



City of Vernon

# TRAFFIC BYLAW

## #5600

*CONSOLIDATED FOR CONVENIENCE*

## AMENDMENTS TO BYLAW 5600

BYLAW NO.	ADOPTION DATE	AMENDMENTS
5857	May 10, 2021	<ul style="list-style-type: none"> <li>• <b>Amend</b> Section 5 – ACTIVE TRANSPORTATION to add Electric Kick Scooters</li> <li>• <b>Amend</b> Schedule ‘A’ Definitions to add “Electric Kick Scooter” and include Electric Kick Scooters in the definition of “Small Wheeled Transport”</li> </ul>
5863	August 16, 2021	<ul style="list-style-type: none"> <li>• <b>Amend</b> Schedule ‘A’ DEFINITIONS to improve clarity on the definition of “Parking Meter”</li> <li>• <b>Amend</b> Section 3 – GENERAL REGULATIONS to fix wording and clarity on snow clearing and storage</li> <li>• <b>Amend</b> Section 4 – PARKING RESTRICTIONS to improve clarity on parking regulations</li> </ul>
5878	January 10, 2022	<ul style="list-style-type: none"> <li>• <b>Amend</b> Section 4 – PARKING RESTRICTIONS to include changes related to Recreational Vehicles parking with jacks and slides deployed (or equivalent materials)</li> </ul>
5951	March 13, 2023	<ul style="list-style-type: none"> <li>• <b>Amend</b> Section 6 – HIGHWAY USE REGULATIONS AND PERMITS, Schedules A - DEFINITIONS and D – INSURANCE REQUIREMENTS to include changes related to Outdoor Commercial Uses</li> </ul>

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# THE CORPORATION OF THE CITY OF VERNON

## BYLAW NUMBER 5600, 2018

A bylaw for regulating and controlling the use of the Highways within the limits of the  
City of Vernon

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Pursuant to the *Community Charter*, *Local Government Act* and the *Motor Vehicle Act*, which authorize Council to regulate and prohibit the use of highways within the City, the Municipal Council of the City of Vernon, in open meeting assembled, enacts as follows:

### **1 CITATION, INTERPRETATION AND APPLICABILITY**

#### **Citation**

1.1 This Bylaw may be cited for all purposes as "***Traffic Bylaw Number 5600, 2018***".

#### **Interpretation**

1.2 Unless otherwise defined in this Bylaw, words and phrases shall have the meaning established in the *Community Charter*, the *Motor Vehicle Act*, the *Local Government Act*, and the *Interpretation Act*, as applicable. Any reference to a statute or regulation refers to an enactment of British Columbia, and any reference to a bylaw refers to a bylaw of the City, as amended, revised, consolidated or replaced from time to time. Headings in this Bylaw are only for convenience of reference and do not limit the scope or intent of any provisions herein.

#### **Definitions**

1.3 Schedule A of this Bylaw contains terms and definitions used in this Bylaw.

#### **Severability**

1.4 If any part, section, subsection, paragraph or clause of this Bylaw is held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to continue as valid and enforceable.

#### **Applicability**

1.5 Except as otherwise provided, this Bylaw applies to all persons within the boundaries of the City, and a person riding a Bicycle or Small Wheeled Transport, or operating a Horse Drawn Carriage, has the same obligations under this Bylaw as the operator of a Vehicle.

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**Exemptions**

1.6 The provisions of this Bylaw do not apply to:

- (a) Arterial Highways, unless otherwise indicated;
- (b) provided that the operator has due regard for applicable regulations under the *Motor Vehicle Act*:
  - i. the operator of a Vehicle or other equipment while carrying out a function or purpose of the City, or while lawfully engaged in the construction, maintenance or repair of a Highway or public utility or while working on, over or under the surface of a Highway; or
  - ii. the operator of an Emergency Vehicle;
- (c) the Stopping or Parking of a Vehicle that is:
  - i. owned, leased or under contract with the Government of Canada, the Province of British Columbia or the City for the purpose of Canada, British Columbia or the City;
  - ii. owned or leased by a public utility for the purposes of the public utility;
  - iii. used as a tow Vehicle for the authorized business purpose of its Owner or operator; or
  - iv. an armoured Vehicle while picking up or delivering cash and other securities, using warning flags, lights or cones as necessary,while such a Vehicle is in actual use for authorized business purposes.

**2 AUTHORITY OF ENGINEER AND OFFICERS**

**Engineer**

2.1 The Engineer is authorized to:

- (a) order the permanent or temporary placement, replacement or alteration of Traffic Control Devices for the regulation, prohibition or control of Traffic or Parking;
- (b) order the alteration or removal of an unauthorized Traffic Control Device, advertisement, or guide-post that has been erected or maintained on or over any Highway;

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- (c) temporarily close a Highway, or restrict or divert Traffic as the Engineer considers necessary for Traffic safety and suitability; and
  - (d) issue permits and make orders under this Bylaw in respect of matters comprised in this Bylaw, and to rescind, revoke, amend or vary any such permit or orders as the Engineer considers reasonable or necessary to ensure compliance with this Bylaw and for the safety, protection and convenience of the public in relation to Traffic and the use of the Highways and other public places referred to herein.
- 2.2 Permits and orders made by the Engineer shall be in writing and a copy of each permit and order shall be filed with the Municipal Clerk.
- 2.3 No compensation is payable to any person for loss or damage resulting from an order made by the Engineer pursuant to this Bylaw.

**Emergency Control**

- 2.4 At the site of an accident, police or fire service response or other emergency incident, a police officer, Bylaw Officer, the Fire Chief or a Traffic Control Person may do any or all of the following, as the officer considers necessary for public safety, effective response and the orderly management of Traffic:
- (a) direct and regulate Traffic, and in so doing, may override any Traffic Control Device;
  - (b) place any temporary Traffic Control Device on or near the Highway;
  - (c) remove and relocate or impound any Vehicle, Chattel or obstruction that interferes with response to the incident; and
  - (d) designate in any manner a line or lines around or near the location of the incident beyond which the public shall not pass.

**Removal and Impoundment**

- 2.5 Where any Vehicle, Chattel or other thing is:
- (a) Stopped or Parked in violation of the *Motor Vehicle Act*, a Traffic Control Device or this Bylaw;
  - (b) in a position that causes it to obstruct or interfere with an Emergency Vehicle or equipment;
  - (c) in a position that causes it to obstruct or interfere with the normal flow of Traffic;

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- (d) in a position that causes interference with the construction, improvement, maintenance, snow removal, alteration, extension, widening, marking or repair or a highway;
  - (e) apparently abandoned on a Highway; or
  - (f) without a current licence plate or decal, as required by law,  
a police officer, Bylaw Officer, or the Engineer may:
    - (g) cause the Vehicle, Chattel or obstruction to be moved, or require the operator or Owner to move it to a position or location determined by the officer to be appropriate and reasonably safe in the circumstances; or
    - (h) take the Vehicle or Chattel into the custody of the officer and cause it to be taken to and stored in a suitable place.
- 2.6 If a Vehicle is not claimed by the Owner within 48 hours of its being detained or impounded, written notice will be delivered to the Owner at the address showing on the records of the Registrar of Motor Vehicles, advising of the location of its detention or impoundment, and where applicable fees and charges may be paid.
- 2.7 The Owner of a Vehicle or Chattel or obstructing thing that has been removed, seized, detained or impounded shall be responsible to pay for any and all costs and charges for its removal, care and storage, which shall be the actual cost of its removal, care and storage, plus any applicable fees and charges established under the City's *Fees and Charges Bylaw*.
- 2.8 The Owner of a Vehicle, Chattel or obstructing thing that is removed, detained or impounded may contact City Hall to confirm where the Vehicle, Chattel or obstructing thing may be recovered.
- 2.9 A Vehicle, Chattel or obstructing thing that, under this Bylaw is removed to a place owned or held by the City or its police service, may be disposed of at any time if:
- (a) the Owner has not been identified after reasonable effort;
  - (b) the items are perishable articles;
  - (c) if the Vehicle, Chattel or obstructing thing has no apparent marketable value;  
or
  - (d) if custody of the Vehicle, Chattel or obstructing thing involves unreasonable expense or inconvenience to the City,

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and in other circumstances, the Vehicle, Chattel or obstructing thing may be dealt with in accordance with procedures established in the *Disposal of Property in Police Possession Regulation* under the *Community Charter* or under laws governing private towing and warehousing service operators, as applicable.

### **3 GENERAL REGULATIONS**

#### **Obey Directions**

- 3.1 Except where otherwise directed by a police officer, Bylaw Officer, Traffic Control Person or the Fire Chief, every person must obey all directions, prohibitions and conditions contained in or appearing on any Traffic Control Device.
- 3.2 A person must not mark or imprint on, or deface, damage or interfere with any Traffic Control Device that is erected or placed pursuant to this Bylaw.
- 3.3 Every person must at all times comply with any lawful order, direction, or signal made or given by a police officer, Bylaw Officer, Traffic Control Person or the Fire Chief.

#### **No Obstruction**

- 3.4 A person must not obstruct a police officer, Bylaw Officer or the Fire Chief in the performance of their duties, or refuse to comply or delay in complying with any direction by such officer.

#### **Bylaw Notices and Tickets**

- 3.5 A person must not remove any bylaw notice or ticket affixed or placed on a Vehicle for the enforcement of this Bylaw unless that person is the Owner or operator of that Vehicle.

#### **Speed Limits**

- 3.6 Unless otherwise indicated on a Traffic Control Device, a person must not drive or operate a Vehicle:
  - (a) on any Street at a speed greater than 50 kilometres per hour; or
  - (b) on any Laneway at a speed greater than 20 kilometres per hour.

#### **Noise from Vehicles**

- 3.7 A person must not cause, allow or suffer any loud or unnecessary noise to emanate from a Vehicle:



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- (a) by using or by means of the horn, engine, exhaust system, braking system, engine retarder, acceleration system or tires in contact with the Roadway, except where the operator is unable to safely slow down or stop by other means; or
- (b) by causing or allowing the sound of an alarm system, radio, compact disc, tape recorder, television, player or other sound playback device or amplification equipment, or the sound of a musical instrument, to be easily heard by someone outside the Vehicle, except as may be authorized by the Engineer for a procession, parade, festival or other community event.

**Vegetation**

- 3.8 An Owner or occupier of real property adjacent to any Highway must not allow vegetation or plantings on that property to extend over the Highway at a height less than 2.75 metres; and must promptly comply with any order by the Engineer to cut, prune or remove any such plants.

**Sight Triangle**

- 3.9 An Owner or occupier of a corner parcel at any intersection must not cause, suffer or allow to erect any structure, fence, retaining wall, or grow any vegetation, within the triangular area indicated in Schedule B, except in accordance with that Schedule. An Owner or occupier who has been ordered by the Engineer to bring the property into compliance with Schedule B must promptly comply with that order.

**Snow and Ice**

- 3.10 An Owner or occupier of real property must remove snow and ice from the Sidewalk bordering their property, whether directly adjacent to or separated by a Boulevard, landscaping or other portion of either between their property and the Roadway, within 24 hours of the accumulation of such snow or ice, unless exempted under subsection 3.11.
- 3.11 An Owner or occupier for whom the obligation under subsection 3.10 would impose an unusual hardship may apply to the Engineer for an exemption, and the Engineer may grant an exemption if satisfied that compliance would amount to an unusual hardship for the applicant.

