

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4100

Consolidated for Convenience Only to October 17, 2023

(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, 4687, 4714, 4767, 4778, 4800, 4831, 4836, 4841 and 4848)
(Bylaw sections subsequently renumbered by Bylaw 4831)

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, 2010)*

*(**Bylaw 4605, adopted Jan 27, 2014)*

“ELECTRIC VEHICLE” means a vehicle that uses electricity for propulsion, and that can use an external source of electricity to recharge the vehicle’s batteries. For clarity, hybrid vehicles

are considered Electric Vehicles by this definition only if they can be plugged in to recharge the batteries.

*(**Bylaw 4831, adopted Jan 9, 2023)*

“ELECTRIC VEHICLE CHARGING ZONE” means an area of a highway or a municipal facility designated by traffic control device for the parking of Electric Vehicles for the purposes of recharging their batteries.

*(**Bylaw 4831, adopted Jan 9, 2023)*

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

*(**Bylaw 4605, adopted Jan 27, 2014)*

“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, 2014)*

“MUNICIPAL CLERK” means the Municipal Clerk of the Corporation, and includes his/her delegate;

*(**Bylaw 4605, adopted Jan 27, 2014)*

“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, 2011)

“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 licenced 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, 2003)*

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, 2003)*

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

- (a) *(**deleted by Bylaw 4778, adopted April 26, 2021)*
- (b) *(**deleted by Bylaw 4778, adopted April 26, 2021)*
- (c) *(**deleted by Bylaw 4778, adopted April 26, 2021)*

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, 2010)*
- 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*;
- (g) designate the locations where signs bearing words or symbols indicating that left hand turns are prohibited shall be placed;
(**Bylaw 4778, adopted April 26, 2021)
- (h) designate the locations where signs bearing words or symbols indicating that right hand turns are prohibited shall be placed;
(**Bylaw 4778, adopted April 26, 2021)
- (i) designate the locations, at intersections, where signs bearing the word “STOP” shall be placed;
(**Bylaw 4778, adopted April 26, 2021)

- (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, 2003)
(**Bylaw 4501, adopted Mar 22, 2010)

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.
(**Bylaw 4501, adopted Mar 2, 2010)

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
- (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:
- 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.
*(**Bylaw No. 4373, adopted Jul. 23, 2007)*
The driveway through the Municipal Hall parking lot, 2167 Oak Bay Avenue.
*(**Bylaw 4778, adopted April 26, 2021)*
- 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:
- Bee Street;*
Crescent Road;
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;
Margate Avenue
*(**Bylaw 4800, adopted December 13, 2021)*

- 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
40 km/hour** (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:
- Beach Drive;*
(**Bylaw 4800, adopted December 13, 2021)
Bowker Avenue from Esplanade to Cadboro Bay Road;
(**Bylaw 4836, adopted May 8, 2023)
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;
Currie Road;
(**Bylaw 4836, adopted May 8, 2023)
Eastdowne Road from Lansdowne Road to Cadboro Bay Road;
(**Bylaw 4129, adopted June 25, 2001)
Estevan Avenue between Eastdowne Road and Musgrave Street
(**Bylaw 4836, adopted May 8, 2023)
Estevan Avenue between Dunlevy Street and Esplanade;
(**Bylaw 4836, adopted May 8, 2023)
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;
Haultain Street;
(**Bylaw 4836, adopted May 8, 2023)
Henderson Road from Lansdowne Road to Cedar Hill Cross Road;
(**Bylaw 4836, adopted May 8, 2023)
Lansdowne Road;
(**Bylaw 4836, adopted May 8, 2023)
McNeill Avenue from Foul Bay Road to Newport Avenue;
Monterey Avenue north of McNeil Avenue;
(**Bylaw 4836, adopted May 8, 2023)
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)
St. Patrick Street;
(**Bylaw 4836, adopted May 8, 2023)
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)

Victoria Avenue south of McNeill Avenue;

(**Bylaw 4836, adopted May 8, 2023)

Windsor Road;

(**Bylaw 4836, adopted May 8, 2023)

Sidewalk Use 10 No person shall hinder or interfere with pedestrian traffic on or obstruct the free use of any sidewalk, except in accordance with the provisions of this Bylaw.
(**Bylaw 4841, adopted July 24, 2023)

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. Every street or part of a street upon which a licence has been granted pursuant to section 41.1 of this Bylaw shall be deemed to be closed to traffic, during the duration of the licence issued under that section.
(**Bylaw 4841, adopted July 24, 2023)

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, 2003)

14 (1) The Council may by order
(a) (**deleted by Bylaw 4778, adopted April 26, 2021)
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 licencees of such residents, and fix the hours of the day during which, and the days on which, such zones are to be set apart;
(c) (**deleted by Bylaw 4778, adopted April 26, 2021)

- 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, 2011)
- (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.
- (e) 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. (ii) the hours of the day during which, and the days on which, the regulations in respect of any such zone shall apply;
*(**Bylaw 4778, adopted April 26, 2021)*
- (f) 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.
*(**Bylaw 4778, adopted April 26, 2021)*
- Electric Vehicle Charging Zones** (g) designate certain streets or portions thereof as “Electric Vehicle Charging Zones,” and fix the hours of the day, and the days on which, such zones are to be in effect.
*(**Bylaw 4831, adopted January 9, 2023)*
- (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, 2003)*
*(**Bylaw 4501, adopted Mar 22, 2010)*
- 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, 2004)*
- 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, 2004)*
- 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, 2007)*

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, 2010)*

(d) The Municipal Clerk may establish procedures for the efficient administration of permits issued under this Subsection.

