

TRAFFIC BYLAW NO. 8120

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CITY OF KELOWNA

BYLAW NO. 8120

A bylaw of the City of Kelowna to regulate traffic and the use of highways within the boundaries of the City of Kelowna

Pursuant to the *Motor Vehicle Act* and the *Local Government Act*, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

PART 1 - INTRODUCTION

1.1 Title

- 1.1.1 Title. This Bylaw may be cited for all purposes as "Traffic Bylaw No. 8120".

1.2 Applicability

- 1.2.1 Lands in City of Kelowna. Except as otherwise indicated, this Bylaw applies to all lands within the area incorporated as the City of Kelowna.
- 1.2.2 Provincial Arterial Highways. Unless otherwise indicated, this Bylaw does not apply to arterial highways classified as such by order of the Lieutenant Governor in Council pursuant to the *Highway Act*.
- 1.2.3 Invalid's Chairs. Unless otherwise indicated, this Bylaw shall not apply in respect of the driving or operation by an invalid of a mechanically propelled invalid's chair, the use of which is confined to the purposes for which it was designed.

1.3 Interpretation

- 1.3.1 Enactments. Any enactment referred to herein is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Kelowna, as amended, revised, consolidated or replaced from time to time.
- 1.3.2 Headings. The headings given to the Parts, Sections and Paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.
- 1.3.3 Severability. If any Part, Section or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.
- 1.3.4 Schedules. The following schedules attached to this Bylaw form part of this Bylaw:
- | | |
|------------|---|
| Schedule A | – Fees |
| Schedule B | – Road Usage Permits |
| Schedule C | – Overweight or Oversize Vehicle Permits |
| Schedule D | – TAC (B.C.) Straight Truck Configuration |

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Schedule E	–	TAC (B.C.) Straight Truck and Pony trailer Combination
Schedule F	–	TAC (B.C.) Straight Truck and Full trailer Combination
Schedule G	–	TAC (B.C.) C-Train with 'C converter dolly'
Schedule H	–	TAC (B.C.) Bus
Schedule I	–	TAC (B.C.) Tractor with Installed Crane and Semi-trailer
Schedule J	–	Intersection Sight Line Control
Schedule K	–	Parking Distance Restrictions
Schedule L	–	Insurance Requirements

1.4 Definitions

1.4.1 Definitions. In this Bylaw, unless the context otherwise requires:

"**Angle parking**" means the parking of a **vehicle** other than parallel to a curb or lateral lines of the **roadway**.

"**Arterial road**" means a **roadway** designated as such in the City of Kelowna Transportation Plan, but does not include **highways** classified as arterials pursuant to Section 28 of the *Highway Act* unless otherwise stated in this Bylaw.

"**Boulevard**" means that portion of a **highway** between the curb lines or the lateral lines of a **roadway** and the adjoining property or **roadway**, and includes curbs, **sidewalks** and ditches.

"**Bylaw Enforcement Officer**" shall mean the persons appointed by the **Council** of the City of Kelowna as such pursuant to the *Local Government Act*.

"**Chattels**" means a moveable item of personal property.

"**Chief of Police**" means the Officer in Charge, as appointed from time to time, of the Kelowna City Detachment of the Royal Canadian Mounted Police and includes his or her designated assistants.

"**City**" means the City of Kelowna.

"**City Engineer**" or "**Engineer**" means the person appointed by the **City** as the **City Engineer**, and includes his or her lawful deputies.

"**City of Kelowna Transportation Plan**" means the City of Kelowna Transportation Plan (1994-2013) endorsed by Council on November 27, 1995.

"**Collector Road**" means a **roadway** designated as such in the **City of Kelowna Transportation Plan**.

"**Combination of vehicles**" means a combination of **motor vehicle** and **trailer**, or **motor vehicle** and **trailers**.

"**Commercial vehicle**" means **motor vehicles** required by law to obtain a municipal **motor vehicle** license plate.

"**Commodity**" means any item that can be bought or sold.

"**Council**" means the Council of the City of Kelowna.

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"Crosswalk" means:

- (a) any portion of the **roadway** at an intersection or elsewhere distinctly indicated for **pedestrian** crossing by signs or by lines or other markings on the surface, or
- (b) the portion of a **highway** at an intersection that is included within the connection of the lateral lines of the **sidewalks** on the opposite sides of the **highway**, or within the extension of the lateral lines of the **sidewalk** on one side of the **highway**, measured from the curbs, or in the absence of curbs, from the edges of the **roadway**.

"Cycle" means a device having any number of wheels that is propelled by human power and on which a person may ride.

"Driveway" means vehicular access to a public parking facility or private parking lots and residences.

"Emergency Vehicle" means:

- (a) a **motor vehicle** carrying rescue or first aid equipment where there is an emergency justifying a rate of speed in excess of the maximum rate of speed provided for in this Bylaw or the *Motor Vehicle Act*,
- (b) a **motor vehicle** driven by a member of a fire department in the discharge of his duties, or
- (c) a **motor vehicle** driven by a **Peace Officer**, Constable, member of the Royal Canadian Mounted Police or member of the police branch of Her Majesty's Armed Forces in the discharge of his duties.

"Engine valve retardant brakes" means a braking system installed on **truck** tractors in addition to the standard braking systems required under the *Motor Vehicle Act* ("jacob engine brakes").

"Engineer" means the **City Engineer**.

"Fence" means a **structure** used as an enclosure or for screening purposes about all or part of a lot or swimming pool.

"Gross vehicle weight" means the number of kilograms derived by adding the weights on all the axles of a **commercial vehicle**.

"Handicapped Parking Permit" means a parking permit issued by the **City** under Part 4 of this Bylaw.

"Highway" includes every **highway** within the meaning of the *Highway Act*, excluding **highways** classified as arterials pursuant to the *Highway Act* unless otherwise stated in this Bylaw and every road, street, **lane** or right-of-way designed or intended for or used by the general public for the passage of **vehicles** and every place or passageway owned or operated by the **City** for the purpose of providing off-street parking or for the use of **pedestrian** or **cycle** traffic.

"Hoarding" means a temporary **fence** or **structure** erected around a building site where a building is being erected or repaired.

"Hoarding Permit" means a permit issued by the **City** under this Bylaw to allow the placement of **hoarding** on a **highway**.

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"Horse-Drawn Sightseeing Vehicle" means any carriage, cart, wagon or other conveyance with a driver, drawn by horses used primarily for sightseeing purposes.

"Horse-Drawn Sightseeing Vehicle Permit" means a permit issued by the **City** under this bylaw to allow the operation of a **Horse-Drawn Sightseeing Vehicle** on a highway within the limits of the **City**.

"Implement of Husbandry" means a **vehicle** designed or adapted exclusively for use in agricultural operations and includes a farm tractor and **trailer** towed by an **implement of husbandry**, but does not include a **vehicle** used primarily to transport persons, livestock, or property on a **highway** or a bulldozer, grader, or **vehicle** of a similar nature designed for non-agricultural purposes.

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the two **highways** that join one another at or approximately at right angles, or the area within which **vehicles** travelling on different **highways** joining at any other angle may come in conflict.

"Lane" means any **highway** not exceeding 8 metres in width.

"Licensed Gross Vehicle Weight" means the **gross vehicle weight** for which a **commercial vehicle** is licensed under the *Motor Vehicle Act*.

"Long Range Planning Manager" means the City's Long Range Planning Manager.

"Median" means the portion of a **highway** constructed to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement.

"Metered space" means a portion of **highway** upon which parking is permitted at which a parking meter has been installed.

"Motor vehicle" means a **vehicle** that is designed to be self-propelled.

"Occupier" means a person

- (a) who is qualified to maintain an action for trespass,
- (b) who is in possession of Crown land under a homestead entry or pre-emption record,
- (c) who is in possession of Crown land or land owned by a municipality or regional district under a lease, licence, agreement for sale, accepted application to purchase, easement or other record from the Crown, municipality or regional district, or
- (d) who simply occupies the land.

"Outdoor Event" means any public or private exhibition, parade, procession, carnival, athletic event, commercial performance or show, held outdoors on public property, including any **highway**, park or other public right of way or place.

"Outdoor Event Permit" means a **permit** issued by the **City** under Outdoor Event Permit Bylaw No. 8358, as amended or replaced from time to time, to allow the holding of an **outdoor event**.

"Overweight or Oversize Vehicle Permit" means an **overweight or oversize vehicle permit** issued under this Bylaw.

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"**Owner**" in respect of any real property means the registered **owner** of an estate in fee simple, and includes:

- (a) the tenant for life under a registered life estate,
- (b) the registered holder of the last registered agreement for sale,
- (c) the holder or **occupier** of land held in the manner mentioned in Sections 356 and 357 of the *Local Government Act*, and
- (d) an Indian who is an **owner** under the letters patent of the **City**, incorporated under section 12 of the *Local Government Act*,

and in respect to a **vehicle**, means the **owner** as defined in the *Motor Vehicle Act*.

"**Park**" when prohibited, means the **standing** of a **vehicle** that does not have its engine running, whether occupied or not, except when **standing** temporarily for the purpose of and while actually engaged in loading or unloading.

"**Passenger Vehicle**" means a **motor vehicle** that is registered and licensed under the Motor Vehicle Act as a private passenger vehicle.

"**Peace Officer**" means a constable or person having the powers of a constable and includes a **Bylaw Enforcement Officer** under the provisions of the *Police Act*.

"**Pedestrian**" means a person afoot, or an invalid or child in a wheelchair or carriage.

"**Pedicab**" means a **cycle** 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 license issued by the **City**.

"**Permit**" means a document in writing issued pursuant to this Bylaw.

"**Reserved On-Street Parking Permit**" means a parking permit issued by the **City** under this Bylaw to permit the on-street parking of **commercial vehicles** or residential vehicles in specified locations for a specified length of time.

"**Reserved Off-Street Parking Permit**" means a parking permit issued by the **City** under this Bylaw to allow parking in **City**-owned off-street parking facilities.

"**Retaining Wall**" means a **structure** constructed to hold back, stabilize or support an earthen bank as a result of differences in lot grades.

"**Road Usage Permit**" means a **permit** issued by the **City** 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.

"**Roadway**" means the portion of the **highway** that is improved, designed, or ordinarily used for vehicular traffic, but does not include the shoulder; and where a **highway** includes two or more separate **roadways**, the term "**roadway**" refers to any one **roadway** separately and not to all of the **roadways** collectively.

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"**Rubbish**" means useless waste or rejected matter including but not limited to litter, refuse from places of human habitation, leaves, dirt, soil and debris from pruning or processing plant material.

"**School Patrol**" means an adult school crossing guard or a school pupil acting as a member of a **school patrol** where such guards or pupils are provided under the *School Act* or by the **Chief of Police**.

"**Sidewalk**" means the area between the curb lines or lateral lines of a **roadway** and the adjacent property lines, or any **walkway**, improved for the use of **pedestrians**.

"**Sidewalk/Roadway Occupancy Permit**" means a **sidewalk/roadway occupancy permit** issued under this Bylaw to permit placement temporary tables or seating, or the vending of products from a licensed portable food service vending cart on a **sidewalk** or **roadway**.

"**Standing**" means the halting of a **vehicle**, whether occupied or not and whether the engine is running or not, except when necessary to avoid conflict with other **traffic** or to comply with the directions of a **peace officer** or **traffic control device**.

"**Structure**" means a construction of any kind whether fixed to or supported by or sunk into land or water.

"**Superintendent of Motor Vehicles**" means the person appointed as such under the *Motor Vehicle Act*.

"**Traffic**" includes **pedestrians**, ridden or herded animals, **vehicles**, **cycles** and other conveyances, either singly or together, while using a **highway** for purposes of **standing** or travel.

"**Traffic control device**" means a sign, signal, line, meter, pavement marking, space, barrier, or device, placed or erected by authority of the **Council** or person duly authorized by the **Council** to exercise such authority.

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

"**Trailer**" includes a **vehicle** without motive power designed to be drawn by or used in conjunction with a **motor vehicle** and constructed so that no appreciable part of its weight rests upon or is carried by the **motor vehicle**, but does not include a house **trailer** having a **gross vehicle weight** of less than 700 kilograms which is licensed pursuant to the *Motor Vehicle Act*.

"**Truck**" means a **motor vehicle**, other than a bus, station wagon, purpose-built recreational vehicle used for sleeping, passenger van or car, that is either permanently fitted with special equipment, or is designed to, and normally used to, carry a load, and that may operate as a single unit or may pull a full trailer or pony trailer.

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

"**Walkway**" means a street intended to carry **pedestrian** and non-motorized **traffic** only, except that a **walkway** may be designed to afford **emergency vehicle** use.

PART 2 - GENERAL REGULATIONS

2.1 General

- 2.1.1 **Officer Powers.** Where, under this Bylaw, an officer or employee is empowered with a certain authority, that power includes the power within the limits of this Bylaw, to issue, rescind, revoke, amend or vary the applicable order, or **permit**, authorized by him.
- 2.1.2 **Obey Traffic Control Devices.** No person shall walk, or operate a **motor vehicle** or **cycle** along any **highways**, **sidewalks**, or **boulevards** contrary to the instructions of an applicable **traffic control device** erected pursuant to the provisions of this Bylaw unless otherwise directed by a **Peace Officer** or a person authorized by a **Peace Officer** to direct **traffic**.
- 2.1.3 **Obey Peace Officer.** Notwithstanding the provisions of the Bylaw, a **Peace Officer** may direct **traffic** to ensure the orderly movement of **traffic**, to prevent injury or damage to persons or property, or to permit proper action in an emergency, and no person shall disobey the directions of the **Peace Officer**.
- 2.1.4 **Use of Sidewalks, Walkways and Boulevards.** No person shall drive a **motor vehicle** or ride or herd any animals along any **sidewalk**, **walkway** or **boulevard** unless permitted to do so pursuant by an applicable **traffic control device**.
- 2.1.5 **Permits.** A **permit** issued under this Bylaw must be carried in the **vehicle** at all times when operating on a **highway** within the **City**.

2.2 Sight Lines – Intersection

- 2.2.1 **Intersection.** No **owner** or **occupier** of a corner lot at any **intersection** of two **highways** shall permit to be erected or grown any **fence**, **retaining wall** or vegetation where it is within the vertical area contained within 1.0 and 3.0 metres above the finished grade of the abutting **highways**, and is within the triangular area indicated on Schedule "J" = Intersection Sightline Triangle, attached to this Bylaw. This triangular area shall be created by joining the following three points: the **roadway** point of intersection, the position of the stopped vehicle, and the sight distance clearance point, all as per Schedule "J".

The amount of intrusion of the triangle are on private property shall be limited to no more than a distance of eight (8) metres measured back along both the abutting and intersecting **highways** along the property lines of the lot from the point of **intersection** of the **highways**.

2.3 Noise

- 2.3.1 **Engine Valve Retardant Brakes.** With the exception of fire trucks, no person shall use **engine valve retardant brakes** on any **highway** within the **City**.
- 2.3.2 **Prohibited Vehicle Noises.** The following noises or sounds from a **vehicle** are, in the opinion of **Council**, believed to be objectionable and liable to disturb the quiet, peace, rest, enjoyment or comfort of individuals or the public and are hereby prohibited on any **highway** within the **City**:
- (a) the squeal of a tire on a **highway** surface made by a **vehicle** in accelerating or changing direction;

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- (b) a loud, roaring or explosive sound made by a **motor vehicle's** engine or exhaust system;
- (c) the amplified sound of a radio, television, tape recorder or other sound playback device or amplification equipment, or the sound of a musical instrument that emanates from a **vehicle** which can be heard by someone outside the **vehicle**.

2.3.3 **Vehicle Noise.** No operator or passenger of a **vehicle** shall make or cause to be made by or from that **vehicle** any objectionable noise or sound described in Subsections 2.3.1 or 2.3.2 of this Part.

2.4 Removal of Vehicles and Chattels

2.4.1 **Unlawful Occupancy.** Where any **motor vehicle** is unlawfully occupying any portion of a **highway, sidewalk or boulevard** or is either:

- (a) **standing or parked** in violation of the *Motor Vehicle Act* or this Bylaw;
- (b) in a position that causes it to interfere with fire-fighting or other **emergency vehicles** or equipment;
- (c) in a position that causes it to interfere with the normal flow of traffic on a **highway**;
- (d) in a position that causes it to interfere with the construction, improvement, maintenance, snow removal, alteration, extension, widening, marking, or repair of a **highway**;
- (e) apparently abandoned on a **highway**; or
- (f) a **motor vehicle** with an expired license,

a **Peace Officer, Bylaw Enforcement Officer**, or a person authorized by the **Engineer** may either:

- (i) move the **vehicle**, or require the operator or person in charge of the **vehicle** to move it to a position determined by the **Peace Officer** or **Bylaw Enforcement Officer** or authorized person; or
- (ii) take the **vehicle** into his custody and cause it to be taken to and stored in a safe and otherwise suitable place.

2.4.2 **Impoundment Costs.** All costs and charges for the removal, care and storage of a **motor vehicle** removed in accordance with this section shall be paid by the registered **owner** of the **motor vehicle**.

2.4.3 **Impoundment of Chattel.** Any **chattel**, including but not limited to in-line skates, roller skates, **cycles**, skateboards, sleighs, skates, skis, or any other similar means of conveyance, obstructing a highway and left unattended, or any obstruction unlawfully occupying any portion of a **highway, sidewalk or boulevard**, may be removed, detained or impounded by a **Peace Officer, Bylaw Enforcement Officer** or a person authorized by the **Engineer**.

2.4.4 **Impoundment of Signs on Provincial Highways.** Except for signs erected pursuant to Subsection 6.1.1 of this Bylaw, the **City Engineer** is hereby authorized to remove and impound any sign for which a valid permit has not been issued pursuant to Sign Bylaw No. 8235, or pursuant to Section 32 of the *Highway Act*, and which is located on a **highway** classified as an arterial **highway** under Section 28 of the *Highway Act*.

2.4.5 **Recovery.** Any **chattel**, obstruction or **vehicle** removed, detained or impounded may be recovered by the **owner** between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays, by paying the fees, costs and expenses set out herein at the Office of the Treasurer at City Hall or at the office of the authorized tow company and presenting the receipt obtained plus proof of ownership at such place of storage designated by the **City** or by paying the **City's** contractor at his place of business.

