

"TRAFFIC AND HIGHWAYS REGULATION BYLAW 1993 NO. 5000"

Consolidated Version

2024-SEP-09

Includes amendments: 5000.001, .002, .003, .004, .005, .006, .007, .008, .009, .010, .011, .012, .013, .014, .016, .017, .018, .020, .021, .022, .023, .024, .025, .026, .027, .028, .029, .030, .031, .032, .034, .035, .036, .037, .038, .039, .041, .042, .043, .045, .047, .048

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CITY OF NANAIMO

BYLAW NO. 5000

**A BYLAW TO REGULATE TRAFFIC AND THE USE OF
HIGHWAYS WITHIN THE BOUNDARIES OF THE CITY OF NANAIMO**

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BYLAW NO. 5000

**A BYLAW TO REGULATE TRAFFIC AND THE USE OF
HIGHWAYS WITHIN THE BOUNDARIES OF THE CITY OF NANAIMO**

WHEREAS the Council is authorized, pursuant to Section 120 of the *Motor Vehicle Act*, the *Highway Scenic Improvement Act* and Sections 579 and 581 - 584 inclusive of the *Municipal Act*, to regulate traffic and the use of highways within the Municipality.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "TRAFFIC AND HIGHWAYS REGULATION BYLAW 1993 NO. 5000."

2. INTERPRETATION:

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.
"AXLE"	means a structure that is wholly in the same or approximately the same, transverse plane, and supported by wheels and on or with which it revolves, and includes both of any 2 axles, the centres of which are less than 1.0 m apart.
"ARTERIAL HIGHWAY"	means highways classified as such pursuant to Section 31 of the <i>Highway Act</i> .
"AUTOMATED TELLER MACHINE" (<i>Bylaw 5000.038</i>)	means a device that is linked to a financial institution's account records, and that is able to carry out transactions that include account transfers, deposits, cash withdrawals, balance inquiries, payments of amounts owed, or other financial transactions.
"BLOCK"	means the portion of the roadway between two separate intersections.
"BOULEVARD"	means that portion of a highway between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line and includes curbs, sidewalks and ditches.
"BUILDING INSPECTOR"	means the person or persons duly appointed as such from time to time, and includes the Manager, Inspection Services and any person designated by the Manager to act on his behalf.

"BUNK LASH"
(Bylaw 5000.014)

means the amount of free play caused by the vertical gap between the slipper supports and the bunk rub shoes, measured when the log bunk is perpendicular to the longitudinal axis of the pole trailer and the trailer is fully loaded.

"CAUSE AN
OBSTRUCTION"
(Bylaw 5000.038)

means:

means:

- (a) in the course of solicitation, to sit or lie on a highway, sidewalk or other public place in a manner which obstructs or impedes the convenient passage of any pedestrian traffic;
- (b) in the course of solicitation, to place, deposit or leave upon a highway, sidewalk or other public place in a manner which impedes the convenient passage of any pedestrian traffic, chattels or obstructions;
- (c) to continue to solicit from or otherwise harass a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal;
- (d) to physically approach and solicit from a pedestrian as a member of a group of two (2) or more persons;
- (e) to solicit on a highway, sidewalk or public place with five (5m) metres of:
 - (i) an entrance to a bank, credit union, or trust company;
 - (ii) an automated teller machine;
 - (iii) a parking ticket dispensing machine;
 - (iv) a bus stop, bus shelter, or public bench;
 - (v) a pay telephone or public toilet; or,
 - (vi) a parking lot; or,
- (f) to solicit from an occupant of a motor vehicle in a manner which obstructs or impedes the convenient passage of any vehicular traffic on a highway.

"CHIEF OF POLICE"

means the Officer-in-Charge, Nanaimo Detachment, Royal Canadian Mounted Police, and includes any member of the R.C.M.P. appointed or designated by the Chief of Police to act on his behalf.

"CITY"

means the City of Nanaimo.

"CITY PARKADE"

means the City parking structures and facilities located upon the following lands:

- Bastion Street Parkade, situated on Lot 1, Plan 26912, Nanaimo District. (Bylaw 5000.030)

- Harbourfront Parkade, situated on Lot 1, Section 1 and part of the bed of the public harbour, Nanaimo District, Plan VIP65156, except parts in Air Space Plan VIP65336 and Air Space Plan VIP65337. (Bylaw 5000.030)
- Port of Nanaimo Centre Parkade, situated on LT A, SEC 1, LD 32 and of the bed of the public harbour of Nanaimo, PLN VIP79754, LOT A, Section 1, Nanaimo District and of the bed of the public harbour of Nanaimo, Plan VIP79754. (Bylaw 5000.036)

"COMBINATION OF VEHICLES"	means a combination of motor vehicles and trailer, or motor vehicle and trailers.
"COMMERCIAL"	has the same meaning as commercial vehicle in the <i>Commercial Transport Act</i> .
"COMMERCIAL LOADING ZONE"	means a designated parking zone designed for the exclusive use of commercial vehicles for the purpose of loading and unloading goods and materials.
"COMMERCIAL VEHICLE"	means any vehicle defined as such by and licenced pursuant to the Commercial Transport Act, and any vehicle not so licenced which is used for the collection or delivery or both, of goods, wares, merchandise and other commodities in the ordinary course of a business undertaking.
"COMMERCIAL VEHICLE LICENCE DECAL"	means the Licence Decal issued pursuant to Part 11, Division (2) of the <i>Municipal Act</i> .
"CORPORATE OFFICER" (Bylaw 5000.038)	means the municipal officer position assigned the responsibility of corporate administration, as defined in Section 148 of the <i>Community Charter</i> .
"COUNCIL"	means the Municipal Council of the City of Nanaimo.
"CROSSWALK"	means: 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 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.

"GENERAL MANAGER, ENGINEERING AND PUBLIC WORKS" (Bylaw 5000.048)	means the person duly appointed who has functional responsibility and accountability for operations of Engineering and Public Works departments and includes any person appointed or designated to act on their behalf.
"DIRECTOR OF PARKS AND RECREATION"	Deleted (Bylaw 5000.048)
"EMERGENCY VEHICLE"	means: (a) A motor vehicle carrying rescue or first aid equipment where there is an urgent emergency justifying a rate of speed in excess of maximum rate of speed provided for in this Bylaw or the <i>Motor Vehicle Act</i> . (b) A motor vehicle driven by a member of the City of Nanaimo Fire Department in the discharge of his duties. (c) A motor vehicle driven by a Peace Officer, Constable or member of the Police Branch of Her Majesty's Armed Forces in the discharge of his duties.
"FIRE CHIEF"	means the person duly appointed as such from time to time, and includes any person appointed or designated by the Chief to act on his behalf.
"FARM VEHICLE"	means a vehicle owned and operated by a farmer, rancher, or market gardener, the use of which is confined to purposes connected with his farm, ranch, or market garden, including use for pleasure and is not used in connection with any other business in which the owner may be engaged.
"GOVERNMENT VEHICLE"	means a vehicle operated by the City of Nanaimo, the Regional District of Nanaimo, the Province of British Columbia or the Government of Canada.
"HIGHWAY"	includes every highway within the meaning of the <i>Highway Act</i> , 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 passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the City of Nanaimo for the purpose of providing off-street parking.
"HOLDER OF A BUILDING PERMIT"	means the person or company in whose name a building permit is issued.
"HORSEPOWER"	means the gross horsepower of the engine of the towing vehicle as customarily rated by the manufacturer.
"HOTEL LOADING ZONE"	means a designated parking zone designed for the exclusive use of a hotel for the purpose of loading and unloading hotel guests.
"LANE"	means any highway not exceeding 8m in width.
"MAXIMUM POSTED TIME"	means the longest period of time that a parking meter is capable of being continuously operated and as displayed in the window of the parking meter.