*(**Bylaw 4501, adopted Mar 22, 2010)*

(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 Park-
ing 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, 2010)*

- (d) The Municipal Clerk may establish procedures for the efficient administration of permits issued under this Subsection.
*(**Bylaw 4501, adopted Mar 22, 2010)*
 - (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 | <p>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,</p> <ol style="list-style-type: none">(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 | <ol style="list-style-type: none">(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 <i>Local Government Act</i>, and<ol style="list-style-type: none">(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 | <ol style="list-style-type: none">(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.(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> |
| Angle Parking Zones | 23 | <ol style="list-style-type: none">(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.

- (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.

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.

Electric Vehicle Charging Zones 25 No person in charge, control or possession of any vehicle shall stop the vehicle in an Electric Vehicle Charging Zone unless:
(i) the vehicle is an Electric Vehicle and the Electric Vehicle is being actively charged;
(ii) the Electric Vehicle is stopped in the Electric Vehicle Charging Zone for a period not exceeding any time restrictions posted for the zone during the time they are in application; and
(iii) any fee prescribed by the Council for the use of the charging station is paid.

*(**Bylaw 4831, adopted Jan 9, 2023)*

Boulevard Parking 26 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 27 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 28 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 29 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, 2007)*

Handicapped Parking/Disabled Zone 30 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** 31 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** 31.1 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, 2011)*
- Miscellaneous Prohibitions** 32 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**

- 33 (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**

- 34 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**

- 34.1 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, 2007)

- (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, 2004)*

**Parking Prohibition
in Municipal Parking
Lot at Oak Bay
Municipal Hall**

- 34.2 (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, 2005)*
- (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, 2005)*

**Overnight Sleeping
in Vehicles**

- 34.3 (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

- 35 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** 36 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, 2010)*
- Benches, Etc.** 37 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, 2010)*
- Conduct on Streets** 38 (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, 2014)*

- (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, 2001)*

- (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, 2001)*

- (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 43 shall apply to the removal, detention and impoundment of the roller-skates, skateboard, in-line skates or apparatus.

*(**Bylaw 4129, adopted Jun 25, 2001)*

Selling/Displaying on Streets 38.1

Notwithstanding Section 38(1) and Section 38(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, 2005)*

- (1) (a) The Director of Corporate Services or designate has approved a licence of occupation of such portion to a person for a defined period for a not-for-profit community event which the Director of Corporate Services or designate 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 the Director of Corporate Services or designate 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;

*(**Bylaw 4687, adopted Apr. 10, 2017)*

- (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; and

*(**Bylaw 4501, adopted Mar 22, 2010)*

- (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, 2005)*

- (3) The Director of Engineering Services or designate may, despite sections 26, 38(1), 38(4), and 43(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.

39 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 Director of Corporate Services or designate, 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, 2005)*
*(**Bylaw 4605, adopted Jan 27, 2014)*
(Bylaw 4687 adopted April 4, 2017)

- (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.

39.1 In the issuance of a permit under Section 39, 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, 2005)*

39.2 Notwithstanding Section 39, 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, 2005)*

39.3 Section 39.2 does not apply to an application for a permit for a block party.

*(**Bylaw 4605, adopted Jan. 27, 2014)*

Horns

40 (1) No person being in charge or control of a vehicle equipped with a horn shall sound such horn or suffer or permit the same to be sounded in or on a street except as required by or under the *Motor Vehicle Act* or for the purpose of giving reasonable warning of some hazard or danger to a person or persons using or about to use a street.

(2) Subsection (1) shall not apply to a person in charge or control of an emergency vehicle.

Street Occupancy Permit

41 (1) (a) Any person desiring to occupy any street or portion thereof in connection with or incidental to the construction, alteration, repair, maintenance, demolition, painting or cleaning of any building or other structure

shall make application to the Director of Engineering Services for a Street Occupancy Permit.

*(**Bylaw 4501, adopted Mar 22, 2010)*

- (b) Such person shall deposit with the Director of Engineering Services a certificate of an insurance company certifying that he is the holder of a comprehensive public liability insurance policy covering all legal liability with respect to the occupancy of such street, 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.
*(**Bylaw 4351, adopted Mar. 26, 2007)*
*(**Bylaw 4501, adopted Mar 22, 2010)*
 - (c) Every applicant for a street occupancy permit shall 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.
 - (d) The Corporation may apply the deposit towards making good injury, destruction, defacement or disturbance secured under Paragraph (c), and return the balance, if any, to the depositor when the danger of further injury, destruction, defacement or disturbance is past.
 - (e) Nothing in Paragraphs (c) or (d) shall prevent the Corporation from recovering for injury, destruction, defacement or disturbance in excess of any deposit.
- (2) A street occupancy permit will be issued by the Director of Engineering Services subject to the following conditions:
*(**Bylaw 4501, adopted Mar 22, 2010)*
- (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, 2010)*
 - (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, 2010)*
- (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, 2010)*
- 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, 2010)*
- (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, 2010)*

- (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.

