any other way deface any public tree;

- (d) fasten any sign, bill, notice, wire, rope, nail or other object to, around or through the stakes, posts, guards or barriers which support or protect any public tree;
- (e) cause or permit any gaseous, liquid or solid substance which is harmful or toxic to public trees to come in contact with them;
- (f) cause or permit the heat from any fire or other source to come in contact with any public tree;
- (g) raise or lower the grade level or alter the drainage pattern in a manner which interferes with the access of water, air or nutrients to the roots of any public tree;
- (h) remove or interfere with any barrier on, around or about any public tree; or
- (i) cause or permit any excavation, soil disturbance or compaction within the area on the surface of the ground that corresponds to the outer edge of the crown of any public tree.

52.1 Despite Sections 48 and 52(2), if a boulevard is not already landscaped, maintained or planted by the Corporation in a material other than turf, then an owner of land may plant vegetation on and maintain the portion of the boulevard adjoining his land, that is to say, not being separated by any intervening public sidewalk or other above ground public work, but only in compliance with and to the extent allowed by the plant materials and restrictions set out in Schedules “D” and “E”, respectively, which are attached to and which form part of this Bylaw. For greater certainty, no person other than an employee, contractor or agent of the Corporation acting in the course of his employment or contractual obligations, as the case may be, shall pursuant to this section:

- (1) plant on a boulevard any vegetation:
 - (a) not included in the list set out in Schedule “D”;
 - (b) in a location required to be free of plant growths as set out in Schedule “E”; or
 - (c) which has a height higher than the maximum set out in Schedule “E”; or
- (2) till the soil on a boulevard to a depth below the maximum set out in Schedule “E”

52.2 Despite Section 52(2), permission for works on a boulevard granted by way of an encroachment agreement, licence of occupation, or easement

pursuant to Section 41 may include a planting component, but only to the extent that the proposed planting plan complies with the materials and restrictions set out in Schedules “D” and “E”, respectively.

52.3 No person being the owner of land adjoining a boulevard on which vegetation has been planted pursuant to:

- (1) Section 52.1; or
- (2) an encroachment agreement, licence of occupation or easement agreement with the Corporation,

shall:

- (3) allow such vegetation or any part thereof to:
 - (a) become infested with weeds;
 - (b) grow or spread to the extent that it does not comply with the restrictions set out in Schedule “E” if:
 - (i) subsection (1) applies; or
 - (ii) subsection (2) applies and the encroachment agreement, licence of occupation or easement agreement was executed after the adoption of the *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2010*,
 - (c) grow or spread to the extent that it:
 - (i) does not comply with the restrictions set out in an encroachment agreement, licence of occupation or easement agreement;
 - (ii) reduces the available width of a public sidewalk, other public walkway, or roadway below that which would be available for public passage in the absence of the vegetation;
 - (iii) impairs a line of sight for vehicle or pedestrian traffic at an intersection;
 - (iv) obscures a traffic control device;
 - (v) projects over a street where it is liable to be struck by a pedestrian, cyclist or motor vehicle using the street in a lawful manner; or
 - (vi) causes damage to a roadway, public sidewalk or public works whether above or below ground,

if subsection (2) applies and the encroachment agreement, licence of occupation or easement agreement was executed before the adoption of the *Streets and Traffic Bylaw Amendment Bylaw No. 1, 2010*; or

- (4) allow to remain on the boulevard such vegetation which has died or which has become diseased.

52.4 Nothing in Section 52.1 authorizes, entitles or permits a person to:

- (1) surface a boulevard with gravel, crushed rock screenings, rocks, sand, shells, asphalt, concrete, brick, grass-grid products or other hard material;
- (2) place rocks or boulders on a boulevard; or
- (3) install an irrigation system in, on or under a boulevard,

and no person other than an employee, contractor or agent of the Corporation acting in the course of his employment or contractual obligations, as the case may be, shall carry out any such work or do any such thing on, in or under a boulevard without first applying for and obtaining permission in accordance with the procedure set out in Section 41, with the necessary changes and as applicable, including payment of the application fee set out therein.

52.5 Nothing in Section 52.1 authorizes, entitles or permits a person to:

- (1) remove turf from a boulevard and replace it with dirt or bark mulch outside the context of a bona fide planting scheme complying with Schedules “D” and “E”;
- (2) change the natural grade of a boulevard;
- (3) alter or damage an irrigation system owned and maintained by the Corporation; or
- (4) cultivate, dig or rototill in a location that interferes with, gouges, cuts or in any way injures the roots of a public tree,

and no person other than an employee, contractor or agent of the Corporation acting in the course of his employment or contractual obligations, as the case may be, shall carry out any such work or do any such thing on, in or under a boulevard.

