

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

BL10905 replaced the following:

Pursuant to the *Community Charter, Local Government Act* and the *Motor Vehicle 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*.

BL10666 amended the following:

1.2.3 Power Chair or Scooter. Unless otherwise indicated, this Bylaw shall not apply in respect of the driving or operation by a person with disabilities of a mechanically propelled power chair or scooter, 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
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:

BL11167 renamed "Handicapped Parking Permit":

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

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

BL10905 added definition:

"**Annual Parking Rate Adjustments**" means rate adjustments that will be implemented, as required, in order to maintain parity with inflation.

"**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.

BL10666 added the following:

"**Bicycle Lane**" means a lane designated for the use of non-motorized vehicles or motor-assisted cycles with motors less than 50cc.

BL11804 added the following:

"**Bikeshare Device**" means a personal device, under 500 kilograms, with any number of wheels on which a person may ride that is propelled by human or electric power such as, but not limited to, **cycle**, and **electric cycle**.

BL11804 added the following:

"**Bikeshare Service**" means a system of bikeshare devices, placed in the public right-of-way, available for customers to rent.

BL11851 added the following:

"**Block-face**" means either side of a **highway** between two consecutive features intersecting that **highway**. The features can be named **highways** or boundaries of standard geographic areas, not including **lanes** and **driveways**.

"**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*.

BL11214 amended definition:

"**Chattels**" means a moveable item of personal property except for, but not limited to; wet or soiled clothing/bedding, plastics, metals, perishable food, footwear, cardboard/paper, wooden items, glass, personal hygiene items.

BL11851 added the following:

"**Car Share Organization**" means operations that allow members of the public to book cars on a short-term as-needed basis, paying only for the time they use the car and the mileage they drive. The operators are responsible for maintenance, insurance and vehicle booking through an online application.

BL11851 added the following:

"**Car Share Vehicle (Classic)**" means any **vehicle** owned or leased by a **car share organization** where the vehicle is returned to the same location at the end of every booking to a designated parking area.

BL11851 added the following:

"**Car Share Vehicle (One-Way)**" means any **vehicle** owned or leased by a **car share organization** which is shared among the organizations members and has no fixed or dedicated parking space.

BL11851 added the following:

"**Car Share Vehicle Parking Space**" means a parking space reserved for the exclusive use of a **Car Share Vehicle (Classic)** or **Car Share Vehicle (One-Way)**.

"**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.

BL10666 deleted definition of "City Engineer"

BL10666 deleted definition of "City of Kelowna Transportation Plan"

"**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.

BL11851 added the following:

"**Community Based Car Share Vehicle**" means any **vehicle** owned or leased by a member-owned organization, co-operative association, or non-profit organization incorporated under the laws of British Columbia.

BL10905 added definition:

"**Consumer Price Index**" or "**CPI**" means the British Columbia Edition, all items, will be the reference for the purposes of this bylaw.

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

"**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.

BL10666 added the following:

"**Director of Civic Operations**" means the person appointed by the **City** and his or her designate.

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

BL10666 added the following:

"**Easement**" means a right held by a utility to make use of the land of another for a limited purpose, as right of passage for the City or a Utility provider."

BL11804 added the following:

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

"**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").

BL10666 and BL11985 replaced the following:

"**Engineer**" means the person designated as the Public Works Manager or the Traffic Operations Supervisor in the **City** organizational chart.

BL12183 added definition:

"**e-scooter**" means an electric kick scooter as defined in Order in Council No. 184/2021 Electric Kick Scooter Pilot Project Regulation, as amended from time to time.

"**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**.

"**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.

BL10666 replaced the following:

"**Hoarding**" means a temporary **fence, structure**, container or construction trailer placed or erected on a highway, or the storage of construction and landscaping materials on a highway.

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

"**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.

BL10814 added the following:

"**Large Patio Food Only / Large Scope Retail** – a patio for any use except the consumption of alcohol and has greater use than Small Patio/ Limited Scope Retail.

"**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.

BL10905 added definition:

"Long Term Parking Lot", means any means any area owned or operated by the City for the purpose of providing Off-street Pay Parking where hourly, daily and monthly parking may be available.

BL10666 added definition for Transportation Services Manager and BL11214 replaced it with Manager of Public Works:

"Manager of Public Works" means the person appointed by the City and his or her designate."

"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.

BL10666 added the following:

"Official Community Plan" means the Kelowna 2030 Official Community Plan Bylaw No. 10500, as amended from time to time.

BL11851 added the following:

"Off-Season" Parking means rates and restrictions that are applicable on any date/time between September 16th and May 14th.

BL10666 renamed the following:

"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.

BL10905 added definition:

"Off-Street Pay Parking" means any area or facility owned or operated by the City for the purpose of providing off-street parking where a fee must be paid to park.

BL10905 added definition:

"On-Street Pay Parking" means any metered space owned or operated by the City for the purpose of providing on-street parking where a fee must be paid to park.

"**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.

"**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*.