**Sidewalk and Parking
Stall Patios**

41.1 (1) Definitions

For the purposes of this section 41.1, the following words have the following meanings:

“ANNUAL PATIO LICENCE” means a licence that is issued for the term between January 1 and December 31 of each calendar year;

“APPLICANT” means an applicant for a Patio Licence or Patio Licence renewal, as context requires;

“DESIGN REQUIREMENTS” means the requirements contained in section 41.1(12) of this Bylaw;

“FOOD AND BEVERAGE BUSINESS” means a restaurant, café, bar, or public house, or a combination of any of these;

“LICENCE HOLDER” means a person who has been granted a Patio Licence under this bylaw;

“LIQUOR LICENCE” means a licence issued under the Liquor Control and Licensing Act SCB 2015 c 19, as amended from time to time;

“PATIO” means sidewalk café, sidewalk patio, and parking stall patio;

“PATIO AREA” means that portion of the street or sidewalk that is designated by a licence for patio use;

“PATIO LICENCE” means a licence of occupation under this bylaw for a patio use;

“PATIO LICENCE FEES” means the fees related to Patio Licences at outlined in Fees Bylaw 4845;

“PARKING STALL PATIO” means semi-permanent structures, furniture or objects constructed or placed in a parking space in the street as an extension of a food vending establishment;

“ROADSIDE” means that portion of roadway which abuts a sidewalk or a property line, and which is designated as a parking space;

“SEASONAL PATIO LICENCE” means a licence that is issued for the term between April 1 and October 31 in a year;

“SIDEWALK CAFÉ” means an area of a sidewalk wherein objects, which may consist of tables, chairs, screens, umbrellas and portable planters, are placed for seating and serving customers as an extension of an adjacent food vending establishment, where the Licence Holder does not have a liquor licence for the sidewalk café;

“SIDEWALK PATIO” means a group of semi-permanent structures, furniture or objects constructed or placed on a sidewalk for the queuing, seating and serving of customers as an extension of a food vending establishment, and has a liquor licence;
*(**Bylaw 4841, adopted July 24, 2023)*

Licensing

- (2) (a) No person shall construct or operate a Patio within the Municipality without having first obtained a Patio Licence.
- (b) An owner in possession, or an occupant of property, abutting a sidewalk may establish, operate, and maintain a patio on a designated portion of the sidewalk or parking stall if:
- i. that owner or occupant is using the property abutting the sidewalk or parking stall for a commercial purpose by operating a food and beverage business;
 - ii. that owner or occupant obtains a patio licence under this bylaw.
- (c) An applicant shall fill out the application form prescribed by the Director of Engineering Services for that purpose, and as part of the application shall provide drawings, plans and details of the proposed patio which shall show:
- i. the area of the sidewalk or parking stall(s) to be occupied;
 - ii. the seating plan and table layout;

- iii. the location of any proposed heaters;
 - iv. the location and type of any proposed railings and barriers;
 - v. the location and type of any proposed aesthetic features such as planter boxes;
 - vi. the location of any elements that may affect accessibility;
 - vii. sufficient information for the Director of Engineering to determine whether the application complies with the design requirements ; and
 - viii. the location of any objects which shall be placed within the Patio Area.
- (d) The Director of Engineering Services may prescribe different application forms for different types of patios and licences, and may impose reasonable terms and conditions on the granting or renewal of a licence.
- (e) Without limiting any other requirements to obtain a patio licence, an applicant must, at the time of application for the patio licence, provide to the Corporation proof of a commercial general liability insurance policy over the patio in the minimum amount of \$5 million per occurrence, which must list the Corporation as an additional insured, and contain:
- i. a cross liability clause and a waiver of subrogation clause in favour of the Corporation; and
 - ii. a clause requiring the insurer not to cancel or change the insurance without first giving the Corporation a 30 days' prior written notice thereof.
- (f) If the application involves an extension of the proposed patio area past the business frontage of the food and beverage business, the application must be approved by Council in relation to the extension, who may take the following into consideration in determining whether to grant the approval:
- a. whether the application has provided letters of support from owners and occupants of neighbouring properties;
 - b. whether the patio would create unreasonable impediments to foot traffic;
 - c. whether the patio would unreasonably affect the availability of street parking;
 - d. whether the patio would adversely affect any businesses behind the increased frontage; and
 - e. whether the increased frontage would affect access to the District's utilities. .

- (g) Any person in charge or control of the food and beverage business that has been granted a patio licence under this Bylaw shall at all times keep the patio licence prominently displayed in a publicly accessible area of the food and beverage business.
- (h) An application for a sidewalk cafe shall not be granted if the applicant has or is proposing to obtain a liquor licence for the patio.
- (i) An application may be for an annual licence or a seasonal licence.
- (j) No patio licence fees paid hereunder shall be refundable.