52.6 Neither the landscaping nor the maintenance of a boulevard pursuant to:

- (1) Section 52.1; or
- (2) an encroachment agreement, licence of occupation or easement

agreement with the Corporation,

confers any exemption from a frontage tax imposed under the *Boulevard Frontage Tax Bylaw, 1982*, as amended from time to time, or a successor thereto, even if the effect of such landscaping is to prevent the Corporation from undertaking the maintenance that would normally be carried out under that Bylaw.

52.7 In landscaping or maintaining a boulevard pursuant to:

- (1) Section 52.1; or
- (2) an encroachment agreement, licence of occupation or easement agreement with the Corporation,

a person acquires no property rights in the boulevard or the vegetation planted thereon, and such person shall have no claim against the Corporation in the event that the Corporation removes all or part of such vegetation for the purpose of access to public works, road widening, sidewalk construction, remediation of safety hazards, or for any other lawful purpose of the Corporation.

52.8 An owner of land is required, with respect to a boulevard adjoining that land:

- (1) to remove any structure, object or thing projecting from the land and built, constructed, placed or maintained without the permission contemplated by Section 41;
- (2) to remove any structure, object or thing, other than as described in subsection (1), that the owner has caused or suffered to be built, constructed, placed or maintained without the permission contemplated by Section 41;
- (3) to remove any material that the owner has caused or suffered to be piled or placed as described in Section 45;
- (4) to reinstate with turf any portion thereof that the owner has caused or suffered to be damaged as set out in Section 48;
- (5) except for:
 - (a) plantings allowed pursuant to Section 52.1; or
 - (b) plantings or other works allowed pursuant to an encroachment agreement, licence of occupation or easement agreement with the Corporation,

to remove any vegetation, rockery or other material that the owner has caused or suffered to be planted, constructed or piled as described in Section 52(2); and

- (6) to remove any material that the owner has caused or suffered to be deposited, placed, stored or maintained as described in Section 52(4)(b).

52.9 Where a person to whom:

- (1) Section 52.8 applies fails to take the action required by that section; or
- (2) Section 52.3 applies fails to carry out the maintenance or take such other action required in order to comply with that section,

the Director of Engineering Services may cause written notice to be given to the person advising that the Corporation will be entitled to carry out the required maintenance or other action at the expense of the person if the required maintenance or other action has not been completed within 14 days after the date the notice was mailed or delivered as the case may be.

52.10 In addition to the content set out in Section 52.9, a notice under that section shall:

- (1) describe the location, extent and nature of the required maintenance or other action;
- (2) indicate how the recipient may contact the Director of Engineering Services if he desires further information with respect to the location, extent and nature of the required maintenance or other action;
- (3) state that the recipient may apply to Council for reconsideration of the requirement to carry out the maintenance or take the action described in the notice;
- (4) indicate how the recipient may obtain information regarding an application for reconsideration;
- (5) state that if within 14 days after the date the notice was mailed or delivered as the case may be, the recipient applies for reconsideration by Council, he need not carry out the maintenance or take the action described in the notice until the application has been dealt with and the requirement confirmed by that body; and
- (6) be either:
 - (a) mailed by registered mail; or
 - (b) delivered by hand,

to the address of the person to whom the notice is being given pursuant to that section, as shown on most recent assessment roll prepared pursuant to the *Assessment Act*, R.S.B.C., 1996, c. 20, or, if title to the land adjoining the boulevard which is the subject of the notice has been transferred since the preparation of the most recent assessment roll, to the address of the person as shown on the current certificate of title for that land.

52.11 An application for reconsideration by Council shall:

- (1) be in writing;
- (2) include a return address; and
- (3) be delivered to the Municipal Clerk before the expiration of the time set out in the notice from the Director of Engineering Services for the completion of the required maintenance or other action.

52.12 Following receipt of an application for reconsideration under Section 52.11, the Municipal Clerk shall notify the applicant of the time, date and place that the application will be placed before Council.

52.13 In addition to the content set out in Section 52.12, notification under that section shall:

- (1) state that reconsideration by Council at the time, date and place specified will include a reasonable opportunity to be heard or make written submission on the matter either in person, or through an agent, or both; and
- (2) be mailed or otherwise delivered to the applicant through one of the methods set out in Section 52.10(6) at least 5 days before the date of reconsideration by Council.