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- 2.4.6 Notice of Impoundment. If a **motor vehicle** is removed, detained or impounded, written notice by the **Peace Officer, Bylaw Enforcement Officer** or person authorized to move such **vehicle** shall be sent to the registered **owner** at his address as shown on the records of the **Superintendent of Motor Vehicles** advising him of the seizure, the sum payable to release the **vehicle** and the date of advertising for sale by public auction if unclaimed.
- 2.4.7 Impoundment Fees. The **owner** of the **chattel**, obstruction or **vehicle** removed, detained or impounded pursuant to this Bylaw shall pay the fees, costs and expenses as outlined in Schedule "A" of this Bylaw prior to the release of the **chattel**, obstruction or **vehicle** to the **owner**.
- 2.4.8 Public Auction. Any **vehicle**, or obstruction not claimed by its **owner** within thirty (30) days of its impounding or detention may be sold at public auction, which auction shall be advertised at least once in a newspaper circulating in the **City**.
- 2.4.9 Auction Proceeds. The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the **City** or its contractors as set out above and thirdly the balance, if any, shall be held by the **City** for one (1) year from the date of sale for the **owner**. If unclaimed at the end of the year, such sum shall be paid into the general revenue of the **City**.
- 2.4.10 Market Value less than \$500.00. Notwithstanding the preceding provisions where any garbage, **rubbish**, abandoned or unlicensed **motor vehicle, trailer** or bicycle with an apparent market value of less than Five Hundred Dollars (\$500.00) is left on any **highway**, such articles may be removed and disposed of by the **City**, at the expense of the **owner**.

2.5 Snow and Rubbish Removal

- 2.5.1 Sidewalks. **Owners** or **occupiers** of real property shall remove snow, ice, or **rubbish** from the **sidewalk** and walkways bordering on the real property owned or occupied by them within 24 hours of the accumulation of such snow, ice or **rubbish** on such **sidewalk**.
- 2.5.2 Hazards. **Owners** or **occupiers** of real property adjacent to or abutting on any portion of any **highway**, shall immediately remove snow, ice, or **rubbish** from the roof or any other part of a **structure** if such constitutes a danger to persons using the **highway** by being located so as to impose the threat of falling upon the **highway**.
- 2.5.3 Deposit of snow on highway. No **owner** or **occupier** of real property shall place snow or ice from their property or a **sidewalk** or **walkway** on any travelled portion of any **highway** or **sidewalk**.

PART 3 – VEHICLE REGULATIONS

3.1 Definitions

- 3.1.1 In this Part the words and phrases shown in ***bold italics*** shall have the definitions and meanings assigned to them in the *Commercial Transport Act* and *Motor Vehicle Act* and regulations thereto as amended, revised, consolidated or replaced from time to time.

3.2 Vehicle Regulations

- 3.2.1 **Prohibitions – Oversized vehicles.** Except as authorized by an **overweight or oversize vehicle permit** no person shall drive or operate on a **highway**:

- (a) Maximum width
a **passenger vehicle** so loaded that any part of the load extends beyond the sides of the **vehicle** or more than 185 centimetres beyond the back of the **vehicle**;
- (b) Pneumatic tires
a **vehicle**, other than a horse-drawn **vehicle**, the wheels of which are not equipped with pneumatic tires;
- (c) **Solid Tires**
a **vehicle** equipped with **solid tires**, the thickness of which between the rim of the wheel and the surface of the **highway** is less than 32 millimetres;
- (d) Spikes, Cleats, etc.
a **vehicle** having wheels, or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs, or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread, or track but excluding tire chains of reasonable proportions when required for safety and winter studded tires between October 1st and April 30th;
- (e) **Solid tire over 20 km/h**
a **solid tired vehicle** at a greater rate of speed than 20 km/h;
- (f) **Pole Trailer**
an unloaded **vehicle** and **pole trailer** at a greater rate of speed than 60 km/h, unless the pole-trailer is carried on the towing **vehicle**;
- (g) Secure Load
a **vehicle** unless it is so constructed and loaded as to prevent any of its load:
 - (i) from shifting or swaying in such a manner as to affect the operation of the **vehicle**; or
 - (ii) from dropping, sifting, leaking, or otherwise escaping therefrom. This subsection does not apply to material dropped for the purpose of securing traction, and water or other substances sprinkled on a **roadway** for cleaning or maintaining the **roadway**; or
- (h) Load Covering
a **vehicle** with any load unless the load is covered with a securely fastened tarpaulin or other cover so as to prevent load from becoming loose, detached, or in any manner hazardous to other users of the **highway**.

3.2.2 **Prohibitions – Overweight vehicles.** Except as authorized by an **overweight or oversize vehicle permit** no person shall drive or operate a **vehicle** on a **highway**:

- (a) **Gross vehicle weight**
when the **gross vehicle weight** of the **commercial vehicle** exceeds its **licensed gross vehicle weight**;
- (b) **Axle Weight**
when the weight on an **axle, group of axles** or **axle unit** exceeds the weight permitted by Section 3.3 of this Part;
- (c) **Vehicle Dimensions**
when the dimensions of the **commercial vehicle** do not conform to Section 3.3 of this Part
 - (i) with load included; and
 - (ii) without load; or
- (d) **Distances between axles**
when the distances between **axles, groups of axles** or **axle units** do not conform with Section 3.3 of this Part.
- (e) **Obey Posted Weight Restrictions**
when a **traffic control device** restricts and/or reduces their permitted weight limits.

3.3 Size and Weight Restrictions

3.3.1 Exceptions

- (a) Subsections 3.3.8 to 3.3.36 inclusive of this Part do not apply to a person who is driving or operating a **commercial vehicle** engaged in the construction of, or operating within the boundaries of, a **highway** construction project.
- (b) Subsection 3.3.10 of this Part does not apply to a person who is driving or operating:
 - (i) an **implement of husbandry** on a **highway** during the hours of **daylight**, or
 - (ii) a **vehicle** registered in the name of the Ministry of Transportation & Highways, or the **City** which is operated for the purposes of road maintenance or snow removal, or
 - (iii) a **vehicle** registered in the name of a company that has a contract with the Ministry of Transportation & Highways, or the **City**, for the purpose of road maintenance or snow removal and which is being operated for the same.
- (c) Where the overall width of an **implement of husbandry** for which a person is exempted under Subsection 3.3.1(b) of this Part is 3.7 metres or more, a sign as described in the *Commercial Transport Act* shall be mounted on the front and a flag as described in the *Commercial Transport Act* shall be mounted on each of the 4 corners of the **implement of husbandry**.

3.3.2 Overweight or Oversize Vehicle Permit.

- (a) The **Engineer** may issue an **overweight or oversize vehicle permit**, in accordance with the conditions outlined in Schedule “C” of this Bylaw, authorizing the driving or operation on a **highway** of a **commercial vehicle** that does not conform to Subsections 3.3.8 to 3.3.36 inclusive of this Part.
- (b) Prior to issuance of such a **permit**, the permit fee as outlined in Schedule “A” to this Bylaw, shall be paid to the **City**.
- (c) No person shall use an **overweight or oversize vehicle permit** for the driving or operation of a **vehicle** other than the **vehicle** for which such **permit** was issued or on a date other than that specified in the **permit**.
- (d) Unless expressly permitted by the conditions of an **overweight or oversize vehicle permit**, no person shall drive or operate an oversize **vehicle** or load on a Sunday or a general holiday.

3.3.3 Logging truck Weight Allowances. Despite the provisions of this Bylaw, but in accordance with the requirements of this subsection, a person may drive or operate on a **highway** a **vehicle** or **combination of vehicles** transporting logs or poles if the amount of excess gross weight does not exceed the following:

- (a) during that period between March 2nd and November 30th of a calendar year:
 - (i) **single axle** - 500 kilograms,
 - (ii) **tandem or tridem axles** - 1,100 kilograms,
 - (iii) **combination of vehicles** - 1,500 kilograms.
- (b) during that period between December 1st of a calendar year and March 1st in the next calendar year:
 - (i) **single axle** - 500 kilograms,
 - (ii) **tandem or tridem axles** - 1,500 kilograms,
 - (iii) **combination of vehicles** - 2,500 kilograms.
- (c) Despite Subsections 3.3.3(a) and (b) of this Part, if a posted sign on a **highway** restricts **vehicles** by weight, the posted restrictions apply.

3.3.4 Weighing. The operator of a **vehicle** on a **highway**, when so required by a **Peace Officer**, or by any person authorized by the **Engineer**, shall:

- (a) stop the **vehicle** at the time and place specified by such **Peace Officer**, or authorized person, for the purpose of weighing the whole **vehicle**, or part thereof, by means of stationary or portable scales, measuring the dimensions of the **vehicle** and load; measuring and inspecting the tires thereon, inspecting the load carried, or for any other purpose under this Bylaw;
- (b) stop the **vehicle** if the **vehicle** or the load it is carrying is, in the opinion of the **Peace Officer**, or the authorized person, unsafe for operation on the **highways** and shall fix the defect in the **vehicle** or secure the load, as the case may be, before proceeding;
- (c) drive the **vehicle** onto the nearest public or Ministry of Attorney General or **City** stationary or portable scales for the purpose of weighing the **vehicle** and load; or
- (d) re-arrange the load on the **vehicle**, or remove the whole or part of the load from the **vehicle**, in order to comply with the provisions of this Bylaw or a **overweight or oversize vehicle permit** before continuing to drive or operate the **vehicle**.

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- 3.3.5 **Report to Scales.** Except for operators of **commercial vehicles** of a **licensed gross vehicle weight** not exceeding 5,500 kilograms, the operator of a **vehicle** on a **highway**, when directed by a traffic sign on the **highway** to report to scales, shall drive the **vehicle** onto the scales for the purpose of weighing the whole **vehicle**, or part thereof, by means of stationary or portable scales, measuring the dimensions of the **vehicle** and load, measuring and inspecting the tires thereon, inspecting the load carried, or for any purpose under this Bylaw.
- 3.3.6 **Obey Posted Signs.** Notwithstanding any of the provisions of this Bylaw or of an **overweight or oversize vehicle permit** the maximum height, length or width of a **vehicle**, or **vehicle** and load, allowable on a **highway** or portion of a **highway**, where the maximum is stated by a sign posted by the **Engineer**, shall be as indicated by that sign.
- 3.3.7 **Bridge Restrictions.** No person shall, without an **overweight or oversize vehicle permit** drive or operate a **vehicle** or **combination of vehicles** over a bridge if the gross weight on an **axle** or **group of axles** or the **gross vehicle weight** is in excess of a load limit posted by the **Engineer** on or adjacent to that bridge.
- 3.3.8 **Vehicle Height.** No person shall, without an **overweight or oversize vehicle permit** drive or operate a **vehicle** having a height, including its load, in excess of 4.15 metres, measured from the surface of the road.
- 3.3.9 **Vehicle Width.** No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway** a **vehicle** having a total outside width, including its load, in excess of 2.6 metres, but not including the following as part of that width:
- (a) loose hay, straw or fodder projecting over the sides of the **vehicle** to a total outside width not in excess of 3.1 metres;
 - (b) one or more mirrors, fitted for the purpose of conforming to the requirements of the *Motor Vehicle Act* Regulations, which do not extend more than 20 centimetres on each side beyond the total width of **vehicle** and load otherwise permitted by this section; or
 - (c) an **Anti-splash and spray device**, **load securement device**, ladder, glad hand, air connector, electrical connector, hydraulic connector, **clearance lamp** or **dangerous goods placard** if the device, ladder, glad hand, air connector, electrical connector, hydraulic connector, lamp or placard does not extend more than 10 centimetres on each side beyond the widest part of the **vehicle** and its load.
- 3.3.10 **Vehicle Axle width**
- (a) Subject to Subsection 3.3.9 of this Part, no person shall, without an **overweight or oversize vehicle permit**, drive or operate a TAC **semi-trailer** or **full trailer** unless the distance across the outside of the tires on each **single axle**, each **tandem axle** and each **tridem axle** is:
 - (i) where the width of the **semi-trailer** or **full trailer** body is 2.5 metres or more, not less than 2.5 metres nor more than 2.6 metres, and
 - (ii) where the width of the **semi-trailer** or **full trailer** body is less than 2.5 metres, not less than 2.4 metres.

- (b) Where a **semi-trailer** or **full trailer** was manufactured prior to August 31st, 1988, and the running gear has not been totally replaced, the width across the outside of the tires may be less than that required in Subsection 3.3.10(a)(i) and any **axles** which are added to the existing running gear may be of a width equal to that running gear.
- (c) Notwithstanding Subsection 3.3.10(b) of this Part, no person shall, without an **overweight or oversize vehicle permit**, drive or operate any **semi-trailer, full trailer** or **pole trailer** manufactured after December 31st, 1993, unless the distance across the outside of the tires on each **axle** of the **vehicle** is not less than 2.5 metres nor more than 2.6 metres.

3.3.11 **Vehicle Length**

- (a) This section does not apply to a driver or operator of a **TAC vehicle**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate
 - (i) except as provided in Subsections 3.3.11(b)(ii) and (iii) of this Part, a single **vehicle** having an **overall length**, including its load, in excess of 12.5 metres,
 - (ii) a trailer having an **overall length** in excess of 12.5 metres, but not including the following as part of that length:
 - (1) an **Air deflector**, heater or refrigerator unit attached to the front of the **trailer**,
 - (2) the draw bar of the **trailer** if the draw bar articulates in the horizontal plane relative to the main load-carrying structural component of the **trailer**,
 - (3) non-load-carrying equipment such as an air connector, electrical connector, hydraulic connector, roller, pick-up plate, bumper, ladder, glad hand, **load securement device** or **dangerous goods placard** if the connector, roller, plate, bumper, ladder, glad hand, device or placard does not extend more than 30 centimetres beyond the front or 10 centimetres beyond the rear of the **vehicle**; or
 - (4) a platform mounted on the front upper portion of the **trailer** if the platform is used exclusively to assist in the installation and/or securing of **load securement devices**.
 - (iii) a **semi-trailer**:
 - (1) having an **overall length** in excess of 14.65 metres, or
 - (2) having more than 2 **axles** the tires of which are in contact with the ground, having an **overall length** in excess of 14 metres,but not including as part of that length anything described in Subsections 3.3.11(b)(ii)(1), (3) or (4) of this Part.
 - (iv) subject to Subsection 3.3.11(c) of this Part, a combination of 2 or more **vehicles** having an **overall length** in excess of 20 metres including their load.
 - (v) a bus with an **articulation point** between the passenger carrying sections of the bus unless:
 - (1) the **overall length** of the bus does not exceed 20 metres,
 - (2) the distance from the **articulation point** to the front or rear of the bus does not exceed 12.5 metres, and

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- (3) movement of passengers between the articulated sections of the bus is possible at all times while the bus is being operated on a **highway**.
- (vi) after January 1st, 1993, a 3 **vehicle** combination consisting of a **truck** and 2 **trailers**, or a **logging truck** combination which includes 2 **pole trailers**.
- (c) Subsection 3.3.11(b)(iv) of this Part does not apply where the **combination of vehicles**:
 - (i) is a combination of 2 **vehicles** that has a single **articulation point**, has an **overall length**, including its load, of not more than 21.5 metres and is carrying a load of logs, woodpoles or wood pilings and the length of the load cannot be reduced without cutting the wood;
 - (ii) is a **combination of vehicles** that contains more than one **articulation point** and has an **overall length**, including its load, of not more than 23 metres, or
 - (iii) is a **combination of vehicles** that:
 - (1) contains a licensed booster **axle** assembly mounted to the rear of a **semi-trailer** lowbed, and
 - (2) has an **overall length** including its load, of not more than 23 metres.

3.3.12 TAC vehicle length

- (a) This section applies ONLY to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a **truck tractor** in combination with a single **semi-trailer** unless:
 - (i) the **overall length** of the **semi-trailer** is not more than 16.2 metres, but not including as part of that length anything described in subsections 3.3.11(b)(ii) (1), (3), or (4) of this Part, and
 - (ii) the wheelbase of the **semi-trailer** is not less than 6.25 metres and not more than 12.5 metres.
- (c) No person shall, without an **overweight or oversize vehicle permit**, drive or operate an **A train** or **C train** unless:
 - (i) the distance from the front of the lead **semi-trailer** to the rear of the **full trailer** is not more than 18.5 metres, but not including as part of that length anything described in subsections 3.3.11(b)(ii)(1),(3), or (4) of this Part, and
 - (ii) the wheelbase of the lead **semi-trailer** or the following **full trailer** is not less than 6.25 metres nor more than 12.5 metres.
- (d) No person shall, without an **overweight or oversize vehicle permit** drive or operate a **B train** unless:
 - (i) the distance from the front of the lead **semi-trailer** to the rear of the second **semi-trailer** is not more than 20 metres, but not including as part of that length anything described in subsections 3.3.11(b)(ii)(1),(3), or (4) of this part,
 - (ii) except for a **vehicle** referred to in Subsection 3.3.36 of this Part, the wheelbase of the lead **semi-trailer** is not less than 6.25 metres no more than 12.5 metres, and
 - (iii) the wheelbase of the second **semi-trailer** is not less than 6.25 metres no more than 12.5 metres.

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- (e) No person shall, without an **overweight or oversize vehicle permit**, drive or operate:
- (i) a **truck tractor** having a wheelbase in excess of 6.2 metres,
 - (ii) a **bed truck** having a wheelbase in excess of 10.0 metres,
 - (iii) a **truck tractor** in combination with a single **semi-trailer** or a **jeep** and **semi-trailer** lowbed as allowed in subsection 3.3.36 of this Part, having an **overall length**, including its load, in excess of 23 metres,
 - (iv) an **A train, B train, or C train** having an **overall length**, including its load, in excess of 25 metres,
 - (v) a **full trailer** having an **overall length** in excess of 12.5 metres but not including as part of that length anything described in subsections 3.3.11(b)(ii)(1), to (4) inclusive of this part,
 - (vi) a combination including 2 **semi-trailers** having a **fifth wheel coupler** mounted on the first **semi-trailer** at a location not within the **axle spread** of the first **semi-trailer**,
 - (vii) a 3 **vehicle** combination consisting of a **truck tractor, semi-trailer** and **pony trailer**.

3.3.13 Kingpin Setback

- (a) This section DOES NOT apply to drivers or operators of **TAC vehicles**.
- (b) Except as provided in Subsection 3.3.13(c) of this part, no person shall, without an **overweight or oversize vehicle permit**, drive or operate a **combination of vehicles**:
- (i) that includes a **semi-trailer** with any part of its body or load forward of the centre of the **articulation point** by more than a radius of 2.25 metres; or
 - (ii) where the distance from an **articulation point** to the extreme rear of the **vehicle** combination exceeds 18 metres, but not including as part of that distance anything described in Subsections 3.3.11(ii)(1), (3) or (4) of this Part.
- (c) No person shall drive or operate on a **highway**, without an **overweight or oversize vehicle permit**, a **pole trailer** in combination with one other **vehicle** where the **combination of vehicles** is carrying a load that projects forward of the vertical axis of rotation of the forward bunk by a radius of more than 3 metres.