*(**Bylaw 4841, adopted July 24, 2023)*

Grant of Licence

- (3) (a) The Director of Engineering Services may grant a patio licence where satisfied that:
 - i. the applicant has paid the Patio Licence Fee;
 - ii. the applicant has fully completed the application form and provided all information required;
 - iii. the applicant holds a valid business licence for a food and beverage business on the premises adjacent to the proposed patio;
 - iv. the applicant has obtained all additional applicable federal, provincial and municipal permits or licences required for the food and beverage premises and the patio; and
 - v. the Patio will:
 - 1. be accessible to persons with disabilities;
 - 2. be consistent with any applicable accessibility standards established under the Accessible British Columbia Act, S.B.C. 2021 c. 19;
 - 3. not unreasonably obstruct or interfere with vehicle, bicycle or pedestrian traffic or safety;
 - 4. not unreasonably obstruct or interfere with the ability of the Corporation or any permitted third-party utility company to construct, install, repair or maintain a municipal work, service, utility or other improvement;
 - 5. not unreasonably interfere with the public's use and enjoyment of the sidewalk or adjoining roadway;
 - 6. not unreasonably interrupt sightlines along the sidewalk, roadside or roadway;
 - 7. in the case of a patio located in a roadside, not result in insufficient parking or loading spaces

- within 200 metres of the proposed patio;
- 8. not present a risk of harm to the health or safety of the public;
- 9. not cause damage to the sidewalk, street or roadside;
- 10. contain fixtures which can easily be removed;
- 11. not result in the removal or damage to a tree on any property owned by the Corporation;
- 12. not contravene the provisions of this Bylaw or another enactment; and
- 13. comply with the design requirements.

(b) An annual licence granted under this Bylaw is valid for a 1-year period to commence on January 1 and to terminate on December 31 in each and every year, unless earlier terminated in accordance with this Bylaw.

(c) A seasonal patio licence granted under this Bylaw is valid from April 1st to October 31st of the year the application or renewal was made, unless earlier terminated in accordance with this Bylaw.

(d) If the applicant does not pay the Licence Fee for a renewal term by January 15, the licence will lapse.
*(**Bylaw 4841, adopted July 24, 2023)*

Patio Licence Amendment

(4)

(a) No changes shall be made to the patio without the permission of the Director, in writing.

(b) For the purposes of this section, changes that require permission include, but are not limited to:

- i. increased size of patio area;
- ii. increased seating;
- iii. permanent change in table layout;
- iv. addition of heaters ;
- v. changes to, or removal of, railings;
- vi. permanent removal of aesthetic features such as planter boxes; and

addition of, or changes to, elements such as server stations that may affect accessibility.

*(**Bylaw 4841, adopted July 24, 2023)*

No Assignment of Patio Licence Without Consent

(5)

(a) A licence holder must not assign or transfer the permission for the use of the patio area as authorized in the licence without the prior written consent of the Director of Engineering Services.

- (b) Where the Director of Engineering Services refuses to consent to assignment or transfer under subsection (a), the person who requested the assignment or transfer may request consideration of the decision to Council, as per section 41.1(9) of this Bylaw.
- (c) For the purposes of this section, any of the following circumstances are deemed to result in an assignment or transfer of licence that requires the prior written consent:
 - i. the licence holder assigns or transfers its Patio licence to another person or business;
 - ii. a sale of all or substantially all of the assets of the licence holder;
 - iii. the licence holder merges with, amalgamates with, or is acquired by another corporate entity; or
 - iv. there exists a plan of arrangement or any other transaction that results in a significant change to the operations of the licence holder.
- (d) Nothing in this bylaw prohibits the sharing of a patio by two or more food and beverage businesses, provided the following conditions are met:
 - i. the licence holder is solely responsible for meeting the conditions of this bylaw. Any contraventions to this bylaw will be the responsibility of the licence holder;
 - ii. the licence holder, and any business with whom the licence holder agrees to share the patio, shall agree to indemnify and save harmless the Corporation, its elected and appointed officials, employees, servants, contractors and agents from and against any and all claims, causes of action, suits, damages, losses (including pure economic loss) costs and expenses that may arise from the sharing of the patio; and
 - iii. the additional food and beverage businesses are listed as additional insureds under the insurance policy required under section 41.1(2)(e) of this bylaw.

*(**Bylaw 4841, adopted July 24, 2023)*

Maintenance

- (6) (a) Every licence holder must, at all times and at its own expense, keep and maintain the patio in a clean and sanitary condition satisfactory to the Director of Engineering Services, and must keep the public property immediately surrounding or adjacent to the patio free from rubbish and debris of any kind;

- (b) If the licence holder fails to comply with section 41.1(6)(a) above, the Director of Engineering Services may cause one or both of the patio to be cleaned and the debris and rubbish on the immediately surrounding or adjacent public property to be collected, and may charge the licence holder the actual cost of such cleaning and collection.
*(**Bylaw 4841, adopted July 24, 2023)*

General Conditions

- (7) (a) Every licence is subject to the following conditions:
- i. the licence holder assumes all risks, known and unknown, in relation to the patio and the portion of the street occupied by them and agrees to release and forever discharge the Corporation, its elected and appointed officials, employees, servants, contractors and agents from any and all claims, causes of action, suits, costs and expenses whatsoever, which it or its directors, officers, employees or agents may now or at any time have with respect to, related to, or arising out of the existence or operation of the patio;
 - ii. the licence holder agrees to indemnify and save harmless the Corporation, its elected and appointed officials, employees, servants, contractors and agents from and against any and all claims, causes of action, suits, damages, losses (including pure economic loss) costs and expenses which the Corporation, its elected or appointed officials, employees, servants, contractors and agents may suffer or sustain as a result of, connected to or arising out of the grant of this licence, cancellation or amendment of this licence, or by any reason of or arising out of failure of the licence holder to comply with the terms and conditions of the licence or this Bylaw;
 - iii. the licence holder shall not serve or permit the service of liquor on the patio unless the licence holder disclosed in their application an intent to serve liquor and the licence holder has obtained a liquor licence that applies to the patio;