"METERED SPACE"	means a section of highway at which a parking meter has been installed, and this shall apply whether or not there are lines painted on the surface of the highway to designate the space.
"MOTOR VEHICLE"	means a vehicle, not run on rails, that is designed to be self propelled or propelled by electric power obtained from overhead trolley wires.
"MUNICIPAL LICENCE DECAL"	means a licence decal issued to commercial vehicles pursuant to Part II, Division (2) of the <i>Municipal Act</i> .
"OFF-STREET PARKING FACILITY"	means any real property owned, leased, possessed or otherwise held by the City of Nanaimo from time to time, for the purpose of providing off-street parking and designated as an "Off-Street Parking Facility" in Schedules "B" and "N" attached to and forming part of this Bylaw.
"OCCUPIER"	means a person (a) who is qualified to maintain an action for trespass; (b) in possession of Crown Land or land owned by a municipality under a lease, licence, agreement for sale, accepted application to purchase, easement, or other record from the crown or municipality, or who simply occupies the land.
"OPERATING"	in respect of a parking meter means that the meter has been coin activated, and is measuring time.
"OWNER"	in respect of any real property means the registered owner of an estate in fee simple, and in the event of there being registered an agreement for sale and purchase, "Owner" means the registered holder of the last registered agreement for sale and purchase. In the case of real property held in the manner mentioned in Sections 409 and 410 of the <i>Municipal Act</i> , "Owner" means the holder of or occupier as therein set out; and for the purpose of this Bylaw shall include the registered owner of a motor vehicle.
"PARALLEL PARKING"	means parking of a vehicle parallel to the curb or edge of highway.
"PARKING METER"	means an automatic or other mechanical device for the purpose of allotting, measuring and recording the duration of parking.
"PARK"	when prohibited, means the standing of a vehicle, whether occupied or not.
"PEACE OFFICER"	means a Constable or person having the powers of a Constable and includes a Bylaw Enforcement Officer under the provisions of the <i>Police Act</i> .
"PEDESTRIAN"	means a person afoot, or an invalid or child in a wheelchair or carriage.
"PERMIT"	means a document in writing issued pursuant to this Bylaw.

"PERSON"	shall include any corporation, partnerships, firm or association and for the purpose of this Bylaw shall include the registered owner of a motor vehicle.
"PLEASURE CRAFT" (Bylaw 5000.039)	means a craft intended for personal use and not commercial purposes.
"RECREATIONAL BOATING" (Bylaw 5000.039)	means the use of a pleasure craft for the purpose of water sports or leisure activities.
"RESIDENTIAL AREA"	means any area zoned residential or residential multiple in the Zoning Bylaw currently in force in the City of Nanaimo and shall include any highway abutting or adjacent to such zones.
"SAFE WORKING LOAD" (Bylaw 5000.014)	means <ul style="list-style-type: none">(a) the maximum load as warranted by the manufacturer or by a professional engineer, repeatedly applied, that the tie down is capable of withstanding with complete safety throughout its normal service life, or(b) where the manufacturer or professional engineer has not designated the safe working load, a value equal to 25 percent of the ultimate tensile strength of the tie down as supplied by the tie down manufacturer.
"SEMI-TRAILER"	means a vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and which is so constructed that some part of its weight and some part of the weight of its load rests upon and is carried by the towing vehicle or truck tractor, and includes a pole trailer, but does not include a vehicle having a gross vehicle weight of less than 700 kg (1550 lbs.) which is licenced pursuant to the <i>Motor Vehicle Act</i> .
"SIDEWALK"	means the area between the curb-lines or lateral lines of a highway and the adjacent property lines improved for use of pedestrians or any other improved area set aside for pedestrian use only.
"SLOW MOVING VEHICLE" (Bylaw 5000.014)	means a vehicle, combination of vehicles or other machinery or equipment that is designed for use, and normally travels on a highway at a speed of 40 km/h or less but does not include an antique motor vehicle or a collector motor vehicle.
"SOLICIT" (Bylaw 5000.038)	means, without consideration, to ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture, for one's self or for any other person, and solicitation has a corresponding meaning, but does not include soliciting for charity by a registered charity.
"SPRING LASH" (Bylaw 5000.014)	means the amount of free play in leaf type suspensions caused by the vertical gap between the main spring leaf and the rebound constraints or slippers.

"TAXI CAB"	means a motor vehicle that is designed to carry not more than 10 persons which, with its driver, is operated or plies for hire and includes a limousine.
"TAXI ZONE"	means a designated parking zone designed for the exclusive use of a specified taxi company.
"TDM"	means ticket dispensing machine.
"TICKET DISPENSING MACHINE"	means a coin operated device which stamps and disburses parking permits for use in an off-street parking facility.
"TRAFFIC"	includes pedestrians, ridden or herded animals, vehicles, cycles and other conveyances, either singly or together, while using a highway for purposes of travel.
"TRAFFIC CONTROL DEVICE"	means a sign, signal, line parking meter, ticket dispensing machine, marking, yellow curb, space, barrier, or any other device, placed or erected by authority of the Council or person duly authorized by the Council to exercise such authority.
"TRAFFIC SIGNAL"	means a traffic control device, whether manually, electrically or mechanically operated by which traffic is directed to stop and proceed.
"TRAFFIC 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 <i>Public Schools Act</i> or authorized by the Chief of Police.
"TRAILER"	includes a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle.
"TRUCK TRACTOR"	means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle so drawn and of the load of the other vehicle.
"TRUST COMPANY" (Bylaw 5000.038)	means an office or branch of a trust company to which the <i>Trust and Loans Company Act (Canada)</i> applies and in which deposit accounts are held.
"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.

"YELLOW CURB"

means a traffic control device that, in accordance with the regulations pursuant to the *Motor Vehicle Act*, prohibits the stopping, parking, leaving or standing of any motor vehicle, either attended or unattended, or in compliance with the direction of a Peace Officer.

PART 1 - ENFORCEMENT

DIVISION (1) OFFENCES OTHER THAN PARKING

3. Restrictions

Except where otherwise directed by the General Manager, Engineering and Public Works (*Bylaw 5000.048*), a Peace Officer, or a person authorized by a Peace Officer to direct traffic, no person shall:

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| DRIVING ON
SIDEWALK OR
BOULEVARD
<i>(Bylaw 5000.017)</i> | (1) | Drive a motor vehicle, cycle, or ride or herd any animals, along any sidewalks, walkways or boulevards, unless otherwise permitted to do so by an applicable traffic control device. This section does not apply to any person with a physical disability who requires a wheeled device for mobility purposes. |
| PLAYING ON
HIGHWAY | (2) | Use roller skates, skate boards, sleighs, skates, skis or other similar means of conveyance on any highway or sidewalk. |
| DEBRIS LEFT ON
HIGHWAY | (3) | Being the person who has removed a wrecked or damaged vehicle from the scene of an accident, leave any glass or other debris from the accident upon a highway. |
| OPEN EXCAVATION | (4) | Leave any excavation or other obstruction upon a highway without sufficiently fencing, barricading and marking the same with warning lights, in accordance with the Uniform Traffic Control Device manual published by the Road and Transportation Association of Canada and the B.C. <i>Motor Vehicle Act</i> . |
| PROCESSION OR
PARADE | (5) | Drive or operate a vehicle between the persons or vehicles comprising a funeral procession or parade unless the vehicle is part of the funeral procession or parade. |
| OBSTRUCT TRAFFIC
<i>(Bylaw 5000.014)</i> | (6) | Stand or loiter in such a manner as to obstruct, impede or interfere with traffic on a highway or pedestrians on a sidewalk. |
| <i>(Bylaw 5000.038)</i> | (1) | No person shall solicit so as to cause an obstruction. |
| TRACKED VEHICLE
ON HIGHWAY | (7) | Operate tracked vehicles on sidewalks, boulevards, highways or lanes except for the purpose of snow removal or grading, and except where specifically authorized by the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>) under Part 8. |

