

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**.

BL10666 amended sub-section 2.1.5:

- 2.1.5 **"Permits.** A **permit** issued under this Bylaw must be carried in the **vehicle** or on-site office at all times when operating on a **highway** within the **City**.

BL9853 amended sub-section 2.1.6:

- 2.1.6 **Obstruct Peace Officer** – No person shall obstruct, interfere with, impede, hinder or prevent a peace officer, a bylaw enforcement officer, employee of the City or any other person engaged by the City from performing any duties or exercising any authority under this bylaw.

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;
- (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

BL11214 amended sub-paragraph 2.4.1

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/her 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**.

BL9853 amended sub-paragraph 2.4.3:

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, or 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.

BL10666 and BL11214 amended as follows:

2.4.4 Impoundment of Signs on Provincial Highways. Except for signs erected pursuant to Subsection 6.1.1 of this Bylaw, the **Manager of Public Works** 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*.

BL10502 and BL11214 amended sub-section 2.4.5:

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 Bylaw Services 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.

BL10502 and BL 11214 amended sub-section 2.4.6:

2.4.6 Notice of Impoundment. If a **motor vehicle** or **trailer** 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 the address as shown on the records of the **Superintendent of Motor Vehicles** advising of the seizure and the sum payable for release the **vehicle**.

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**.

BL10502 and BL11214 amended sub-section 2.4.8:

2.4.8 Recovery of Fees.

If the motor vehicle or trailer is not claimed by its owner within thirty (30) days of its impounding, the City may provide for the recovery of the fees by sale, public auction or other means of disposal as deemed necessary pursuant to the Community Charter and the Motor Vehicle Act, after reasonable efforts have been made to contact the owner.

If chattel is not claimed by its owner within fourteen (14) days of its impounding, the City may provide for the recovery of the fees by sale, public auction or other means of disposal as deemed necessary pursuant to the Community Charter and the Motor Vehicle Act, after reasonable efforts have been made to contact the owner.

BL10502 added sub-section 2.4.8(a):

2.4.8(a) Certificate of Ownership. The **City** shall obtain a Certificate of Ownership prior to the sale, public auction, or disposal of an unclaimed **motor vehicle, trailer** or **chattel** pursuant to regulations of the *Motor Vehicle Act* as amended from time to time.

BL10502 amended sub-section 2.4.9:

2.4.9 Proceeds of Sale. The proceeds of such 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

BL9555, BL10666 & BL12553 amended sub-section 2.5.1:

2.5.1 **Sidewalks.** Owners or Occupiers of real property shall remove snow, ice, or rubbish from the sidewalk and walkways bordering (whether directly adjacent to, or separated by a boulevard, landscaping, or other portion of either the property or the road) on the real property owned or occupied by them within 24 hours of the accumulation of such snow, ice or rubbish.

- (a) Owners or occupiers of real property may be exempt from removing such snow, ice or rubbish from a sidewalk along stretches of road bordering real property if an application is made and approved pursuant to this bylaw.
- (b) Pursuant to Section 154(1) of the *Community Charter*, Council delegates to the **Roadways Operations Manager** the duties and powers of Council to approve an exemption to Subsection 2.5.1 of this bylaw.
- (c) The exemption to Subsection 2.5.1 may be approved if it complies with one or more of the following criteria:
 - (i) there is a grade difference of 3 meters or greater between the real property and the adjacent sidewalk,
 - (ii) the real property is owned by the City of Kelowna,
 - (iii) the real property is located within the Agricultural Land Reserve, or
 - (iv) other site constraints as determined by the **Roadways Operations Manager**.
- (d) An application made pursuant to this Subsection will be made to the **Roadways Operations Manager** in writing by the owner(s) of the land that is subject to the application, or by a person authorized by the owner(s).
- (e) An application made pursuant to this Subsection will be submitted to the City on the prescribed application form approved by the **Roadways Operations Manager**.
- (f) The following information is required for an application pursuant to this Subsection:
 - (i) Application form,
 - (ii) Real property civic address and legal description,
 - (iii) Exemption rationale, and
 - (iv) Owner's Authorization Form (if applicable).

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.

BL11601, 11951 & BL12553 amended sub-section 2.5.4:

2.5.4 **Snow Route Parking Ban Area.** No vehicles will be parked on highways within the designated areas identified in Council Policy No. 332 after 24 hours of the City declaring the parking ban.