- iv. the licence holder shall permit Corporation staff, contractors and all third-party utility companies authorized by the Corporation to enter the patio for the purpose of constructing, installing, repairing or maintaining any municipal or third party utility company work, service, utility or other improvement, and where requested by the Director of Engineering Services, the licence holder shall remove the patio within 48 hours, or immediately in the event of an emergency, to facilitate such access;
 - v. the licence holder shall not use the patio for any purpose other than queuing, seating and serving customers of the food and beverage business;
 - vi. during the term of the licence, the licence holder must maintain in force the insurance required by Section 41.1(2)(e) of this Bylaw; and
 - vii. during the term of the licence, the licence holder must ensure that the patio complies with the design requirements.
- (b) None of the issuance of a licence, the acceptance of plans and other supporting documents submitted for a patio licence, or the inspection of a premises or patio by the Corporation shall relieve a licensee the requirements of this section 41.1 of the Bylaw.
(*Bylaw 4841, adopted July 24, 2023)

**Refusal or Cancellation
of Licence**

- (8) The Director of Engineering may refuse to issue a patio licence where the Director of Engineering is satisfied in their reasonable discretion that:
- i. the applicant has not met the conditions to approve the application specified in this section 41.1; or
 - ii. the application contains false or misleading information.
- (a) The Director of Engineering may suspend any patio licence, for such period which the Director may determine, cancel, or refuse a licence, if:

- i. the patio does not strictly adhere to the plans, design, or other information provided by the applicant in the application;
 - ii. the licence holder fails to comply with any term or condition of the licence;
 - iii. the licence holder has ceased to comply with any Corporation bylaw or has otherwise ceased to meet the lawful requirements to operate the patio for which the licence was issued;
 - iv. the licence holder is convicted of any offence under any Corporation bylaw or other statute in respect of the food and beverage business for which the licence holder is licensed or with respect to the patio;
 - v. the Director determines that the continued operation of the patio would present a risk of harm to the health or safety of the public or constitute a nuisance; or
 - vi. the patio area is required for the construction, installation, repair or maintenance of a municipal or third party utility company work, service, utility or other improvement.
- (b) Before suspending, cancelling or refusing to renew a licence, the Director of Engineering must send written notice to the licence holder at the address set out on the licence application, and advise the licence holder with an opportunity to make submissions regarding the proposed suspension, cancellation or refusal.

- (c) Where the Director suspends, cancels or refuses to renew a licence, written notice of the suspension, cancellation or refusal and the right to reconsider the Director's decision to Council under Section 41.(9) of this Bylaw must be sent to the licence holder at the address set out on the licence application.

*(**Bylaw 4841, adopted July 24, 2023)*

Reconsideration

- (9) (a) Any person whose application or licence has been suspended, cancelled or refused by the Director of Engineering under section 41.1(8) of this Bylaw may request reconsideration of the decision to Council within 30 days of the date that written notice of the decision is sent to the address set out on the application form.
- (b) A request for reconsideration under this section must be made by submitting a written notice of the request and a summary of the reasons for the request to the Corporation, and upon receiving such request, Corporation staff shall prepare a report and place the request on the agenda of the next regular Council meeting at which the matter can conveniently be dealt with, and notify the person of the time and place of such Council meeting.
- (c) The licence holder or their representative, may appear before Council at the Council meeting and present oral and written submissions to the Council in support of the reconsideration.
- (d) Upon hearing a request for reconsideration under this Section, Council may confirm, set aside, or modify the suspension, cancellation or refusal on such terms as it may deem fit.

*(**Bylaw 4841, adopted July 24, 2023)*

Patio Removal

- (10) (a) As a condition of any licence issued under this section 41.1, a licence holder must ensure that any structures, furniture and objects permitted in the patio area, or otherwise placed in the patio area, are affixed in a manner which allows them to be completely removed, and the sidewalk or roadside restored to its original state, with minimal reasonable effort.

- (b) The licence holder must cease occupation of the patio area and at its own cost and expense, remove all structures, furnishings, objects, and personal property from the sidewalk or roadside and restore the sidewalk or roadside:
 - i. in the case of an annual licence, within 30 calendar days of licence expiration, if the licence is not renewed,
 - ii. in the case of a seasonal licence, within 30 calendar days of the expiration of the licence term, whether or not the licence is renewed;
 - iii. immediately upon cancellation pursuant to section 41.1(8); or
 - iv. unless the licence holder files a request for reconsideration under section 9, within 30 days of the date of a notice in writing from the Director of a Patio licence cancellation.
- (c) For clarity, a licence holder must immediately cease operation of a patio upon expiration, suspension or cancellation of a patio licence.
- (d) Where any licence holder neglects, refuses or fails to give up possession of the sidewalk or roadside, or remove the patio as required under this Bylaw, or fails to do so within the time specified, the Director of Engineering may cause any fixtures, furnishings, objects or personal property located in the patio area to be removed and disposed of, and may cause the sidewalk to be restored to a safe and proper condition, all at the license holder's expense.