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| LANE/MAXIMUM SPEED | (8) | Unless otherwise indicated by a traffic control device, drive a vehicle upon a lane in excess of 20 km/h. |
| CONSTRUCTION ZONE/MAXIMUM SPEED | (9) | Unless otherwise indicated by a traffic control device, drive a vehicle in excess of 25 km/h in a zone where signs are posted indicating that the road is being repaired, widened, surveyed or marked. |
| MERCHANDISE LEFT ON HIGHWAY | (10) | Place or permit to be placed any fuel, lumber, merchandise, chattel or ware of any nature on a highway. |
| DRAG OR SKID | (11) | Drag or skid any object along or over a highway in such a manner that the object damages the surface of the highway. |
| EARTH, MUD, ROCKS
<i>(Bylaw 5000.001)</i> | (12) | A person shall not place, deposit or dump or cause to be placed, deposited or dumped or to be tracked or carried by a vehicle or vehicles earth, rocks, stones, logs, stumps, branches, garden clippings or other things onto a highway; or being there, to remain thereon. |
| CORNER LOTS | (13) | <p>(a) Being the owner or occupier of property abutting on a highway at an intersection of another highway, construct a fence or grow a hedge or permit a fence, hedge or individual trees or any other things to remain so that the fence or hedge or individual trees or things to obstruct the line of vision between 1 metre and 3 metres measures from the average height of the crown of streets within an area bounded by the centre line of intersecting or intercepting streets or lanes, and a line joining each of the centre lines 25 metres from their intersections.</p> <p>(b) Notwithstanding (a), if one of the abutting highways may be defined as a lane under this Bylaw, then the owner of the property abutting on the highway and the lane shall not permit a fence, hedge or individual trees to remain so that the fence or hedge or individual trees are more than 1m higher than the finished grade of the abutting lane and highway for a distance of 4.5m back along both abutting property lines of the lot, from the point of intersection of the two abutting property lines with the highway and the lane and this restriction shall also apply to property abutting two lanes which intersect.</p> |
| REMOVAL OF NOTICES | (14) | Remove any notice or ticket affixed or placed on a vehicle by a City employee unless the is the owner or operator of such vehicle. |
| GARBAGE ON HIGHWAY | (15) | Being the owner or occupier of property abutting a highway, place or allow any garbage, garbage containers or other facilities related to garbage collection to be upon any portion of the highway, except as may be provided for in "GARBAGE COLLECTION BYLAW 1992 NO. 4584" |
| DRIVE WITHIN PARKS | (16) | Drive a motor vehicle, other than a government vehicle within the boundaries of any City park except upon a highway. |

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| DITCHES-WATER FLOW | (17) | Construct or maintain a ditch, the water from which causes damage to any highway. |
| DISTRIBUTE LEAFLETS | (18) | Distribute leaflets upon any highway by placing the same on the windshield of a motor vehicle parked upon the highway. |
| TRUCKS-MAXIMUM WEIGHT
<i>(Bylaw 5000.001)</i> | (19) | (a) Unless otherwise posted with traffic control devices indicating a truck route, drive a vehicle with a <u>licenced</u> gross vehicle weight in excess of 13,700 kg. upon a highway, except municipal or utility vehicles while engaged in work upon highways, or vehicles delivering goods and materials to or from properties on a street or streets directly serviced by the highway. The person driving or operating the vehicle shall, before leaving a truck route, proceed to a point on the truck route closest to the destination.

(b) After making a pickup or delivery as authorized under Section 3(19)(a), the person driving or operating the vehicle shall return to the closest point on the truck route by the most direct route. |
| JAY WALKING | (20) | Being a pedestrian, cross any highway at other than a crosswalk. |
| TREES OVER HIGHWAYS | (21) | Every person being the owner or occupier of real property shall cause all trees, shrubs, or other vegetation to be properly trimmed and cut back, so as to prevent physical obstruction or visibility impairment to pedestrian and vehicle traffic on a sidewalk or highway. |
| WATER FLOW HIGHWAYS | (22) | Allow any water or fluids to flow from any real property onto any portion of a highway, thereby causing a hazard to vehicle or pedestrian traffic. |
| LITTERING | (23) | No person shall place, throw, deposit or discard on any highway any rubbish, litter or waste material of any kind. |
| WORK WITHIN CITY STREETS/RIGHT OF WAYS | (24) | No person shall undertake work within City Streets/Right of Ways unless authorized to do so, by permit issued and authorized by the General Manager, Engineering and Public Works <i>(Bylaw 5000.048)</i> pursuant to Part 8 of this Bylaw |
| WORK WITHIN CITY STREETS/RIGHT OF WAYS | (25) | No person shall undertake work within City Street/Right of Ways contrary to the provisions of a permit authorized by the General Manager, Engineering and Public Works <i>(Bylaw 5000.048)</i> , issued pursuant to Part 8 of this Bylaw. |
| SPEED AGAINST MUNICIPAL SIGN
<i>(Bylaws 5000.003, 5000.010)</i> | (26) | Where signs have been erected or placed on a highway limiting the rate of speed of motor vehicles driven or operated on a designated portion of the highway, a person shall not, when the sign is in place on this highway, drive or operate a motor vehicle on that portion of the highway at a greater rate of speed than that indicated on the sign. |
| SPEEDING WITHIN MUNICIPALITY
<i>(Bylaw 5000.003)</i> | (27) | Unless posted otherwise, drive or operate a vehicle within the municipality, at a greater rate than 50 km/h. |

DISOBEY TRAFFIC CONTROL DEVICE
(Bylaw 5000.010)

(28) Except where otherwise directed by a peace officer or a person authorized by a peace officer to direct traffic, every driver of a vehicle and every pedestrian shall obey the instructions of an applicable traffic control device.

(29) (1) When a green light alone is exhibited at an intersection by a traffic control signal:

(a) the driver of a vehicle facing the green light:

(i) may cause the vehicle to proceed straight through the intersection, or to turn left or right, subject to a sign or signal prohibiting a left or right turn, or both, or designating the turning movement permitted;

FAIL TO YIELD TO PEDESTRIAN
(Bylaw 5000.010)

(ii) shall yield the right of way to pedestrians lawfully in the intersection or in an adjacent crosswalk at the time the green light is exhibited; and

FAIL TO YIELD TO VEHICLE
(Bylaw 5000.010)

(iii) shall yield the right of way to vehicles lawfully in the intersection at the time the green light became exhibited; and

(b) a pedestrian facing a green light may proceed across the roadway in a marked or unmarked crosswalk, subject to special pedestrian traffic control signals directing him otherwise, and has the right of way for that purpose over all vehicles.

(2) When a green light alone is exhibited at a place other than an intersection by a traffic control signal:

(a) the driver of a vehicle

(i) may cause the vehicle to pass the signal; and

FAIL TO YIELD TO PEDESTRIAN
(Bylaw 5000.010)

(ii) shall yield the right of way to a pedestrian still in the roadway or on a crosswalk in the vicinity of the signal when the green light is exhibited

(b) a pedestrian still in the roadway or on a crosswalk in the vicinity of the signal when the green light is exhibited shall proceed as quickly as possible from the roadway, and

PEDESTRIAN DISOBEY SIGNAL
(Bylaw 5000.010)

(c) a pedestrian shall not enter the roadway in the vicinity of the signal until either

(i) the traffic control signal facing the vehicular traffic exhibits a red light; or

- (ii) a traffic control signal instructs him that he may cross the roadway.

- YELLOW LIGHT AT INTERSECTION
(Bylaw 5000.010)
- (30) When a yellow light alone is exhibited at an intersection by a traffic control signal, following the exhibition of a green light, the driver of a vehicle approaching the intersection and facing the yellow light shall cause it to stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk then before entering the intersection, unless the stop cannot be made in safety;
- RED LIGHT AT INTERSECTION
(Bylaw 5000.010)
- (31) (1) When a red light alone is exhibited at an intersection by a traffic control signal, the driver of a vehicle approaching the intersection and facing the red light shall cause it to stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk then before entering the intersection, and subject to the provisions of subsection (2), shall not cause the vehicle to proceed until a traffic control signal instructs him that he is permitted to do so.
- FAIL TO YIELD RIGHT TURN - RED LIGHT
(Bylaw 5000.010)
- (2) Notwithstanding subsection (1), and except when a right turn as in this subsection permitted is prohibited by a sign at an intersection, the driver of a vehicle facing the red light, and which in obedience to it is stopped as closely as practicable to a marked crosswalk on the near side of the intersection, or if there is no marked crosswalk then as closely practicable to the intersection, may cause the vehicle to make a right turn; but the driver shall yield the right of way to all pedestrians and vehicles lawfully proceeding as directed by the signal at the intersection.
- (3) When a red light alone is exhibited at an intersection by a traffic control signal,
- PEDESTRIAN FAIL TO OBEY RED LIGHT
(Bylaw 5000.010)
- (a) a pedestrian facing the red light shall not enter the roadway unless instructed that he may do so by a pedestrian traffic control signal;
- FAIL TO YIELD LEFT TURN - RED LIGHT
(Bylaw 5000.010)
- (b) except when a left turn as in this paragraph permitted is prohibited by a sign at the intersection, the driver of a vehicle facing the red light at the intersection of not more than 2 highways, and which in obedience to it is stopped as closely as practicable to a marked crosswalk on the near side of the intersection, or if there is no marked crosswalk then as closely as practicable to the intersection, may cause the vehicle to make a left turn into a highway on which traffic is restricted to the direction in which he causes the vehicle to turn; but the driver shall yield the right of way to all pedestrians and vehicles lawfully proceeding as directed by the signal at the intersection; and