52.14 If Council, upon reconsideration, has confirmed a requirement to carry out the maintenance or take the action described in a notice from the Director of Engineering Services under Section 52.9, the Municipal Clerk shall give notice of such confirmation to the applicant, with notice from the Municipal Clerk to be mailed or otherwise delivered to the applicant through one of the methods set out in Section 52.10(6).

52.15 If the person subject to the requirement to carry out the maintenance or take the action described in a notice from the Director of Engineering Services under Section 52.9 fails to complete the same:

- (1) within 14 days after the date such notice was mailed or delivered as the case may be; or
- (2) if the person has applied for reconsideration by Council, within 14 days after notice under Section 52.14 was mailed or delivered as the case may be,

then the Corporation may carry out and complete the required maintenance or other action at the expense of that person and may recover from that person the costs thereby incurred as a debt.

- 52.16 A notice under Section 52.14 shall include the information set out in Section 52.15(2) with respect to the time allowed to carry out and complete the required maintenance or other action before the Corporation will be entitled to do the same at the expense of the person given such notice.
- 52.17 The Corporation shall keep an accurate account of the costs incurred pursuant to Section 52.15 and shall send by registered mail a statement of such costs to the person given notice under Section 52.9, with a demand for payment of same.
- 52.18 Where the costs described in a statement mailed pursuant to Section 52.17 were incurred in the course of maintenance or other action taken by the Corporation with respect to an encroachment which was the subject of an order under Section 52.8(1), such costs are due and payable not later than December 31 of the year in which they were incurred. If unpaid on that date, they are deemed to be taxes in arrear on the land from which the encroachment extended.
- 52.19 Where the costs described in a statement mailed pursuant to Section 52.17 were incurred in the course of maintenance or other action taken by the Corporation with respect to an encroachment other than an encroachment which was the subject of an order under Section 52.8(1), such costs are due and payable not later than 30 days following the date of the statement mailed pursuant to Section 52.17.

*(**Bylaw 4501, adopted Mar 22/10)*

Parks

- 53 No person being in charge or control of any vehicle shall drive or allow or permit such vehicle to be driven within any park except on the hard surfaced portions of established highways within such park, and no person being in charge, control or possession of any vehicle shall park such vehicle or permit same to remain parked within any park except upon the areas set aside for parking.

Animals

- 54 (1) No person shall drive through any street any horses, cattle, sheep, swine or other like animals.
- (2) No person shall ride any horse on any street unless the same is fitted with a proper saddle and controlled by a bit and bridle.
- (3) No person shall tie or fasten any animal to any tree or shrub, or to the support of any tree or shrub, on any street or in any park.

Grease and Oil

- 55 No person being in charge, control or possession of any vehicle shall suffer or permit oil, grease, fuel or other deleterious substance to drop or fall from any part of such vehicle upon any street paved with asphalt.

PENALTIES

- 56 A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, on conviction, to the penalties prescribed by this Bylaw or by the *Offence Act*.
- 57 The minimum penalty for the contravention of
- (1) Sections 16, 17, 18(1), 19(1), 22, 23(1), 23(2), 24, 27, 28, 30, 31(15), 31(16), 32(1), 33, 33.1 or 33.2(1) or 33.3 shall be a fine of Fifteen Dollars (\$15.00)
(**Bylaw 4232, adopted Jun 29/04)
(**Bylaw 4261, adopted Jan 24/05)
(**Bylaw 4767, adopted Nov. 9, 2020)
- (2) Section 21 shall be a fine of Twenty Dollars (\$20.00)
- 58 The penalty for the contravention of any provision of this Bylaw, other than a provision set out in Section 57, shall be a fine of not less than \$25.00 and not more than \$10,000.00. A separate offence shall be deemed to be committed on each day during and on which the contravention occurs or continues.
(**Bylaw 4343, adopted Jan. 22/07)
- 59 A municipal constable or a person authorized to enforce this Bylaw or a portion hereof pursuant to a contract or agreement with the Corporation if he has reason to believe that an offence has been committed against any of the provisions enumerated in Section 57, may complete and deliver a parking offence notice to the driver of the vehicle parked in contravention of any one of the provisions so enumerated. Delivery of a parking offence notice may be effected by leaving it on the windshield of such vehicle or by handing it to the driver of same, or by mailing it to the registered owner of the vehicle at the address shown on the record of registration maintained by the Insurance Corporation of British Columbia.
- 60 A parking offence notice may indicate the alleged offence and the amount of the voluntary penalty which may be paid to the Corporation in respect of it.
- 61 Where a voluntary penalty is paid pursuant to a parking offence notice in the amount and within the applicable time set out in Section 62 before an information has been sworn and a summons has been issued, no prosecution shall be commenced in respect of the offence described in the parking offence notice.
- 62 The voluntary penalty for the contravention of
- (1) Section 16, 17, 18(1), 19(1), 22, 23(1), 23(2), 24, 27, 28, 30, 31(15), 31(16), 32(1), 33, 33.1 or 33.2(1) shall be:

*(**Bylaw 4232, adopted Jun 29/04)*

*(**Bylaw 4261, adopted Jan. 24/05)*

- (a) Ten Dollars (\$10.00) if paid not later than 7 days from the date of the parking offence notice;
 - (b) Fifteen Dollars (\$15.00) if paid later than 7 days from the date of the parking offence notice.
- (2) Section 21 shall be
- (a) Fifteen Dollars (\$15.00) if paid not later than 7 days from the date of the parking offence notice;
 - (b) Twenty Dollars (\$20.00) if paid later than 7 days from the date of the parking offence notice.
- 63 (1) Where there is a violation by any person, whether known or unknown, of the provisions of this Bylaw relating to the parking of a vehicle, the person licensed as the owner of the vehicle shall be deemed to be guilty of such violation and shall incur the penalties provided therefor unless he proves both that the violation was not committed by himself and that it was not committed by a person who at the time of the violation had authority from him to have charge or control of the vehicle.
- (2) Nothing in this section relieves from liability the person by whom the violation was in fact committed.
- 64 (1) In this Bylaw, “repeat offender vehicle” means a vehicle in respect of which, under the ownership of the same person, there remain unpaid at least thirty (30) days after the date of the last unpaid parking offence notice, five (5) or more such notices issued during the three (3) year period preceding the mailing of notice under Section 66.
- (**Bylaw 4206, adopted Nov. 24/03)*
- (2) Where a court has dismissed a prosecution for an alleged contravention of this Bylaw, a parking offence notice for that alleged contravention will not be included for the purpose of Subsection (1).
- (**Bylaw 4206, adopted Nov.24/03)*
- (3) REPEALED
- (**Bylaw 4193, adopted Jun 23/03)*
- 65 Without derogating from the authority of a peace officer under the *Motor Vehicle Act*, the Chief Constable or the Municipal Clerk may cause a repeat offender vehicle to be towed away and impounded if
- (**Bylaw 4206, adopted Nov. 24/03)*

- (1) the vehicle is parked contrary to a traffic control device duly erected, placed or made by order of the Council or the Director of Engineering Services pursuant to this Bylaw or its predecessors, or otherwise is unlawfully occupying a portion of a street or public place;
*(**Bylaw 4501, adopted Mar 22/10)*
 - (2) notice has been given in accordance with Section 66, and at least three (3) days have elapsed since the mailing of same; and
 - (3) the vehicle is registered in the name of the same person under whose ownership it met the criteria for categorization as a repeat offender vehicle within the meaning of this Bylaw.
- 66
- (1) The notice required pursuant to Section 65(2) shall be given to the registered owner of the repeat offender vehicle and shall state that the vehicle identified in the notice is subject to towing and impoundment if found in either of the circumstances described in Section 65(1).
*(**Bylaw 4206, adopted Nov.24/03)*
 - (2) A Notice under this Section may be given by mailing it to the registered owner of the vehicle at the address shown on the record of registration maintained by the Insurance Corporation of British Columbia or the most recent address known to the Corporation.
- 67
- (1) Where a vehicle has been impounded under Section 65, the owner or driver of the vehicle will be entitled to its release on payment
 - (a) to the Corporation of an impoundment fee of Two Hundred Dollars (\$200.00); and
 - (b) of towing service costs and storage charges payable to the towing company that has been retained by the Corporation for the purpose of this Section.
 - (2) The costs applicable under Subsection (1)(b) shall be as follows:
 - (a) towing service costs: Ninety-Four Dollars and Fifty Cents (\$94.50);
*(**Bylaw 4431, adopted September 29, 2008)*
 - (b) storage costs: Twenty-Three Dollars and Ten Cents (\$23.10) per calendar day, minimum one day.
*(**Bylaw 4351, adopted Mar. 26/07;
Bylaw 4424, adopted August 18, 2008)*