*(**Bylaw 4841, adopted July 24, 2023)*

Offences and Enforcement

- (11) (a) Notwithstanding sections 57 through 70 of this Bylaw, a person who contravenes, violates or fails to comply with any provision of this section 41.1, or who suffers or permits any act or thing to be done in contravention or violation of this section 41.1, or who fails to do anything required by this section 41.1, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and not less than \$200.00, the cost of prosecution and any other penalty or order imposed pursuant to the Community Charter (British Columbia) or the Offence Act (British Columbia), as amended from time to time. Each day that an offence against this section 41.1 continues or exists shall be deemed to be a separate and distinct offence.

- (b) The Director of Engineering Services and the Corporation's bylaw enforcement officers are hereby authorized to enter, at any reasonable time, upon any premises in order to ascertain whether the provisions of this section 41.1 are being obeyed.

*(**Bylaw 4841, adopted July 24, 2023)*

Sidewalk Design Requirements (12) General Design (These sections apply to all patios)

- (a) The design of the patio must complement the form and character of the associated business frontage and surrounding area, to the satisfaction of the Director of Engineering.
- (b) Barriers must be designed to look attractive and promote visibility through them to minimize the impact of the structure on the streetscape, to the satisfaction of the Director of Engineering.
- (c) Unless permitted otherwise by the Director of Engineering, patios must include planter boxes or other landscape features for further aesthetic appeal.
- (d) Patios shall be limited to the frontage of the food and beverage business applying for or holding the patio license, except as permitted under 41.1(2)(f) of this Bylaw.
- (e) There must be sufficient clearance from street furniture and utility structures (e.g., utility poles, trees, municipal planters) to allow for safe function and maintenance.
- (f) The patio must be designed such that it can be removed within 48 hours of receiving notice from the Corporation.
- (g) Garbage cans are not permitted within the patio.
- (h) Patios must not obstruct access to buildings, including loading areas.
- (i) No objects associated with the patio (e.g., tables, chairs, umbrellas, planters) shall overhang beyond the defined and approved boundary of the patio.
- (j) No third-party signage is permitted within the patio area, including on the patio barrier, on furniture or umbrellas.

- (k) Any lighting provided must be designed to minimize light pollution on the surrounding area, to the satisfaction of the Director of Engineering.
- (l) No tents, roofs, or walls are permitted. Awnings or other coverings may be subject to development permit and building permit requirements where 12 applicable.
- (m) Requirements for Heating Systems (if applicable):
 - i. Heaters must not be placed within the dripline and/or closer than 2.0m from any part of adjacent street trees.
 - ii. The visual impact of heating systems must be arranged to be as unobtrusive as possible, in the opinion of the Director of Engineering
 - iii. All outdoor heating systems must be appropriate for use in a sidewalk café and complement the character of the business to which it is associated, to the satisfaction of the Director of Engineering.
 - iv. All outdoor heating systems must conform to safety standards established by the Canadian Standards Association (CSA) and certified by Underwriters' Laboratories of Canada (ULC).

Walkway Interface and Accessibility (This section applies to all patios)

- (n) Patios must comply with any applicable accessibility standards established under the Accessible British Columbia Act, S.B.C. 2021 c. 19.
- (o) Pedestrian passageways on the sidewalk outside of the patio must be at least 2.0 m wide and must be located on the sidewalk, unless otherwise permitted by the Director of Engineering. The passageway must not include areas that are composed of grass, soil, tree grates, etc. and must remain as straight as possible for ease of accessible navigation, all to the satisfaction of the Director of Engineering.

- (p) The patio must be a level surface throughout and must either be flush with the sidewalk or provide a ramp that is suitable for all wheelchairs. The ramp must be maintained by the business.
- (q) The patio must provide at least one table with accessible seating options.
- (r) The 2.0m wide passageway for the sidewalk outside the patio must be clear of street furniture such as streetlights, garbage cans, benches, bus shelters, etc. No free-standing obstructions (such as sandwich board signs, plinths, etc.) can be in the pedestrian passageway.
- (s) There must be an accessible aisle of 1.1m within the patio (where aisles are included).

Sidewalk Cafés Additional Requirements

- (t) A sidewalk café need not be enclosed, but the license holder must demonstrate how they will minimize impacts on wayfinding and safe access for visually impaired people and people who use mobility devices, and must comply with any such approved methods.
- (u) The licence holder must ensure that patio furnishings do not move out of the defined patio area.
- (v) There must be a minimum clearance of 1.0 m from the nearest curb to separate the patio from parked vehicles and traffic unless the sidewalk patio has permission to occupy the adjacent street parking stall.

Sidewalk Patios Additional Requirements

- (w) Patios must be enclosed and delineated by a barrier such as a railing, rope and stanchions, planters, or other free-standing method. Patio enclosures must be designed so that the boundary (fence, railing, planter box, etc.) is detectable by a long cane.

- (x) There must be a minimum clearance of 1.0m from the nearest curb to separate the patio from parked vehicles and traffic unless the sidewalk patio has permission to occupy the adjacent street parking stall.