- (c) a pedestrian proceeding across the roadway and facing the red light exhibited after he entered the roadway
 - (i) shall proceed to the sidewalk as quickly as possible; and
 - (ii) has the right of way for that purpose over all vehicles
- RED LIGHT - NO INTERSECTION
(Bylaw 5000.010)
- (4) When a red light is exhibited at a place other than an intersection by a traffic control signal,
 - (a) the driver of a vehicle approaching the signal shall cause it to stop before entering the nearest marked crosswalk in the vicinity of the signal, or if there is no marked crosswalk, then before reaching the signal; and
 - (b) a pedestrian may proceed across the roadway
- FAIL TO YIELD/ DISOBEY GREEN ARROW
(Bylaw 5000.010)
- (32) (1) When a green arrow is exhibited at an intersection by a traffic control signal,
 - (a) the driver of a vehicle facing the green arrow may cause it to enter the intersection and to make only the movement indicated by the green arrow, but shall yield the right of way to pedestrians lawfully in the intersection or in an adjacent crosswalk and to other vehicles lawfully in the intersection; and
 - (b) a pedestrian facing the green arrow shall not enter the roadway unless or until a pedestrian traffic control signal or the exhibition of a green light by a traffic control signal instructs him that he is permitted to do so.
- YELLOW ARROW AT INTERSECTION
(Bylaw 5000.010)
- (32) (2) When a yellow arrow is exhibited at an intersection by a traffic control signal:
 - (a) the driver of a vehicle approaching the intersection and facing a yellow arrow shall cause the vehicle to stop:
 - (i) before entering the marked crosswalk on the near side of the intersection, or
 - (ii) before entering the intersection if there is no marked crosswalk;
- unless the stop cannot be made in safety,

FAIL TO YIELD
YELLOW ARROW
(Bylaw 5000.010)

- (b) the driver of a motor vehicle approaching the intersection and facing the yellow arrow may, when a stop cannot be made in safety, proceed with caution to make the only movement indicated by the arrow but shall yield the right of way to pedestrians lawfully in the intersection or in an adjacent crosswalk, and to other vehicles lawfully in the intersection;

PEDESTRIAN FAIL
TO OBEY YELLOW
ARROW
(Bylaw 5000.010)

- (c) a pedestrian facing the yellow arrow shall not enter the roadway; and
- (d) a pedestrian proceeding across the roadway and facing the yellow arrow exhibited after he entered the roadway;
 - (i) shall proceed to the sidewalk as quickly as possible; and
 - (ii) has the right of way for that purpose over all vehicles.

RED FLASHING
LIGHT AT
INTERSECTION
(Bylaw 5000.010)

- (33) (1) When rapid intermittent flashes of red light are exhibited at an intersection by a traffic control signal:
 - (a) the driver of a vehicle approaching the intersection and facing the flashes of red light shall cause the vehicle to stop before entering the marked crosswalk on the near side of the intersection, or if there is no marked crosswalk then before entering the intersection, and shall not cause the vehicle to proceed until it is safe to do so; and
 - (b) a pedestrian facing the flashes of red light may proceed with caution across the roadway, in a marked or unmarked crosswalk.

RED FLASHING
LIGHT - NO
INTERSECTION
(Bylaw 5000.010)

- (2) When rapid intermittent flashes of red light are exhibited at a place other than an intersection by a traffic control signal:
 - (a) the driver of a vehicle approaching the signal;
 - (i) shall cause it to stop before entering the nearest marked crosswalk in the vicinity of the signal, or if there is no marked crosswalk then before reaching the signal; and
 - (ii) may, after having caused the vehicle to stop, cause it to pass the signal and any crosswalk only if conditions of pedestrian traffic in the roadway or any crosswalk in the vicinity of the signal permit it to do so with safety; and

**YELLOW FLASHING
LIGHT AT
INTERSECTION**
(Bylaw 5000.010)

- (b) a pedestrian may proceed across the roadway:
- (3) When rapid intermittent flashes of yellow light are exhibited at an intersection by a traffic control signal:
- (a) the driver of a vehicle facing the flashes of yellow light may cause it to enter the intersection and proceed only with caution, but shall yield the right of way to pedestrians lawfully in the intersection or an adjacent crosswalk; and
 - (b) a pedestrian facing the flashes of yellow light may proceed with caution across the roadway, in a marked or unmarked crosswalk.

**YELLOW FLASHING
LIGHT - NO
INTERSECTION**
(Bylaw 5000.010)

- (4) When rapid intermittent flashes of yellow light are exhibited at a place other than an intersection by a traffic control signal:
- (a) the driver of a vehicle approaching the signal may cause the vehicle to pass the signal only with caution, and shall yield the right of way to pedestrians in the roadway or on any crosswalk in the vicinity of the signal; and
 - (b) a pedestrian may proceed across the roadway with caution.

**FAIL TO YIELD AT
GREEN FLASHING
LIGHT** *(Bylaw 5000.010)*

- (5) When rapid intermittent flashes of green light are exhibited at an intersection or at a place other than an intersection by a traffic control signal:
- (a) the driver of a vehicle approaching the intersection or signal and facing the signal shall cause it to approach the intersection or signal in such a manner that he is able to cause the vehicle to stop before reaching the signal or any crosswalk in the vicinity of the signal if a stop should become necessary, and shall yield the right of way to pedestrians lawfully in a crosswalk in the vicinity of the signal or in the intersection; and
 - (b) a pedestrian may proceed across the roadway with caution and at an intersection only in a marked or unmarked crosswalk.

**DRIVE OVER NEWLY
PAINTED LINES**
(Bylaw 5000.010)

- (34) A person shall not drive on or over a newly painted line or marking on a highway.

- SPEED IN SCHOOL ZONE** *(Bylaw 5000.010)* (35) Every person driving, between the hours of 8 a.m. and 5 p.m. on a day school is regularly held, a vehicle on a highway where signs are displayed stating a speed limit of 30 km/h or on which the numerals "30" are prominently shown, shall drive at a rate of speed not exceeding 30 km/h while approaching, passing or in the vicinity (as indicated by the signs) of the school to which the signs relate.
- SPEED IN PLAYGROUND ZONE** *(Bylaw 5000.010)* (36) Every person driving a vehicle on a highway shall drive the vehicle at a rate of speed not exceeding 30 km/h when approaching or passing, between dawn and dusk, a public playground for children where signs are displayed stating a speed limit of 30 km/h, or on which the numerals "30" are prominently shown.
- EXCESSIVE SPEEDING** *(Bylaw 5000.010)* (37) (1) A person who drives a motor vehicle on a highway at a speed greater than 40 km/h over the applicable speed limit set under the authority of this bylaw, commits an offence.
- (2) Where a person is charged with an offence under subsection (1) and the evidence does not prove the offence but does prove a contravention of section 3(26), 3(27), 3(35) or 3(36) the person may be convicted of contravening section 3(35) or 3(36) as the case may be.
- (38) Where a highway has been divided into two roadways by a physical barrier or clearly indicated dividing section constructed so that it impedes vehicular traffic, a driver shall not:
- (a) drive a vehicle over, across or within a barrier or dividing section, except at a crossover or intersection; or
- (b) drive a vehicle on the left hand roadway unless directed or permitted to do so by a peace officer or a traffic control device.
- DRIVE OVER HIGHWAY DIVIDER** *(Bylaw 5000.010)*
- DRIVE ON LEFT SIDE OF HIGHWAY DIVIDER** *(Bylaw 5000.010)*
- UNSAFE U-TURN** *(Bylaw 5000.010)* (39) Except as otherwise provided, a driver shall not turn a vehicle so as to proceed in the opposite direction:
- (a) unless he can do so without interfering with other traffic; or,
- (b) when he is driving,
- (i) on a curve;
- (ii) on an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 m;
- (iii) at a place where a sign prohibits making a U-turn;
- PROHIBITED U-TURN** *(Bylaw 5000.010)*