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- 3.12 An Owner or occupier of real property must not place, or cause or allow snow or ice to migrate from their property onto any:
- (a) Boulevard not adjacent to their property; or
  - (b) Travelled Portion of a Highway, including any Roadway and Active Transportation Corridor. *(Bylaw 5863)*
- 3.13 If any snow or ice is deposited onto a Highway contrary to subsection 3.12, the Owner or occupier of the property must take immediate steps to safely remove the snow, ice or both from the Highway, at their own expense, and must be responsible to pay for any costs and expenses incurred by the City to repair any resulting damage to the Highway.
- 3.14 A person must not place snow or ice from one portion of a Highway onto another portion of a Highway, unless the snow or ice is deposited onto the Boulevard adjacent to their property. *(Bylaw 5863)*

**4 PARKING RESTRICTIONS**

- 4.1 Except as directed by a police officer, Bylaw Officer, or the Fire Chief, or as permitted by a Traffic Control Device, a person must not Stop or Park a Vehicle:
- (a) in any place contrary to a Traffic Control Device;
  - (b) in such a manner as to obstruct the visibility of any Traffic Control Device;
  - (c) with improper or invalid number plates;
  - (d) so as to obstruct the normal flow of Traffic;
  - (e) on a two-way Roadway, other than with the right-hand wheels parallel to that side, except Motorcycles;
  - (f) on an Active Transportation Corridor;
  - (g) adjacent to a curb painted yellow;
  - (h) so that it is parked on either side of a Vehicle already Stopped or Parked at the edge or Curb of a Roadway (double-parked);
  - (i) for the principal purpose of advertising, greasing, repairing, wrecking or storing such Vehicle, except repairs necessitated by an emergency, or for the principal purpose of displaying such Vehicle for sale;

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- (j) adjacent to a Red Curb, unless the Vehicle is a Public Transit Bus or private bus authorized by the Engineer;
- (k) in any Laneway, except for the purpose of actively loading and unloading passengers or materials while hazard lights are flashing;
- (l) adjacent to a curb painted white, except for the purpose of actively loading and unloading passengers or materials;
- (m) other than on the right side of the Roadway;
- (n) on a Roadway more than 0.3 metres from the Curb of such Roadway if a Curb has been constructed;
- (o) in front of, or within 1 metre on either side of an Active Transportation Corridor entrance with a ramp to a Roadway;
- (p) in front of, or within 1 metre on either side of an Access;
- (q) on a Boulevard except:
  - i. on a paved or gravel Boulevard adjacent to a Roadway with no curb;
  - ii. on a paved or gravel Boulevard behind a rollover Curb separating the Roadway and the Boulevard, constructed for on-street parking, as per Hillside Road Standards set out in the City's *Subdivision and Development Servicing Bylaw*; or
  - iii. up to 1 metre on a non-paved or non-gravel Boulevard adjacent to a Roadway with no curb, measured from the edge of Roadway to the Boulevard. (*Bylaw 5863*)
- (r) on a Shoulder without leaving a minimum of 1.5 metres of space between the parked Vehicle and the solid white line, or if no solid white line, leaving 1.5 meters of space between the parked Vehicle and the Roadway;
- (s) in front of or within 3 metres of the entrance or exit of a Laneway;
- (t) within 5 meters of either side of a fire hydrant;
- (u) within 6 metres of the approach to a Point of Intersection, where the intersecting lateral lines of two Roadways meet;
- (v) within 6 metres of the approach of a flashing beacon, stop sign, or Traffic control signal located at the side of a Roadway;

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- (w) on the paved portion of any Highway without Curbs where the paved portion of the Highway is 6 metres in width or less;
- (x) within 20 metres of the approach of a bus stop or 10 metres beyond a bus stop;
- (y) within 15 metres of the termination of a Dead-End Street;
- (z) within 15 metres of the approach to a marked Crosswalk and 10 metres beyond a marked Crosswalk, unless otherwise directed by a Traffic Control Device;
- (aa) within 15 metres of the nearest rail of a railway crossing;
- (bb) within 5 metres of a Canada Post Community mailbox, for any period of time exceeding 5 minutes;
- (cc) on a Highway for a period of time longer than 48 consecutive hours;
- (dd) on any portion of any Highway designated as a loading zone for any longer period of time than is necessary for the expeditious loading and unloading of passengers or materials;
- (ee) with a licensed Gross Vehicle Weight exceeding 5,500 kilograms on a Highway in a Residential Zone, except for Recreational Vehicles;
- (ff) classified as a Recreational Vehicle with a licensed Net Weight exceeding 5,500 kilograms on a Highway in a Residential Zone, for a period longer than 24 consecutive hours; *(Bylaw 5863)*
- (gg) at a Metered Space where the meter is covered by an authorized bag (hoarding) installed by a Bylaw Officer;
- (hh) outside an On-Street Pay Parking space for which the Parking Meter was provided, no further than 0.6 m from that Parking Meter; *(Bylaw 5863)*
- (ii) on a Highway or Parking Lot where Traffic Control Devices indicate a Parking Pass is required, without displaying a valid Parking Pass;
- (jj) on a Highway or Parking Lot where Traffic Control Devices indicate a Parking Pass is required, without displaying a Parking Pass in the manner indicated on the Parking Pass; or
- (kk) on a Highway or Parking Lot in a Metered Space governed by a Parking meter that has a Parking Meter face, while the Parking Meter face shows no time remaining.

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(ll) outside an On-Street Pay Parking space for which the Parking Meter was provided, so that the vehicle is not occupying more than one On-Street Pay Parking space, unless a Deposit has been paid at all occupied On-Street Pay Parking spaces. *(Bylaw 5863)*

(mm) classified as a Recreational Vehicle in a manner where it is stabilized, secure or otherwise prevented from movement, including the use of jacks, blocks, stabilizers, bricks or other material, unless in a Residential Zone for a period no longer than 24 consecutive hours; *(Bylaw 5878)*

(nn) classified as a Recreational Vehicle in any manner where extendable parts of that Recreational Vehicle, known as “push outs”, “slide outs”, or “awnings” are operated, used, deployed, or opened. *(Bylaw 5878)*

4.2 Where a Vehicle has been parked at an on-street parking space controlled by a Traffic Control Device for the maximum period of time allowed, after having moved the Vehicle, the Owner or Operator of such Vehicle must not, having left such a parking space, permit the parking of such Vehicle within 2 hours in the same or any other parking space on either side of the same Block.

**Snow Removal**

4.3 An Owner or Operator of any Vehicle must not cause or permit or allow any Vehicle to occupy any portion of any Highway while a Snow Removal Program is in effect for that Highway or portion thereof.

4.4 Not later than 12 hours of being notified by the Engineer that the Snow Removal Program is in effect, every Owner and occupier of real property adjacent to a Highway or portion of Highway identified in the notice must remove their Vehicles from that Highway or portion of Highway.

**Resident Exempt Parking Areas**

4.5 A person must not Park a Vehicle within a Resident Exempt Parking Area contrary to a Traffic Control Device imposing parking time limits or a Traffic Control Device specifically indicating "Except Permit Holders" unless one of the following valid permits is displayed from the Vehicle:

- (a) Resident REPA Permit;
- (b) Local Business REPA Permit; or
- (c) Commercial Vehicle REPA Permit.

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**Parking, Stopping, and Loading Signage**

- 4.6 A Traffic Control Device that is a sign for on-street parking, stopping, or loading:
- (a) if displaying arrow(s), regulates all parking spaces within the area in the direction of the arrow(s) as far as the next sign or to the end of the Block Face, whichever comes first; or
  - (b) if not displaying arrows, regulates all parking spaces within the area on both sides of the sign as far as the next sign or to the end of the Block Face, whichever comes first.

**Accessible Parking**

- 4.7 A person must not Stop or Park a Vehicle in an Accessible Parking Space without displaying on the Vehicle:
- (a) a valid Accessible Parking Permit issued by Independent Living Vernon or the Social Planning and Research Council of B.C., pursuant to Division 38 of the *Motor Vehicle Act Regulations, B.C. 26/58*; or
  - (b) a permit of similar nature issued by another jurisdiction.

**Pay by Phone Parking**

- 4.8 A person parked in a Metered Space on a Highway or Parking Lot who paid a Deposit in a Metered Space remotely utilizing a City approved Pay by Phone provider, is exempted from the restrictions of paragraphs (ii) (jj) and (kk) of subsection 4.1, so long as the Pay by Phone session remains valid and subsisting.

**Parking Time and Deposits**

- 4.9 When any Vehicle is parked in a Metered Space during a Pay Parking Period, the Operator of such Vehicle must immediately pay the required Deposit.
- 4.10 Upon the expiration of the time obtained by the Deposit, a person must not thereupon further deposit, or cause to be further deposited in a Parking Meter, any Deposit for the purpose of obtaining an extension of the parking time beyond the total allowed parking time prescribed on a nearby Traffic Control Device.
- 4.11 A person must not place any object in a Parking Meter other than legal Canadian currency or legal currency of the United States of America.
- 4.12 Unless otherwise posted, a Metered Space may be used without a Deposit when the stated Pay Parking Period is not in effect.

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- 4.13 The Operators of taxicabs may use a Metered Space without a Deposit for the period of time actually required for loading or unloading passengers, such period of time not to exceed 2 minutes.

**Parking Meter Permits**

- 4.14 A person may apply to the Engineer for a Parking Meter Permit, in a form approved by the Engineer. On receiving a completed application form and payment of the applicable fees established in the *Fees and Charges Bylaw*, and if satisfied that the application is in accordance with this Section, the Engineer may issue a Parking Meter Permit to either:
- (a) the Owner of a Commercial Vehicle that holds a current Business Licence for which the Vehicle is operating and a valid and subsisting licence issued for the Commercial Vehicle pursuant to the City's *Commercial Vehicle Licencing Bylaw*;
  - (b) a person with a valid Accessible Parking Permit; or
  - (c) a person authorized by resolution of Council.
- 4.15 Despite the restrictions of paragraphs (ii), (jj) and (kk) of subsection 4.1 and subsection 4.9, the following Vehicles may Park in an On-Street Pay Parking space during a Pay Parking Period without paying a Deposit, displaying a Parking Pass, or while a Parking Meter face shows no time remaining:
- (a) a Commercial Vehicle bearing a Parking Meter Permit, but only when actively engaged in activities related to the Business under which the Commercial Vehicle was licensed;
  - (b) a Vehicle with an Accessible Parking Permit bearing a Parking Meter Permit, but only when also displaying a valid Accessible Parking Permit;
  - (c) a Vehicle bearing any Parking Meter Permit type authorized by Council, as long as the operator adheres to the terms or conditions of that Parking Meter Permit.
- 4.16 The duration of Parking while displaying a valid Parking Meter Permit must not exceed the following:
- (a) Commercial Vehicles: 20 minutes while actively loading or unloading with hazard lights flashing;
  - (b) Vehicles with Accessible Parking Permits: 3 hours;

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- (c) Vehicles authorized by Council resolution: the time established by Council, or if not stated, 24 hours.
- 4.17 The Parking Meter Permit issued under subsection 4.15 (a) or (b) shall be valid for a period not longer than twelve (12) months from the date it was issued.
- 4.18 The Engineer may revoke a Parking Meter Permit at any time if the Engineer determines that:
  - (a) the Parking Meter Permit was issued based on the submission of false, misleading or fraudulent information; or
  - (b) for non-compliance with the Parking Meter Permit or this Bylaw,and may suspend or revoke a Parking Meter Permit if the Engineer considers that it is necessary to ensure public safety.
- 4.19 If a Parking Meter Permit is revoked, the Owner may apply for a partial refund of the fee, prorated to the date the Parking Meter Permit was surrendered, following surrender of the Parking Meter Permit.
- 4.20 If a Parking Meter Permit issued has been revoked within twelve (12) calendar months of the application for such permit due to non-compliance with the Permit or this Bylaw, no further Parking Meter Permit shall be issued until at least twelve (12) months after the date the Permit was revoked.