- (3) Payment of an impoundment fee may be made:
 - (a) between 8:30 a.m. and 4:30 p.m., excluding weekends and holidays at the Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, British Columbia, V8R 1G2; and
 - (b) otherwise, between 5:45 a.m. and 12:30 a.m. at the Oak Bay Recreation Centre, 1976 Bee Street, Victoria, British Columbia, V8R 5E6.
(**Bylaw 4206, adopted Nov.24/03)
(**Bylaw 4619, adopted May 26, 2014)

(4) The payment of any impoundment fee, towing service charge or storage charge under this Section does not absolve the owner or driver from paying any voluntary penalties or fines which might result from any parking offence notices.

(5) The Corporation will refund an impoundment fee, without interest, if the registered owner provides proof that a court of competent jurisdiction has dismissed a prosecution of this Bylaw after an impoundment fee has been paid and the number of parking offences which have been delivered in the previous three years but have not been paid, not including those parking offences with respect to which charges have been dismissed, is fewer than five (5).

68 (1) Where a vehicle has been impounded under Section 65 and the owner or driver does not pay the necessary fees, costs and expenses to obtain the release of the vehicle within twenty (20) days of impoundment, the vehicle may be sold at public auction.

(2) A vehicle shall not be sold at public auction until notice of intention to sell the vehicle has been

(a) mailed by registered mail to the registered owner of the vehicle at the address shown on the record of registration maintained by the Insurance Corporation of British Columbia; and

(b) published in a newspaper circulating in the Municipality not less than 20 days before the auction.

69 The Corporation may recover fees, costs, and expenses from the owner of a vehicle by action in a court of competent jurisdiction, whether or not the vehicle has been sold at auction.

Severability

70 If any part of this Bylaw is declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and be construed as if this Bylaw had been adopted without the invalid portion.
(**Bylaw 4501, adopted Mar 22/10)

REPEAL

71 The Following Bylaws are hereby repealed:

Bylaw No. 3658, " Streets and Traffic Bylaw, 1990"

Bylaw No. 3672, " Streets and Traffic Bylaw Amendment Bylaw, No. 1,1991"

Bylaw No. 3677, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1991"

Bylaw No. 3698, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1992"

Bylaw No. 3716, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1992"

Bylaw No. 3730, " Streets and Traffic Bylaw Amendment Bylaw, No. 3, 1992"

Bylaw No. 3737, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1993"

Bylaw No. 3764, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1993"

Bylaw No. 3771, " Streets and Traffic Bylaw Amendment Bylaw, No. 3, 1993"

Bylaw No. 3781, " Streets and Traffic Bylaw Amendment Bylaw, No. 4, 1993"

Bylaw No. 3796, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1994"

Bylaw No. 3798, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1994"

Bylaw No. 3824, " Streets and Traffic Bylaw Amendment Bylaw, No. 3, 1994"

Bylaw No. 3826, " Streets and Traffic Bylaw Amendment Bylaw, No. 4, 1994"

Bylaw No. 3842, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1995"

Bylaw No. 3866, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1995"

Bylaw No. 3904, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1996"

Bylaw No. 3914, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1996"

Bylaw No. 3960, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1997"

Bylaw No. 3964, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1997"

Bylaw No. 3977, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1998"

Bylaw No. 4018, " Streets and Traffic Bylaw Amendment Bylaw, No. 1, 1999"

Bylaw No. 4040, " Streets and Traffic Bylaw Amendment Bylaw, No. 2, 1999"

Bylaw No. 4072, " Streets and Traffic Bylaw Amendment Bylaw, No. 1,

2000"

except insofar as they repeal any other Bylaws, and

PROVIDED that such repeals made pursuant to this Bylaw shall not affect the validity of any order or resolution made under such repealed Bylaws, which shall remain in effect as if this Bylaw had not been passed, and

PROVIDED FURTHER that such repeals shall not affect any offence committed, or penalty or punishment incurred, under such repealed bylaws, and any such penalty or punishment may be imposed as if this Bylaw had not been passed.

72 This Bylaw may be cited as the ***STREETS AND TRAFFIC BYLAW, 2000.***

READ a third time by the Municipal Council on November 14, 2000

ADOPTED AND FINALLY PASSED by the Municipal Council on December 11, 2000

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the District of Oak Bay.