- U-TURN INTERSECTION
(Bylaw 5000.010)
- U-TURN - BUSINESS DISTRICT
(Bylaw 5000.010)
- DISOBEY YIELD SIGN (40)
(Bylaw 5000.010)
- FAIL TO YIELD AFTER STOP
(Bylaw 5000.010)
- FAIL TO YIELD - VEHICLE LEAVING STOP
(Bylaw 5000.010)
- DISOBEY SCHOOL GUARD
(Bylaw 5000.010)
- DISOBEY STOP SIGN (43)
(Bylaw 5000.010)
- DRIVE OVER FIRE HOSE
(Bylaw 5000.010)
- (iv) at an intersection where a traffic control signal has been erected; or
- (v) in a business district, except at an intersection where no traffic control signal has been erected.
- Except as provided in section 3(41), where two vehicles approach or enter an intersection from different highways at approximately the same time and there are no yield signs, the driver of a vehicle shall yield the right of way to the vehicle that is on the right of the vehicle which he is driving. Where there is a yield sign, the driver of a vehicle facing the sign shall yield the right of way to all other traffic.
- (41) (1) Where a vehicle which is about to enter a through highway has stopped in compliance with Section 3(43),
- (a) the driver of the vehicle shall yield the right of way to traffic that has entered the intersection on the through highway or is approaching so closely on it that it constitutes an immediate hazard; and
- (b) having yielded, he may proceed with caution
- (2) Where a vehicle is entering a through highway in compliance with subsection (1), traffic approaching the intersection on the highway shall yield the right of way to the entering vehicle while it is proceeding into or across the highway.
- (42) A pedestrian, cyclist or the driver of a motor vehicle shall obey the instructions of an adult school crossing guard and of a school student acting as a member of a traffic patrol where the guards or students are provided under the *School Act*.
- (43) Except when a peace officer directs otherwise, where there is a stop sign at an intersection a driver of a vehicle shall stop:
- (a) at the marked stop line, if any;
- (b) before entering the marked crosswalk on the near side of the intersection; or
- (c) when there is neither a marked crosswalk nor a stop line, before entering the intersection, at the point nearest the intersecting highway from which the driver has a view of approaching traffic on the intersecting highway.
- (44) Unless he has received consent of the fire department official in command or a peace officer, a person shall not drive a vehicle over an unprotected hose of a fire department when laid down on a highway or private driveway at a fire or an alarm of fire.

- DRIVE WITH PERSON IN CARGO COMPARTMENT
(Bylaw 5000.014)
- (45) Drive or operate a motor vehicle with any person riding in the cargo compartment of the motor vehicle, except for a parade authorized by the General Manager, Engineering and Public Works *(Bylaw 5000.048)*.
- RIDE IN SECURELY INSTALLED SEAT IN PASSENGER COMPARTMENT
(Bylaw 5000.014)
- (46) Ride in a vehicle being driven or operated on or across a highway unless seated in a seat that has been securely installed in the passenger compartment of the vehicle, except for a parade authorized by the General Manager, Engineering and Public Works *(Bylaw 5000.048)*.
- UNLAWFULLY ENTER / REMAIN IN CITY PARKADE
(Bylaw 5000.030)
- (47) enter or remain in a City Parkade except:
- (a) the owner or driver of a vehicle for the purpose of parking that vehicle at, or removing that vehicle from, the City Parkade, or for the purpose of attending at that vehicle while it is parked at the City Parkade;
 - (b) the passenger of a vehicle referred to in subsection (a), while that vehicle is being parked at, remains parked at, or is being removed from the City Parkade;
 - (c) a peace officer while carrying out his or her duties;
 - (d) an officer, employee, contractor or agent of the City for the purpose of inspecting, maintaining, administering or constructing improvements within a City Parkade.

3.1 Disobey Direction of Peace Officer *(Bylaw 5000.010)*

Where a peace officer reasonably considers it necessary to:

- (a) ensure orderly movement of traffic;
- (b) prevent injury or damage to persons or property; or
- (c) permit property action in an emergency;

he may direct traffic according to his discretion, notwithstanding anything in this Bylaw and everyone shall obey his directions.

3.2 Fail to Stop for Peace Officer *(Bylaw 5000.010)*

A peace officer may require the driver of a motor vehicle to stop and the driver of a motor vehicle, when signalled or requested to stop by a peace officer who is readily identifiable as a peace officer, shall immediately come to a safe stop.

3.3 Unnecessary Noise (Bylaw 5000.014)

No person shall start, drive, turn or stop any motor vehicle, or accelerate the vehicle engine while the vehicle is stationary, in a manner which causes a noise that disturbs or tends to disturb the quiet, peace, rest, enjoyment or convenience of individuals or the public. This includes noise in or from the engine, exhaust system or the braking system, or from contact of the tires with the roadway.

3.4 Slow Moving Vehicle (Bylaw 5000.014)

No person shall drive or operate on a highway a slow moving vehicle unless the slow moving vehicle is equipped with a slow moving vehicle warning device.

3.4.1 A slow moving vehicle warning device as required by section 3.4 shall conform to the standards set by the Canadian Standards Association, numbered C.S.A. Standard D 198-1967, entitled "**Slow Moving Vehicle Warning Device**". The device shall be mounted

- (a) on the rear or back of the vehicle, so long as it is part of the vehicle opposite the front or the direction of travel of the vehicle, and as near the centre of the rear or back of the vehicle, as practicable; and
- (b) so that one side is parallel to and at a height of not less than 90 cm or more than 150 cm from the ground.

3.4.2 No person shall display a slow moving vehicle warning device on

- (a) a stationary object, or
- (b) a vehicle travelling at a speed in excess of 40 km/h, or
- (c) any vehicle parked on a highway, other than a vehicle that is required to display such a device."

DIVISION (2) PARKING

4. Parking Regulations:

Except when necessary to avoid conflicts with traffic, or to comply with the directions of a Peace Officer or traffic control device or traffic patrol and except while operating a government vehicle or vehicles of a public utility corporation while engaged in their duties, or except an emergency vehicle which is in actual use for official duties, no person shall stop, stand or park a vehicle:

- SIDEWALK (1) On a sidewalk, boulevard, or centre median.
- DRIVEWAY (2) In front or within 2m of a public or private driveway.
- LANE (3) In any lane, except as permitted pursuant to Section 7(6)

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|--|------|---|
| INTERSECTION | (4) | Within an intersection except as permitted by a traffic control device, or within 6m of the point where the curb or lateral lines of 2 or more highways intersect. |
| HYDRANT | (5) | Within 5m of a fire hydrant or within 5m of a fire hydrant measured from a point on the curb or edge of the highway which is closest to the fire hydrant. |
| CROSSWALK | (6) | On or within 6m of a crosswalk. |
| STOP SIGN | (7) | Within 6m upon the approach to a stop sign or traffic control device located at the side of a highway. |
| EXIT | (8) | Within 6m of either side of the entrance to or exit from a hotel, theatre, public meeting place, fire hall or playground. |
| RAILWAY | (9) | Within 15m of the nearest rail of a railway crossing. |
| SALES | (10) | Upon any highway for the principal purpose of:
(a) displaying a vehicle for sale;
(b) advertising, greasing, painting, wrecking, storing or repairing any vehicle, except where repairs are necessitated by an emergency;
(c) displaying signs;
(d) selling flowers, fruit, vegetables, seafoods, or other commodities or articles. |
| OBSTRUCTION | (11) | Alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic. |
| DOUBLE PARKING | (12) | On the highway side of a vehicle stopped or parked parallel to the edge or curb of a highway. |
| BRIDGE | (13) | Upon a bridge except as permitted by an applicable traffic control device. |
| WHERE PROHIBITED BY SIGN | (14) | In any place in contravention of a traffic control device that gives notice that stopping, standing, or parking is prohibited or restricted in that place, and at that time. |
| IN VIOLATION OF TRAFFIC CONTROL DEVICE | (15) | On a portion of a highway in which parking is regulated by a traffic control device in violation of the traffic control device. |
| OBSTRUCT VISIBILITY | (16) | In such a manner as to obstruct the visibility of any standard traffic control device erected by or with the authority of the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>). |
| WRONG SIDE-FACING WRONG DIRECTION | (17) | On other than the right side of a two-way highway with the right hand wheels of the vehicle parallel to that side; except where there is provision for angle parking, as signified by traffic control devices consisting of lines painted on the surface of the highway. |