3.3.14 TAC Kingpin Setback and Front Projection

- (a) This section applies ONLY to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a **semi-trailer** or **full trailer** where a part of the body or load is forward of the centre of the turning axis **articulation point** by more than a radius of 2 metres.
- (c) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a **truck tractor** or **truck** where the load, boom, crane or similar object projects more than 1 metres beyond the front wheels, or, if the **truck tractor** or **truck** is equipped with a front bumper, more than 1 metres beyond such bumper.

3.3.15 Front and Rear Projections

- (a) This section DOES NOT apply to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a **vehicle** or **combination of vehicles** where:
 - (i) the load, boom, crane or similar object extends more than 1 metres beyond the front wheels, or if equipped with a front bumper, more than 1 metres beyond that bumper; or
 - (ii) subject to Subsection 3.3.15(c) of this Part, the rear projection from the centre of the last **axle** to a part of the **vehicle** or load exceeds 5 metres.
- (c) Subsection 3.3.15(b)(ii) of this Part does not apply where the **vehicle** or **combination of vehicles** is a **logging truck tractor** and **pole trailer** carrying logs or poles in their natural state and the rear projection from the centre of the last bunk to a part of the **vehicle** or load does not exceed 5 metres.

3.3.16 TAC Effective overhang

- (a) This section applies ONLY to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate any **semi-trailer** in combination with a **truck tractor** where the **effective overhang** on any **semi-trailer** in the combination exceeds 35% of that **semi-trailer's** wheelbase.

3.3.17 Drawbar Length

- (a) This section DOES NOT apply to a driver or operator of a **TAC vehicle**.
- (b) No person shall, without an **overweight or oversize vehicle permit** drive or operate a **combination of vehicles** where the length of the **drawbar** or other connection between 2 of the **vehicles** exceeds 5 metres, except a combination consisting of only a **motor vehicle** and a **pole trailer**.

3.3.18 TAC Hitch offset

- (a) This section applies ONLY to a driver or operator of a **TAC vehicle**.
- (b) No person shall, without a **overweight or overdrive vehicle permit**, drive or operate an **A train** or **C train** where the **hitch offset** on the lead **semi-trailer** exceeds 1.8 metres.

3.3.19 Load Sharing

No person shall, without a **overweight or oversize vehicle permit**, drive or operate a **combination of vehicles** where the load is supported by more than one **vehicle** in combination except:

- (a) a combination carrying logs, wood poles or wood pilings by means of a **pole trailer** equipped with a compensating reach; or
- (b) where the load is supported at an **articulation point** by a **fifth wheel coupler** and kingpin, a pintle hook and lunette eye assembly, or a turntable.

3.3.20 **Axle Groups**

- (a) This section DOES NOT apply to drivers or operators of **TAC vehicles**.
- (b) No person shall, without a **overweight or oversize vehicle permit**, drive or operate on a **highway** a **vehicle** or **combination of vehicles** which has 2 or 3 consecutive **axles** in contact with the ground, if those **axles** are not a **tandem** or **tridem axle**, unless the first or last **axle** is a **self-steering axle**.
- (c) No person shall drive or operate a **tridem pole trailer** in combination with a **jeep** or **dog logger**.
- (d) No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway** a **logging truck** with a **tridem axle pole trailer** where the **inter-axle spacing** between a **Tandem axle** and a **tridem axle** is less than 5.5 metres.
- (e) No person shall, without an **overweight or oversize vehicle permit**, drive a **logging truck** where the **inter-axle spacing** between 2 **steering axles** exceeds 185 centimetres.

3.3.21 **TAC Axle unit**

- (a) This section applies ONLY to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway**.
 - (i) a **truck tractor** in combination with
 - (1) a **semi-trailer**, on which more than one **axle units** in contact with the ground,
 - (2) a **semi-trailer** having a **trailer wheelbase** of less than 9.5 metres, equipped with a **tridem axle** having an **axle spread** of more than 3.1 metres,
 - (3) a **trailer converter dolly** equipped with a **tandem** or **tridem axle unit**, or
 - (ii) except as provided in Subsections 3.3.26(b)(iii) and (iv) of this part, and Subsection 3.3.35, a **vehicle** or **combination of vehicles** in which the **inter-axle spacing**
 - (1) between a **single axle** and any other **single axle**, between a **single axle** and a **tandem axle**, or between a **single axle** and a **tridem axle** is less than 3 metres,
 - (2) between 2 **tandem axles** is less than 5 metres,
 - (3) between a **tandem axle** and a **tridem axle** is less than 5.5 metres,
 - (4) between 2 **tridem axles** is less than 6 metres.
- (c) No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway**
 - (i) a **truck tractor** equipped with a **tridem axle**, or
 - (ii) a **truck tractor** equipped with 2 **steering axles**.

3.3.22 **Lift axles**

- (a) No person shall drive or operate on a **highway** a **combination of vehicles** in which a control, other than one that locks or unlocks a sliding **fifth wheel coupler**, is provided
 - (i) for raising or lowering a **single axle** or **group of axles**, or
 - (ii) for varying the load on an **axle** or **group of axles**other than at a location that is adjacent to that **axle** or **group of axles** and not inside the operator's compartment.
- (b) No person shall drive or operate a **TAC vehicle** equipped with a **lift axle** where the tires of the **lift axle** are in contact with the ground.
- (c) No person shall drive or operate any **pole trailer** equipped with a **lift axle** where the tires of the **lift axle** are in contact with the ground.

3.3.23 **Self-steering axles**

- (a) No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway** in combination with other **vehicles** a **motor vehicle** equipped with a **self-steering axle** where the tires of the **self-steering axle** are in contact with the ground.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a **TAC vehicle** equipped with a **self-steering axle** where the tires of the **self-steering axle** are in contact with the ground, except a **C dolly** may have a **self-steering axle**.

3.3.24 **Licensed GVW.** The maximum **licensed gross vehicle weight** of a **vehicle** or **combination of vehicles** shall not exceed 63,500 kilograms.

3.3.25 **Maximum GVW**

- (a) To determine the maximum allowable **gross vehicle weight** of a **vehicle** or **combination of vehicles**, only those **axles** that are within the prescribed maximum **overall length** shall be included.
- (b) Notwithstanding Subsection 3.3.25(a) of this Part, where a **vehicle** or **combination of vehicles** is extended beyond the maximum **overall length** authorized under this division for the sole purpose of accommodating an oversize or overweight load without any increase in the number of **axles**, the displaced **axles** shall be deemed to be within the maximum **overall length** authorized under this Subsection.

3.3.26 **TAC GVW**

- (a) This section applies ONLY to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway**:
 - (i) a **truck tractor** in combination with a **semi-trailer** having a **gross vehicle weight** in excess of 46,500 kilograms,
 - (ii) an **A train** or **C train** having a **gross vehicle weight** in excess of 53,500 kilograms,

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- (iii) an **A train** having a **single axle** on the first **semi-trailer** and an **A dolly axle**, with their **inter-axle spacing** less than 3 metres, and having a combined weight in excess of 17,000 kilograms, or
- (iv) an **A train** having a **tandem axle** on the first **semi-trailer** and an **A dolly axle**, with their **inter-axle spacing** less than 3 metres, and having a combined weight in excess of the weights indicated in the "Table of Maximum Gross Vehicle Weight for Axle Groups" of Subsection 3.3.30(b)(ii) of this part.

3.3.27 Exemption from weight limitations. The weight limitations imposed by Subsections 3.3.28 to 3.3.32 inclusive of this Part, shall not apply to **vehicles** being operated by:

- (a) the Ministry of Transportation & Highways; or
- (b) the **City**; or
- (c) a company that has a contract with the Ministry of Transportation & Highways, or the **City**, for the purpose of improving traction of a **highway**

while the **vehicle** is operated for the distribution of material on the **highway** for the purpose of improving traction, and

- (d) travelling to the place on the **highway** where distribution of the material carried by the **vehicle** begins; or
- (e) distributing the material on the **highway**.

3.3.28 Tire Loads

- (a) This section DOES NOT apply to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway** a **vehicle** loaded so that the gross weight on a tire exceeds
 - (i) 110 kilograms per 1 centimetre of tire width in the case of pneumatic tires, or
 - (ii) 55 kilograms per 1 centimetre of tire width in the case of metal or **solid tires**.

3.3.29 TAC Tire Loads

- (a) This section applies ONLY to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate upon a **highway** a **vehicle** so loaded that the gross weight on a tire:
 - (i) exceeds 100 kilograms per 1 centimetre of tire width in the case of pneumatic tires,
 - (ii) exceeds the rated capacity of the tire as rated by the **manufacturer** of the tire,
 - (iii) exceeds 3,000 kilograms, other than a tire attached to the **steering axle** of
 - (1) a self-loading **truck tractor**, or
 - (2) a **bed truck** or **truck tractor**, equipped with a winch behind the cab, where the **truck** is being used in oil exploration.

3.3.30 Maximum **Axle** Load and Spacing

- (a) This section DOES NOT apply to drivers or operators of **TAC vehicles**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway**:
 - (i) a **vehicle**, where an **axle** carries a gross weight in excess of 9,100 kilograms, or
 - (ii) a **vehicle** or **combination of vehicles** having a **group of axles** within a spacing of 8 metres or less, where the **group of axles** carries the gross weight indicated in Column 2 of the "Table of Maximum Gross Vehicle Weight for Axle Groups" opposite the distance between the centres of the first and last **axle** of the group as indicated in Column 1:

**TABLE OF MAXIMUM GROSS VEHICLE WEIGHT
FOR AXLE GROUPS**

Column 1 Distance Between the Centres of the First Axle and Last Axle of Any Group of Axles of a Vehicle or Combination of Vehicles	Column 2 Maximum gross weight, group of axles
Less than 1.00 metres	9,100 kilograms
1.0 metres up to but not including 1.20 metres	16,500 kilograms
1.20 metres up to but not including 1.90 metres	17,000 kilograms
1.90 metres up to but not including 2.30 metres	18,000 kilograms
2.30 metres up to but not including 2.60 metres	19,000 kilograms
2.60 metres up to but not including 3.00 metres	20,000 kilograms
3.00 metres up to but not including 3.40 metres	21,000 kilograms
3.40 metres up to but not including 3.80 metres	22,000 kilograms
3.80 metres up to but not including 4.20 metres	23,000 kilograms
4.20 metres up to but not including 4.60 metres	24,000 kilograms
4.60 metres up to but not including 5.00 metres	25,000 kilograms
5.00 metres up to but not including 5.30 metres	26,000 kilograms
5.30 metres up to but not including 5.70 metres	27,000 kilograms
5.70 metres up to but not including 6.10 metres	28,000 kilograms
6.10 metres up to but not including 6.50 metres	29,000 kilograms
6.50 metres up to but not including 6.90 metres	30,000 kilograms
6.90 metres up to but not including 7.20 metres	31,000 kilograms
7.20 metres up to but not including 7.60 metres	32,000 kilograms
7.60 metres up to but not including 8.00 metres	33,000 kilograms
8.00 metres	34,000 kilograms
(iii) a 3 vehicle combination of vehicles where a single steering axle on the truck tractor carries a gross weight in excess of 6,000 kilograms,	
(iv) a 3 vehicle combination of vehicles with a gross vehicle weight in excess of 57,000 kilograms unless	
(1) the power unit is a truck tractor , and	
(2) the kingpin of the first semi-trailer is positioned at, or forward of, a point midway between the centre of the 2 rear most axles of the truck tractor ,	

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- (v) a 3 **vehicle combination of vehicles** unless the **gross vehicle weight** exceeds 11,000 kilograms, or
- (vi) a **combination of vehicles** having a **gross vehicle weight** in excess of 63,500 kilograms.
- (c) Notwithstanding Subsection 3.3.30(b)(v) of this Part, a person does not require an **overweight or oversize vehicle permit** to drive or operate a 3 **vehicle combination of vehicles**, the **gross vehicle weight** of which does not exceed 11,000 kilograms, where the combination consists of:
 - (i) a **motor vehicle**, and
 - (ii) a **towing dolly**, and
 - (iii) a licensed **motor vehicle** one **axle** of which is being carried by the **towing dolly**.
- (d) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a **logging truck** combination which includes a **tridem pole trailer** where:
 - (i) a **steering axle**, other than on a self-loading **motor vehicle**, exceeds 5,500 kilograms; or
 - (ii) a **tandem axle** exceeds 17,000 kilograms, or
 - (iii) a **tridem axle** exceeds 24,000 kilograms.
- (e) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a self-loading **logging truck** which includes a **tridem pole trailer** where the **steering axle** exceeds 9,100 kilograms.

3.3.31 TAC Axle Loads and Spacing

- (a) In this section "self-loading **truck tractor**" means a **truck tractor** equipped with a chassis mounted crane, winch or similar device immediately behind the operator's compartment which is used for loading or unloading the **vehicle** combination.
- (b) This section applies ONLY to driver or operators of **TAC vehicles**.
- (c) No person shall, without an **overweight or oversize vehicle permit**, drive or operate:
 - (i) a **vehicle** where the gross **axle** weight on
 - (1) an **axle unit** exceeds the **axle**, suspension or brake **manufacturer's** rating of that component,
 - (2) the **steering axle** of a **truck tractor** other than
 - (a) a self-loading **truck tractor**, or
 - (b) a **bed truck** or **truck tractor**, equipped with a winch behind the cab, where the **truck** is being used in oil exploration exceeds 5,500 kilograms,
 - (3) a **single axle** equipped with dual tires exceeds 9,100 kilograms,
 - (4) a **tandem axle** exceeds 17,000 kilograms, or
 - (5) a **tridem axle** exceeds 24,000 kilograms.
 - (ii) an **A train** or **C train** where the sum of the **axle** loads on all **axles** of the **full trailer** exceeds 16,000 kilograms, or

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- (iii) a **tandem drive axle truck tractor** in combination with a **single axle jeep** and **lowbed semi-trailer** where the sum of the **axle** loads on the **tandem drive axle** and the **single axle** of the **jeep** exceeds the greater of 24,000 kilograms or the weight allowed under the "Table of Maximum **Gross vehicle weight** for **axle** Groups" under Subsection 3.3.30(b)(ii) of this Part.
 - (d) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a self-loading **truck tractor** where the gross **axle** weight on the **steering axle** exceeds 9,100 kilograms.
 - (e) No person shall, without an **overweight or oversize vehicle permit** drive or operate a **vehicle** where the gross **axle** weight of any **axle** of a **tandem** or **tridem axle** exceeds 9,100 kilograms, or where the gross **axle** weight of any 2 adjacent **axles** of a **tridem axle** exceeds 17,000 kilograms.
 - (f) No person shall, without an **overweight or oversize vehicle permit**, drive or operate a **bed truck** used in oil exploration where the gross **axle** weight on the **steering axle** exceeds 9,100 kilograms.
 - (g) No person shall, without a **overweight or oversize vehicle permit**, drive or operate a **truck tractor** equipped with a winch behind the cab used in oilfield exploration where the gross weight on the **steering axle** exceeds 9,100 kilograms.
 - (h) No person shall, without a **overweight or oversize vehicle permit**, drive or operate a **TAC vehicle** including a **truck tractor** equipped with a crane behind the cab, in combination with a **semi-trailer**, unless the combination conforms with the dimensions and weights as shown in Schedule "I".
 - (i) In the event that the dimensions and weights for the tractor and **semi-trailer** combinations shown in Schedule "I" are in conflict with other requirements in these regulations, the requirements shown in Schedule "I" prevail.
- 3.3.32 **Drive axle**. No person shall, without an **overweight or oversize vehicle permit**, drive or operate on a **highway**:
- (a) a **vehicle** or **combination of vehicles** having a gross weight on the **drive axle** that is less than 20% of the **gross vehicle weight**; or
 - (b) a **combination of vehicles** with a **gross vehicle weight** in excess of 38,000 kilograms unless the towing vehicle has a **tandem drive axle**.
- 3.3.33 **Weight to Horsepower**. No person shall, without an **overweight or oversize vehicle permit**, drive or operate upon a **highway** a **combination of vehicles** unless the **gross vehicle weight** to the **manufacturer's** rated **horsepower** of the towing **vehicle** bears a relationship of not more than 150 kilograms to one **horsepower**.
- 3.3.34 **Towing dollies**. No person shall drive or operate on a **highway** a **commercial vehicle** that is towing a **towing dolly** where the net weight of the **towing dolly** plus the gross weight of a **motor vehicle**, one **axle** of which is being carried by the **towing dolly**, exceeds 2,800 kilograms.

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3.3.35 TAC Lowbed. Notwithstanding the provisions of Subsections 3.3.12(d)(ii) and 3.3.21(b)(ii), a **tandem drive axle truck tractor** may be coupled to a **single axle jeep** or a **single axle jeep** and **lowbed semi-trailer** provided that the **inter-axle spacing** between the **tandem drive axle** and the **jeep single axle** is not less than 1.2 metres nor more than 3.5 metres.

3.3.36 TAC Truck Prohibitions

- (a) This section applies ONLY to drivers or operators of TAC **trucks, trucks** and **pony trailers, trucks** and **full trailers, C trains** with **C converter dolly** and **inter-city buses**.
- (b) No person shall, without an **overweight or oversize vehicle permit**, drive or operate:
 - (i) a TAC **truck** unless it conforms to the dimensions and weights as shown in Schedule "D" of this Bylaw.
 - (ii) a TAC **truck** and **pony trailer** unless the combination conforms to the dimensions and weights shown in Schedule "E" of this Bylaw.
 - (iii) a TAC **truck** and **full trailer** unless the combination conforms to the dimensions and weights shown in Schedule "F" of this Bylaw.
 - (iv) a TAC **C train** with a **C converter dolly** unless the combination conforms to the dimensions and weights shown in Schedule "G" of this Bylaw.
 - (v) a TAC **inter-city bus** unless it conforms to the dimensions and weights shown in Schedule "H" of this Bylaw.
 - (vi) a TAC tractor with an installed crane and **semi-trailer** unless it conforms to the dimensions and weights shown on Schedule "I" of this Bylaw.
 - (vii) a **truck** equipped with 2 **steering axles** unless:
 - (1) the gross weight of the 2 **axles** does not exceed 17,000 kilograms,
 - (2) the gross weight of each **single axle** does not exceed 9,100 kilograms, and
 - (3) the **inter-axle spacing** does not exceed 1.85 metres, or
 - (viii) a **truck** with a booster **axle** assembly where the tires of the booster **axle** are in contact with the ground, unless the **truck** is a concrete ready mix **truck**.

3.4 Pilot Cars and Signs

3.4.1 Standards. Where conditions of an **overweight or oversize vehicle permit** prescribe that pilot cars, signs, flags, or lights be provided by the Permittee, the standards for equipment as set forth in this Bylaw shall be complied with, unless otherwise prescribed by the conditions of the **permit**.