**Rental of Parking Lot Metered Spaces**

- 4.21 The Director, Financial Services may arrange for the rental of parking spaces in Parking Lots through the issuance of a monthly Parking Pass.
- 4.22 The Engineer may arrange for the bulk rental of parking spaces (with a 25 space minimum) at the Parkade Facility located at 3204 31 Avenue, Vernon, BC. Bulk rental may only apply to parking spaces on the third and fourth floors, is subject to availability, and may be for a duration of one, two or three year terms only. The person renting parking spaces shall be responsible for required signage, as approved by the Engineer, and shall ensure that the use of purchased spaces is in compliance with this Bylaw and any restrictions and requirements imposed by the Engineer as a condition of the rental arrangement.

**No Damage to Meters**

- 4.23 A person must not deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any Parking Meter installed pursuant to this Bylaw.



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**Unlawful Parking**

4.24 A person must not cause, allow, permit or suffer any Vehicle to be parked in any Metered Space except as permitted under this Bylaw.

**Motorcycle Parking**

4.25 More than one Motorcycle may Park in a Metered Space, subject to paragraphs (ii), (jj) and (kk) of subsection 4.1.

**5 ACTIVE TRANSPORTATION REGULATIONS**

**Pedestrians**

5.1 A Pedestrian must not:

- (a) cross a Roadway contrary to the direction of a Traffic Control Device;
- (b) walk on the Roadway if there is a Pedestrian Facility that is reasonably passable on either side of the Roadway;
- (c) be on a Roadway to solicit from an Occupant of a Vehicle a ride, employment or business;
- (d) use a Highway without due care, attention, and reasonable consideration for other persons using the Highway.

5.2 If there is no Pedestrian Facility separated from the Roadway, a Pedestrian must travel only on the extreme left side of the Roadway or Shoulder, facing traffic approaching from the opposite direction.

**Cyclists**

5.3 A person operating a Bicycle on a Highway:

- (a) must dismount when using a Sidewalk, unless otherwise directed by a Traffic Control Device;
- (b) must dismount to cross a Highway, unless at a Crosswalk marked with Elephants' Feet;
- (c) on a Roadway, must ride as near as practicable to the right side of the Roadway, unless turning left or as otherwise directed by a Traffic Control Device;
- (d) must not perform or engage in any acrobatic or other stunt;

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- (e) must not ride other than on or astride a regular seat of the Bicycle; and
- (f) must not use the Bicycle to carry more persons at one time than the number for which it was designed and equipped.

5.4 A person is not required to ride a Bicycle on any part of a Highway that is not paved.

**Small Wheeled Transport (SWT)**

5.5 A Small Wheeled Transport user on a Highway:

- (a) must dismount for the purpose of crossing a Highway, except at a Crosswalk marked with Elephants' Feet;
- (b) on a Roadway, must ride as near as practicable to the right side of the Roadway, except when turning left or as otherwise directed by a Traffic Control Device;
- (c) must travel at a rate of speed that is appropriate, taking into account the ability and skill of the Small Wheeled Transport user, the surface being travelled upon, and other persons using the Highway;
- (d) must not perform or engage in any acrobatic or other stunt on a Highway; and
- (e) must not ride in any position other than standing, except for children under 13 years of age operating a Bicycle.

**Cyclists and Small Wheeled Transport (SWT)**

5.7 A person must not ride a Bicycle or use Small Wheeled Transport on a Highway:

- (a) while wearing headphones over or in close proximity to both ears;
- (b) between one half hour (1/2) after sunset and one half hour (1/2) before sunrise without turning on and maintaining use of the following equipment:
  - i. a lighted lamp mounted on the front and, under normal atmospheric conditions, capable of displaying a white light visible at least 150 metres in the direction the Bicycle or Small Wheeled Transport is pointed;
  - ii. a red reflector of a make or design approved by the Insurance Corporation of British Columbia; and
  - iii. A lighted lamp, mounted and visible to the rear, displaying a red light; or

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- (c) without due care and attention or without consideration for other persons using the Highway.
- 5.8 A person must not operate a Bicycle, ride as a passenger on a Bicycle, or use Small Wheeled Transport on a Highway unless that person is properly wearing a bicycle safety helmet that meets the standards of the *Bicycle Safety Helmet Standards Regulation* under the *Motor Vehicle Act*.
- 5.9 A parent or guardian of a person under the age of 16 years must not authorize or knowingly permit the person to operate a Bicycle or use Small Wheeled Transport, or to ride as a passenger on a Bicycle or Small Wheeled Transport, if the person is not properly wearing a bicycle safety helmet that meets the standards of the *Bicycle Safety Helmet Standards Regulation* under the *Motor Vehicle Act*.
- 5.10 Subsections 5.8 and 5.9 do not apply to persons who are exempted from wearing a bicycle safety helmet under the *Bicycle Safety Helmet Exemption Regulation* under the *Motor Vehicle Act*.

**Multi-Use Paths (MUP)**

- 5.11 A person operating a Bicycle or using Small Wheeled Transport on a Multi-Use Pathway:
  - (a) must comply with the directions or regulations appearing on any Traffic Control Device relating to the Multi-Use Pathway;
  - (b) must yield the right of way to any Pedestrian;
  - (c) must operate the Bicycle or use Small Wheeled Transport as near as practicable to the right side, except when overtaking and passing a Pedestrian, cyclist, or Small Wheeled Transport user;
  - (d) must sound a horn or bell, or verbally notify the other users of the Multi-Use Pathway prior to overtaking and passing any of them proceeding in the same direction; and
  - (e) must ride at a moderate rate of speed, and without interfering with or endangering any other person using the Multi-Use Pathway.

**Parking Bicycles and Small Wheeled Transport (SWT)**

- 5.12 A person must not Park a Bicycle or Small Wheeled Transport in a manner that obstructs the flow of Traffic.

**Electric Kick Scooters**

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- 5.13 A person may not operate an Electric Kick Scooter on a Highway with a speed limit greater than 50 km/h, except on an Active Transportation Corridor. (*Bylaw 5857*)

## 6 HIGHWAY USE REGULATIONS AND PERMITS

### Access

- 6.1 A person must not, without first obtaining an Access Permit from the Engineer:
- (a) ride, drive, lead, move or propel any Vehicle or animal in excess of 270 kilograms over or across a Boulevard including any Curb, Active Transportation Corridor, or ditch;
  - (b) construct a new Access; or
  - (c) replace or modify an existing Access, unless the Access was approved through a Building Permit.
- 6.2 An Owner of real property may apply for an Access Permit by submitting a written application to the Engineer, in a form approved by the Engineer, together with any applicable fees and securities as per the *Subdivision and Development Servicing Bylaw*, and any fees established in the *Fees and Charges Bylaw*.
- 6.3 On receiving a complete application, together with payment of all required fees and securities, the Engineer will consider the application for an Access Permit. If satisfied that the proposed Access complies with the applicable requirements of the *Subdivision and Development Servicing Bylaw*, and other applicable bylaws of the City, the Engineer may issue an Access Permit to the Owner of the property benefitting from the Access.
- 6.4 The Owner of the benefitting property shall be solely responsible to pay:
- (a) the costs of construction, replacement, or modification of the Access, as applicable, and all associated expenses;
  - (b) if a new Access makes an existing Access unnecessary, all costs and expenses associated with closure of the existing Access; and

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- (c) any and all actual costs and expenses incurred by the City for moving Parking Meters, street lights and Traffic Control Devices to accommodate the Access.

**Materials on Highway**

- 6.5 A person must not place, or cause or allow to be placed, any petroleum products, lumber, merchandise, Rubbish or Chattel of any nature on a Highway except as authorized by an Outdoor Commercial Use Permit, Hoarding Permit, Road Usage Permit, or other permit issued under this Bylaw or another applicable bylaw of the City. *(Bylaw 5951)*

**Highway Water Damage**

- 6.6 A person must not construct or maintain any ditch, drain or drainage system that causes water damage to any Highway; and if so caused, the Owner of the real property for which the ditch, drain or drainage system is constructed or maintained shall be responsible to pay for the costs of remedying such damage.

**Outdoor Commercial Use**

- 6.7 A person must not occupy a portion of a Highway, Parking Lot, or other public space for the purposes of commercial or institutional use without first obtaining an Outdoor Commercial Use Permit from the City. For that purpose a person may apply in writing to the Engineer, in a form approved by the Engineer, submitted along with payment of applicable fees established in the *Fees and Charges Bylaw*; and must obtain and maintain insurance that meets the requirements and conditions established in Schedule D, to cover all aspects of the occupation and use from its date of commencement and for as long as the occupation and use continue. *(Bylaw 5951)*
- 6.8 On receiving a complete application, together with payment of applicable fees, and if satisfied that this Bylaw and other applicable bylaws of the City have been met, the Engineer may issue the Outdoor Commercial Use Permit, and as a condition of the Permit, may impose terms, restrictions and requirements to ensure the use will continue to be compliant. *(Bylaw 5951)*
- 6.9 The Engineer may suspend, revoke or cancel an Outdoor Commercial Use Permit, immediately or upon notice, if the Permit holder contravenes this or another applicable bylaw, or any term or condition of the Permit. The Engineer may impose restrictions and requirements as a condition of reinstating or reissuing the Permit to remedy the contravention and ensure continuing compliance. *(Bylaw 5951)*
- 6.10 The Engineer or any of the City's employees or contractors may enter an area subject to an Outdoor Commercial Use Permit at any time, without notice or

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compensation, to deal with any emergency situation that in the opinion of the Engineer, requires the use of the area to respond to the emergency. (*Bylaw 5951*)

- 6.11 A person responsible for an Outdoor Commercial Use must ensure it is constructed to comply with all applicable legislation, regulations, codes and bylaws, as well as with this Bylaw and the Outdoor Commercial Use Permit Policy. (*Bylaw 5951*)

**Horse Drawn Carriages**

- 6.12 A person must not operate a Horse Drawn Carriage on a Highway without first obtaining a Horse Drawn Carriage Permit from the City. For that purpose, a person may apply in writing to the Engineer, in a form approved by the Engineer, along with applicable fees established in the *Fees and Charges Bylaw*. Every application shall include the following:

- (a) a valid Business Licence;
- (b) a Traffic Control Plan, including a proposed Highway routing and parking area for the Horse Drawn Carriage;
- (c) evidence of membership in or certification that the applicant will meet the practice standards of the Carriage Operators of North America;
- (d) proof of insurance for the proposed activity that meets the requirements of Schedule D, to cover all aspects of the occupation and use from its date of commencement and for as long as the occupation and use continue;
- (e) any other information required by the Engineer to confirm that the requirements of this Bylaw will be met; and
- (f) payment of applicable fees established in the *Fees and Charges Bylaw*.

- 6.13 On receiving a complete application, together with applicable fees, and if satisfied that this Bylaw and other applicable bylaws of the City have been met, the Engineer may issue the Permit, and as a condition of the Permit, may impose terms, restrictions and requirements to ensure the use will continue to be compliant.

- 6.14 The Engineer may suspend, revoke or cancel a Horse Drawn Carriage Permit, immediately or upon notice, if the Permit holder contravenes this or another applicable bylaw, or any term or condition of the Permit. The Engineer may impose restrictions and requirements as a condition of reinstating or reissuing the Permit to remedy the contravention and ensure continuing compliance.