BL9080 and BL11214 amended definition of 'Park':

"**Park**" when prohibited, means the standing of a vehicle whether occupied or not.

BL9577 and BL9849 amended definition:

"**Parking Meter**" means a device that has been installed on or off a portion of a **highway** used to collect fees and either:

- (a) record time for parking of a **Motor vehicle**, or
- (b) issue a ticket, showing the time of issuance and time of expiry, to be displayed on the dashboard of a **Motor vehicle**.

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

BL10814 added the following:

Patio – Food and Liquor –any patio that allows alcohol to be consumed or that must have a Perimeter Structure as required by the Liquor Control Licensing Branch.

BL10666 added the following:

"**Pathway**" means an area improved for use by pedestrians and non-motorized traffic."

BL10905 added definition:

"**Pay by Licence Plate**" means a system established by or on behalf of the city under which the operator of a vehicle may pay the fee for parking the vehicle in a metered space remotely at a pay station in accordance with the requirements of that system as indicated on or at the pay station.

BL10905 added definition:

"**Pay Station**" means an electronic appliance designed for the purpose of gauging and indicating a time within which the operator of a vehicle may park the vehicle in a metered space.

"**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**.

BL11851 amended the following:

"**Permit**" means a document issued in writing or electronically linked to a licence plate pursuant to this Bylaw.

"**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.

BL10787 added the following:

"**Residential Permit**" – A decal or hangtag style parking permit which identifies a vehicle as part of a Residential Permit Program. These permits are issued to a specific vehicle/licence plate and are not transferable.

BL10787 added the following:

"**Residential Permit Program**" – A program which allows residents to park on a street with a posted residential area parking restriction in excess of the posted time limit, up to a maximum of 24 hours.

"**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.

"**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**.

BL10905 added definition:

"**Short Term Parking Lot**", means any area owned or operated by the **City** for the purpose of providing **Off-street Pay Parking** where only hourly parking is available

BL10666 amended definition:

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

BL9587 amended definition:

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

BL10221 amended definition:

"**Small Car**" means a vehicle that does not exceed a total overall length of 4.5 metres.

BL10221 amended definition:

"**Small Car Only Parking Stall**" means the total overall length of a stall would be 4.6 metres and a width of 2.6 metres.

BL10814 added the following:

"**Small Patio / Limited Scope Retail**" – a patio that is used for retail purposes occupying less than 6 feet of building frontage or food serving purposes that does not exceed 2 small tables and 6 chairs total.

BL11149 added the following:

"**Snow Route Parking Ban**" means no vehicle parking on designated highways during a parking ban implemented by the Public Works Manager or his designate.

"**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.

BL10905 added definition:

"**Structured Parking Garage**", means any multi-level facility owned or operated by the **City** for the purpose of providing **Off-street Pay Parking**.

BL11851 added and BL12047 amended the following:

"**Summer Season**" Parking means rates and restrictions that are applicable on any date/time between May 15th and September 15th, except for the 2020 calendar year.

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

BL12045 added the following:

"**Temporary Bernard Roadway Patio**" a temporary patio area located on Bernard Avenue that may be used from July 1, 2020 up to and including September 7, 2020.

BL10942 added the following:

"**Tourist Oriented Destination Signs**" means an approved sign or signs that are erected by the City to indicate the location of a particular tourist destination or attraction as indicated in the City of Kelowna Tourist Oriented Destination Signs Council Policy No. 373.

"**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.

BL10221 replaced definition:

"**Traffic control device**" means a sign, signal, line, meter, pavement marking, barrier, or device, placed or erected by authority of **Council** or person duly authorized by **Council** to exercise such authority. A Traffic control device can also be any permanent or temporary device as laid out in the current British Columbia Ministry of Transportation & Infrastructure Traffic control manual for work on roadways.

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

BL11214 replaced definition:

"**Trailer**" means a vehicle that is at any time drawn on a highway by a motor vehicle and includes a semi-trailer as defined in the Commercial Transport Act, R.S.B.C. 1996, c. 58, as amended. except for:

- (a) an implement of husbandry;
- (b) a sidecar attached to a motor cycle; and
- (c) a disabled motor vehicle that is towed by a tow vehicle.

BL10666 added definition for Transportation Services Manager and BL11214 replaced it with Manager of Public Works.

"**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.

BL10666 added the following:

"**Truck Route**" means a route that is designated for truck traffic during specific hours and days of the week.

"**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.

BL10787 added the following:

"**Visitor (Temporary) Permit**" – A hangtag style permit issued for the exclusive use of visitors to the residential address for which it was issued. This permit is not assigned to a specific licence plate number.

BL10905 & BL11851 renamed "Pay by Phone" to "Virtual Parking Payment":

"**Virtual Parking Payment**" means a system established by or on behalf of the city under which a person may:

- (i) set up a credit card account with a City approved supplier, and
- (ii) pay the fee for parking a vehicle in a metered space remotely by telephone or internet application in accordance with the requirements of that system.