Parking Stall Patios Additional Requirements

- (y) If a deck surface is proposed, it must be designed to accommodate a minimum of 100 pounds per square foot (as per the National Association of City 14 Transportation Officials' Urban Street Design Guide for Parklets, as amended from time to time).
- (z) There must be a 1.0m separation between the outer edge of the patio and the adjacent travel lane. The Director of Engineering may require a distance greater than 1.0m in high traffic areas to ensure public safety.
- (aa) A wheel stop is required 1.2m from the patio on either side, as well as a vertical visibility bollards as per the National Association of City Transportation Officials' Urban Street Design Guide for Parklets, as amended or replaced from time to time.
- (bb) Only permanent regular / non-designated parking spaces may be utilized for parking stall patios and no patio is to occupy a lane used by moving traffic.
- (cc) Adequate space to allow access to vehicles in adjacent parking stalls must be maintained, to the satisfaction of the Director of Engineering.
- (dd) A parking stall patio may only be permitted in parking stalls that have a generally flat / level surface / grade.
- (ee) The parking stall patio must have clearly demarcated entry and exit points from the sidewalk level to the parking stall level to provide safe transition between the two levels.
- (ff) The patio licence holder must ensure that patrons queueing for a table at the business are not obstructing the pedestrian passageway on the sidewalk.

- (gg) The barrier surrounding a parking stall patio must be between 0.8 and 0.9 m in height on all sides that are adjacent to street. Railings that are adjacent to the street are to include reflectors for visibility to traffic. The barrier should be capable of withstanding at least 200 pounds of horizontal force, as per the National Association of City Transportation Officials' Urban Street Design 15 Guide for Parklets, as amended or replaced from time to time.

(**Bylaw 4841, adopted July 24, 2023)

**Unauthorized
Construction**

42

- (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 42(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, 2010)*

Objects on Streets 43

- (1) Without restricting the generality of Section 42, 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, 2010)*
- (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, skateboard, in-line skates or similar apparatus	\$2.00 per day, including the first day

(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, 2010)*

(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 42, 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, 2010)*
- (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

- 44 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, 2007)*
 - (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, 2007)*

44.1 Notwithstanding Section 44(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, 2007)

Deposit of Harmful Material

45 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.

46 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.

47 (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, 2010)

Disfiguring of Streets, Etc.	48	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.	49	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. <p style="text-align: right;">(**Bylaw 4501, adopted Mar 22, 2010)</p>
Interference with Surface of Streets, Etc.	50	(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. <p style="text-align: right;">(**Bylaw 4501, adopted Mar 22, 2010)</p> <p>(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 <i>Ministry of Transportation and Highway's Traffic Control Manual for Work on Roadways</i>, 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. <p style="text-align: right;">(**Bylaw 4501, adopted Mar 22, 2010)</p></p>
Vehicles on Sidewalk	51	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 <i>Driveway Access Bylaw</i> of the Corporation.
Sidewalk Crossings	52	Every sidewalk crossing shall be kept in good repair by the owner of the property abutting thereon.

Boulevards

- 53 (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 encroachment agreement or off-site servicing agreement with the Corporation with respect to:
(Bylaw 4687 adopted April 4, 2017)
- (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 42, 53.1 and 53.2, 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, 2010)*
- (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, 2010)*
- (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.

53.1 Despite Sections 49 and 53(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” or as approved by the Manager of Parks Services or designate 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:

*(**Bylaw 4687 adopted April 4,
2017)*

- (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”

- 53.2 Despite Section 53(2), permission for works on a boulevard granted by way of an encroachment agreement, licence of occupation, or easement pursuant to Section 42 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” or as approved by the Manager of Parks Services or designate, respectively.

(**Bylaw 4687 adopted April 4, 2017)

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

- (1) Section 53.1; 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.

53.4 Without first applying for and obtaining permission through a boulevard encroachment agreement in accordance with the procedure set out in Section 41, 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.”

*(**Bylaw 4687 adopted April 4, 2017)*

53.5 Nothing in Section 53.1 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” or as approved by the Manager of Parks Services or designate and “E”;
*(**Bylaw 4687 adopted April 4, 2017)*
- (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.

- 53.6 Neither the landscaping nor the maintenance of a boulevard pursuant to:
- (1) Section 53.1; 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.

- 53.7 In landscaping or maintaining a boulevard pursuant to:
- (1) Section 53.1; 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.

- 53.8 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 42;
 - (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 42;
 - (3) to remove any material that the owner has caused or suffered to be piled or placed as described in Section 46;
 - (4) to reinstate with turf any portion thereof that the owner has caused or suffered to be damaged as set out in Section 49;

- (5) except for:
 - (a) plantings allowed pursuant to Section 53.1; 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 53(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 53(4)(b).

53.9 Where a person to whom:

- (1) Section 53.8 applies fails to take the action required by that section; or
- (2) Section 53.3 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.

53.10 In addition to the content set out in Section 53.9, 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.

53.11 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.

53.12 Following receipt of an application for reconsideration under Section 53.11, the Municipal Clerk shall notify the applicant of the time, date and place that the application will be placed before Council.

53.13 In addition to the content set out in Section 53.12, 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 53.10(6) at least 5 days before the date of reconsideration by Council.

53.14 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 53.9, 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 53.10(6).

53.15 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 53.9 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 53.14 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.

53.16 A notice under Section 53.14 shall include the information set out in Section 53.15(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.

53.17 The Corporation shall keep an accurate account of the costs incurred pursuant to Section 53.15 and shall send by registered mail a statement of such costs to the person given notice under Section 53.9, with a demand for payment of same.

53.18 Where the costs described in a statement mailed pursuant to Section 53.17 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 53.8(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.