- 6.15 A person operating a Horse Drawn Carriage must:

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- (a) remove from the Highway any excrement dropped by a horse used to pull the Horse Drawn Carriage, and wash the area clean with water;
- (b) not leave the horse unattended;
- (c) not operate the Horse Drawn Carriage unless it is equipped with a Slow Moving Vehicle Warning Device;
- (d) not operate earlier than one half hour before sunrise or later than one-half hour after sunset unless the Horse Drawn Carriage has the following equipment:
  - i. a lighted lamp mounted on the front and under normal atmospheric conditions, capable of displaying a white light visible at least 150 metres in the direction the Horse Drawn Carriage is pointed;
  - ii. a red reflector on the back of the Carriage, of a make or design approved by the Insurance Corporation of British Columbia, for the purpose of the operation; and
  - iii. a lighted lamp, mounted at the rear of the Horse Drawn Carriage, visible from behind the Carriage, and displaying a red light.

**Heavy Loads**

- 6.16 The Engineer may make orders from time to time as the Engineer deems necessary to limit the weight of loads carried by Vehicles on any Highway or bridge other than an Arterial Highway. A person operating a Vehicle carrying weight in excess of that limit must obey any such order.
- 6.17 Except for Highways or portions thereof that are designated by Traffic Control Devices as Truck Ban Routes, Truck Routes in the City include all Collector Roads and Arterial Roads.
- 6.18 A person must not operate a Heavy Truck on a Truck Ban Route except to serve a property along that Route that has no viable access from an alternative Highway.
- 6.19 A person must not operate a Heavy Truck on any Highway other than a Truck Route at any time except:
- (a) to collect or deliver goods or materials;
  - (b) while proceeding to or from the business premises of the Heavy Truck Owner or operator; or
  - (c) while proceeding to or from a Service Station for fueling, servicing or repairs,

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and in any of these circumstances, by using the most direct route from the point of collection or delivery, to or from the nearest Truck Route.

- 6.20 A person must not operate a Heavy Truck on a Highway within a Residential Zone between the hours of 7:00 p.m. and 7:00 a.m. unless the Highway, or portion thereof, is a Truck Route.

**Extraordinary Traffic**

- 6.21 A person must not operate a Vehicle having a gross weight, dimension, axle load, or tire load in excess of the limits prescribed in the *Commercial Transport Act*, except as authorized by an Individual Trip Extraordinary Permit or Frequent Trips Extraordinary Traffic Permit issued by the Engineer and in compliance with the terms, conditions, restrictions and requirements of the Permit.
- 6.22 A person may apply to the Engineer, in a form approved by the Engineer, for an Individual Trip Extraordinary Permit or a Frequent Trips Extraordinary Traffic Permit. The applicant must pay applicable fees established in the *Fees and Charges Bylaw*, and in the case of an Individual Trip Extraordinary Permit, must provide the City with a bond of indemnity to secure payment to the City to cover all costs and expenses incurred by the City in repairing or reconstructing any part of a Highway or other property of the City that is damaged by the operation of the Vehicle or Vehicles for which the Permit is granted.
- 6.23 On receiving a complete application together with applicable fees, and if satisfied that the proposed activity will not present a significant risk to public safety or to the condition of the Highways, and that the security is appropriate in the circumstances, the Engineer may issue an Individual Trip Extraordinary Permit or a Frequent Trips Extraordinary Traffic Permit. As a condition of the Permit, the Engineer may impose terms, restrictions and requirements to ensure public safety and protection of Highways.
- 6.24 The Engineer may suspend, revoke or cancel an Individual Trip Extraordinary Permit or a Frequent Trips Extraordinary Traffic Permit if the Permit holder contravenes this Bylaw, or any term or condition of the Permit, and may impose restrictions and requirements as a condition of reinstating or reissuing the Permit to remedy the contravention and ensure continuing compliance.
- 6.25 The operator of a Vehicle for which an Individual Trip Extraordinary Permit or a Frequent Trips Extraordinary Traffic Permit has been issued must carry the Permit in the Vehicle at all times that it is operated on a Highway, and must present the Permit when requested to do so by a Bylaw Officer or police officer.



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**Seasonal Load Restrictions**

- 6.26 When seasonal weather events and conditions exist that cause the Engineer to be concerned for the strength of Roadways or other portions of Highway within the City, the Engineer may order Seasonal Load Restrictions, consistent with seasonal road restrictions directed by the Minister of Transportation and Infrastructure for the Okanagan-Shuswap District, Service Area 13, including limiting Vehicles to within 50 – 70 percent of legal axle loading otherwise allowable under the *Commercial Transport Act*.
- 6.27 Every Owner and operator of a Vehicle described in a Seasonal Load Restriction must comply with all restrictions, conditions and requirement set out in an order under subsection 6.25 from the date that order is posted until it is no longer in effect.

**Weighing Vehicles**

- 6.28 At the direction of a police officer or a Bylaw Officer, the operator of a Vehicle on a Highway must:
- (a) Stop the Vehicle at the time and place specified by the officer for the purpose of weighing the whole or part of the Vehicle by means of stationary or portable scales; measuring the dimensions of the Vehicle; measuring and inspecting the tires or the load or both; or for another purpose of this Bylaw;
  - (b) produce for the officer's inspection the official registration certificate showing the maximum weight of the Vehicle; and
  - (c) rearrange the load upon the Vehicle or remove all or part of the load from the Vehicle in order to comply with this Bylaw, or any Seasonal Load Restrictions or other order of the Engineer in effect at the time, before continuing to operate the Vehicle.
- 6.29 If the operator does not produce the official registration certificate showing the weight of the Vehicle, and the police officer or Bylaw Officer determines that the Vehicle is on a route other than a Truck Route in contravention of this Bylaw, the officer may order the driver or other person in charge or control of the Vehicle to drive the Vehicle to the nearest public or government stationary or portable scales to weigh the Vehicle and load.

**Need for Road Usage Permit**

- 6.30 Except as specifically authorized by a Road Usage Permit, a person must not:

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- (a) excavate in or under a Highway, or break up, cause damage to or remove any part of a Highway;
  - (b) dig up, cause damage to, remove or plant trees, timber or vegetation on a Highway;
  - (c) cause damage to, alter or remove any fence, Traffic Control Device or sign or other structure or thing placed by the City on a Highway;
  - (d) change the level of a Highway in any manner whatsoever;
  - (e) stop the flow of water through any ditch, drain, sewer or culvert on, through or under a Highway, or allow effluent from a ditch, drain, sewer or culvert to foul, cause damage, injury or nuisance to or on a Highway;
  - (f) construct, maintain or align a ditch, sewer or drain or other utility on any portion of a Highway;
  - (g) place, install, construct or maintain any loading platform, skids, rails, mechanical devices, signs, buildings or other structures or things on a Highway;
  - (h) mark, imprint, obscure or deface, in any manner whatsoever, a Highway or structure placed by the City thereon;
  - (i) erect or maintain any sign, advertisement or guide-post on or over any Highway;
  - (j) operate track Vehicles on a Highway; or
  - (k) obstruct or interfere with the flow of Traffic, or attempt to control or detour Traffic on any Highway, whether in person or by use of signs, barricades or other obstruction, unless the person is authorized under subsection 2.4 [*emergency control*].
- 6.31 A person may apply to the Engineer for a Road Usage Permit, in a form approved by the Engineer, submitted along with applicable fees established under the *Fees and Charges Bylaw*. Every application must include:
- (a) accurate plans and specifications for any new works to be undertaken;
  - (b) information about the proposed work, activity or thing that the Engineer considers relevant to applicable conditions and requirements established in Schedule C;

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- (c) proof of insurance that meets the requirements and conditions established in Schedule D, to cover all aspects of the occupation and use from its date of commencement and for as long as the occupation and use continue; and
  - (d) pay applicable fees established in the *Fees and Charges Bylaw*.
- 6.32 On receiving an application in complete form together with applicable fees, and if satisfied that the proposed use is in accordance with this Bylaw, the Engineer may issue a Road Usage Permit. As a condition of the Permit, the Engineer may impose restrictions and requirements to ensure the use will continue to be compliant with this Bylaw.
- 6.33 The Engineer may suspend, revoke or cancel a Road Usage Permit, immediately or upon notice, if the Permit holder contravenes this or another applicable bylaw, or any term or condition of the Permit, and the Engineer may impose restrictions or requirements as a condition of reinstating or reissuing the Permit to remedy the contravention and ensure continuing compliance.
- 6.34 A person holding a Road Usage Permit, or conducting work or activity under the Permit, must ensure that the work or activity conforms in every way to the information provided to the Engineer and as authorized under the Permit.
- 6.35 Following completion of the work or activity under a Road Usage Permit, the Permit holder must provide the Engineer with a plan, drawn to scale, accurately showing the location, size and description of installations or work or activity affecting the Highway, and the date of its installation. This information must be provided prior to any return or refund of a deposit or other security posted as a condition of the Permit.

**Hoarding**

- 6.36 A person must not erect or place hoarding on a Highway without first obtaining a valid Hoarding Permit.
- 6.37 A person may apply to the Engineer for a Hoarding Permit, in a form approved by the Engineer, submitted along with applicable fees established under the *Fees and Charges Bylaw*. Every application must include:
- (a) proposed location and construction, including measures to maintain safe Pedestrian access;
  - (b) proof of insurance that meets the requirements and conditions established in Schedule D, to cover all aspects of the occupation and use from its date of commencement and for as long as the occupation and use continue; and

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- (c) any other information required by the Engineer describing how public safety and the requirements of this Bylaw will be met.
- 6.38 On receiving an application in complete form together with applicable fees, and if satisfied that the proposed use is in accordance with this Bylaw, the Engineer may issue a Hoarding Permit. As a condition of the Permit, the Engineer may impose restrictions and requirements to ensure the use will continue to be compliant with this Bylaw.
- 6.39 The Engineer may suspend, revoke or cancel a Hoarding Permit, immediately or upon notice, if the Permit holder contravenes this Bylaw or another applicable bylaw, or any term or condition of the Permit, and the Engineer may impose restrictions or requirements as a condition of reinstating or reissuing the Permit to remedy the contravention and ensure continuing compliance.
- 6.40 A person responsible for hoarding must ensure a minimum clear width distance of 1.5 metres is maintained between the hoarding and any Pedestrian access, and that the hoarding is constructed to comply with all applicable legislation, regulations, codes and bylaws, as well as with this Bylaw and a Hoarding Permit.

**Responsibility for Use and Occupation of City Property**

- 6.41 A person holding an Access Permit, Outdoor Commercial Use Permit, Horse Drawn Carriage Permit, Individual Trip Extraordinary Permit, Frequent Trips Extraordinary Traffic Permit, Road Usage Permit, or Hoarding Permit must:
- (a) ensure that all conditions, terms, restrictions and requirements of the Permit are fully complied with;
  - (b) promptly notify the Engineer of any contravention of the Permit; of any accident or emergency incident; and of any injury to persons or property or loss or damage to property related to and occurring during the use and occupation of the Highway; and
  - (c) be solely responsible for any costs and expenses resulting to the City in repairing or replacing property injured or damaged by the use or occupation of the Highway for which the Permit was issued.

**7 ENFORCEMENT, CONTRAVENTION AND PENALTIES**

- 7.1 This Bylaw may be enforced by a police officer, Bylaw Officer or the Engineer. The issuance of a ticket or bylaw notice, or proceeding under the *Offence Act* does not preclude the City from enforcement and remedy by other proceedings available to it by law.