3.4.2 Gross Weight. Pilot cars shall be private passenger **motor vehicles** or **commercial vehicles** of a **licensed gross vehicle weight** not exceeding 5,500 kg.

3.4.3 Signs. Signs required by a **permit** to be displayed on an oversized **vehicle** or load shall be as follows:

- (a) sign panel size, 150 cm by 30 cm;
- (b) black lettering on yellow background;
- (c) letters shall be 20 cm in height of 3 cm stroke;

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- (d) shall contain only the words "Wide Load" or in the case of loads only overlength, the words, "Long Load";
- 3.4.4 Mobile Homes and Modular Buildings. Mobile homes and modular buildings exceeding 3.5 metres in width shall in addition to the requirements in subsection 3.4.3 of this part, display on the rear thereof a sign as follows:
- (a) yellow background with lettering of red reflective materials;
 - (b) letters shall be a minimum of 15 cm in height of a 3 cm stroke;
 - (c) shall contain the words, "CAUTION – MAY SLOW OR STOP UNEXPECTEDLY".
- 3.4.5 Pilot Car. Every operator of a pilot car shall ensure that the pilot car is
- (a) while escorting a **vehicle** and load, equipped with a roof mounted "Long Load", "Wide Load", "Oversize Load", or "D" sign that complies with the requirements of the *Commercial Transport Act*, and
 - (b) while escorting a **vehicle** or a **vehicle** and load in excess of 27.5 metres in length and less than 3.2 metres in width or a load in excess of 3.2 metres in width, equipped with a roof mounted "Long Load", "Wide Load", "Oversize Load", or "D" sign that complies with the requirements of the *Commercial Transport Act*.
- 3.4.6 Flags. Flags on an oversize **vehicle** or load shall be red in colour, mounted on all four corners or projections of the **vehicle** or load, of a minimum size of 30 cm square, or be in strips that are not more than 3 cm in width not less than 45 cm in length and that cover an overall width of not less than 15 cm.
- 3.4.7 Lighting. If night travel of oversize **vehicles** or loads is authorized by **permit**, the extremities of the oversize **vehicle** or load shall be lighted in a manner not inconsistent with the provisions of *Motor Vehicle Act*.
- 3.4.8 Sign Prohibition. No person shall drive or operate on a **highway** a **motor vehicle** or a **commercial vehicle** displaying a sign indicating the presence of an oversize **vehicle** or load when, in fact, an oversize **vehicle** or load is not being transported or escorted.
- 3.4.9 Proximity. A pilot car when escorting an oversize **vehicle** or load on a two **lane** or three **lane highway** shall precede the oversize **vehicle** or load at a distance of not less than 100 metres nor more than 500 metres. When escorting an oversize **vehicle** or load on a four **lane** or divided **highway**, the pilot car shall follow the oversize **vehicle** or load at a distance of not less than 100 metres nor more than 500 metres. Notwithstanding this provision, a lead pilot car shall, when necessary, precede the oversize **vehicle** or load through tunnels, structures, etc., at an adequate distance so as to provide ample warning for oncoming **vehicles**.

PART 4 – PARKING REGULATIONS

4.1 General Parking Prohibitions

4.1.1 Exceptions. The provisions of Subsection 4.1.2 of this part do not apply:

- (a) when a **vehicle** is so mechanically disabled as to render it immobile;
- (b) when necessary to comply with the law, or the directions of a **Peace Officer, traffic control device, or school patrol**; or
- (c) while operating a government, public utility corporation or **emergency vehicle** while engaged in their duties.

4.1.2 Parking Prohibitions. Except as otherwise provided in this Bylaw, no person shall stop, stand or **park a vehicle**:

- | | |
|------------------|---|
| Sidewalk | (a) on a sidewalk or boulevard without a valid sidewalk/roadway occupancy permit pursuant to Part 7 of this Bylaw, |
| Driveway | (b) in front of or within 3 metres of a public or private driveway , |
| Lane | (c) in any lane except an attended commercial vehicle actually loading or unloading and providing the vehicle is so placed as to leave a minimum width of 3 metres of clear roadway , |
| Intersection | (d) within an intersection, or within 10 metres of an intersection except as permitted by a traffic control device , (see Schedule "K") |
| Fire Hydrant | (e) within 5 metres of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant (see Schedule "K"), |
| Crosswalk | (f) on a crosswalk or within 6 metres of the approach side of a crosswalk (see Schedule "K"), |
| Close to Signs | (g) within 6 metres upon the approach to a stop sign, yield sign at the side of a roadway , or a traffic control signal (see Schedule "K"), |
| Public Assembly | (h) within 6 metres either side of the entrance to or exit from any hotel, theatre, public meeting place, fire hall or fenced playground, |
| Yellow Curb | (i) adjacent to a curb painted yellow, |
| Railway Crossing | (j) within 15 metres of the nearest rail of a railway crossing (see Schedule "K"), |
| Sales | (k) upon any highway for the principal purpose of: <ul style="list-style-type: none">(i) displaying a vehicle for sale,(ii) advertising, greasing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency,(iii) displaying signs, or(iv) selling any commodities, including, but not limited to, flowers, fruit, vegetables or seafood, |
| Excavation | (l) alongside or opposite a street excavation or obstruction when stopping, standing , or parking obstructs traffic , |

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Double Park	(m)	park on either side of a vehicle already stopped or parked at the edge or curb of a roadway ,
Bridge	(n)	upon a bridge except as permitted by any applicable traffic control device ,
Contrary to Traffic control device	(o)	in any place in contravention of a traffic control device ,
Obstruct Traffic control device	(p)	in such a manner as to obstruct the visibility of any traffic control device ,
Angle Parked	(q)	on a two-way highway , other than on the right side of the highway and with the right-hand wheels parallel to that side unless otherwise permitted by a traffic control device ,
Contrary to Traffic Flow	(r)	contrary to the direction of traffic flow on that side of the highway ,
Distance from Curb	(s)	on a roadway more than 30 cm from the curb of such roadway if a curb has been constructed,
Angle Parking Length	(t)	in a designated angle parking zone where the length of such vehicle and any trailer attached thereto exceeds 6 metres,
Public Building	(u)	on any highway in a space adjacent to any Federal, Provincial, or Municipal public building designated as being reserved for the use of officials unless the operator is such an official,
Exceed 24 Hours	(v)	on any highway , or within the same block on either side of the roadway , for a continuous period exceeding twenty-four (24) hours,
Overnight Abode	(w)	on any highway for the purpose of taking up temporary residence between 9:00 p.m. and 6:00 a.m. of the following day,
Commercial vehicle Overnight	(x)	between 9:00 p.m. and 6:00 a.m. of the following day on any highway in a residential area as defined in the City of Kelowna Zoning Bylaw, a commercial vehicle having a gross vehicle weight in excess of 5600 kg,
Sight lines-Lane	(y)	within 3.0 metres of the entrance or exit of a lane , unless otherwise permitted by a traffic control device ,
Designated Parking Space	(z)	upon any portion of a highway or parking lot, where traffic control devices consisting of lines painted upon the surface of the highway or parking lot to designate parking areas, except within one such designated space or area,
Cycle and Motorcycle Parking	(aa)	between the area designated by a traffic control device for cycle and motorcycle parking, and the travel portion of the roadway ,
Overtime Parking on Highway	(bb)	on a highway where traffic control devices indicate the length of time allowed for parking, in contravention of the length of time indicated on the applicable traffic control device ,
Overtime Parking Lots	(cc)	on any public parking lot operated by the City where traffic control devices indicate the length of time allowed for parking, in contravention of the length of time indicated on the applicable traffic control device ,

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Parking Lot Pass	(dd)	on a public parking lot operated by the City where traffic control devices indicate a parking pass is required without displaying a valid parking pass for the said parking lot,
Loading Zone	(ee)	in any area on public or private property that is designated by a traffic control device as a loading zone unless actively engaged in the loading or unloading of a vehicle ,
Exceed Time Limit	(ff)	on any highway where the length of time allowed for a parking space is controlled by a traffic control device and where a vehicle has been parked at a parking space for any period of time, after having moved the vehicle , the owner or operator of such vehicle shall not, having left such a parking space, permit the immediate parking of such vehicle in the same or any other parking space on either side of the same block,
Handi-Capped	(gg)	in any parking space on public or private property that is designated by a traffic control device to be reserved for the use of the handicapped unless such vehicle displays a valid handicapped parking permit ,
Expired Meter	(hh)	on a highway , or public lot operated by the City , in a metered space while the disc, signal flag or violation indicator in the head of the parking meter placed at such metered space shows red or shows or reads violation or time expired, or shows no time remaining on the parking meter face,
Outside Marked Metered Space	(ii)	outside the marked metered space for which the parking meter is provided for,
Emergency vehicle	(jj)	in any area on public or private property that is designated by a traffic control device to be reserved for the use of emergency vehicles ,
Tour Buses	(kk)	in any area on public property that is designated by a traffic control device to be reserved for the use of tour buses, unless that person is operating a tour bus,
Bus Stops	(ll)	within 30 metres of the approach side, or 5 metres of the leaving side, of a bus stop unless otherwise indicated by a traffic control device ,
Cycles or Pedestrians	(mm)	upon a portion of a highway that has been improved and designated by a traffic control device for the travel of cycles and or pedestrians ,
Adjacent to Median	(nn)	on or adjacent to a portion of a highway that has been improved as a median .
Horse Drawn Sightseeing Vehicle Stand	(oo)	in any area on public property that is designated by a traffic control device to be reserved for the use of horse-drawn sightseeing vehicles unless that person is operating such a vehicle.
Unlicensed Vehicle	(pp)	without valid license plates.

4.1.3 Parking distance restrictions. For elaboration of distances described in Subsection 4.1.2 of this Part, refer to Schedule "K".

4.2 Handicapped Parking

4.2.1 **Handicapped parking permits.** A person holding a **handicapped parking permit**, or a Disabled Persons' Parking Permit issued pursuant the *Motor Vehicle Act* including handicapped or disabled persons' parking permits issued by other jurisdictions, shall not be subject to the penalties provided for the breach of Subsections 4.1.2 (bb), (cc) or (dd) of this Part so long as that permit remains valid and subsisting.

- (a) **Handicapped parking permits** indicating "permanently handicapped" or "temporarily handicapped" may be issued to an individual and shall be suspended from the rear view mirror or placed on the dashboard in front of the driver's position of the **vehicle** in which the Permittee is travelling in a location visible from outside the **vehicle**.
- (b) Use of the **handicapped parking permit** contrary to the provisions of this subsection shall render the permit void.
- (c) The **handicapped parking permit** shall be valid for a period of up to three (3) years.
- (d) The **handicapped parking permit** shall not be transferable and shall be issued to an individual and not the **vehicle** that such person owns or operates.
- (e) A **handicapped parking permit** shall be issued by the **City** and shall be recorded in a register for that purpose and the record shall include the Permittee's name, address, telephone number and permit number.

4.3 Reserved On-Street Parking

4.3.1 **Reserved On-Street Parking Permits - Commercial Vehicles.** A person holding a **reserved on-street parking permit** for a **commercial vehicle** shall not be subject to the penalties provided for the breach of Subsection 4.1.2(bb) of this Part so long as that permit remains valid and subsisting.

- (a) The **City** may issue a **reserved on-street parking permit** to a licensed **commercial vehicle**, the operator of which has complied with the provisions hereof but such exemption shall only be in force so long as the permit for such remains valid.
- (b) **Reserved on-street parking permits** may be issued only in relation to **vehicles** holding valid and subsisting Municipal **commercial vehicle** licenses issued pursuant to Commercial Vehicle Licensing Bylaw No. 5869-87.
- (c) Applications for the exemption shall be made to the **Bylaw Enforcement Officer** who is hereby authorized to order the issuance of permits made in compliance with this Subsection.
- (d) An applicant for a **reserved on-street parking permit** shall pay the required fees as outlined on Schedule "A" of this Bylaw.
- (e) The receipt shall specify the locations at which the **reserved on-street parking permit** shall be in effect.
- (f) The applicant shall be issued with a sign or reserved parking meter hood(s) indicating the exemption herein granted. Such sign shall be placed by the applicant at the **roadway** side of his parked **vehicle**, such meter hood shall be placed on the parking meter for the affected parking space(s), and a copy of the written receipt or a valid commercial vehicle license shall be displayed in the front window of the **vehicle**.
- (g) Should the Permittee fail to return the **reserved on-street parking permit** sign or meter hoods, the deposit shall be forfeited, otherwise the deposit shall be returned to the Permittee upon return of the permit sign or parking hoods.

- (h) The **reserved on-street parking permit** shall be rendered void at the end of the period of that permit without further action by the **City**.
- (i) The **reserved on-street parking permit** may be revoked by the **City** upon notice to the Permittee and the refund to the Permittee of any prepaid monies outstanding and the deposit if the sign or parking hoods are returned, should the Permittee use that permit in contravention of any terms stated on the receipt.

4.3.2 **Reserved On-Street Parking Permits - Residential Vehicles.** A person holding a **reserved on-street parking permit** for a residential vehicle, as obtained through City Council Policy No. 107, shall not be subject to the penalties provided for the breach of Subsection 4.1.2(bb) of this Part so long as that **permit** remains valid and subsisting. These **permits** are not for use on **commercial vehicles** and are subject to all rules and regulations as set forth in City Council Policy No. 107.

4.4 Reserved Off-Street Parking

4.4.1 **Reserved Off-Street Parking Permits.** A person holding a **reserved off-street parking permit** shall not be subject to the penalties provided for the breach of that Subsection 4.1.2(dd) of this Part so long as that permit remains valid and subsisting.

- (a) The **City** may issue a **reserved off-street parking permit** to any person prepaying to the **City** an hourly or a monthly parking fee either by use of a mechanical device or otherwise.
- (b) The parking fee shall be the amount designated by the **Council** as the applicable parking fee for the particular parking area for which the **reserved off-street parking permit** is issued.
- (c) The printed **reserved off-street parking permit** shall be displayed by the Permittee on the dashboard on the inside of the windshield of their **motor vehicle** and should the permit not be so displayed or should the permit have expired, the **vehicle** shall be deemed to be parked without a permit.
- (d) The **reserved off-street parking permit** shall specify the parking area for which the permit is issued and shall be valid only for the parking area so designated and only for the period of time as provided for in the permit.

4.5 Tamper with Parking Meter

4.5.1 **Tamper with Meter.** No person shall place any object in a parking meter other than legal Canadian currency, legal currency of the United States of America, or a parking token as authorized by the **City**.

PART 5 – HIGHWAY USE REGULATIONS

5.1 Highway Use Prohibitions

- 5.1.1 Track vehicles. No person shall operate track **vehicles** on **sidewalks, boulevards, roadways** or **lanes** except for the purpose of snow removal or grading or while equipped with pads approved by the **City Engineer** to prevent damage to the road surface.
- 5.1.2 School Zone Speed Limit. No person being the operator of a **motor vehicle** shall operate a **vehicle** on a **highway** designated by a **traffic control device** as a school zone at a rate of speed exceeding 30 km/h between the hours of 8:00 a.m. and 5:00 p.m. on school days.
- 5.1.3 Removing Ticket. No person shall remove any notice or ticket affixed or placed on a **vehicle** for a violation of this Bylaw unless he is the **owner** or operator of such **vehicle**.
- 5.1.4 Leaflets. No person shall be on any **highway** for the purpose of distributing leaflets by placing the same on the windshield, or any other part, of a **motor vehicle** parked upon the **highway** or on any **traffic control signal** pole, traffic cabinet or any other **traffic control device**.
- 5.1.5 Debris Removal. No person shall leave any glass or other debris from a wrecked or damaged **vehicle** on a **highway** when the **vehicle** is removed from the scene of an accident.
- 5.1.6 Obstructions on Highway. No person shall leave any excavation or other obstructions upon a **highway** without sufficiently fencing, barricading and marking the same with warning lights.
- 5.1.7 Materials on Highway. No person shall place or permit to be placed any petroleum products, lumber, merchandise, **chattels** or **commodities** of any nature on a **highway**.
- 5.1.8 Damage to Highway Surface. No person shall drive, drag, or skid anything along or over a **highway** so that the same damages the surface of the **highway**.
- 5.1.9 Materials from Private Property. No person being the **owner** or **occupier** of property abutting a **highway** shall allow or permit any trees, stumps, earth, rocks, logs or other things from private property to cave, fall, crumble, slide or accumulate on a **highway**.
- 5.1.10 Garbage Collection Containers. No person being the **owner** or **occupier** of property abutting a **highway**, shall allow any garbage containers or other facilities related to garbage collection or recycling to be upon any portion of the **highway** except of the day of collection in accordance with Garbage Collection Bylaw No. 7173.
- 5.1.11 Highway Water Damage. No person shall construct or maintain a ditch, drain or drainage system which causes water damage to any **highway**.

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5.1.12 Weight Restrictions. Unless otherwise posted with **traffic control devices** indicating a truck route, no person shall operate a **truck** or a **commercial vehicle** with a **gross vehicle weight** in excess of 13,700 kg. on a **roadway** except:

- (a) while such **truck** or **commercial vehicle** is making a collection or delivery of goods or materials, provided that the operator proceeds by the most direct route from the point of collection or delivery, to or from the nearest truck route;
- (b) while such **truck** or **commercial vehicle** is proceeding to or from the business premises of the **truck** or **commercial vehicle**, provided that the operator proceeds to or from the business premises by the most direct route to or from the nearest truck route;
- (c) while such **truck** or **commercial vehicle** is proceeding to or from a garage for the purpose of repairs or servicing provided that the operator proceeds to or from the garage by the most direct route to or from the nearest truck route;
- (d) municipal or utility **vehicles** while engaged in work upon such **roadways** provided that the operator proceeds to or from the work site by the most direct route;
- (e) while such **truck** or **commercial vehicle** is being operated in the service of the **City** while engaged in work upon such **roadways** provided that the operator proceeds to or from the work site by the most direct route;

This subsection does not apply to transit buses or school buses while engaged in the pick-up or drop-off of passengers.

5.1.13 Removal of illegal signs. The **Engineer** may order the alteration, repainting, tearing down, or removal of any sign, advertisement, or guide-post erected or maintained on or over any **highway** and in the exercise of this authority no compensation shall be paid to any person for loss or damage resulting from the alteration, repainting, tearing down, or removal of any sign, advertisement or guide-post placed upon or over any **highway**.

5.1.14 Temporary "NO PARKING". The **Engineer**, the Electrical Utility Manager, the Fire Chief, the **Chief of Police**, or any **Peace Officer** may place or cause to be placed temporary "No Parking" signs or other applicable **traffic control devices** on a **highway**:

- (a) Along the route of any parade.
- (b) In the vicinity of a large gathering or during special circumstances.
- (c) To facilitate the fighting of fires or other emergency.
- (d) To facilitate the clearing of snow, cleaning, repairing, excavating, decorating or other work upon a **highway** being carried out by the **City** or any other utility.
- (e) In the interest of public safety.