Bylaw 4100
SCHEDULE "A"
LIMITED TIME AND RESIDENT ONLY
PARKING EXEMPTION PERMIT



Resident Parking

Vehicle
Licence #:

Zone #:

Bylaw 4100
SCHEDULE “B”

LOAD SECUREMENT REGULATIONS

INTERPRETATIONS

1. In this Schedule “commercial vehicle” means a commercial vehicle as defined in the *Commercial Transport Act*.

APPLICATION

2. This Schedule does not operate to prohibit dropping sand from a vehicle to secure traction, or water or another substance to clean or maintain a roadway.

LOAD SECURED ON VEHICLES

3. No person shall drive or operate a vehicle on a highway while the vehicle is carrying a load unless the vehicle is constructed and loaded in a way that ensures that none of its load will
 - (1) escape from the vehicle; or
 - (2) affect the operation of the vehicle by shifting or swaying.

METHODS OF LOAD SECUREMENT

4. (1) Subject to Subsection (2), no person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying a load unless the load is secured
 - (a) by sides, sideboards or side stakes and a rear end gate, end board or end stakes that
 - (i) are securely attached to the vehicle;
 - (ii) are strong enough and high enough to ensure that the load will not shift upon or fall from the vehicle; and
 - (iii) have no aperture large enough to permit any load to pass through;
 - (b) where the load length falls within a load length category set out in column 1 of the Table, by the number of tie downs set opposite the category in column 2, and as many additional tie downs as are necessary to secure the load by
 - (i) direct contact; or
 - (ii) dunnage that is secured by the tie downs and is in contact with the exterior, including topmost load, in a manner that safety holds interior pieces of the load without causing exterior pieces to crush or break up, or
 - (c) by the methods described in Paragraph (a) and the methods described in Paragraph (b), in combination,

and the driver or the operator shall ensure that tie downs when in use are distributed evenly along the load.

Table

<u>Length of load along longitudinal axis of vehicle</u>	<u>Minimum number of ties required</u>
not over 2.5 m	2
over 2.5 m but not over 7.5 m	3
over 7.5 m but not over 10.0 m	4
over 10.0 m but not over 12.5 m	5
over 12.5 but not over 15.0 m	6

- (2) An article in a load that is less than 2.5 m long and less than 1.0 m high may be secured by one tie down if it is butted against another article or a bulkhead, but, if it is not butted against another article or a bulkhead it must be secured by two tie downs and the second one shall be conclusively deemed to be a necessary additional tie down under the requirements of Subsection (1)(b).
- (3) In this Section “tie downs” means tie downs that meet the requirements of Section 12.

EXCEPTION FOR SIZE, SHAPE AND WEIGHT

- 5. Notwithstanding Section 4, a person may drive or operate on a highway a commercial vehicle carrying a load that, because of its size, shape and weight or any one or more of those factors, can safely be carried when fastened by methods different from those described in Section 4, but he shall not so drive or operate the vehicle unless he ensures that the load is
 - (1) secured adequately to prevent it or any part of it from bouncing or falling from the vehicle, and
 - (2) blocked and braced to prevent it from shifting.

TRANSPORTING LOGS OR POLES

- 6. (1) Notwithstanding Section 4, a person may drive or operate a commercial vehicle on a highway while the vehicle is transporting a load of logs or poles or both if
 - (a) the vehicle is equipped with
 - (i) bunks of adequate design and construction, and
 - (ii) stakes that meet the requirements of Subsection (2) and are of adequate design and construction to contain the load, and
 - (b) the load is restrained by at least two load encircling binders at least 3 m apart, each binder having a breaking strength in its weakest component of not less than 5,448 kg.
- (2) For the purpose of Subsection (1),

- (a) stake extensions shall be securely attached to the stakes,
- (b) stakes, together with their stake extensions, shall form an angle of 90 degrees or less with the bunk cross member, and
- (c) stake lines shall be attached to the stake by a closed loop and consist of wire rope of at least 22 mm in diameter.

TIERED ARTICLES

- 7. No person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying its load in more than one tier of separate components unless
 - (1) the topmost tier is secured in the manner described in Section 4(1)(b); and
 - (2) each other tier is secured in a safe and stable manner.