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7.2 Every person who:

- (a) contravenes or violates any of the provisions of this Bylaw;
- (b) causes, permits, suffers or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw; or
- (c) neglects or fails to do anything required to be done by any of the provisions of this Bylaw,

commits a contravention and an offence and each day that the offence continues constitutes a separate offence.

7.2 A person convicted of an offence or found guilty of a contravention under this Bylaw is liable:

- (a) if proceedings are brought under the *Offence Act*, to pay a fine to a maximum of \$10,000 and such other amounts as the court may impose in relation to the offence;
- (b) if a ticket is issued under the *Municipal Ticketing Information Bylaw*, to pay a fine to a maximum of \$1,000;
- (c) if a bylaw notice is issued under the *Bylaw Notice Enforcement Bylaw*, to pay a penalty to a maximum authorized under the *Local Government Bylaw Notice Enforcement Act*.

7.3 The payment of a fine or other penalty imposed under this Bylaw does not relieve a person from paying amounts owing to the City under the *Fees and Charges Bylaw* or other bylaw in relation to the contravention or offence.

## 8 SCHEDULES AND REPEAL

8.1 The following schedules are attached to and form part of this Bylaw:

Schedule A – Definitions

Schedule B – Sight Triangle Requirements

Schedule C – Road Usage Permit Requirements

Schedule D – Insurance Requirements

8.2 The following bylaws of the City are hereby **repealed**:

**“Traffic Bylaw #2747”;**

**“Parking Facility Bylaw #2746”;** and

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**“Horse Drawn Carriage Bylaw #4819”.**

READ A FIRST TIME this 4<sup>th</sup> day of September, 2018  
READ A SECOND TIME this 4<sup>th</sup> day of September, 2018  
READ A THIRD TIME this 4<sup>th</sup> day of September, 2018  
ADOPTED THIS 24<sup>th</sup> day of September, 2018.

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Mayor

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Corporate Officer

## **SCHEDULE A DEFINITIONS**

A.1. In this Bylaw:

**"Access"** means that portion of a Boulevard that is permanently improved or designed for the passage of Traffic between a Roadway and the adjacent real property.

**"Access Permit"** means a permit issued by the City to construct an Access.

**"Accessible Parking Permit"** means a parking permit issued to a person with disabilities under *the Motor Vehicle Act*.

**"Accessible Parking Space"** means a parking space that is designated by a Traffic Control Device as an Accessible Parking Space, and can only be used by people with a valid Accessible Parking Permit.

**"Active Transportation"** means walking, cycling, and the use of Small Wheeled Transport.

**"Active Transportation Corridor"** means the portion of a Highway improved for the use of Active Transportation.

**"Arterial Highway"** has the meaning prescribed in the *Transportation Act*.

**"Arterial Road"** means a Roadway identified as such in the City's *Master Transportation Plan*, as adopted in the City's *Official Community Plan Bylaw*, but does not include Arterial Highways.

**"Bicycle"** means a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include Small Wheeled Transport.

**"Bicycle Facility"** means a portion of a Highway intended for the use of Bicycles, including but not limited to Shoulders, On-Road Bike Lanes, Multi-Use Pathways, and Connectors.

**"Block"** means the portion of a Highway lying between two intersecting Streets or between an intersecting Street and a Dead-End Street.

**"Block Face"** means one side of the portion of a Highway lying between two intersecting Streets or between an intersecting Street and a Dead-End Street.

**"Boulevard"** means a portion of a Highway, and has the meaning prescribed in the *Motor Vehicle Act*.

**"Building Permit"** means a permit issued in accordance with the City's *Building & Plumbing Bylaw*.

**"Business Licence"** means a Business Licence issued by the City in accordance with the provisions of the City's *Business Licence Bylaw*.

**"Bylaw Officer"** means a person appointed by Council to perform the functions and duties, and has the powers, privileges and responsibilities respecting the enforcement of municipal bylaws.

**"Chattel"** means a moveable item of personal property other than a Vehicle.

**"City"** means the City of Vernon.

**"Collector Road"** means a Roadway identified as such in the City's *Master Transportation Plan*, as adopted in the City's *Official Community Plan Bylaw*.

**"Commercial Vehicle"** has the meaning prescribed in the *Local Government Act*.

**"Commercial Vehicle REPA Permit"** means a permit issued to Commercial Vehicle Operators that have a valid and subsisting licence issued for the Commercial Vehicle pursuant to the City's *Commercial Vehicle Licencing Bylaw*, exempting them, when properly displaying a valid Commercial Vehicle REPA Permit, from complying with posted parking controls, time limits or both imposed by Traffic Control Devices within a Resident Exempt Parking Area.

**"Comprehensive Development Zone"** means any zoning district approved under the provisions of Section 13 of the City's *Zoning Bylaw*.

**"Connector"** means a short, paved or un-paved surface connecting the transportation network to shorten trip distances between Roadways, Sidewalks, and trails, for the use of Active Transportation.

**"Council"** means the municipal council of the City.

**"Crosswalk"** has the meaning prescribed in the *Motor Vehicle Act*.



**"Curb"** means the raised structural element which may be installed at the outside edge of a Highway or median, primarily for a gutter.

**"Dead-End Street"** means a Street that terminates without a designated turning area for Vehicles.

**"Deposit"** means the fee required to park at a Parking Meter, whether through inserting coins or using other payment methods such as credit card or Pay By Phone, as indicated on the meter or an attached sign.

**"Director, Financial Services"** means the person appointed as the Director of Financial Services for the City or a person authorized to act in place of the Director.

**"Electric Kick Scooter"** has the same meaning prescribed in the *Motor Vehicle Act*. (Bylaw 5857)

**"Elephants' Feet"** means a series of white square pavement markings painted at Crosswalks that delineate where cycling or Small Wheeled Transport are permitted to use the Crosswalk without dismounting.

**"Emergency Vehicle"** has the meaning prescribed in the *Motor Vehicle Act*.

**"Engineer"** means the person appointed to act on behalf of the City for the purposes of this Bylaw or a person authorized to act in place of the Engineer.

**"Extraordinary Traffic"** has the meaning prescribed in the *Community Charter*.

**"Fire Chief"** means the person appointed to the position of chief of the City's Fire Rescue Services Department or a person authorized to act in place of the chief.

**"Frequent Trips Extraordinary Traffic Permit"** means a permit issued by the Engineer to a person who wishes to operate a Vehicle or Vehicles defined as Extraordinary Traffic on more than one occasion within a period of up to 12 months.

**"Gross Vehicle Weight"** has the meaning prescribed in the *Motor Vehicle Act Regulations*.

**"Heavy Truck"** means a Motor Vehicle which:

- (a) has a licensed Gross Vehicle Weight in excess of 11,795 kilograms; or

(b) comprises a tractor towing one or more trailers or semi-trailers.

**"Highway"** has the meaning prescribed in the *Community Charter*.

**"Hoarding Permit - Parking Meters"** means a permit issued by the Engineer under this Bylaw to allow the placement of hoarding on a portion of a Roadway at a Parking Meter.

**"Hoarding Permit - Street / Sidewalk"** means a permit issued by the City under this Bylaw to allow the placement of hoarding on a Roadway or Sidewalk.

**"Horse Drawn Carriage"** means a carriage, wagon, dray or other conveyance or Vehicle with a driver and drawn by horses, used primarily for sightseeing, charter purposes, or special events.

**"Horse Drawn Carriage Permit"** means a permit issued by the City under this Bylaw to allow the operation of a Horse Drawn Carriage on a Highway within the limits of the City.

**"Individual Trip Extraordinary Traffic Permit"** means a permit issued by the City to a person who wishes to operate a Vehicle defined as Extraordinary Traffic on one occasion.

**"Laneway"** means a Highway typically having a right of way width of not more than 8 metres and designated as a Laneway by the Engineer.

**"Local Business REPA Permit"** means a permit issued to local businesses within a Resident Exempt Parking Area exempting staff of the local businesses, when displaying a valid Local Business REPA Permit, from complying with posted parking controls or time limits or both appearing on Traffic Control Devices within a Resident Exempt Parking Area.

**"Local Road"** means a Roadway not identified as an Arterial Road or Collector Road in the City's *Master Transportation Plan*, as adopted in the City's *Official Community Plan Bylaw*, or as a Laneway.

**"Metered Space"** means a space on City owned or leased property set out for the purpose of parking a Vehicle, where there is a Parking Meter established and maintained to collect a Deposit for the use or occupation of the space.

**"Mobility Aid"** has the meaning prescribed in the *Motor Vehicle Act Regulations*.

**"Motorcycle"** has the meaning prescribed in the *Motor Vehicle Act*.

**"Motor Vehicle"** has the meaning prescribed in the *Motor Vehicle Act*.

**"Multi-Use Pathway"** or **"MUP"** means a paved or unpaved portion of a Highway intended for the mixed use of Pedestrians, cyclists, and Small Wheeled Transport users, and may be accessible for persons using Mobility Aids.

**"Municipal Clerk"** means the corporate officer for the City appointed under Section 148 of the *Community Charter*.

**"Off-Street Pay Parking"** means any Metered Space owned or operated by the City for the purpose of providing off-street parking.

**"On-Road Bike Lane"** means lanes on the Highway marked with Traffic Control Devices indicating the use is intended for Bicycles.

**"On-Street Parking"** means any space within a Highway that is intended for a Vehicle to park. The space may be a Metered Space or free of charge.  
*(Bylaw 5951)*

**"On-Street Pay Parking"** means any Metered Space owned or operated by the City within a Highway for the purpose of providing on-street parking.

**"Operator"** means a person who is in possession of, drives or operates a Vehicle, whether or not the Owner.

**"Outdoor Commercial Use Permit"** means a permit issued by the City for commercial or institutional use of a portion of a public Highway, such as a Sidewalk, Boulevard, or On-Street Parking space, that is adjacent to that commercial or institutional use. *(Bylaw 5951)*

**"Owner"**

- (c) with respect to any real property, has the same meaning as in the *Community Charter*;
- (d) with respect to a Vehicle, has the same meaning as in Section 119 of the *Motor Vehicle Act*; and
- (e) with respect to Chattel, means the lawful owner of moveable property.

**"Park"** has the meaning prescribed in Section 119 of the *Motor Vehicle Act*.

**"Parking Lot"** means any area owned or operated by the City for the purpose of providing off-street parking.

**"Parking Meter"** means a Traffic Control Device that has been installed in a Parking Lot or on a portion of a Highway used to collect Deposits and either:

- (f) records time for parking of a Vehicle; or
- (g) issues a Parking Pass. (*Bylaw 5863*)

**"Parking Meter Permit"** means a permit issued by the Engineer that allows people to Park for a specified duration of time at an On-Street Pay Parking space without being required to pay the Deposit indicated at the Parking Meter.

**"Parking Pass"** means a tag or pass issued by the City for the purpose of hourly, daily, or monthly parking on a Highway or in a Parking Lot.

**"Pay by Phone"** means a system established by or on behalf of the City under which a person may:

- (h) set up a credit card account with a City approved supplier; and
- (i) pay the Deposit for parking a Vehicle in a Metered Space remotely by telephone or internet application in accordance with the requirements of that system.

**"Pay Parking Period"** unless otherwise posted by a Traffic Control Device, means the period between the 9:00 a.m. and 6:00 p.m. every day when On-Street Pay Parking and Off-Street Pay Parking is in effect, except holidays as defined in the *Interpretation Act*.