53.19 Where the costs described in a statement mailed pursuant to Section 53.17 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 53.8(1), such costs are due and payable not later than 30 days following the date of the statement mailed pursuant to Section 53.17.

*(**Bylaw 4501, adopted Mar 22, 2010)*

- Parks** 54 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** 55 (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** 56 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

- 57 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*.
- 58 The minimum penalty for the contravention of
- (1) Sections 16, 17, 18(1), 19(1), 22, 23(1), 23(2), 24, 28, 29, 31, 32(15), 32(16), 33(1), 34, 34.1 or 34.2(1) or 34.3 shall be:
- (a) a fine of Fifteen Dollars (\$15.00) if paid not later than 7 days from the date of the parking offence notice;
- (b) a fine of Twenty Five Dollars (\$25.00) if paid later than 7 days from the date of the parking offence notice.
- (2) Section 21 shall be a fine of Twenty Five Dollars (\$25.00)
*(**Bylaw 4848, adopted Oct 10, 2023)*
- 59 The penalty for the contravention of any provision of this Bylaw, other than a provision set out in Section 58, 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, 2007)*
- 60 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 58, 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.

- 61 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.
- 62 Where a voluntary penalty is paid pursuant to a parking offence notice in the amount and within the applicable time set out in Section 63 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.
- 63 The voluntary penalty for the contravention of
- (1) Section 16, 17, 18(1), 19(1), 22, 23(1), 23(2), 24, 28, 29, 31, 32(15), 32(16), 33(1), 34, 34.1 or 34.2(1) shall be:
 - (a) a fine of Fifteen Dollars (\$15.00) if paid not later than 7 days from the date of the parking offence notice;
 - (b) a fine of Twenty Five Dollars (\$25.00) if paid later than 7 days from the date of the parking offence notice.
 - (2) Section 21 shall be
 - (a) a fine of Fifteen Dollars (\$15.00) if paid not later than 7 days from the date of the parking offence notice;
 - (b) a fine of Twenty Five Dollars (\$25.00) if paid later than 7 days from the date of the parking offence notice.
*(**Bylaw 4848, adopted Oct 10, 2023)*
- 64 (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 licenced 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.

- 65 (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 67.
(**Bylaw 4206, adopted Nov. 24, 2003)
- (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, 2003)
- (3) REPEALED
(**Bylaw 4193, adopted Jun 23, 2003)
- 66 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, 2003)
- (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, 2010)
- (2) notice has been given in accordance with Section 67, 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.
- 67 (1) The notice required pursuant to Section 66(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 66(1).
(**Bylaw 4206, adopted Nov.24, 2003)
- (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.

- 68
- (1) Where a vehicle has been impounded under Section 66, 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, 2007;*
***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.2, 2003)*
*(**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).

- 69 (1) Where a vehicle has been impounded under Section 66 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.
- 70 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

- 71 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, 2010)*

REPEAL

- 72 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.

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

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

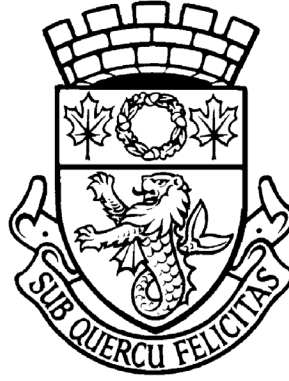
ADOPTED AND FINALLY PASSED by the Municipal Council on December 11, 2000

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, 2010)*
 - (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 highway 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, 2010)*
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	<i>Erica darlyensis</i> or <i>carnea</i>	Heather
	<i>Pinus mugho</i> (dwarf)	Mugo Pine
	<i>Genista lydia/pilosa</i>	Ornamental Broom
	<i>Viburnum davidii</i>	David Viburnum
	<i>Hebe</i>	Veronica
	<i>Spiraea japonica</i>	Spiraea
	<i>Caryopteris</i>	Bluebeard
	<i>Gaultheria procumbens</i>	Wintergreen
Ferns	<i>Blechtum spicant</i>	Deer Fern
	<i>Polystichum munitum</i>	Western Sword Fern
	<i>Adiantum pedatum</i>	Maidenhair Fern
Grasses	<i>Festuca</i> (dwarf cultivars only)	Fescue
	<i>Carex</i> (dwarf cultivars only)	New Zealand Sedge
	<i>Mahonia nervosa</i>	Dull Oregon Grape
Perennials	<i>Cinereum</i>	Hardy Geranium
	<i>Hosta</i>	Plaintain Lily
	<i>Sedum</i>	Stonecrop
	<i>Armeria maritime</i>	Sea Thrift
	<i>Dianthus</i>	Pinks
	<i>Coreopsis</i>	Tickseed
	<i>Sempervivum</i>	Hens and Chicks
	<i>Galium odoratum</i>	Sweet Woodruff
	<i>Gallardia grandiflora</i>	Blanketflower
	<i>Phormium cookianum</i> (dwarf)	New Zealand Flax
Groundcover	<i>Thymus</i>	Thyme
	<i>Arctostaphylos Uva-ursi</i>	Kinnikinnick
	<i>Vinca minor</i>	Dwarf Periwinkle
Bulbs	<i>Narcissus</i>	Daffodil
	<i>Crocus</i>	Crocus
	<i>Tulipa</i>	Tulip
	<i>Iris</i>	Iris
	<i>Galanthus</i>	Snowdrop
	<i>Dicentra spectabilis</i>	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