DRUMS

- 8. No person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying drums or barrels on end unless
 - (1) where metal drums or barrels are stacked on end on other metal drums or barrels, the stacks are separated by dunnage, and
 - (2) the vehicle has sides, sideboards or side stakes and the drums or barrels are blocked or tied down with hardware adequate to prevent the load from shifting on the vehicle.

COVERING OF AGGREGATE LOADS

- 9. No person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying a load of aggregate material if any of the load is likely, if not covered, to bounce, blow or drop from the vehicle in transit, unless
 - (1) the load is covered in a way that prevents any of it from blowing, bouncing or dropping from the vehicle; and
 - (2) the cover is securely and tightly fastened so that it is not, and cannot become, a hazard.

LOAD SUPPORTED ON ROLLERS

- 10. No person shall drive or operate a commercial vehicle on a highway when the load of the vehicle is supported on rollers unless at least one roller is equipped with locks that are fastened in a manner that prevents the load from shifting in transit.

INTERMODAL CARGO CONTAINERS

- 11. No person shall, after April 1, 1982, drive or operate on a highway a commercial vehicle trans-

porting intermodal cargo containers unless the container is secured between the container securement holes and the load bearing vehicle structure with securement devices fastened tightly and locked so that the container is prevented from moving relative to the vehicle more than 25 mm under an acceleration relative to the vehicle

- (1) of 16.5 m per second per second downward,
- (2) of 4.9 m per second per second upward,
- (3) of 2.9 m per second per second laterally, and
- (4) of 17.6 m per second per second longitudinally.

TIE DOWNS

12. (1) Tie downs must
 - (a) in the aggregate, have a safe working load of more than the weight of the load secured by the tie downs,
 - (b) be marked directly, or on a tag permanently attached, with the safe working load as warranted by the manufacturer or by a registered professional Director of Engineering Services,
*(**Bylaw 4501, adopted Mar 22/10)*
 - (c) not to be used if worn
 - (i) beyond a wear limitation specified by the manufacturer, or
 - (ii) to the extent that they have become unsafe,
 - (d) when in use be protected as necessary against abrasion,
 - (e) when in use have any load binder handle that forms part of the tie down assembly locked in place and secured by rope, wire or chain, and
 - (f) be designed, constructed and maintained so that the driver of a vehicle can tighten them.
- (2) Where a tie down is not identified in the manner set out in Subsection (1)(b) it shall be conclusively deemed to be of the lowest grade or classification for its type and size.
- (3) Subsection (1)(f) does not apply in the case of a tie down that consists of steel, fibre or synthetic strapping, if the strapping is taut when in use.
- (4) For the purposes of this Section, the safe working load of a tie down means the maximum load, repeatedly applied, that the tie down is capable of withstanding with complete safety throughout its normal service life.

BULKHEADS AND CAB PROTECTORS

13. (1) No person shall, after April 1, 1982, drive or operate a commercial vehicle on a high-

way while the vehicle is carrying a load unless the vehicle is equipped with a bulkhead or cab protector that each meet the requirements of Subsection (2), or both in combination, of sufficient strength to prevent penetration or crushing of the driver's compartment in the event of the load shifting.

- (2) A bulkhead or cab protector shall extend
 - (a) to 120 cm above the floor of the cab of the vehicle, or
 - (b) to the height at which the bulkhead or cab protector, or both in combination, blocks forward movement of any part of the load the vehicle is carrying,

and shall be wide enough to block forward movement of any part of the load the vehicle is carrying.

- (3) This Section does not apply where a person drives or operates a commercial vehicle that is
 - (a) carrying a load in a container where the container is so constructed that it meets the requirements of a bulkhead, or
 - (b) designed and used exclusively to transport other vehicles, if each vehicle it transports is secured by tie down assemblies as required by Section 4 or fastened by a method permitted by Section 5.

Bylaw 4100
SCHEDULE "C"

THE CORPORATION OF THE DISTRICT OF OAK BAY

STREET OCCUPANCY PERMIT

Subject to the conditions hereon noted, permission is hereby given to:

to occupy _____ m² of street and/or boulevard and/or sidewalk fronting a distance of

_____ m on _____

for the purpose of: _____

This permit covers the _____ day period from _____ to _____

inclusive.