**"Pedestrian"** means a person on foot or using a Mobility Aid.

**"Pedestrian Facility"** means a portion of a Highway intended for the use of pedestrians, including Sidewalks, Shoulders, Multi-Use Pathways, and Connectors.

**"Pedicab"** means a Bicycle that:

- (a) has a track width of not less than 1 metre;
- (b) has a passenger capacity of:
  - i. not more than 3 persons when equipped with a cab only; or
  - ii. not more than 5 persons when equipped with a cab and trailer;

- (c) is offered for hire with an Operator; and
- (d) is required to be operated under a current Business Licence issued by the City.

**"Point of Intersection"** means the point at which intersecting lateral lines meet, as illustrated in Schedule B.

**"Prime Contractor"** means the Prime Contractor for a workplace within the meaning of Section 118 of the *Workers Compensation Act*.

**"Public Transit Bus"** means any Vehicle operated under the auspices of the transit authority for use by the general public.

**"Public Utility Vehicle"** means a Vehicle owned or operated by or on behalf of a public utility, as defined in the *Utilities Commission Act*.

**"Recreational Vehicle"** or **"RV"** means a Vehicle designed for carrying persons or property intended for recreation or temporary accommodation or both, and includes travel trailers, tent trailers, motorhomes, campers, campervans, and trailers carrying recreational items such as boats, snowmobiles, and all-terrain Vehicles, but does not include Bicycles or Small Wheeled Transport.

**"Red Curb"** means a Traffic Control Device consisting of a Curb painted red indicating that parking or stopping is limited to Public Transit Buses.

**"Roadway"** has the meaning prescribed in the *Motor Vehicle Act*.

**"Resident REPA Permit"** means a permit issued by the Engineer to eligible residents exempting them from complying with posted parking controls or time limits or both appearing on a Traffic Control Device when displayed on a Vehicle within a Resident Exempt Parking Area.

**"Resident Exempt Parking Area"** or **"REPA"** means an area where Vehicles are exempt from complying with posted parking controls or time limits or both appearing on a Traffic Control Device when displaying a valid Commercial Vehicle REPA Permit, Local Business REPA Permit, or Resident REPA Permit.

**"Residential Zone"** is any zone described in Section 9 of the City's *Zoning Bylaw* or any Comprehensive Development Zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of a residential nature.

**"Road Usage Permit"** means a permit issued by the Engineer in connection with an application by an Owner to construct works and services on, in, or under a Highway or to encroach upon a Highway in constructing works and services on the Owner's lands.

**"Rubbish"** means accumulations of soil, leaves, grass clippings, branches, twigs and other vegetation or landscape materials; litter of any kind or discarded materials; liquid or solid waste or garbage; compost materials; and any objects that would reasonably pose a hazard.

**"Seasonal Load Restrictions"** means temporary Vehicle axle loading restrictions imposed on all Roadways in the City as authorized by the Engineer.

**"Service Station"** means any premises licensed for the purposes of dispensing fuel or carrying out mechanical repairs.

**"Shoulder"** means the paved or unpaved outer edge of a Roadway surface, usually marked by a painted solid white line, intended for the use of Active Transportation.

**"Sidewalk"** means the area between the Curb-lines or lateral lines of a Roadway and the adjacent property line improved and intended for the use of Pedestrians.

**"Sight Triangle"** means the portion of either public or private real property at any corner of an intersection of Highways which must be kept clear of visual obstructions, as described and illustrated in Schedule B.

**"Slow Moving Vehicle"** has the meaning prescribed in the *Motor Vehicle Act*.

**"Slow Moving Vehicle Warning Device"** has the meaning prescribed in the *Motor Vehicle Act*.

**"Small Wheeled Transport"** or **"SWT"** is human-powered transportation, not including Mobility Aids, with small diameter wheels, including:

- (a) skateboards, foot operated scooters, roller skates, longboards, or similar devices; and
- (b) Bicycles actively operated by children under 13 years of age
- (c) Electric Kick Scooters (*Bylaw 5857*)

**"Snow Removal Program"** means a program of the City for the clearing of Highways of snow and ice by City equipment, employees, or authorized contractors.

**"Stop"** has the meaning prescribed in the *Motor Vehicle Act*.

**"Street"** means a Highway typically having a right of way width of 8 metres or more and not designated as a Laneway by the Engineer.

**"Traffic Control Device"** means a sign, signal, line, Parking Meter, pavement marking, barrier, or device, placed or erected by authority of the Engineer.

**"Traffic Control Person"** has the meaning prescribed in the *Motor Vehicle Act*. A Traffic Control Person can include a member of the RCMP, Fire Services Department, B.C. Ambulance Service and persons who have received approved training, passed an examination, and are certified as per the Ministry of Transportation and Infrastructure's *Traffic Management Manual for Work on Roadways*, as amended or replaced from time to time.

**"Traffic Control Plan"** in accordance with the Ministry of Transportation and Infrastructure's *Traffic Management Manual for Work on Roadways*, means a combination of text, layouts and if required, drawings, that define specifically what Traffic control measures will be provided for a project, how they will be implemented, and on what schedule.

**"Traffic"** includes Active Transportation, ridden or herded animals, Vehicles and other conveyances while using a Highway for purposes of travel.

**"Travelled Portion of a Highway"** means the area of a Highway that has a prepared surface for Vehicle or Active Transportation operation.

**"Truck Ban Route"** means a Highway, a portion of a Highway, or a series of connected Highways, marked as a Truck Ban Route using Traffic Control Devices.

**"Truck Route"** means a Highway, a portion of a Highway, or a series of connected Highways, on which Heavy Trucks may be present and travel pursuant to this Bylaw.

**"Vehicle"** has the meaning prescribed in the *Motor Vehicle Act*.

**SCHEDULE B  
SIGHT TRIANGLE REQUIREMENTS**

B.1. No owner or occupier of a corner parcel at any intersection shall be permitted to erect or grow any structure, fence, retaining wall or vegetation where it is within the vertical area contained within 0.9 and 2.75 metres above the finished grade of the abutting Highways (unless a tree trunk, pole, post, or similar object), and is within the triangular area bounded by:

(a) at an intersection between Streets, the intersecting lines of:

- (i) the nearest edge of an adjacent Active Transportation Corridor to the property line;
  - (ii) where there is no Active Transportation Corridor, the nearest edge of an adjacent Curb to the property line, or
  - (iii) where there is no Active Transportation Corridor or Curb, the nearest edge of the travelled surface of an adjacent Roadway to the property line,
- and a line joining points on the intersecting lines, measured 9.0 m from their point of intersection, as illustrated in Figure B-1;

(b) at an intersection between a Laneway and a Street, the intersecting lines of:

- (i) the nearest edge of an adjacent Active Transportation Corridor to the property line;
  - (ii) where there is no Active Transportation Corridor, the nearest edge of an adjacent Curb to the property line; or
  - (iii) where there is no Active Transportation Corridor or Curb, the nearest edge of the travelled surface of an adjacent Roadway to the property line,
- and a line joining points on the intersecting lines, measured 9.0 m from the Point of Intersection along the Street and 5 m from the Point of Intersection along the Laneway, as illustrated in Figure B-1;

(c) at an intersection between Laneways, the intersecting lines of the property lines, and a line joining points on the intersecting lines, measured 5.0 m from their Point of Intersection, as illustrated in Figure B-1.

B.2. A Sight Triangle reduction may be considered for new or existing development, provided the property Owner demonstrates that the intersection is not prone to collisions as a result of a reduced Sight Triangle and the land is not required for utility or Traffic signal equipment. In these cases, the property Owner's consultant should provide a professional engineering opinion on the appropriate size of the Sight Triangle. Dimensions of the requested Sight Triangle reduction must be reviewed and approved by the Engineer.



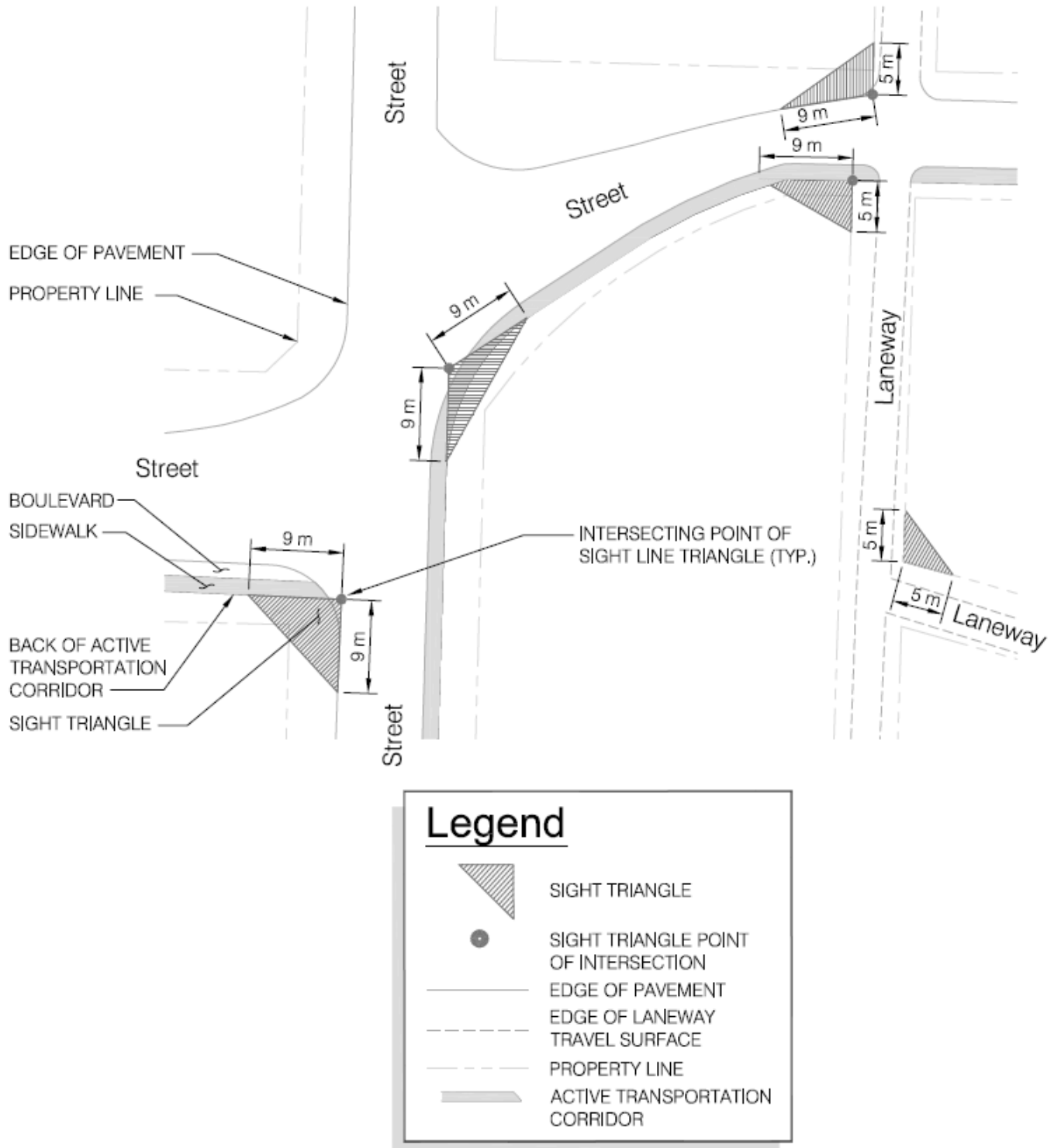


Figure B-1 – Sight Triangles

**SCHEDULE C  
ROAD USAGE PERMIT REQUIREMENTS**

**Issuance of permit**

C.1. A Road Usage Permit may be issued by the Engineer, as outlined in this Bylaw.