5.1.15 M.V.A. Regulations. **Traffic control devices** erected pursuant to this Part shall, where applicable, comply with the sign regulations as set out in the *Motor Vehicle Act*.

5.2 Horse-Drawn Sightseeing Vehicle Permit

5.2.1 Permit required. No person shall operate a **horse-drawn sightseeing vehicle** on a **highway** without first obtaining a valid **horse-drawn sightseeing vehicle permit** from the **City**.

5.2.2 Issue Permits. The **Engineer** is hereby authorized to issue **horse-drawn sightseeing vehicle permits** where the conditions of this Bylaw have been met.

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5.2.3 **Permit Application.** An application for a **horse-drawn sightseeing vehicle permit** shall be made to the **City Engineer** and shall include the following:

- (a) a Certificate of Insurance as per the form attached and shown as Schedule "L-1" and completed by the insurance agent of the holder of the **horse-drawn sightseeing vehicle permit**,
- (b) any other information required by the **City's Engineer** to confirm that the requirements of this Bylaw will be met,
- (c) **permit** fees as detailed on Schedule "A"

5.2.4 **Permit Requirements** The operator of a **horse-drawn sightseeing vehicle** must:

- (a) remove from a **highway** any excrement dropped by a horse used to pull the vehicle;
- (b) only stop, **stand** or **park** the vehicle within the area designated as a **horse-drawn sightseeing vehicle** stand;
- (c) no operate the said vehicle later than two hours after sunset or two hours before sunrise;
- (d) supply the horse pulling the said vehicle with sufficient shelter, food and water while at the **horse-drawn sightseeing vehicle** stand.

5.2.5 **Insurance** The applicant shall, without limiting its obligations or liabilities under this permit, procure and maintain, at its own expense and cost, the insurance policies listed in Schedule "L" but not including the automobile liability requirement under Section 2 of the Schedule. The insurance policies shall be maintained continuously from the date of commencement of the services to be provided under this permit until the date of expiration of the permit

5.2.6 **Hold Harmless/Indemnification** The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees,

The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees,

5.3 Safety Equipment

5.3.1 **Safety Equipment.** The **Engineer** may, by public notice or by placing of signs, prohibit **vehicles** which are not equipped with chains, or winter tires, or sanding devices, or any combination of these which the **Engineer** may consider adequate and necessary in view of prevailing road conditions, from being driven or operated on a **highway**.

5.4 Road Usage

5.4.1 **Prohibitions.** Except as authorized by a **sidewalk/roadway occupancy permit** issued pursuant to Part 7 of this Bylaw, or a **road usage permit** issued pursuant to this Part, no person shall:

- | | | |
|-------------------------------------|-----|---|
| Excavate | (a) | dig up, break or remove any part of a highway , or cut down or remove trees or timber growing on a highway , or excavate in or under a highway ; |
| Damage Boulevard | (b) | cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences , signs or other things erected by the City on a highway ; |
| Stop Water | (c) | change the level of a highway in any way whatsoever, or stop the flow of water through any drain, sewer or culvert on, through or under a highway ; |
| Structures | (d) | place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway ; |
| Effluent | (e) | construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling nuisance or injury to any portion of a highway ; |
| Deface Highway | (f) | mark or imprint or deface in any manner whatsoever a highway or structure situated on a highway ; |
| Signs | (g) | erect or maintain any sign, advertisement or guide-post on or over any highway or alter, repaint, tear down or remove any sign, advertisement or guide-post erected or maintained on any highway ; |
| Boulevard Crossing | (h) | ride, drive, lead, move or propel any vehicle or animal in excess of 270 kg. over or across a boulevard including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing, except when in use to improve or maintain the boulevard or in any area of the City within the Agricultural Land Reserve or a Rural Zone as identified in the Zoning Bylaw ; |
| Construct Boulevard Crossing | (i) | construct a boulevard crossing, including a curb, ditch or sidewalk crossing. |

5.4.2 **Road Usage Permit.** The **Engineer** may issue a **road usage permit**, in accordance with the conditions outlined in this Part and in Schedule “B” of this Bylaw, and subject to payment of the application fee outlined in schedule “A” of this Bylaw, authorizing one or more of those things otherwise prohibited under section 5.4.1 of this Part.

5.4.3 **Damage and Security Deposit.** As a prerequisite to the issuance of a **road usage permit** under 5.4.2 of this Part, the applicant shall deposit with the **City** a sufficient sum of money, or irrevocable letter of credit from a chartered bank of Canada if the amount required to be deposited is greater than \$500.00, to secure the payment of the cost of repairing any damage done to the **highway** and the fulfilment of the obligations imposed by the **road usage permit**, including the remedy of any deficiencies in the work, and where applicable, the cost of one year’s maintenance.

5.4.4 **Deposit Refund.** Where a deposit has been made in accordance with this Part, upon satisfactory completion of the work, or in the case of excavation work, at the end of one year after the completion of the work, as outline in Schedule “B”, the deposit, less any deductions made pursuant to this Part, shall be refunded to the Permittee.

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- 5.4.5 Default - City to Repair. Failure by the Permittee to repair damage and/or fulfil such obligations as are set out in the **road usage permit** within the specified time, shall enable the **City** to carry out the repair or fulfil the obligations that have not been met under the terms and conditions of that permit and to deduct the cost thereof from the monies on deposit or to call on the Irrevocable letter of credit and to pay the costs therefrom and should there be an insufficiency of monies on deposit or through the letter of credit, then the Permittee shall pay the balance forthwith upon invoice of the **City** or should there be a surplus of funds over and above that required by the **City** to carry out the works or fulfil the obligation, such balance shall be paid to the Permittee less an administration charge of Twenty-five Dollars (\$25.00).
- 5.4.6 Plans. The applicant shall provide, in triplicate, accurate plans and specifications of the work to be undertaken and when such are supplied and approved by the **Engineer** and the necessary **road usage permit** issued, the work shall conform in every way to the plans and specifications so provided.
- 5.4.7 Safety Devices. Any person doing work on or in any **highway** shall provide and place appropriate barricades, lights and other safety devices as are required to protect the public. All signs shall be installed in accordance with this Bylaw and any other applicable regulatory requirement.
- 5.4.8 Insurance. The applicant shall, without limiting its obligations or liabilities under this permit, procure and maintain, at its own expense and cost, the insurance policies listed in Schedule "L". The insurance policies shall be maintained continuously from the date of commencement of the work, services and/or occupancy to be provided under this permit until the date that the **City** certifies in writing completion of the work, services and/or occupancy or such further period as may be specified in Schedule "L".
- 5.4.9 Hold Harmless/Indemnification. The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees.
- The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.
- 5.4.10 Materials to complete work. A **road usage permit** shall not be issued unless all materials, labour and equipment which are needed to complete the work within the time period specified, are available to the applicant.
- 5.4.11 As-built Plan. The applicant shall provide the **Engineer**, following completion of the work, with a plan, drawn to scale, showing the location, size and description of the works installed or affected, and the date of installation. The plan shall be supplied prior to the return or refund of any deposit or security posted as a condition of the permission.

5.5 Hoarding Permits

- 5.5.1 **Hoarding Permit required.** No person shall erect or place **hoarding** on a **highway** without first obtaining a valid **hoarding permit** from the **City**.
- 5.5.2 **Issue Hoarding Permits.** The **City** Inspection Services Department is hereby authorized to issue **hoarding permits** where the conditions of this Bylaw have been met.
- 5.5.3 **Hoarding Permit Application.** An application for a **hoarding permit** shall be made to the **City's** Inspection Services Department and shall include the following:
- (a) a plan of the **hoarding** location and construction, including measures to maintain safe **pedestrian** access,
 - (b) a Certificate of Insurance as per the form attached and shown as Schedule "L-1" and completed by the insurance agent of the holder of the hoarding permit,
 - (d) any other information required by the **City's** Inspection Services Department to confirm that the requirements of this Bylaw will be met,
 - (e) **permit** fees as detailed on Schedule "A", and
 - (f) a security deposit sufficient to pay for the cost or repairing any damage likely to be done to the adjacent **highway** or public utilities, and sufficient enough to ensure that the obligations imposed by the **hoarding permit** are fulfilled within the time specified in such **permit**.
- 5.5.4 **Hold Harmless/Indemnification** The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees,
- The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees,
- 5.5.5 **Hoarding Standards.** All **hoarding** shall be constructed to comply with all provincial and municipal codes, bylaws and regulations and maintain a minimum 1.5 metres clear width to maintain safe **pedestrian** and wheelchair access.
- 5.5.6 **Additional Costs.** Notwithstanding subsection 5.5.3 (e) of this Part, the **City** shall have the right to seek reimbursement from the holder of a **hoarding permit** for any costs incurred, in the repair of any damage to the adjacent **highway** or public utilities, or in ensuring that the obligations imposed by the **hoarding permit** are fulfilled within the time specified in such permit, beyond the amount of the security deposit.

PART 6 – TRAFFIC CONTROL DEVICES

6.1 Placement and Erection

6.1.1 **City Engineer's Order.** The **City Engineer** shall order the placing or erection of applicable **traffic control devices** where and when necessary in order to give effect to the provisions of this Bylaw and the *Motor Vehicle Act*. Such **traffic control devices** shall include all signs contained in *Motor Vehicle Act* and without limiting the generality of the foregoing shall also include:

Sidewalks	(a)	signs to regulate, control or prohibit pedestrian traffic , ridden or herded animals, vehicular traffic , and cycle traffic on sidewalks , bridges, walkways, boulevards or lanes ,
Stopping	(b)	signs to regulate, control or prohibit the stopping of vehicles ,
Parking	(c)	signs to regulate, control or prohibit the standing or parking of vehicles ,
Public Buildings	(d)	signs to set apart and allot portions of highways adjacent to Federal, Provincial or Municipal public buildings for the exclusive use of government officials and officers for the parking of vehicles and the regulation of such parking ,
Crew Working Ahead	(e)	signs where construction, reconstruction, widening, repair, marking or other work is being carried out indicating that work crews, or equipment are working upon the highway ,
Construction Zone	(f)	signs where construction, re-construction, widening, repair, marking or other work is being carried out to regulate or prohibit traffic in the vicinity of such works,
Pedestrians	(g)	signs to regulate or prohibit pedestrian traffic on highways other than at crosswalks ,
Skates	(h)	signs to regulate, control or prohibit persons using in-line skates, roller skates, cycles , skateboards, sleighs, skates, skis or other similar means of conveyance on a highway ,
Turn Prohibition	(i)	signs at intersections and in advance of intersections where it is required to prohibit certain movements,
Do Not Enter	(j)	signs at the end of one-way roadways to prevent traffic entering the restricted area,
One Way	(k)	signs on highways upon which the traffic is required to travel in one direction only,
Two Way Traffic	(l)	signs at the transition from one-way to two-way roadways to indicate that normal travel is restricted to the right hand side of the roadway ,
Do Not Pass	(m)	signs at the beginning of a zone indicating not to overtake another vehicle ,
Keep Right	(n)	signs within and at the end of medians ,

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Loading Zones	(o)	signs at locations where due to adjacent commercial facilities it is desirable to reserve space for loading and unloading vehicles ,
Yellow Curb	(p)	curbs painted yellow as an indication that no person shall stop, park , or leave standing any motor vehicle attended or unattended,
Trucks	(q)	signs in locations where truck traffic is routed, prohibited or restricted,
Maximum Weight	(r)	signs at locations where due to seasonal weakening of road surfaces, obsolescence of bridges or pavements, or roadway repairs, loads in excess of those prescribed on the signs constitute a hazard to traffic or excessive damage to the roads and bridges,
Maximum Speed	(s)	signs at locations where due to limitations of sight distances, road surfaces, traffic flows, frequency of intersections , and driveway , speeds in excess of those prescribed on the signs constitute a hazard to traffic or excessive damage to the roads,
Passenger Zones	(t)	signs at locations where a bus or other transit vehicle stops to pick up or drop off passengers and it is desirable to restrict stopping, standing and parking to such vehicles ,
No Stopping	(u)	signs at locations where free flow of traffic is required for the roadway ,
School	(v)	signs at locations where it is required to give advance information such as the presence of a school adjacent to a roadway , a school crosswalk , a school maximum speed zone,
Playground	(w)	signs and/or lines at locations where it is required to give advance information of a playground adjacent to a roadway , or its maximum speed zone,
Crosswalk	(x)	signs and/or pavement marking lines at locations where heavy pedestrian traffic crosses a roadway and at locations other than an intersection , such as at schools, playgrounds and public buildings where it is required to control pedestrian traffic ,
Angle Parking	(y)	signs and/or pavement marking lines in locations where it is permissible to angle park ,
Warning	(z)	signs at locations where it is required to warn traffic of hazardous conditions, either on or adjacent to the roadway or prohibit traffic from using the roadway ,
Traffic Signals	(aa)	traffic control signals at intersections and other locations where traffic signs are not adequate to control traffic safely and efficiently,
Taxi Zones	(bb)	signs at locations where due to frequent use by the public, it is desirable to reserve a place for taxicabs only to stop, stand or park to pick up or drop off fares,
Bus Stops	(cc)	signs at locations which identify and direct traffic at bus stops,

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Parking Lot	(dd)	signs at the entrance to or upon highways where provision is made for parking of motor vehicles which provide, "No parking unless valid and subsisting passes or tickets are displayed on the dashboard of the vehicle in full view through the front windshield thereof.",
Parking Meters	(ee)	parking meters on highways and parking lots operated by the City ,
Illegal Parking	(ff)	signs indicating that vehicles parked in a designated zone without the proper permit will be towed away by the City pursuant to Part 4 of this Bylaw,
High Occupancy Vehicles	(gg)	signs to indicate that a lane is reserved for the exclusive use of high occupancy vehicles , as defined in the <i>Motor Vehicle Act</i> and Regulations thereunder.
Roadway Individual Lane Designation	(hh)	signs and/or pavement markings to regulate traffic on individual travel lane(s) on a roadway to either travel straight through, turn right or turn left or a combination of these movements on an approach to an intersection or public or private driveway .
Horse Drawn Sightseeing Vehicle Stand	(ii)	signs at locations which identify and direct traffic at horse-drawn sightseeing vehicle stands.

6.1.2 Format of Traffic Orders. Traffic Orders shall be issued in written form, dated and signed by the **Engineer** and may include any number of orders pursuant to this Part.

6.1.3 Provincial Arterial Highways – Municipal Jurisdiction. Subsection 6.1.1(c) of this Part shall apply to **Highways** classified as arterial **highways** under Section 28 of the *Highway Act* on a case by case basis upon written permission of the Ministry of Transportation..

PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS

7.1 Sidewalk/Roadway Occupancy Permits

- 7.1.1 **Permit Required.** No person may occupy a portion of **sidewalk, walkway, boulevard, or roadway**, hereinafter referred to in this Part as the 'permit area', for the purposes of temporary tables or seating, or both, or the vending of products from a licensed portable food service vending cart or **vehicle** located on a designated mobile store space as identified in the Business License and Regulation Bylaw No. 7878, without first obtaining a **sidewalk/roadway occupancy permit** from the **City** in accordance with the conditions outlined in this Bylaw.
- 7.1.2 **Application Fee.** Applicants for a **sidewalk/roadway occupancy permit** shall submit a non-refundable application fee as outlined on Schedule "A", at the time of application.
- 7.1.3 **Plan of 'Permit area'.** Applicants for a **sidewalk/roadway occupancy permit** shall submit a plan drawn to a 1:100 scale of the **sidewalk, walkway, boulevard, or roadway** which includes the following:
- (a) details of the business frontage plus 3 metres on either side;
 - (b) entrances to buildings;
 - (c) landscaping, parking zones and bus stop locations; and
 - (d) all existing and proposed street furniture and appurtenances.
- 7.1.4 **'Permit areas - sidewalks'.** **Sidewalk/roadway occupancy permits** to occupy a portion of **sidewalk** or **walkway** shall only be issued to occupy that portion of **sidewalk** which is more than two metres from the property line of the abutting property and at least 0.5 metres from an adjacent curb where there is no on-street parking, 0.8 metres from an adjacent curb where there is on-street parallel parking, and 0.6 metres from an adjacent curb where there is angle on-street parking. In all cases, the occupancy of the permit area must conform to the sight lines established in Section 2.2 of this Bylaw.
- 7.1.5 **'Permit areas – roadways'.** **Sidewalk/roadway occupancy permits** to occupy a portion of **roadway** for temporary dining or seating shall only be issued in conjunction with the Seasonal Extension for Sidewalk Cafes program administered by the **City**. These permits shall only be issued to occupy a portion of **roadway** to a maximum depth of 2.5 metres from the face of the curb in areas of on-street parallel parking or to a maximum depth of 4.0 metres from the face of the curb in areas of on-street angle parking. In all cases the occupancy of the permit area must conform to the sight lines established in Section 2.2 of this Bylaw.
- 7.1.6 **Permit Expiration.** **Sidewalk/roadway occupancy permits** may be issued for up to one year and shall expire on December 31st of each year. Should the **City** require the use of the permit area for any reason, the **City** may cancel the permit. The **City** shall notify the Permittee of such cancellation and shall give at least 24 hours written notice to vacate the permit area. In the case of an emergency, the **City** shall order that the area be vacated immediately and that the **permit** be cancelled.
- 7.1.7 **Permit Fee.** An applicant for a **sidewalk/roadway occupancy permit** shall submit the required **permit** fee outlined on Schedule "A", prior to issuance of the **permit**.
- 7.1.8 **Non-Transferable.** A **sidewalk/roadway occupancy permit** issued pursuant to this Bylaw authorizes only the person named in the permit to occupy the area described in the **sidewalk/roadway occupancy permit** and is not transferable.