DISTANCE FROM CURB	(18)	More than 30cm from the curb of a highway if a curb has been constructed.
ANGLE PARKING	(19)	In a designated angle parking zone where the length of the vehicle and any trailer attached thereto exceeds 6m.
RESERVED PARKING	(20)	In a space on any highway adjacent to any Federal, Provincial or Municipal Public building which is designated as being reserved for the use of officials, unless the operator is such official.
24 HOURS MAXIMUM	(21)	On any highway for a continuous period exceeding 24 hours, without first obtaining the written permission of the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>).
TRUCKS	(22)	Being a commercial vehicle having a licenced gross vehicle weight in excess of 8600 kg. (19,000 lbs.) on any highway in any residential area, except municipal or utility vehicles engaged in work upon highways or vehicles loading or unloading goods and materials, providing the vehicle uses the most direct route.
LANE	(23)	Within 6m of the entrance or exit of a lane.
OBSTRUCT (<i>Bylaw 5000.026</i>)	(24)	No person shall stop, stand or park a vehicle in such a manner as to leave less than 3 metres from the center line of the travelled portion of a highway or opposite to or in such close proximity to another vehicle already stopped on such highway as to obstruct or unduly restrict the free movement of vehicular traffic or pedestrians on such highway.
IN DESIGNATED AREA ONLY	(25)	Upon any portion of a highway where traffic control devices consisting of lines painted upon the surface of the highway designate parking, in any location other than the designated spaces or area.
MOTORCYCLE PARKING	(26)	Between a portion of a highway that has been improved by the City for the purpose of motorcycle parking and the highway itself.
CYCLES OR PEDESTRIANS	(27)	Upon a portion of a highway that has been improved for the travel of cycles and or pedestrians, and which is designated as such by traffic control devices.
OVERTIME PARKING (<i>Bylaw 5000.028</i>)	(28)	(a) On any portion of a highway in contravention of the length of time allowed for parking on that portion of highway as indicated by an applicable traffic control device. (b) On any portion of a highway in contravention of the length of time allowed for parking on that portion of highway as indicated by an applicable traffic control device "in the same block during the succeeding two hours.
OFF-STREET PARKING FACILITY	(29)	In any public off-street parking facility operated by the City in contravention of the length of time allowed for parking as indicated by a traffic control device where traffic control devices exist.

LOADING ZONE - COMMERCIAL LOADING ZONE	(30)	(a) In a loading zone as designated by a traffic control device unless the vehicle is actually in the process of being loaded or unloaded and is displaying valid municipal commercial vehicle licence decal. (b) Notwithstanding (a), in no case in a loading zone as designated by a traffic control device for a longer period than 15 minutes at any one time.
SCHOOL GROUND	(31)	On a highway abutting a primary, elementary or junior secondary school ground or neighbourhood tot lot from dawn until dusk unless the school ground or tot lot is separated from the highway by a fence.
BUS STOP	(32)	In a bus stop, as indicated by the appropriate traffic control device, any vehicle other than a vehicle operated by the Nanaimo Regional Transit Authority between the hours of 6:30 a.m. and 12:00 midnight on each and every day of the year.
FIRE ZONE	(33)	In a fire zone, as indicated by a traffic control device.
TAXI ZONE	(34)	In a zone reserved exclusively for taxi cabs, as indicated by a traffic control device.
YELLOW CURB	(35)	At a yellow curb, or any portion thereof.
HOTEL LOADING ZONE	(36)	In a zone exclusively for hotel use, as indicated by a traffic control device.
OVERNIGHT ABODE	(37)	Upon any portion of a highway for the purpose of taking up overnight abode.
UNLICENCED VEHICLE	(38)	Upon any portion of a highway without proper or valid number plates as required under the <i>Motor Vehicle Act</i> .
TRAILERS	(39)	A trailer on any portion of a highway without the motive power unit attached.
ANGLE PARKING ON HIGHWAY (Bylaw 5000.004)	(40)	At any angle on any highway unless so designated by signs.
PARK MORE THAN 2 HOURS IN RESTRICTED ZONE (Bylaw 5000.030)	(41)	Within the restricted 2-hour on-street parking zone depicted in Schedule "O", for a total of more than 2 hours in any day.

5. Parking Meters

- (1) No vehicle shall be stopped, standing or parked on a highway in such a manner as to occupy more than a single metered space, except that a vehicle of greater length than a single metered space may, when stopped or parked, occupy not more than two adjacent metered spaces.
- (2) Except on holidays as defined in the *Interpretation Act*, and except as provided in Subsection 7(2), no person shall cause a vehicle to be stopped, standing or parked in a metered space when the signal in the window of the parking meter installed at that metered space shows the word "expired" or "violation" or if there is no time remaining, if it is between the hours of 8:00 a.m. and 5:00 p.m. (Bylaw 5000.001)
- (3) Notwithstanding (2), no person shall cause a vehicle to remain in a metered space for a period of time which exceeds the maximum posted time on the parking meter installed at that metered space whether or not the signal in the window of the parking meter shows the word "expired" or "violation" or there is no time remaining. (Bylaw 5000.001)
- (4) Subsections (1), (2) and (3) shall not apply to emergency vehicles or government vehicles which are in actual use for official purposes.
- (5) The fees to be placed in the parking meter, in exchange for parking privileges, shall be as specified in Schedule "A", attached to and forming part of this Bylaw.
- (6) No person shall:
 - (a) tamper with or in any way interfere with the working of any parking meter.
 - (b) deposit or cause to be deposited in any parking meter, any article or thing other than the coins prescribed for that purpose.
 - (c) in any way damage a parking meter, or fitting, or mounting standard.
- (7) It is a defense to a charge of a violation of section 5(2) and 5(3) that at the time the vehicle was ticketed pursuant to Section 11, the parking meter installed at that metered space was not capable of being put into operation.
- (8) After a vehicle has been ticketed for a violation of Section 5(2), pursuant to this Section, each interval of time equal to the maximum posted time that the vehicle occupies the metered space constitutes a separate offence if, at the expiration of each interval of time, the signal in the window of the parking meter installed at that metered space shows the word "expired", "violation", or has no time remaining. (Bylaw 5000.012)
- (9) After a vehicle has been ticketed for a violation of Section 5(3), each interval of time equal to the maximum posted time that the vehicle occupies the metered space constitutes a separate offence whether or not the signal in the window of the parking meter installed at that metered space shows the word "expired", "violation", or has no time remaining. (Bylaw 5000.012)

6. Off-Street Parking Facilities

Established

- (1) Off-street parking facilities are hereby established in the City of Nanaimo as specified in Schedules “B” and “M”

Traffic Control Devices

- (2) For the purpose of regulating parking in an off-street parking facility designated under Schedules “B” and “M”, the General Manager, Engineering and Public Works (*Bylaw 5000.048*) may erect and operate, or cause to be erected and operated, parking meters and/or TDM machines as well as any other traffic control devices which he may deem necessary in the off-street parking facility.

Exemptions

- (3) Emergency vehicles, government vehicles, or vehicles of a public utility corporation which are in actual use for official duties shall be exempt from the regulations under Section 6 of this bylaw.

Permits

- (4) Permits may be issued:
- (a) for hourly and monthly parking in facilities identified in Schedule “B”
 - (b) for hourly and annual parking if the facility identified in Schedule “M” with annual permits issued for one year from the date of purchase.

Regulations – Schedule “B” Facilities

- (5) No person shall stop, stand or park a vehicle in an off-street parking facility:
- (a) unless a valid parking permit is displayed on the dashboard or rear view mirror of the vehicle with the date, time and permit number clearly visible
 - (b) for a period of time in excess of the length of time indicated on the parking permit.

Regulations – Schedule “M” Facilities

- (6) No person shall stop, stand or park a vehicle and/or trailer in the Brechin Boat Ramp off-street parking facility:
- (a) unless a valid parking permit is displayed on the dashboard of the vehicle or trailer with the date, time and permit number clearly displayed
 - (b) for a period of time in excess of the length of time indicated on the parking permit
 - (c) unless using the adjacent boat ramp for launching a pleasure craft for the purpose of recreational boating or a commercial craft for the purpose of commercial use as permitted pursuant to the “Brechin Boat Ramp Facilities Regulation Bylaw 2010 No. 7110” and amendments thereto.
 - (d) to use the adjacent boat ramp for launching a pleasure or commercial craft for the purpose of commuting to an inner or outer island

- (e) for the purpose of storing a vehicle and/or trailer
- (f) exceeding one vehicle per pleasure craft.