**Application for Permit**

C.2. A Road Usage Permit must be applied for in writing at least five working days prior to the start of the work or activity requiring the permit.

C.3. An expedited application may be considered where emergency works are required, as verified by the Engineer. The applicant shall notify the City and apply for the applicable permit immediately upon the commencement of normal business hours on the next working day.

**Purpose, Date, and Time of Permit**

C.4. A Road Usage Permit is valid only for the applied for purpose, date(s), and time(s) indicated on the permit. Any alterations or additions must be applied for; additional fees may apply. The permission granted shall not be construed as granting any further or ongoing rights, title or interest over the land.

**Standard of Work or Activities**

C.5. All construction, maintenance or other work or activities done pursuant to a Road Usage Permit shall be performed to the standards of all applicable City bylaws, as well as all applicable provincial and federal statutes and regulations.

**City Access to Work Site**

C.6. The City shall have free access to the site of any work or activity covered by a Road Usage Permit for the purpose of inspection and ascertaining compliance with this Bylaw and other City bylaws.

### **Ownership of Complete Works**

- C.7. Works, surface or underground, carried out in, on or through any City lands, except the works of any private or public utility company, shall become the property of the City upon completion, and shall not be further added to, modified, destroyed or removed without obtaining a further permit from the City. Notwithstanding the foregoing, any proposed private works installed within a Highway must be authorized by the Engineer.

### **Cancellation of Permit**

- C.8. Any failure to comply with the terms of a Road Usage Permit shall be cause for cancellation of the permit by the Engineer.

### **Accommodation of Traffic**

- C.9. The permittee shall provide safe routing for all traffic including all Active Transportation, Public Transit Buses, and Vehicles. The permittee's Traffic Control Plan shall provide for, at all times, adequate separation between Traffic and work area hazards, active or inactive (including but not limited to construction equipment, excavations and construction material), by means of delineation, barricades or fencing etc. or other acceptable means where overhead hazards are present.

### **Accommodation of Active Transportation:**

- C.10. Where an Active Transportation Corridor adjacent to the works or activity is infringed upon, the permittee shall provide and maintain a safe alternate Active Transportation Corridor adjacent to the works or activity. Where an Active Transportation Corridor cannot be provided adjacent to the works or activity, the permittee shall provide and pay all expenses associated with the provision of a safe Active Transportation detour route, which may require temporary crossings and/or Traffic Control Persons to direct Active Transportation users to existing, undisturbed Active Transportation Corridors.
- C.11. Temporary Pedestrian Facilities provided adjacent to the works or activity must be at least 1.2 metres in width. Smooth ramp(s) must be provided to allow safe movements on and off the temporary Pedestrian Facility where applicable.

- C.12. Temporary Bicycle Facilities adjacent to the works or activity must be at least 1.5 metres in width. In some cases where space is limited, and subject to approval from the Engineer, cyclists and/or Small Wheeled Transport may be merged with Vehicle Traffic.

### **Accommodation of Public Transit Buses**

- C.13. Where a Public Transit Bus route adjacent to the works or activity is impacted, the permittee shall work with the local transit operator to provide and maintain safe alternate Public Transit Bus routing and temporary Public Transit Bus stops.

### **Accommodation of Vehicle Traffic**

- C.14. On Arterial Roads or Collector Roads the permittee shall, at all times, provide a minimum of one free travel lane of a width of not less than 3.0 metres, unless a full road closure has been approved by the Engineer. The permittee's Traffic Control Person(s) shall monitor Traffic queues, and maintain Traffic flow to prevent delay to Emergency Vehicles.

### **Length of Trench**

- C.15. Trench dimensions shall be per safety and design requirements, and shall be restored to within 100mm (or less) of adjacent road surface level in any Highway when the trench is not needed for work activities.

### **Detection of Utilities**

- C.16. The location of all utilities (including, but not limited to, water, sewer, gas, electrical, communication, telephone and television cable) shall be identified sufficiently ahead of excavation work so as to enable appropriate measures to be taken, including re-location if necessary, to avoid damage to those utilities or damage or injury to any person or property.

### **Re-location of Utilities**

- C.17. The permittee shall not interfere with any existing utility without the written consent of the Engineer and the Owner of the utility. If re-location of a utility is necessary in order to perform the works or activity permitted, the permittee is required to cease and backfill all works until such time as they have obtained a valid approval from the utility owner and the City for relocation of the utility. Relocation of utilities shall be the sole responsibility, and at the sole cost of, the permittee.

### **Protection of Utilities**

- C.18. The permittee shall support and protect all pipes, conduits, poles, wires, appurtenances or other utility apparatus which may be in any way affected by the works or activity permitted.

### **Damage to Utilities**

- C.19. Any damage to any pipes, conduits, poles, wires, appurtenances or other utility apparatus caused either directly or indirectly as a result of any work or activity covered by the applicable Road Usage Permit, shall be repaired at the expense of the permittee. Repair by the permittee is only permitted where the utility owner has approved this in writing. Any damage or injury that may occur to any person or property, which is caused either directly or indirectly as a result of such utility damage, shall also be the responsibility of the permittee.

### **Preservation of Survey Monuments**

- C.20. Monuments of concrete, iron, or other lasting material set for the purpose of locating, surveying or establishing legal boundaries, lines of any Highway, property, subdivision, or precise survey reference point, or a permanent survey bench mark, shall not be removed or disturbed without the prior permission of the Engineer. All costs or expenses incidental to the proper replacement of such monument or survey bench mark shall be the responsibility of the permittee.

### **Surface Drainage:**

- C.21. The permittee shall ensure that any interference with adequate drainage of any Highway or other City property, which is caused either directly or indirectly as a result of any work or activity covered by the applicable Road Usage Permit, is remedied by alternate drainage provisions. The alternate drainage provisions shall meet all City standards and requirements including minimizing the potential for erosion and clean-up of any sedimentation at the permittee's expense.

- C.22. Gutters shall be maintained free and unobstructed, including free from any Rubbish, earth, rock, sediment or other debris, to the full depth of the adjacent curb and for at least 300 millimetres from the face of the Curb.

### **Accesses**

- C.23. Entry/exit to Accesses, Laneways, and loading areas shall be provided at all times during the undertaking of any work or activity covered by a Road Usage Permit, unless safety concerns make such access impractical and the permittee has received written approval from impacted property Owners, and submitted these written approvals to the Engineer. Prior to any necessary closure of an Access, Laneway, or loading area, the residents or occupants affected by such closure shall be notified by the permittee and given an opportunity to move Vehicles from the area.
- C.24. The permittee must coordinate access for other service providers including garbage and recycling. In the event that access to individual properties is restricted, it will be the sole responsibility, and at the sole cost of, the permittee to collect garbage and recycling, and deposit the collected refuse/recyclables at a location that is acceptable to the service providers.

### **Protection of Lawns, Boulevards, Trees or other Landscaping**

- C.25. Where any disturbance of a Boulevard, lawn or other landscaping occurs as part of the works or activities, either implicitly or explicitly, care shall be taken to preserve such landscaping while the work or activity permitted is underway. A protection zone must be installed around trees at the drip line to prevent compaction in the root zone and equipment damage to the tree above ground. Any lawns disturbed shall be cut and rolled and replaced after the work or activity is complete, and the area shall be returned to, as near as possible, the condition that existed before the work or activity began.
- C.26. Where any trees or shrubs are required to be removed or relocated, either temporarily or permanently, consent of the City (if on private property consent of the Owner of the real property on which they are located) must first be obtained. When excavating within the drip line of a tree the permittee must ensure that no roots or branches are cut or damaged without authorization from the Engineer prior to work starting. No digging within the drip line of a tree will be permitted without authorization from the Engineer. Approval for excavation within a tree's

drip line may require specialized techniques and equipment such as low pressure hydrovacating and will be reviewed on a case by case basis.

- C.27. If it is found that tree roots or branches have been damaged, work will immediately be stopped until such time as the Engineer assesses the damage and provides direction for action to be taken by the permittee.
- C.28. The permittee will be responsible for all costs to remediate the damage up to and including tree replacement value if deemed necessary by the Engineer.

### **Care of Material**

- C.29. All material associated with a Road Usage Permit shall be placed, maintained and stabilized in such a manner as not to spread or disperse so as to become hazardous to human health, human safety, or the environment, and so that as little inconvenience as possible is caused to those using the Highway and any adjoining real property.

### **Routing of Traffic**

- C.30. An application for a Road Usage Permit must contain a description of the measures that will be used to ensure minimal impact to Traffic at all times during the undertaking of any work or activity covered by a Road Usage Permit and that all measures comply with the Ministry of Transportation and Infrastructure's Traffic Control Manual for Work on Roadways, as amended or replaced.
- C.31. Prior to the issuance of a Road Usage Permit the applicant for the permit shall provide the Engineer with a Traffic Control Plan detailing the measures that shall be taken to ensure the least disruption of Traffic. Traffic Control Plans must be prepared by an engineer or qualified Traffic Control Person. The Engineer reserves the right to request a Traffic Control Plan signed and sealed by a professional engineer.
- C.32. The necessity of any complete closure of a Highway required pursuant to a Road Usage Permit, and any resulting detour, must be demonstrated to the Engineer and specifically provided for in the permit. At least three days in advance of the anticipated closure, and until the Highway affected is reopened, the permittee shall post signs to notify the public of the closure, the length of time of the closure, and the detour route.

### **Traffic Control & Traffic Control Devices**

- C.33. The use and placement of any Traffic Control Devices shall be in accordance with all the specific terms of the Road Usage Permit and shall be in accordance with the Ministry of Transportation and Infrastructure's Traffic Control Manual for Work on Roadways, as amended or replaced, and the Transportation Association of Canada's Manual of Uniform Traffic Control Devices for Canada, as amended or replaced.

### **Breaking Through Surface**

- C.34. Approved cutting of bituminous pavement surface ahead of excavations shall be required in order to confine pavement damage to the limits of the trench.
- C.35. Cuts of pavement or Sidewalk shall be made neatly along limits of proposed excavation at offsets, locations or configuration as accepted by the Engineer in order that surface may break evenly and cleanly and not result in increased future maintenance requirements for the City. Location of pavement cuts must be approved by the Engineer and may be required to follow the centerline of the Roadway, lane lines, or other locations required to improve drivability. Pavement cuts running perpendicular to Roadway centreline are required to form a diamond shape at 30 degrees from centreline.
- C.36. Sections of Sidewalks and Curbs being removed shall be removed to the nearest expansion joint.
- C.37. Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.
- C.38. Pavement edges shall be trimmed to a vertical face and shall be neatly aligned with the centreline of the trench except when perpendicular to the Roadway centerline.
- C.39. Damage to a Highway existing prior to any work or activity covered by a Road Usage Permit shall be repaired at the sole cost of the permittee where that work or activity results in unstable floating sections of pavement.



- C.40. Longitudinal trenches must be a minimum of 1.45m in width and final restoration must match existing surface treatment as near as possible utilizing approved construction methods. If the trench extends into the wheel path the trench width must be extended to the centre of that lane. If a longitudinal trench is within a bike lane the trench edge must extend to the outer edge of the bike lane.

### **Trench Safety**

- C.41. All trench and tunnel excavations and construction shall conform to all applicable regulatory requirements.