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- 7.1.9 Maximum Number of Permits. A maximum of two **sidewalk/roadway occupancy permits** to accommodate licensed portable food service vending carts or **vehicles** may be issued to an individual, company or related person in a calendar year.
- 7.1.10 Conduct of Business within 'Permit area'. Holders of **sidewalk/roadway occupancy permits** are required to ensure that the 'permit area' and immediate vicinity is kept clean and tidy and free of all garbage, and shall remove all furniture, **vehicles** or goods between the hours of 3:00 a.m. and 6:00 a.m. each day.
- 7.1.11 Outdoor Dining. **Sidewalk/roadway occupancy permits** for temporary seating and tables will only be issued where the 'permit area' is in front of the establishment to which it is operationally tied, and may only occupy a space as wide as the establishment frontage unless approvals to the contrary are granted in writing by affected adjoining tenants and property **owners**.
- 7.1.12 Structures. Items which are placed within the 'permit area' must be free standing. Anchorage to the **sidewalk** or **roadway** is not permitted.
- 7.1.13 Nuisance. Holders of **sidewalk/roadway occupancy permits** shall do nothing within the 'permit area' which would constitute an annoyance or nuisance to others or obstruct or interfere with the free and unrestricted use of areas adjacent to the 'permit area'.
- 7.1.14 Security Deposit. Prior to the issuance of a **sidewalk/roadway occupancy permit**, the applicant shall deposit with the **City**, a cash deposit or unconditional irrevocable letter of credit issued by a Canadian chartered bank or credit union in the amount listed on Schedule "A" of this Bylaw as security that the obligations imposed by the permit are fulfilled and to reimburse the **City** for the cost of any damage to the **sidewalk, walkway, roadway**, or other **City** facilities as a result of the temporary occupancy.
- 7.1.15 Insurance. The applicant shall, without limiting its obligations or liabilities under this permit, procure and maintain, at its own expense and cost, the insurance policies listed in Schedule "L" not including the automobile liability insurance requirement under Section 2 of the Schedule. Further a licensed mobile store shall only require \$2,000,000.00 Comprehensive General Liability coverage. The insurance policies shall be maintained continuously from the date of commencement of the work, services and/or occupancy to be provided under this permit until the date that the **City** certifies in writing completion of the work, services and/or occupancy or such further period as may be specified in Schedule "L".
- 7.1.16 Hold Harmless/Indemnification. The applicant shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees.

The applicant shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.

PART 8 - PEDESTRIAN REGULATIONS

8.1 Sidewalks

- 8.1.1 Obstructing Public Sidewalks. Subsection 8.1.2 of this Part is not intended to create a result through enforcement that is absurd or unreasonable.
- 8.1.2 Sitting or Lying on Sidewalks. A person must not obstruct a **sidewalk** by squatting, kneeling, sitting, or lying down on it between the hours of 8:00 a.m. and 9:00 p.m. daily if the **sidewalk** abuts a property that is zoned commercial or industrial.
- 8.1.3 Exceptional Circumstances. The prohibition in Subsection 8.1.2 of this Part does not apply to the circumstances that involve any of the following activities or objects:
- (a) a medical emergency or wheelchair;
 - (b) sitting on a seat at a bus zone while waiting for a bus;
 - (c) sitting on a chair or bench that is supplied by a public agency or an abutting private property **owner** and that is permitted to occupy a portion of **sidewalk** pursuant to a **permit** issued by the **City**;
 - (d) sitting at a sidewalk café that is permitted to occupy a portion of **sidewalk** pursuant to a **permit** issued under Part 7 of this Bylaw;
 - (e) sitting while engaged in the activity which is licensed for that purpose under the Business License and Regulation Bylaw No. 7878;
 - (f) a parade rally, demonstration, performance, or gathering that is permitted by an **outdoor event permit**; or
 - (g) the soliciting of aid by an organisation that holds a valid **permit** issued for that purpose by the **City**.

8.2 Roadways

- 8.2.1 Obey traffic control devices. **Pedestrians** must not cross a **roadway** in contravention of a **traffic control device**.
- 8.2.2 Walk on sidewalk. **Pedestrians** shall not walk on the **roadway** where there is a **sidewalk** that is reasonably passable on either or both sides of the **roadway**.
- 8.2.3 No Sidewalk. Where there is no **sidewalk**, a **pedestrian** walking along or on a **roadway** must walk only on the extreme left side of the **roadway** or on the shoulder of the **roadway**, facing **traffic** approaching from the opposite direction.
- 8.2.4 Obstructing traffic. No person shall stand or loiter in such a manner as to obstruct or impede or interfere with **traffic** on a **roadway**.
- 8.2.5 Open liquor prohibited. No **pedestrian** shall be in possession of open liquor on a **highway, sidewalk, walkway or boulevard**.

PART 9 – CYCLE REGULATIONS

9.1 Highways and Sidewalks

9.1.1 **Highways and sidewalks.** No person shall use in-line skates, roller skates, **cycles**, skateboards, sleighs, skates, skis or other similar means of conveyance on a **highway** or **sidewalk** except as otherwise permitted in this Bylaw.

9.1.2 **Cyclist duties.** A person operating a **cycle**:

- (a) must not ride on a **sidewalk** unless otherwise directed by a **traffic control device**, unless that person is under the age of 12 years and is operating a non-chain driven 3 or 4 wheeled **cycle** which is designed for recreational use,
- (b) must not, for the purpose of crossing a **highway**, ride on a **crosswalk** unless otherwise directed by a **traffic control device**,
- (c) must, ride as near as practical to the right side of a **highway**, within a bicycle path if available,
- (d) must not ride abreast of another person operating a **cycle** on the **highway**,
- (e) must keep at least one hand on the handlebars,
- (f) must not ride other than on or astride a regular seat of the **cycle**, and
- (g) must not use the **cycle** to carry more persons at one time than the number for which it is designed and equipped.

Nothing in this section requires a person to ride a **cycle** on any part of a **highway** that is not paved.

9.1.3 **Cycle equipment.** No person shall operate a **cycle** on a **highway** between ½ hour after sunset and ½ hour before sunrise unless it has the following equipment:

- (a) 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 **cycle** is pointed;
- (b) a red reflector of a make or design approved by the **Superintendent of Motor Vehicles** under the *Motor Vehicle Act*; and
- (c) a lighted lamp, mounted and visible to the rear, displaying a red light.

9.1.4 **Safety helmets.** Except as otherwise authorized by this Bylaw, no person shall operate a **cycle** or ride as a passenger on a **cycle** on a **highway** unless that person is properly wearing a bicycle safety helmet that is designated as an approved bicycle safety helmet or meets the standards and specifications of an approved bicycle safety helmet pursuant to the *Motor Vehicle Act*.

9.1.5 **Parent or Guardian Responsibility.** No parent or guardian of a person under the age of 16 years shall authorize or knowingly permit the person to operate a **cycle**, or ride as a passenger on a **cycle** on a **highway** if that person is not properly wearing a bicycle safety helmet that is designated as an approved bicycle safety helmet or meets the standards and specifications of an approved bicycle safety helmet pursuant to the *Motor Vehicle Act*.

9.1.6 **Helmet Exemption.** The following persons are exempt from the requirement under, Subsection 9.1.4 of this Bylaw to wear a bicycle safety helmet:

- (a) a person for whom the wearing of a helmet would interfere with an essential religious practice,
- (b) the operator of, and each passenger carried by a **pedicab**,

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- (c) a person who has a head measurement that exceeds 64 centimetres in circumference;
- (d) a person who is in possession of, and produces on request to a **Peace Officer**, a valid and subsisting certificate issued by the **Superintendent of Motor Vehicles** certifying that the person is, for the period stated in the certificate, unable for medical reasons to wear a bicycle safety helmet,
- (e) a person under the age of 12 years who operates a non-chain driven 3 or 4 wheeled **cycle** which is designed for recreational use by children.

9.1.7 In-line skates, roller skates. A person using in-line skates or roller skates on a **highway**:

- (a) shall have the same rights and duties as the operator of a **cycle**;
- (b) shall be on a bicycle lane, if there is a bicycle lane adjacent to the **roadway**;
- (c) shall, subject to paragraph (b), be as near as practicable to the right side of the **highway**;
- (d) shall not be on a **sidewalk** unless directed by a **traffic control device**;
- (e) shall not be abreast of another person or **cycle** on a **highway**;
- (f) shall only cross a **highway** at an **intersection** using the **pedestrian crosswalk** and obeying **pedestrian** crossing signals where applicable;
- (g) shall not be attached by the arm and hand of the operator or otherwise to a **vehicle** on a **highway**; and
- (h) shall not be on a **highway** between ½ hour after sunset and ½ hour before sunrise unless equipped with lights and/or reflective clothing visible from the front and rear.

PART 10 – GENERAL

10.1 Penalties

- 10.1.1 Offences and Penalties. Every person who contravenes any provision of this Bylaw or any order or **permit** issued under this Bylaw, or who suffers or permits anything to be done in contravention of any provision of this Bylaw, or any order or **permit** issued under this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw or any order or **permit** issued under this Bylaw, commits an offence and, except as hereinbefore specifically provided, shall be liable, on summary conviction, to a penalty not exceeding ten thousand dollars (\$10,000.00) and the costs of prosecution. Where the offence is a continuing one, each day that the offence continues shall be a separate offence.
- 10.1.2 Right of Entry. Any **Peace Officer**, the **City Engineer**, or a **City** employee acting under the direction of the **Engineer** may enter, at all reasonable times, upon any property subject to the regulations of this Bylaw in order to ascertain whether such regulations or directions are being obeyed.
- 10.1.3 Default – General. Where in this Bylaw any matter or thing is required to be done by any person, and that matter or thing is not done, such matter or thing shall be done at the expense of the person in default and the expense thereof may be recovered, insofar as section 376 of the *Local Government Act* applies to the situation, with interest at the rate of ten percent (10%) per annum, with costs in like manner as municipal taxes.
- 10.1.4 No Duty of Care. Neither a failure to enforce this Bylaw, nor any error, omission or other neglect in relation to a **permit** issued pursuant to this Bylaw shall be interpreted as giving rise to a cause of action in favour of any person.

10.2 Repeal

- 10.2.1 City of Kelowna Traffic Bylaw No. 4495-78, as amended is hereby repealed.

Read a first time by the Municipal Council of the City of Kelowna this 4th day of June, 2001.

Amended by the Municipal Council of the City of Kelowna this 25th day of March, 2002.

Read a second and third time, as amended, by the Municipal Council of the City of Kelowna this 25th day of March, 2002.

Received the approval of the Minister of Transportation & Highways as to Part 2 – General Regulations, Subsection 2.4.4; and Part 6 – Traffic Control Devices, Subsection 6.1.1(c) of this Bylaw this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE "A"

FEES

PART 2 – GENERAL REGULATIONS

Subsection 2.4.7 Impoundment Fees

The following fees, costs and expenses shall be paid by the **owner** of the **chattel**, obstruction or **vehicle** removed, detained or impounded:

- | | | |
|--------|---|------------------|
| (i) | removal of any vehicle up to and including 10,900 kg trucks to storage | \$35.00 |
| (ii) | removal of any vehicle larger than 10,900 kg including semi-trailer units | \$150.00 |
| (iii) | storage of any vehicle up to 10,900 kg truck size in contractor's compound rate per calendar day, or any part thereof | \$6.50 |
| (iv) | removal of any abandoned or unlicensed vehicle or trailer up to 8 metres in length to the City vehicle pound or S.A.M. | \$110.00 |
| (v) | extra cost of dolly tow for any vehicles in items (i) or (iv) above | \$18.00 |
| (vi) | for any chattel weighing under 45 kg and less than 1 metres in any one dimension, a storage fee per calendar day, or any part thereof
minimum charge of | \$1.00
\$5.00 |
| (vii) | for any chattel weighing over 45 kg or having a dimension exceeding 1 metres, the actual cost of removal of the chattel , plus a storage fee per calendar day, or any part thereof
minimum charge of | \$1.50
\$5.00 |
| (viii) | for any obstruction, the total cost of removal of the obstruction plus the cost of disposing of the obstruction, plus a fee of
(or such other fees as may be charged by any contractor of the City engaged by the City to tow and store a vehicle) | \$5.50 |
| (ix) | for any in-line skates, roller skates, cycles , skateboards, sleighs, skates, skis, or any other similar means of conveyance | \$30.00 |

PART 3 – VEHICLE REGULATIONS

Subsection 3.3.2 Overweight or Oversize Vehicles Permit

Overweight or Oversize Vehicle Permit fee:

\$10.00 or \$.02 per km of **vehicle** travel for which the **permit** is issued,
whichever is the greater

PART 4 – PARKING REGULATIONS

Subsection 4.3.1(d) Reserved On-Street Parking Permit Fee

Reserved On-Street Parking Permit fee: \$5.00 per day per sign
\$5.00 per day per parking hood

Reserved On-Street Parking Permit Security Deposit per sign or parking hood: \$25.00 each

PART 5 – HIGHWAY USE REGULATIONS

Subsection 5.2.3 - Horse-Drawn Sightseeing Permit

Security Deposit	\$500.00
Parking Stall Rental	\$124.00 per month
Signage Costs	\$160.00
Removal of Parking Meter	\$ 50.00

Subsection 5.4.2 - Road Usage Permit

Road Usage Permit Fee:

<u>Duration of Permit</u>	<u>Fee</u>
1 day or less	\$30.00
2 days to 7 days	\$60.00
8 days to 30 days	\$150.00
More than 30 days	\$240.00
Traffic Impediment (no excavation)	Free

Subsection 5.4.3 Damage and Security Deposit for Road Usage Permit

Damage and Security Deposit: minimum \$500.00, with the actual amount to be determined by the **Engineer** pursuant to Subsection 5.4.3 of this Bylaw.

Subsection 5.5.3 Hoarding Permit Application

Hoarding Permit fee: \$10.00 per day plus \$5.00 per day per blocked parking stall (one parking hood per stall)

Hoarding Permit Security Deposit: Amount to be determined by **City Engineer** pursuant to Subsection 5.5.3 of this Bylaw.

PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS

Bylaw No. 8120

Schedule "A" – Page 3.

Subsection 7.1.2 Application Fee

Sidewalk/Roadway Occupancy Permit Application Fee - \$50.00

Subsection 7.1.6 Permit Fee

Sidewalk/Roadway Occupancy Permit Fee:

Portable Food Service Vending Cart or **vehicle**: \$100.00 per location per month

Temporary Seating and/or Tables: \$8.00 per square metre of permit area per Month for the period of May through August, inclusive, hereinafter referred to as the "peak period". No charge for the months of January to April, inclusive, and September to December, inclusive provided the applicant for the **sidewalk/roadway occupancy permit** has obtained a valid permit for the peak period of the subject year.

Section 7.1.13 – Security Deposit for **Sidewalk/Roadway Occupancy Permit**

Sidewalk/Roadway Occupancy Permit Security Deposit: \$500.00

SCHEDULE B

ROAD USAGE PERMITS

1. Issuance of permit. A **road usage permit** may be issued by the **City Engineer**, as outlined in section 5.4.2 of the Bylaw
2. Application for permit. A **road usage permit** must be applied for in writing at least ten calendar days prior to the start of the work or activity requiring the **permit**.

If a person is required, because of an emergency, to do any work or activity that would ordinarily be prohibited without a **road usage permit** outside of normal business hours of the **City**, that person shall notify the **City** and apply for the applicable **permit** immediately upon the commencement of normal business hours on the next working day.
3. Purpose of permit. A **road usage permit** is valid only for the specific purpose indicated on the **permit**. Any alterations or additions must be covered by a separate **permit**.
4. Date and time of permit. A **road usage permit** is valid only for the specific date(s) and time(s) indicated on the **permit**. The permission granted shall not be construed as granting any further or ongoing rights, title or interest over the land. Should the land, at any time during the term of the **permit**, be classified as an arterial or primary **highway**, the **permit** shall become null and void.
5. Standard of work or activities. 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, and provincial and federal statutes and regulations.
6. **City** access to work site. 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 section 4 of this schedule.
7. Responsibility for damage or injury. All permittees shall be required to accept full responsibility for any damage or injury that may occur to any person or property, which is caused either directly or indirectly as a result of any work or activity covered by the applicable **road usage permit**, and shall be required to indemnify and hold harmless the **City**, its officers and employees from all claims and demands whatsoever in respect of such damage or injury.
8. Ownership of complete works. All 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**.
9. Cancellation of permit. Any failure to comply with the terms of a **road usage permit** shall be cause for cancellation of the permit by the **City Engineer**.
10. Accommodation of single lane traffic and pedestrians: Where reasonably possible, no excavation in any **highway** shall extend beyond the centreline of the **highway** before being backfilled and the surface of the **highway** being temporarily restored.

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The Permittee shall maintain at least one safe crossing for **pedestrians** and where the distance involved in the work site along the length of the **highway** is greater than three hundred feet, further safe crossings at intervals of not more than three hundred feet.

Where the **sidewalk** adjacent to the works or activity is disturbed, the Permittee shall provide and maintain a safe alternate passageway at least one-half the regular **sidewalk** width, along the **sidewalk** line.

11. Length of Trench: No more than 76 metres (250 feet) measured longitudinally shall be excavated in any **highway** at any one time.
12. Detection of Utilities: The location of all utilities (including, but not limited to, water, sewer, gas, electrical, telephone and television cable) shall be identified sufficiently ahead of trench 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.
13. Re-location of Utilities: The Permittee shall not interfere with any existing utility without the written consent of the **City 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 re-location shall be the sole responsibility, and at the sole cost of, the Permittee.
14. Protection of Utilities: The Permittee shall support and protect all pipes, conduits, poles, wires or other utility apparatus which may be in any way affected by the works or activity permitted.
15. Damage to Utilities: Any damage to any pipes, conduits, poles, wires 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 by the **owner** of the utility, at the expense of the Permittee. 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.
16. Preservation of Monuments: Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving 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 **City Engineer**. All costs or expenses incidental to the proper replacement of such monument or survey bench mark shall be the responsibility of the Permittee.
17. Surface Drainage: 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 current standards and requirements as set out in **City** policies and bylaws.

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 at the gutter line.

18. Access to Driveways: Access to private **driveways**, **lanes**, 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. Prior to any necessary closure of a private driveway, **lane**, or loading area, the residents or

Bylaw No. 8120

Schedule "B" – Page 3.

occupants affected by such closure shall be notified and given an opportunity to move **vehicles** from the area.

19. Protection of Lawns, Boulevards, or other Landscaping: Where any interference with a boulevard, lawn or other landscaping is permitted, either implicitly or explicitly, by a **road usage permit**, care shall be taken to preserve such landscaping while the work or activity permitted is underway. 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.

Where any trees or shrubs are required to be removed or re-located, either temporarily or permanently, consent of the **owner** of the property on which they are located must first be obtained.

20. Care of Excavated Material: All material excavated from an area covered by a **road usage permit** shall be placed, maintained and stabilized in such a manner as not 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 property.

21. Routing of Traffic: The Permittee shall take appropriate measures to ensure that at all times during the undertaking of any work or activity covered by a **road usage permit**, **traffic** conditions are maintained as near normal as practical, and in a manner which causes the least inconvenience to the travelling public.

Prior to the issuance of a **road usage permit**, the an applicant shall provide the **City Engineer** with a Traffic Control Plan detailing the measures that shall be taken to ensure the least disruption of **traffic**.

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 **City Engineer** and specifically provided for in the permit. At least three days in advance of the anticipated closure, and until the **highway** affected is re-opened, the Permittee shall post signs, in addition to any required pursuant to section 22 of this schedule, to notify the public of the closure, the length of time of the closure, and the detour route.