CONDITIONS OF PERMIT

This Permit is approved and issued upon the following conditions, which are hereby accepted by the Permittee and the Corporation:

1. That the street, boulevard and/or sidewalk affected by this Permit, and all services below them, are of this date agreed to be in a reasonable state of repair, except as otherwise indicated hereon:

2. That the Permittee agrees to clear, clean and otherwise leave the area to be occupied under this Permit in a clean and tidy condition at the expiration of the period noted above.
3. That the Permittee agrees that all materials, structures and objects occupying the street shall be properly marked by the Permittee with flashing amber lights and appropriate signage as determined by the Director of Engineering Services, in a manner which shall be visible from all directions of approaching traffic.
4. That the Permittee agrees to deposit with the Collector the sum of Five Hundred Dollars (\$500.00) to secure payment for injury to, destruction, defacement or disturbance of municipal property, installations, streets and accesses that occurs as a result of street occupancy.

5. That the Permittee agrees to reimburse the Corporation in full for all costs over and above the amount of security deposited in accordance with (4) above, as may be incurred by the Corporation for the repair of any damage to, or the replacement of, municipal property, installations, streets and accesses that occurs as a result of street occupancy.
6. That the Corporation agrees to return to the Permittee any portion of the security deposited in accordance with (4) above not required to make good injury to, destruction, defacement or disturbance of municipal property, installations, streets and accesses that occurs as a result of street occupancy, when danger of further injury, destruction, defacement or disturbance is past.
7. That the Permittee shall indemnify and save harmless the Corporation against all claims, liabilities, judgements, costs and expenses of whatever kind which may in any way accrue against the Corporation in consequence of, or in any way incidental to, the granting of this Permit. The Permittee herewith hands the Corporation a certificate confirming that it has acquired for the duration of the street occupancy comprehensive public liability insurance to a limit of not less than Three Million Dollars (\$3,000,000) inclusive for each occurrence for bodily injury, death, and damage to property including loss of use thereof, with the Corporation to be named as an additional insured.
*(**Bylaw 4501, adopted Mar 22/10)*
8. That an administration fee of Two Dollars (\$2.00) per 10 square metres of occupancy per day will be prepaid by the Permittee.

FEE: _____ m² x \$2.00 x _____ days = _____

Permittee or Authorized Agent

APPROVED

Director of Engineering Services

SCHEDULE “D”

Bylaw No. 4100

List of Permitted Boulevard Plantings*

Category	Botanical Name	Common Name
Shrubs	Erica darlyensis or carnea	Heather
	Pinus mugho (dwarf)	Mugo Pine
	Genista lydia/pilosa	Ornamental Broom
	Viburnum davidii	David Viburnum
	Hebe	Veronica
	Spiraea japonica	Spiraea
	Caryopteris	Bluebeard
	Gaultheria procumbens	Wintergreen
Ferns	Blechtum spicant	Deer Fern
	Polystichum munitum	Western Sword Fern
	Adiantum pedatum	Maidenhair Fern
Grasses	Festuca (dwarf cultivars only)	Fescue
	Carex (dwarf cultivars only)	New Zealand Sedge
	Mahonia nervosa	Dull Oregon Grape
Perennials	Cinereum	Hardy Geranium
	Hosta	Plaintain Lily
	Sedum	Stonecrop
	Armeria maritime	Sea Thrift
	Dianthus	Pinks
	Coreopsis	Tickseed
	Sempervivum	Hens and Chicks
	Galium odoratum	Sweet Woodruff
	Gallardia grandiflora	Blanketflower
	Phormium cookianum (dwarf)	New Zealand Flax
Groundcover	Thymus	Thyme
	Arctostaphylos Uva-ursi	Kinnikinnick
	Vinca minor	Dwarf Periwinkle
Bulbs	Narcissus	Daffodil
	Crocus	Crocus
	Tulipa	Tulip
	Iris	Iris
	Galanthus	Snowdrop
	Dicentra spectabilis	Bleeding Heart

* Except where otherwise indicated, each plant listed includes all cultivars of the plant, i.e., cultivated as distinguished from botanical varieties.

SCHEDULE “E”
Bylaw No. 4100

Boulevard Landscaping Restrictions

Maximum plant height:	75 centimetres above natural grade
Minimum distance of plantings from inboard side of public sidewalk	2 metres
Minimum distance of plantings from curb, if no public sidewalk:	2 metres
Minimum distance of plantings from roadway edge, if no curb or public sidewalk:	2 metres
Maximum depth that soil may be tilled:	20 centimetres below natural grade
Minimum distance of plantings from any water meter, manhole, utility cover or utility pole:	1 metre
Minimum distance of plantings from any fire hydrant:	2 metres
Minimum distance of plantings from any boulevard tree:	2 metres