Fees

- (7) Fees for Schedule "B" and Schedule "M" off-street parking facilities shall be prescribed in Schedule "A" attached and forming part of this bylaw.

7. Commercial Vehicles

Unless a commercial vehicle displays a current "Commercial Vehicle Licence Decal" in the form of a window decal, affixed to the inside of the front windshield of the vehicle, no person shall stop, stand or park a commercial vehicle:

- (1) on any highway within the City;
- (2) in any loading zone, designated pursuant to Section 47(15) of this Bylaw;
- (3) in a metered space which is not located in an off-street parking facility designated under Section 6(1), without a valid parking meter permit issued pursuant to Section 7(7) of this Bylaw. (Bylaw No. 5000.008)
- (4) in a loading zone designated pursuant to Section 47(15) for a longer period than 15 minutes at any one time.
- (5) in a metered parking space not located in an off-street parking facility designated under Section 6(1) for which a valid parking meter permit is held, for a longer period than the maximum time of the parking meter installed at that metered space.

Parked in a Laneway

- (6) Notwithstanding Section 4(3), an attended commercial vehicle displaying a valid and subsisting "Commercial Vehicle Licence Decal" may park in a lane provided that the attended commercial vehicle is actually being loaded or unloaded, and providing that the vehicle is placed so as to leave at least 3m of the adjacent highway clear, as measure on a line perpendicular to the vehicle.

Parking Meter Permit (Bylaw 5000.008)

- (7) Notwithstanding Section 5(2), a commercial vehicle displaying a valid and subsisting "Commercial Vehicle Licence Decal" may park in a metered space, which is not located within an off-street parking facility designated under Section 6(1), for a maximum of fifteen minutes, when the parking meter at that space is not operating. The parking meter permit shall be displayed on the passenger side of the windshield of the vehicle. Such permit shall:
 - (a) be issued to the owner of any commercial vehicle upon payment of the required fee, as specified in Schedule 'C', attached to and forming part of this Bylaw;
 - (b) be valid only for the year in which it is issued, and may be revoked at any time by a resolution of the Council, in which case a proportionate amount of the fee paid covering

the period to the end of the year for which the permit was originally issued, shall, upon application therefore and upon surrender of such permit, be refunded to the person to whom the permit was issued.

General Provisions (Bylaw 5000.014)

- (8) Every holder of a licence for a commercial vehicle shall cause the name of the registered owner of the vehicle to be clearly marked with letters or figures of not less than 5 cm in height in a conspicuous place on both sides of the vehicle.
- (9) Subsection (1) does not apply to a commercial vehicle that
 - (a) is licensed as a taxi, hearse, ambulance, fire truck or farm vehicle,
 - (b) has a licensed gross vehicle weight of 5 500 kg or less, or
 - (c) is
 - (i) owned or leased, and
 - (ii) operated by the government of any province of Canada, the government of Canada or by a municipal government.
- (10) Every holder of a licence for a farm vehicle that has a licensed gross vehicle weight of 5 500 kg or more shall cause the words “**farm vehicle**” to be clearly marked with letters of not less than 5 cm in height in a conspicuous place on both sides of the vehicle.”

8. Disabled Parking Permits (Bylaw 5000.005)

- (a) Notwithstanding the provisions of Sections 4(29), 5(2) and 6(3) the driver of a vehicle displaying an official "Disabled Persons Parking Placard", issued pursuant to Division 38 of the *Motor Vehicle Act* Regulations, shall not be subject to the penalties provided for the breach of those subsections.
- (b) Council hereby designates the Nanaimo and Region Disability Resource Centre as responsible for issuing and canceling permits pursuant to Division 38 of the *Motor Vehicle Act* Regulations.
(Bylaw 5000.030)

9. Temporary Highway Fronting Authorization

- (1) The Manager of Bylaw Services or his designate is hereby authorized to issue temporary permits for:
 - (a) parking in metered spaces on a highway; and
 - (b) parking in excess of the length of time allowed for parking on an unmetered portion of highway which is subject to time parking restrictions;when construction or other activities makes the use of parking meters, or the enforcement of time parking restrictions in a given area, impractical.
- (2) Authorization issued pursuant to (1) shall not be for frequent or repetitive use, and shall only remain valid for the period indicated on the permit.

- (3) The fees to be paid for a permit issued pursuant to (1) shall be as set out in Schedule "D" attached to and forming a part of this Bylaw.
- (4) Notwithstanding (3), where the applicants for Temporary Highway Fronting Permits are the City's authorized contractors or agents, and are making use of the permits while engaged on City business, then the permits shall be issued at no charge to the applicant. The Manager of Bylaw Services may, however, restrict the number of permits to be issued.

10. Temporary "No Parking"

The General Manager, Engineering and Public Works (*Bylaw 5000.048*), 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:

- (1) Along the route of any parade.
- (2) In the vicinity of a large gathering or during special circumstances.
- (3) To facilitate the fighting of fires.
- (4) 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.
- (5) In the interest of public safety.

PART 2 - PENALTIES

11. Proof of Payment

Proof of payment for any Traffic & Highways Regulation Bylaw violation shall be an official receipt obtainable at City Hall. (*Bylaw 5000.012*)

12. Parking Violation Penalties

Any person who operates a motor vehicle, or who, being the owner or operator of a motor vehicle, permits it to stand or be parked in contravention of a traffic control device or signal is liable on summary conviction to a fine of not more than Two Thousand Dollars (\$2,000.00) and not less than the amount set out in the "Bylaw Notice Enforcement Bylaw 2012 No. 7159" as amended from time to time.". (*Bylaw 5000.012, 5000.048*)

13. Penalty

Except as otherwise provided in this Bylaw, any person who violates any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of the Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry-out or perform any duty or obligation imposed by this Bylaw shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00) and not less than the amount set out in the "Bylaw Notice Enforcement Bylaw 2012 No. 7159" as amended from time to time.". (*Bylaws 5000.012, 5000.048*)

14. Default

Wherein this Bylaw any matter or thing is required to be done by any person, in default of it being done by such person, such matter or thing shall be done at the expense of the person in default and the expense thereof may be recovered, with interest at the rate of six percent (6%) per annum, with costs in like manner as municipal taxes pursuant to the *Municipal Act*.

15. Inspection

Any Peace Officer, the General Manager, Engineering and Public Works or persons authorized by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) may enter, at all reasonable time, upon any property subject to the regulations of this Bylaw in order to ascertain whether such regulations or directions are being obeyed.

PART 3 - REMOVAL OF VEHICLES, CHATTELS, SNOW, SIGNS AND RUBBISH

16. Removal of Vehicle (*Bylaw 5000.001*)

- (1) A Peace Officer, Bylaw Enforcement Officer or a person authorized by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) may move or cause to be moved a vehicle, or seize, detain or impound a vehicle or cause a vehicle to be seized, detained or impounded and taken to and stored in a safe and otherwise suitable place under any one of the following circumstances:
 - (a) the vehicle is one of which there is three (3) or more unpaid or uncontested parking tickets
 - (b) the vehicle is unlawfully occupying any portion of a highway or public place.
 - (c) the vehicle is parked on any highway or public place in such a manner as to impede the removal of snow by the City, its contractors or authorized agents engaged in work upon a highway.
 - (d) the vehicle is in a position to interfere with the construction, improvement, alteration, extension, widening, marking or repair of a highway. (*Bylaw 5000.032*)
 - (e) the vehicle is in a position that causes it to interfere with fire fighting or the Fire Department at the scene of an emergency. (*Bylaw 5000.032*)
 - (f) the vehicle is left apparently unattended on a highway, public place, or other public right-of-way for a period exceeding 72 hours. (*Bylaw 5000.032*)
- (2) The driver or person in charge of the vehicle, must move the vehicle when requested, to the position so determined by the Peace Officer, Bylaw Enforcement Officer or other person authorized by the General Manager, Engineering and Public Works. (*Bylaw 5000.032, 5000.048*)