22. Signs, Flares, Barricades, Flagpersons: Signs shall be placed at a distance of at least one block, in all directions, from the site of the work or activity covered by the **road usage permit**, to alert oncoming **traffic** of the work or activity, and appropriate **traffic control devices** shall be installed where necessary to guide **traffic**.

The use and placement of any **traffic control devices** shall be in accordance with the specific terms of the **road usage permit** issued, and in any event, with all applicable Ministry of Transportation & Highways regulations or policies, and all applicable **City** policies or bylaws.

23. Breaking Through Pavement:

- (a) Approved cutting of bituminous pavement surface ahead of excavations shall be required where necessary in order to confine pavement damage to the limits of the trench;
- (b) Any necessary saw cutting of Portland cement concrete shall be to a depth of not less than 2.5 centimetres (one inch);

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- (c) Sections of **sidewalks** being removed shall be removed to the nearest score line or saw cut edge;
 - (d) Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench;
 - (e) Pavement edges shall be trimmed to a vertical face and shall be neatly aligned with the centre line of the trench;
 - (f) Cutouts outside the trench lines must be normal or parallel to the trench line;
 - (g) Damage to a **highway** existing prior to any work or activity covered by a **road usage permit** shall be repaired by the Permittee, where that work or activity results in unstable floating sections of pavement.
24. Trench Safety: All trench and tunnel excavations and construction shall conform to the safety requirements and regulations, including, but not limited to, those regarding shoring, bracing, cribbing, and ladders, of the Workers' Compensation Board of British Columbia.
25. Hours of Work: 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 as soon as possible.
26. Restrictions Due to Hazardous Conditions: Where necessary in order to prevent damage or injury to any person or property, or to mitigate conditions likely to create a nuisance, the following conditions shall 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; and
 - (e) Requirements as to the laying of dust, cleaning of **highways**, and prevention of noise.
27. Backfill: All backfilling shall comply with all applicable **City** bylaws.
28. Restoration of Surface: The restoration and permanent resurfacing of any **highway** excavated pursuant to a **road usage permit** shall be completed according to the following schedule:
- (a) **Arterial Roads** – immediately following backfill of the trench;
 - (b) **Collector Roads** – within 24 hours of backfilling the trench; and
 - (c) Residential streets and **lanes** – within 72 hours of backfilling the trench.

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In the event that the necessary materials are not available such that the restoration and permanent resurfacing are complete according to the above schedule, the **City Engineer** shall be notified immediately, and temporary resurfacing shall be completed within the same schedule, to the following standards:

- (d) Temporary resurfacing shall provide a top surface of approximately 50 millimetres of bituminous material, commonly known as cold mix asphalt;
- (e) 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;
- (f) The temporary resurfacing shall be maintained by the Permittee in a safe condition until the restoration and permanent resurfacing has been completed;
- (g) Appropriate **traffic control devices** shall be placed in order to guide **traffic** until the restoration and permanent resurfacing has been completed;

29. Surface Restoration Specifications:

- (a) Subgrade – subgrades shall be restored to that existing prior to the work or activity covered by the **road usage permit**;
- (b) Paving Replacement - Portland cement concrete used in the repair of trenches in a **highway**, except where regulated by subsection 29(c) of 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) **Sidewalks** – Portland cement concrete **sidewalks** shall be poured to a thickness equivalent to that removed, or to a thickness of 10.2 centimetres (4 inches), whichever is greater, and shall be finished to match the texture of the adjoining **sidewalk**;
- (d) Expansion Joints – Expansion joints in Portland cement patches shall be matched to those in the adjoining **sidewalk** or pavement;
- (e) 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;
- (f) Seal Coats – seal coating shall be required on restored sections of bituminous paving where the adjoining pavement has been recently seal-coated.

30. Failure to Restore the Site: In the event that a Permittee fails to restore a site in accordance with section 28 of this schedule, the **City** may undertake to have the required work done and the Permittee shall be responsible for all costs of such work.

31. Anticipated Damage to Greater than 15% of Adjacent Pavement: 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

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Schedule "B" – Page 6.

contribute to the cost of repaving the adjacent area. The amount to be contributed shall be determined before issuance of the **road usage permit**.

32. Completion of Works and Activities: Upon completion of all permitted works or activity, including all restoration work, the Permittee shall notify the **City Engineer**. No sooner than one year after such notification, the **City Engineer** shall inspect the area for signs of settlement.

If any ground settlement has occurred by the time of the **City 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.

SCHEDULE "C"

OVERWEIGHT OR OVERSIZE VEHICLE PERMITS

1. An **overweight or oversize vehicle permit** may be issued by the **City Engineer**, as outlined in section 3.3.2 of the Bylaw
2. An **overweight or oversize vehicle permit** is valid only for a single trip or movement and a specific load, which shall be indicated on the permit application. This permit system is not intended to form the basis of scheduled or repetitive trucking operations.
3. Any object, load, or other thing being moved pursuant to an **overweight or oversize vehicle permit** shall be moved only by means of the **vehicle** and equipment of the type specified on the permit, which shall be suitable to the undertaking such that it may be performed safely.
4. An **overweight or oversize vehicle permit** shall require that the **vehicle** be marked as follows:
 - (a) Red flags during daylight hours, and illuminated clearance lights, in accordance with section 5 of this schedule, during sunset and sunrise, shall be conspicuously displayed at the extreme rear and extreme width of the **vehicle**;
 - (b) Notwithstanding subsection 4(a) of this schedule, at any time when the atmospheric conditions are such that objects on the **highway** are not plainly visible at a distance of at least 100 metres, illuminated clearance lights, in accordance with section 5 of this schedule, shall be conspicuously displayed at the extreme rear and extreme width of the **vehicle** regardless of the time of day;
 - (c) Where the overall width of the **vehicle**, or the load being carried, is more than 3.5 metres, the **vehicle** shall be preceded and followed by warning **vehicles** bearing red flagging and conspicuous signs reading "Wide Load Following" on the preceding **vehicle** and "Wide Load Ahead" on the following **vehicle**. Such wide loads shall be moved only during daylight hours.
5. Clearance lights, as required, shall meet the following conditions:
 - (a) Two (2) amber lights shall be located on the front of the **vehicle**, one at each extreme width of the **vehicle** or the load (whichever is widest), and as near to the top of the widest point as is practical;
 - (b) Two (2) red lights shall be located on the rear of the **vehicle**, one at each extreme width of the **vehicle** or the load (whichever is widest), and as near to the top of the widest point as is practical;
 - (c) In the case of a **vehicle** where it is impractical to have the clearance lights mounted in the locations described in subsections 5(a) and (b) of this schedule, then the clearance lights may be mounted at the end of a bar or pipe which is securely attached to the top of the front or rear of the cab of the **vehicle** in such a manner that the extreme width of the **vehicle** and/or the load is plainly indicated from the front and rear of the **vehicle**;

Bylaw No. 8120

Schedule "C" - Page 2.

- (d) In the case of **semi-trailers** or any combination of **vehicles** which exceed 10.5 metres in length, then in addition to the requirements outlined in subsections 5(a) to (c) of this schedule, an illuminated red lateral light shall be located as near to the centre as possible of the left side of the **vehicle** and in such a position as to make it clearly visible from any **vehicle** approaching from the left;
 - (e) All clearance lights, and any lateral light if applicable, shall be controlled from a circuit that is separate from the head and tail light circuit of the **vehicle**;
 - (f) All clearance lights shall be such and placed so that they shall be visible from a distance of at least 100 metres;
- 6. Before commencing the trip or movement specified by the **overweight or oversize vehicle permit**, the Permittee shall ascertain whether the dimensions of the object or load are such as would collide with any guidepost, railing, underpass, bridge structure, utility wire or pole, road or other improvement or thing along the **highway** by which he might have to pass. Where there is a possibility that any such collision might occur, the Permittee shall not undertake the trip or movement without prior express consent of the owner of the guidepost, railing, underpass, bridge structure, utility wire or pole, road or other improvement or thing.
 - 7. In any event, the Permittee shall undertake the trip or movement specified by the permit entirely at his own risk and shall accept full responsibility for any damage caused as a result of the undertaking to any guidepost, railing, underpass, bridge structure, utility wire or pole, road or other improvement or thing.
 - 8. Where necessary to address safety concerns, an **overweight or oversize vehicle permit** may further require limitations on the time, duration, or route of the trip or movement being permitted, or on the speed, stopping, or gear changing of the permitted **vehicle**, and may describe **traffic** control restrictions or responsibilities so as to temporarily limit or restrict other **traffic**.
 - 9. Where the axle loads of any proposed loading arrangement cannot be easily calculated or are in doubt, it will be the applicant's responsibility to establish adequate proof of the accurate axle loadings. Any expenses so incurred will be borne by the applicant.
 - 10. Where an **overweight or oversize vehicle permit** has been issued to an unlicensed vehicle, the Permittee shall procure and maintain at its own expense and cost comprehensive general liability insurance to an inclusive limit no less than \$2,000,000.00 inclusive for each occurrence or accident. The Permittee agrees to submit a Certificate of Insurance (Schedule C-1 as attached hereto) as evidence of the foregoing insurance.

Bylaw No. 8120

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11. Hold Harmless/Indemnification The Permittee shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the **City**, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees,

The Permittee shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.



Bylaw No. 8120

SCHEDULE "C-1"
CERTIFICATE OF INSURANCE

This Certificate is issued to:

The City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1 J4

Insured

Name:	
Address:	

Broker

Name:	
Address:	

Location and nature of operation or permit to which this Certificate applies:

Type of Insurance	Company & Policy Number	Policy Dates		Limits of Liability/Amounts
		Effective	Expiry	
Section 1 Comprehensive General Liability including: <ul style="list-style-type: none">• Products/Completed Operations;• Blanket Contractual;• Contractor's Protective;• Contingent Employer's Liability;• Broad Form Property Damage;• Non-Owned Automobile;				Bodily Injury and Property Damage \$ <u>2,000,000</u> Inclusive \$ _____ Aggregate \$ _____ Deductible

It is understood and agreed that the policy noted above shall contain amendments to reflect the following:

1. **Any Deductible or Reimbursement Clause contained in the policy shall not apply to the City of Kelowna and shall be the sole responsibility of the party named above.**
2. **The City of Kelowna is named as an Additional Insured.**
3. **30 days prior written notice of material change and/or cancellation will be given to the City of Kelowna**

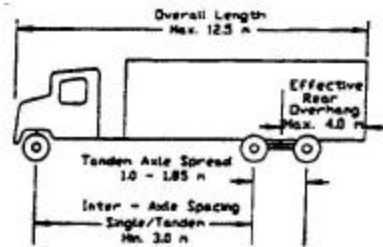
_____ Print Name	_____ Authorized Signatory	Date _____
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SCHEDULE D
TAC (B.C.)
STRAIGHT TRUCK CONFIGURATION

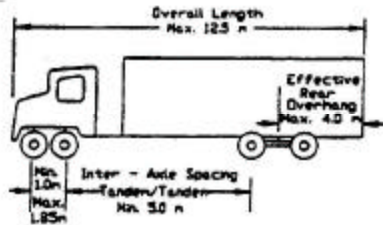
T.A.C. (B.C.)
STRAIGHT TRUCK CONFIGURATION

DIMENSIONS

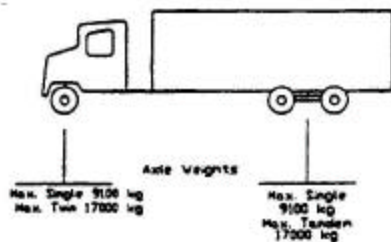
Single Steer



Twin Steer



WEIGHTS



Gross Vehicle Weight

Max. 2 axle 18 200 kg
Max. 3 axle 26 100 kg
Max. 4 axle 34 000 kg

Note: Maximum 3 000 kg/tire applicable to all axles except the steering axle(s), and 110 kg/cm of tire width applicable to all tires. Effective January 1, 2005, 100 kg/cm of tire width applicable to all tires.

SCHEDULE E

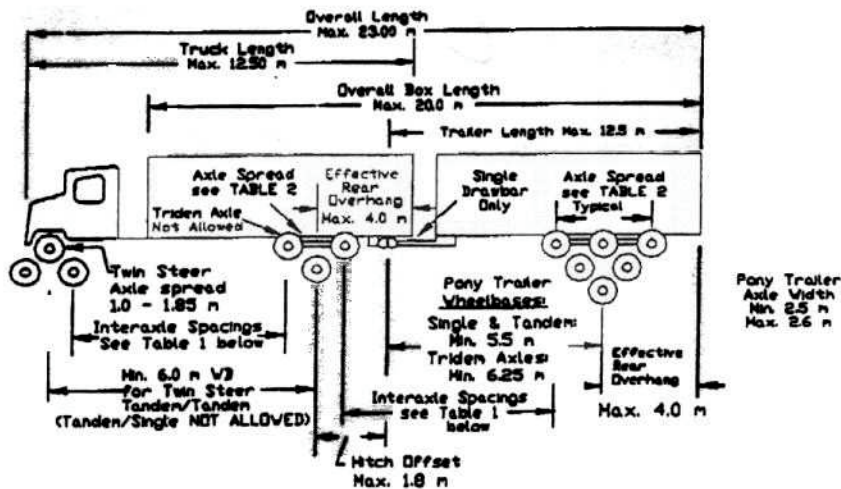
TAC (B.C.)

STRAIGHT TRUCK* AND PONY TRAILER* COMBINATION

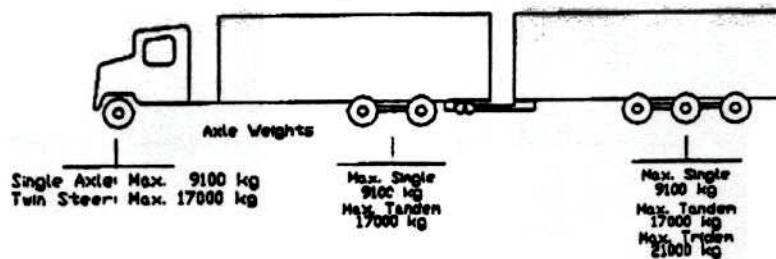
T.A.C. (B.C.)

STRAIGHT TRUCK AND PONY TRAILER COMBINATION*

DIMENSIONS



WEIGHTS



Maximum Gross Combined Vehicle Weight

Single Steer:	Max. 3 Axles – 27 300 kg;	Tandem Steer:	Max. 4 Axles – 35 200 kg
	Max. 4 Axles – 35 200 kg;		Max. 5 Axles – 43 100 kg
	Max. 5 Axles – 43 100 kg;		Max. 6 Axles – 51 000 kg
	Max. 6 Axles – 47 100 kg;		Max. 7 Axles – 55 000 kg

TABLE 1: INTERAXLE SPACING (MIN. DISTANCES)

	Single	Tandem	Tridem
Single	3 m	3 m	3 m
Tandem	3 m	5 m	5.5 m
Tridem	3 m	5.5 m	

TABLE 2: AXLE SPREAD

Single	Up to Max. 1.0 m
Tandem	Min. 1.0 m – Max. 1.85 m
Tridem (for pony trailer only)	Min. 2.4 m – Max. 2.5 m

Notes: Maximum 3 000 kg/tire applicable to all axles except steering axle(s). Maximum 110 kg/cm of tire width applicable to all tires. Effective January 1, 2005, 100 kg/cm of tire width applicable to all tires.

*TAC weights and dimensions of the combination not applicable when the pony trailer has a gross vehicle weight rating (GVWR) less than 10 000 kg.

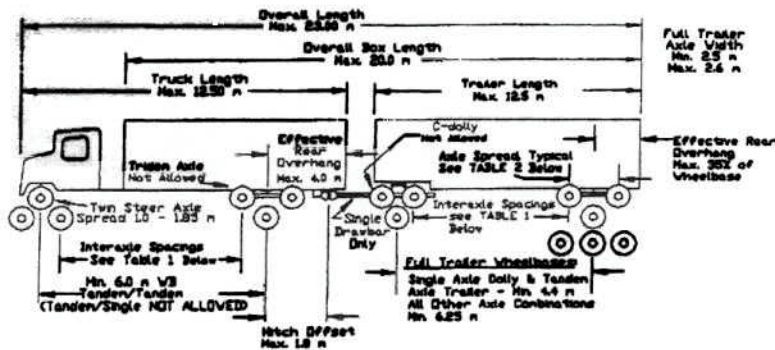
SCHEDULE F

TAC (B.C.)

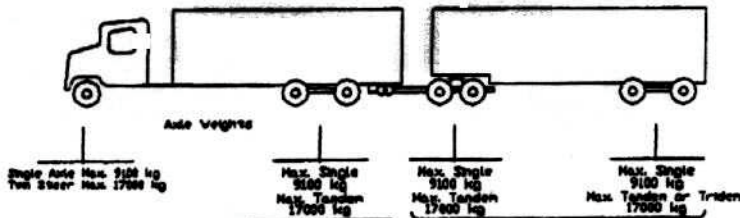
STRAIGHT TRUCK AND FULL TRAILER COMBINATION

T.A.C. (B.C.)
STRAIGHT TRUCK AND FULL TRAILER COMBINATION

DIMENSIONS



WEIGHTS



The sum of the full trailer axle weights is also limited by the number of axles in the truck-full trailer combination as follows:

4 axle SS or 5 axle TS Comb'n. - Max. 17 000 kg*
5 axle SS or 6 axle TS Comb'n. - Max. 17 000 kg*
6 axle SS or 7 axle TS Comb'n. - Max. 24 000 kg*
7 axle SS or 8 axle TS Comb'n. - Max. 31 000 kg*

SS = Single Steer
TS = Twin Steer

Maximum Gross Combined Vehicle Weight

Single Steer: Max. 4 axles: 35 200 kg*
Max. 5 axles: 43 100 kg*
Max. 6 axles: 50 100 kg*
Max. 7 axles: 57 100 kg*
Twin Steer: Max. 8 axles: 57 100 kg*

*The indicated axle weights and GCVWs are effective on and after January 1, 2005. Tridem will be regarded as tandem axle here.

TABLE 1: INTERAXLE SPACING (MIN. DISTANCES)

	Single	Tandem	Tridem
Single	3 m	3 m	3 m
Tandem	3 m	5 m	5.5 m

TABLE 2: AXLE SPREAD

Single	Up to Max. 1.0 m
Tandem	Min. 1.0 m - Max. 1.85 m
Tridem	Min. 2.4 m - Max. 3.7 m
Tridem Axle Not Allowed on Truck	

Note: Maximum 3 000 kg/tire applicable to all axles except steering axle(s).
Maximum 110 kg/cm of tire width applicable to all tires.
Effective January 1, 2005, 100 kg/cm of tire width applicable to all tires.