### **Hours of Work**

- C.42. All work or activity covered by a Road Usage Permit shall be performed between the hours of 7:00 a.m. and 9:00 p.m. inclusive, except in the case of an emergency where the safety or convenience of the public requires that the work or activity be completed outside of these hours.

- a) Arterial Roads, Collector Roads, and 30<sup>th</sup> Avenue (between 37<sup>th</sup> Street and 27<sup>th</sup> Street) must not be closed or reduced during peak times (7:00 a.m.- 9:00 a.m. and 3:00 p.m. - 5:30 p.m.) without approval from the Engineer.
- b) After hours, non-emergency work including all night activity cannot take place without approval from the Engineer.

### **Prime Contractor's Parking**

- C.43. The area required for the Road Usage Permit shall not be used for the parking of the Prime Contractor's and sub-contractors' personal Vehicles.

### **Possible Restrictions**

- C.44. In order to prevent damage or injury to any person or property, or to mitigate conditions likely to create a nuisance, the following conditions may be placed on the Road Usage Permit:

- a) Limitations of the period of the year during which the work or activities covered by the permit may be undertaken;
- b) Limitations as to the size and type of equipment to be used;
- c) Designation of routes upon which materials may be transported to or from the site;
- d) Limitations as to the place or manner of disposal of excavated material;
- e) Requirements as to dust control, cleaning of Highways, and prevention of noise; and,
- f) Limitations as to the storage of construction material.

### **Backfill**

C.45. All backfilling material shall be as per the Master Municipal Construction Documents (MMCD) and City specifications.

### **Restoration of Surface**

C.46. The restoration and permanent resurfacing of any Highway excavated pursuant to a Road Usage Permit shall be completed according to the Master Municipal Construction Documents (MMCD) specifications and the following schedule:

- a) Arterial Roads – immediately following backfill of the trench. Longitudinal trenches must be brought flush to adjacent pavement at the end of any work day;**
- b) Collector Roads – within 24 hours of backfilling the trench, cold mix asphalt may only remain in place for a maximum of 7 days. Longitudinal trenches must be brought to within 50mm of adjacent pavement at the end of any work day; and**

**c) Laneways and Local Roads – within 72 hours of backfilling the trench.**

C.47. In the event that the necessary materials are not available such that the restoration and permanent resurfacing cannot be completed according to the above schedule, the Engineer shall be notified immediately. If the restoration falls between the dates of November 1 and March 31, or a date approved by the Engineer, temporary resurfacing shall be completed within the same schedule, to the following standards:

- a) All materials used in temporary resurfacing shall be compacted and shall conform closely enough to the level of adjoining paving material such that the Highway is sufficiently smooth to enable traffic to travel safely.**
- b) Temporary resurfacing shall provide a top minimum surface of approximately 50 millimetres of bituminous material, commonly known as cold mix asphalt.**
- c) Temporary resurfacing done between November 1 to March 31 can be completed by the permittee as per the Master Municipal Construction Documents (MMCD) and City specifications and will be reviewed after March 31 to determine if the restoration will be classed as permanent with no additional work required.**
- d) Temporary resurfacing done between November 1 to March 31 may be completed by the City of Vernon at the request of the permittee by way of a third party work order (subject to acceptance by the City), at the cost of the permittee. Work will be completed as per the Master Municipal Construction documents (MMCD) and City specifications and will be reviewed after March 31, or another date approved by the Engineer, to determine if the restoration will be classed as permanent with no additional work required.**
- e) The temporary resurfacing shall be maintained by the permittee in a safe condition until the restoration and permanent resurfacing has been completed OR temporary resurfacing that is completed between November 1 and March 31 will be maintained by the City of Vernon by way of a third party work order that **MUST** be completed by the permittee.**

- f) Appropriate traffic control devices shall be placed in order to guide traffic until the restoration and permanent resurfacing has been completed.**

### **Surface Restoration Specifications**

- C.48. Subgrade – subgrades shall be restored to that existing prior to the work or activity covered by the Road Usage Permit.
- C.49. Paving Replacement - Portland cement concrete used in the repair of trenches in a Highway, except where otherwise regulated in this schedule, shall be poured to a thickness equivalent to that removed, or to a thickness of 12.7 centimetres (5 inches), whichever is greater, and shall be finished to match the texture of the adjoining pavement. Bituminous pavement shall be replaced to a thickness equivalent to that removed.
- C.50. Sidewalks – Portland cement concrete sidewalks shall be poured according to City bylaw requirements.
- C.51. Expansion Joints – Expansion and control joints in Portland cement patches shall be matched to those in the adjoining sidewalk or pavement.
- C.52. Concrete and Asphalt Materials – handling, placement, curing and protection of concrete and asphalt used in surface restoration shall be in accordance with all applicable City standards and requirements for new construction.
- C.53. Seal Coats – seal coating shall be required on restored sections of bituminous paving where the adjoining pavement has been recently seal-coated.

### **Failure to Restore the Site**

- C.54. In the event that a permittee fails to restore a site in accordance with this Bylaw, the City may undertake to have the required work done and the permittee shall be responsible for all costs of such work.

### **Anticipated Damage to Greater than 15% of Adjacent Pavement**

- C.55. Where pavement, adjacent to any area for which application for a Road Usage Permit has been made, is reasonably expected to be affected such that an area greater than 15% of the total pavement surfacing in any block will be damaged, the permittee shall be required to contribute to the cost of repaving the adjacent area. The amount to be contributed shall be determined and agreed to by the City prior to issuance of the Road Usage Permit.

### **Completion of Works and Activities**

- C.56. Upon completion of all permitted works or activity, including all restoration work, the permittee shall notify the Engineer. Completed works may be inspected by the City and confirmed as acceptable with any deficiencies noted and remedied by the permittee as soon as possible. Works may be further inspected one year after the date of acceptance by the City to ensure no additional settlement has occurred or any other deficiencies related to the works have occurred which the permittee is to repair.
- C.57. If any ground settlement has occurred by the time of the Engineer's inspection, the City shall correct, or cause to be corrected, such settlement. The cost of any correction shall be the sole responsibility of the permittee, unless the permittee provides sufficient proof that the settlement was not due to defective completion of the permitted works or activities, or defective or insufficient backfilling or restoration of the area.

### **Care of Construction Materials**

- C.58. All construction staging or storage area covered by a Road Usage Permit shall be placed, maintained and protected in such a manner as not to become hazardous to human health, human safety or the environment, and that as little inconvenience as possible is caused to those using the Highway and any adjoining real property.

### **Prime Contractor Designation**

- C.59. By signing the Road Usage Permit application, the permittee(s) accepts the roles and responsibilities of the Prime Contractor – Workers Compensation Act -118 and are responsible for all aspects of the work as per all City of bylaws, Ministry of Transportation and Infrastructure Manuals and as per WorkSafe BC.

## **SCHEDULE D INSURANCE REQUIREMENTS**

### **Applicant To Provide**

D.1. The applicant for a Road Usage Permit, Horse Drawn Carriage Permit, Hoarding Permit, or Outdoor Commercial Use Permit, shall procure and maintain, at its own expense and cost, the insurance policies listed in this Schedule, with limits no less than those shown in the respective items, unless in connection with the performance of some particular part of the work, services and/or occupancy, the City advises in writing that it has determined that the exposure to liability justifies less limits. The insurance policy or policies shall be maintained continuously from commencement of the work, services and/or occupancy until the date that work, services, and/or occupancy is complete. *(Bylaw 5951)*

### **Insurance**

D.2. As a minimum, the applicant shall, without limiting its obligations or liabilities under any other contract with the City, procure and maintain, at its own expense and cost, the following insurance policies:

- a) Workers' Compensation Insurance covering all employees of the applicant engaged in the work, services and/or occupancy in accordance with the statutory requirements of the province or territory having jurisdiction over such employees.
- b) Comprehensive General Liability Insurance
  - (i) providing for an inclusive limit of not less than \$5,000,000.00 for each occurrence or accident, except in the case of an Outdoor Commercial Use Permit issued for use on a sidewalk or boulevard the limit shall be \$2,000,000.00 for each occurrence. *(Bylaw 5951)*
  - (ii) providing for all sums which the applicant shall become legally obligated to pay for damages because of bodily injury (including death at any time resulting therefrom) sustained by any person or persons or because of damage to or destruction of property caused by an occurrence or accident arising out of or related to the work, services and/or occupancy or any operations carried on in connection with this permit.
  - (iii) including coverage for Products/Completed Operations, Blanket Contractual, Contractor's Protective, Personal Injury, Contingent Employer's Liability, Broad Form Property Damage, and Non-Owned Automobile Liability.
  - (iv) providing for Completed Operations Liability to continue for a period of 24 months after total completion of the work or any part of the work.
  - (v) including a Cross Liability clause providing that the inclusion of more than

one Insured shall not in any way affect the rights of any other Insured hereunder, in respect to any claim, demand, suit or judgement made against any other Insured.

- c) Automobile Liability Insurance covering all Motor Vehicles, owned, operated and used or to be used by the applicant directly or indirectly in the performance of the work, services and/or occupancy. The Limit of Liability shall not be less than \$2,000,000 inclusive, for loss or damage including personal injuries and death resulting from any one accident or occurrence. Automobile Liability Insurance coverage shall not be required for Outdoor Commercial Use Permits. *(Bylaw 5951)*

### **The City Named As Additional Insured**

- D.3. The policies required above shall provide that the City is named as an Additional Insured thereunder and that said policies are primary without any right of contribution from any insurance otherwise maintained by the City.

### **Applicant's Sub-contractors**

- D.4. The Contractor shall require each of its sub-contractors to provide comparable insurance to that set forth under this Schedule.

### **Certificates of Insurance**

- D.5. The applicant agrees to submit Certificates of Insurance (Schedule D-1) for itself and for all of its sub-contractors to the Engineer prior to commencing the work, services and/or occupancy. Such Certificates shall provide that 30 days' written notice shall be given to the Engineer, prior to any material changes or cancellations of any such policy or policies.

### **Other Insurance**

- D.6. After reviewing the applicant's Certificates of Insurance, the City may require other insurance or alterations to any applicable insurance policies in force during the period of this contract and will give notifications of such requirement. Where other insurances or alterations to any insurance policies in force are required by the City and result in increased insurance premium, such increased premium shall be at the applicant's expense.

### **Additional Insurance**

- D.7. The applicant may take out such additional insurance, as it may consider necessary and desirable. All such additional insurance shall be at no expense to the City. The applicant shall ensure that all of its sub-contractors are informed of and comply with the City's requirements set out in this Schedule.

**Insurance Companies**

- D.8. All insurance, which the applicant is required to obtain with respect to the permit being applied for, shall be with insurance companies registered in and licensed to underwrite such insurance in the Province of British Columbia.

**Failure to Provide**

- D.9. If the applicant fails to do all or anything which is required of it with regard to insurance, the City may do all that is necessary to effect and maintain such insurance, and any monies expended by the City shall be repayable by and recovered from the applicant. The applicant expressly authorizes the City to deduct from any monies owing the applicant, any monies owing by the applicant to the City.

**Non-payment of Losses**

- D.10. The failure or refusal to pay losses by any insurance company providing insurance on behalf of the applicant or any sub-contractor shall not be held to waive or release the applicant or sub-contractor from any of the provisions of the Insurance Requirements or this permit, with respect to the liability of the applicant otherwise. Any insurance deductible maintained by the applicant or any sub-contractor under any of the insurance policies is solely for their account and any such amount incurred by the City will be recovered from the applicant as stated in this Schedule.