SCHEDULE G

TAC (B.C.) C-TRAIN WITH "C CONVERTER DOLLY"

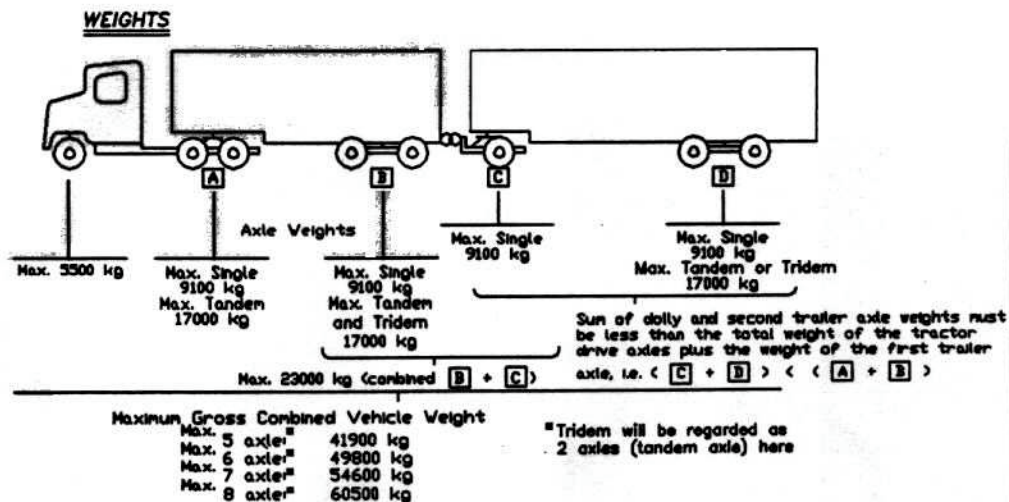
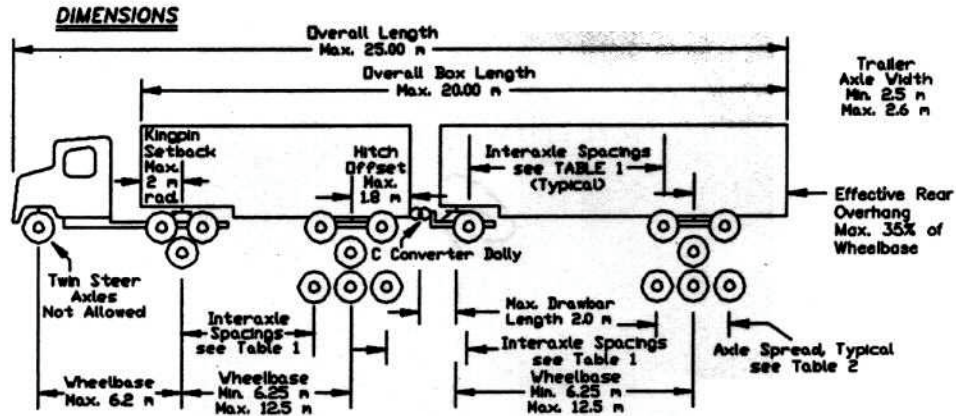
T.A.C. (B.C.)
C-TRAIN WITH "C CONVERTER DOLLY"

TABLE 1 - INTERAXLE SPACING (MIN. DISTANCES)

	Single	Tandem	Tridem
Single	3 m	3 m	3 m
Tandem	3 m	5 m	5.5 m

TABLE 2 - AXLE SPREAD

Single (can include tandem)	up to 1.8 m
Tandem	1.0 m - 1.85 m
	2.4 m - 3.7 m

Note: 100 kg/cm tire width applicable to all tires.
Max. 3000 kg/tire applicable to all axles except the steering axle which is limited to 5500 kg.

T-TR-C9.DWG
JULY 15, 1999

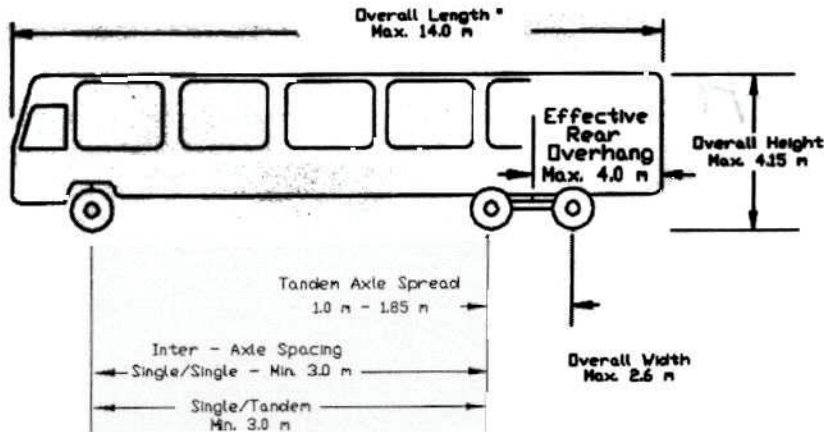
SCHEDULE H

TAC (B.C.) BUS

T.A.C. (B.C.)

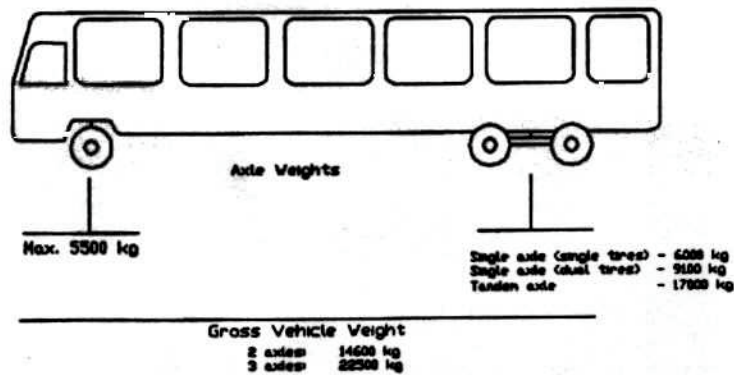
BUS

DIMENSIONS



* Note: If overall length is 12.5 m or greater, a minimum of 3 axles is required.
Overall length includes bumpers.

WEIGHTS



NOTE:

- When there is more than one axle at the rear of the bus, the load carried by the group must be distributed between axles in a ratio corresponding to the number of tires on each axle.
- 100 kg/cm of tire width is applicable to all tires and maximum 3 000 kg/tire is applicable to all axles except the steering axle.

SCHEDULE I

TAC (B.C.) TRACTOR WITH INSTALLED CRANE AND SEMI-TRAILER

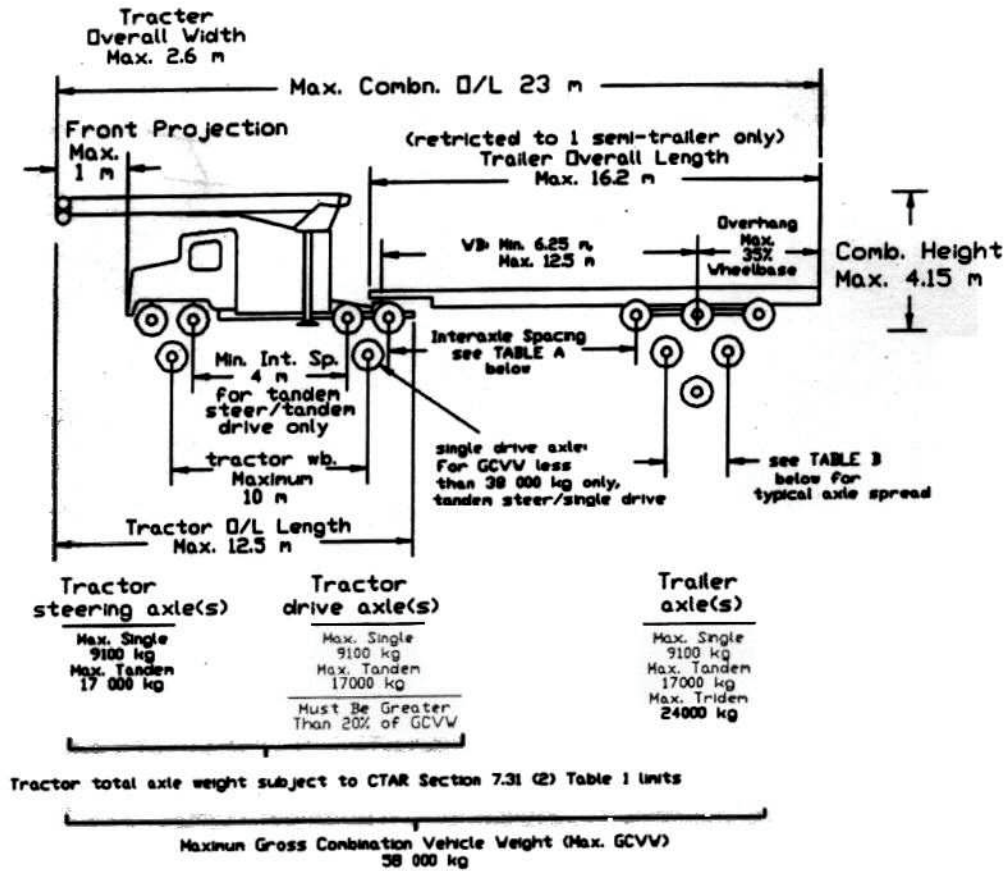


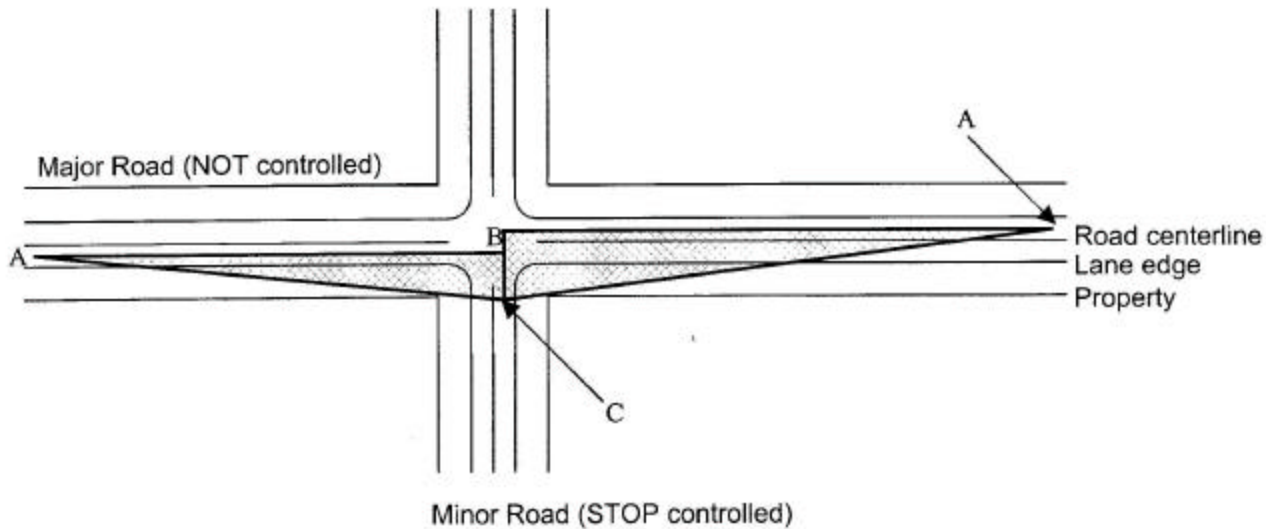
TABLE A - INTERAXLE SPACING (MIN. DISTANCES)

(tandem-steer tractor with tandem drive axles can have interaxle spacing not less than 4 m)

	Single	Tandem	Tridem
Single	3 m	3 m	3 m
Tandem	3 m	3 m	5.5 m

	up to 10 m
	10 - 16.5 m
	24 - 37 m

SCHEDULE J - INTERSECTION SIGHT LINE CONTROL



Sight Distance Clearance Point (A)

Number of Major Road Travel Lanes	Speed along Major Road	Sight Distance Clearance Point (A) (metres from Point B)		
		Left	Center	Right
2	50 km/hr	110	130	130
	60 km/hr	130	170	170
	70 km/hr	160	210	210
4	50 km/hr	120	140	130
	60 km/hr	150	170	160
	70 km/hr	170	220	200

Roadway Point of Intersection (B)

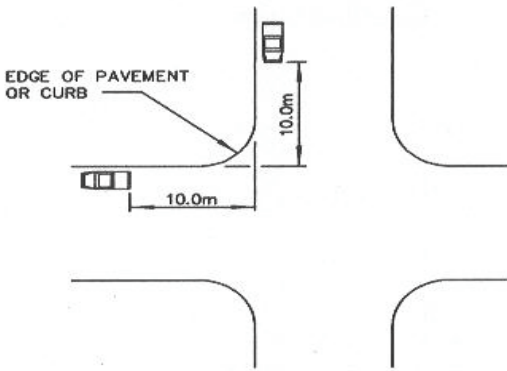
The Roadway Point of Intersection (B) is defined as the intersection where the centrelines of the two travel lanes meet. For sightline investigations to the left of the Minor Road, the near side travel lane of the Major Road would be used. For sightline investigations to the right of the Minor Road, the far side travel lane of the Major Road would be used.

Position of Stopped Vehicle (C)

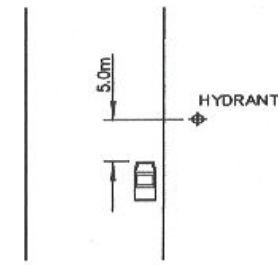
The location of a vehicle waiting to depart the minor road will be field determined by enforcement staff. This point will be 5.0 metres from the edge of the outside travel lane of the major road, nearest the minor road.

SCHEDULE K – PARKING DISTANCE RESTRICTIONS

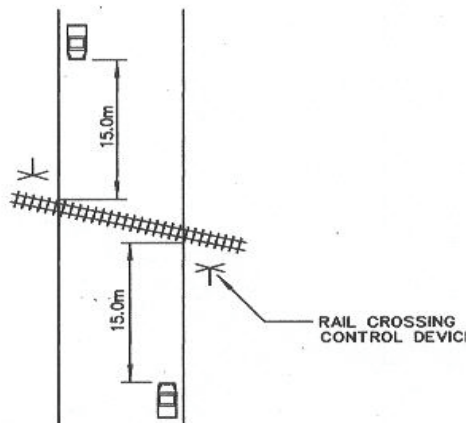
Bylaw No. 8120 – Schedule "K"



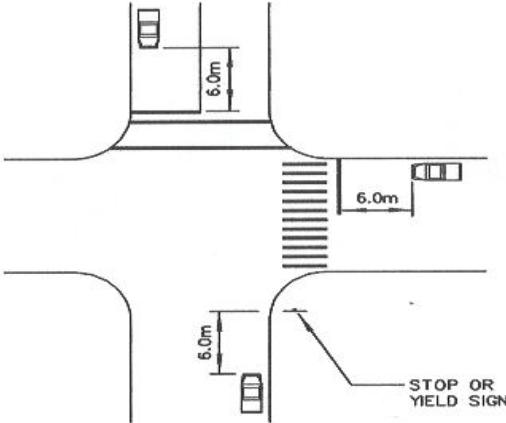
STREET INTERSECTION
(4.1.2.d)



FIRE HYDRANT
(4.1.2.e)



RAILWAY CROSSING
(4.1.2.f)



CROSSWALK, STOP OR YIELD SIGNS
(4.1.2.f,g)

NOTE:

STREET INTERSECTION – 10 METRES TO EXTENDED CURB LINES
 FIRE HYDRANT – 5 METRES TO CENTRE OF HYDRANT
 RAILWAY TRACK – 15 METRES FROM RAILWAY TRACK
 STOP OR YIELD SIGNS – 6 METRES FROM SIGN LOCATION
 CROSSWALK – 6 METRES FROM STOP LINE

DRAWN G.M.	DATE 2000-05-18	THE CITY OF KELOWNA ENGINEERING DEPARTMENT	DIVISION TRAFFIC	
DESIGN	SCALE N.T.S.	PARKING DISTANCE RESTRICTIONS	DWG. NO. 1 of 1	REV. NO.
APPROVED				

SCHEDULE "L"

INSURANCE REQUIREMENTS

1. Applicant To Provide

The applicant shall procure and maintain, at its own expense and cost, the insurance policies listed in section 2 of 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 the City certifies in writing completion of the work, services and/or occupancy or such further period as may be specified by the City.

2. Insurance

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:

2.1 Workers' Compensation Insurance covering all employees of 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.

2.2 Comprehensive General Liability Insurance

- (i) providing for an inclusive limit of not less than \$5,000,000 for each occurrence or accident, except in the case of a mobile store the limit shall be \$2,000,000 for each occurrence;
- (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.

2.3 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 Sidewalk/Roadway Occupancy permits issued under section 7.1.14 of this bylaw.

3. The City Named As Additional Insured

The policies required by sections 2.2 and 2.3 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.

4. Applicant's Sub-contractors

The Contractor shall require each of its sub-contractors to provide comparable insurance to that set forth under section 2 of this Schedule.

5. Certificates of Insurance

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

6. Other Insurance

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.

7. Additional Insurance

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 "L".

8. Insurance Companies

All insurance, which the applicant is required to obtain with respect to this permit, shall be with insurance companies registered in and licensed to underwrite such insurance in the Province of British Columbia.

9. Failure to Provide

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.

10. Non-payment of Losses

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 section 9 of the Schedule.



SCHEDULE "L-1"
CERTIFICATE OF INSURANCE

This Certificate is issued to:

The City of Kelowna
 1435 Water Street
 Kelowna, BC V1Y 1 J4

Insured

Name:

Address:

Broker

Name:

Address:

Location and nature of operation or permit to which this Certificate applies:

Type of Insurance	Company & Policy Number	Policy Dates		Limits of Liability/Amounts
		Effective	Expiry	
Section 1 Comprehensive General Liability including: <ul style="list-style-type: none"> • Products/Completed Operations; • Blanket Contractual; • Contractor's Protective; • Contingent Employer's Liability; • Broad Form Property Damage; • Non-Owned Automobile; 				Bodily Injury and Property Damage \$ <u>5,000,000</u> Inclusive \$ _____ Aggregate \$ _____ Deductible
Section 2 Automobile Liability				Bodily Injury and Property Damage \$ <u>2,000,000</u> Inclusive
Section 3 Umbrella/Excess Liability				\$ _____ Excess of Section 1 \$ _____ Excess of Section 2

It is understood and agreed that the policy/policies noted above shall contain amendments to reflect the following:

1. Any Deductible or Reimbursement Clause contained in the policy shall not apply to the City of Kelowna and shall be the sole responsibility of the party named above.
2. The City of Kelowna is named as an Additional Insured.
3. 30 days prior written notice of material change and/or cancellation will be given to the City of Kelowna

Print Name

Authorized Signatory

Date