- (3) A vehicle seized, detained or impounded under this Section must not be disposed of:
- (a) If there is a record of the vehicle in the records of the Insurance Corporation of British Columbia, or there is other evidence of ownership on the vehicle, unless:
 - (i) notice in writing is given by registered mail to the last owner in the records of the Insurance Corporation of British Columbia, or to the person whose apparent ownership is evidenced;
 - (ii) 14 days have elapsed since the mailing of the notice; and,
 - (iii) no person has appeared who has established a claim to the vehicle, paid the costs of removal, and taken custody of it; or,
 - (b) In any other case, unless:
 - (i) 7 days has elapsed since the removal; and,
 - (ii) no person has appeared who has established a claim to the vehicle, paid the costs of removal, and taken custody of it. *(Bylaw 5000.032)*
- (4) The expenses incurred in the removal or disposal of a vehicle under this section, less the proceeds, if any, of disposal are recoverable as a debt due to the City or its contractors and authorized agents from the person who placed or parked the vehicle in violation of this section or authorized the placement or parking of the vehicle. *(Bylaw 5000.032)*
- (5) In the absence of proof to the contrary, the last person whose name appears as owner of the vehicle in the records of the Insurance Corporation of British Columbia is considered to have authorized the parking or placement of the vehicle at the place from which it was removed. *(Bylaw 5000.032)*

17. Tow-Away Zones

Without limiting the generality of Section 16, the following zones are hereby established as tow-away zones.

(1) Bus Stops

- (a) Any vehicle, other than a vehicle which is operated by the Nanaimo Regional Transit Authority, or an emergency vehicle government vehicle or public utility company vehicle which is in actual use for official duties, which is stopped, standing or parked on a portion of a highway which is designated as a "bus stop" as indicated by signs erected pursuant to the provisions of this Bylaw shall be subject to tow-away and impoundment by the City, or its contractors, during the hours of 6:30 a.m. to 12:00 midnight on each and every day of the year.

(2) Fire Zones

- (a) Any vehicle, other than an emergency vehicle, government vehicle or public utility company vehicle which is in actual use for official duties, which is stopped, standing or parked on a portion of a highway which is designated as a "fire zone" by a traffic control device or traffic control devices, placed or erected pursuant to the provisions of this Bylaw

may be subject to tow-away and impoundment by the City, or its contractors at all times on each and every day of the year.

(3) No Stopping Zones

- (a) Any vehicle, other than an emergency vehicle, government vehicle or public utility company vehicle which is in actual use for official duties, which is stopped, standing or parked on a highway in a "no stopping zone", as indicated by traffic control device(s) erected pursuant to the provisions of this Bylaw may be subject to tow-away and impoundment by the City or its contractors during the periods indicated on the applicable traffic control device.

(4) Off-Street Parking Facilities

- (a) Any vehicle other than an emergency vehicle, government vehicle or public utility company vehicle which is in actual use for official duties or a vehicle which is displaying a valid permit issued pursuant to Section 8 of this Bylaw, which is stopped, standing or parked in an off-street parking facility in contravention of Section 6 of this Bylaw, may be subject to tow-away and impoundment by the City or its contractors.

(5) R.C.M.P. Zones

- (a) Any vehicle, other than an emergency vehicle, government vehicle or public utility company vehicle which is in actual use for official duties, which is stopped, standing or parked on a highway in a "R.C.M.P. ZONE", as indicated by a traffic control device(s) erected pursuant to the provisions of this Bylaw, may be subject to tow away and impoundment by the City or its contractors.

18. Removal of Chattel, Obstruction, Earth, Mud, Rocks, Stones, Logs, Stumps, Branches, Garden Clippings or Other Things

Except as permitted in this Bylaw or under the Business Licencing Bylaw, no person shall place, deposit or leave upon, above, or in any highway, sidewalk or other public place any chattel, obstruction, or other thing which is or is likely to cause a nuisance and no person having the ownership, control or custody of a chattel, obstruction or thing shall permit or suffer it to remain upon, above or in any such highway, sidewalk or other public place. (*Bylaw 5000.038*)

- (1) After detention, removal or impoundment, the person entitled to the possession of the chattel, obstruction or thing may obtain its release upon signing an undertaking that that person will not again place it on, above, or in any highway, sidewalk or other public place in contravention of this section and upon payment to the City of the fees, cost, and expenses. (*Bylaw 5000.038*)
- (2) If the person entitled to the possession of any detained object does not within thirty (30) days of its detention, including the date of its detention, sign the undertaking and pay the fees, costs and expenses and it appears to the General Manager, Engineering and Public Works (*Bylaw 5000.048*) that the object detained has a market value, the General Manager, Engineering and Public Works (*Bylaw 5000.048*) may cause it to be sold by public auction to the highest bidder, or cause it to be disposed of as garbage. (*Bylaw 5000.038*)

19. Removed, Detained or Impounded

- (1) Any chattel or obstruction, detained or impounded, may be recovered by the owner upon presenting proof of ownership and upon payment in full of any fees, costs and expenses which may be levied pursuant to the provisions of this Bylaw to *(Bylaw 5000.032)*:

Removed, Detained or Impounded

- (a) City Bylaw Services Department or the Public Works yard during regular business hours in the case of any chattel or obstruction. *(Bylaw 5000.032)*
- (2) If a vehicle is removed, detained, or impounded, and not claimed by the owner after notice was given under Section 16(4), then the vehicle may be sold at public auction, and such auction shall be advertised at least once in a daily newspaper circulating in the City, or it may be disposed of by action in a Court of competent jurisdiction. *(Bylaw 5000.032)*

20. Public Auction

- (1) Any chattel or obstruction not claimed by its owner within 30 days of its impounding or detention may be sold at public auction, and such auction shall be advertised at least once in a daily newspaper circulating in the City.
- (2) 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 or authorized agents 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 sums shall be paid into the General Revenue of the City.
- (3) Should any chattel or obstruction not be purchased at public auction held pursuant to (1), then the chattel or obstruction shall be disposed of in the City Waste Disposal Site, or a place approved by the General Manager, Engineering and Public Works *(Bylaw 5000.048)*, and the expenses incurred in the removal or disposal of the chattel or obstruction, less the proceeds (if any) of disposal, are recoverable as a debt due the City from the owner.

21. Market Value Less Than \$100.00

- (1) Notwithstanding the preceding provisions, where any garbage, rubbish, or chattel, earth, mud, rocks, stones, logs, stumps, branches garden clippings or other things with an apparent market value of less than ONE HUNDRED DOLLARS (\$100.00) is left on any highway, such articles or things may be removed and disposed of by any person or persons authorized to do so by the General Manager, Engineering and Public Works *(Bylaw 5000.048)* or a Peace Officer for the City of Nanaimo. The full costs of removal or disposal shall be charged to the owner of the garbage, rubbish, abandoned or unlicensed motor vehicle or the owner of the property or contractor or any other person responsible, for which the earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things originated from.
- (2) Apparent market value shall be determined by the City Purchasing Agent.

22. Removal of Snow, Ice or Rubbish

- | | |
|-------------------------------|--|
| SIDEWALKS
AND
FOOTPATHS | (1) Owners or occupiers of real property shall remove snow, ice or rubbish from the sidewalk and footpaths bordering the property owned or occupied by them within 24 hours of the accumulation of such snow, ice or rubbish on such sidewalk. |
| HAZARDS | (2) Owners or occupiers of real property shall immediately remove any snow, ice or rubbish from the roof or other part of any structure situated adjacent to or abutting on any portion of any highway if it constitutes a danger to persons using the highway by imposing a threat of falling upon the highway. |

23. *Removed by Bylaw 5000.047*

PART 4 - EXTRAORDINARY TRAFFIC

24. Interpretation

In this Part:

"EXTRAORDINARY TRAFFIC" includes the carriage of any goods or persons over a highway, at either one or more times, and whether in vehicles drawn by animal power or propelled by some other means, that when taken in conjunction with the nature or existing condition of the highway is so extraordinary or improper in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at which the vehicles are driven or operated, as, in the opinion of the General Manager, Engineering and Public Works (*Bylaw 5000.048*), to substantially alter or increase the burden imposed on the highway over that imposed through its proper use by ordinary traffic, and to cause damage and expense in respect of the highway beyond what is reasonable or ordinary.

25. Application

This part does not apply to arterial highways.

26. Damage

REGULATE/LIMIT/
PROHIBIT Where, in the opinion of the General Manager, Engineering and Public Works (*Bylaw 5000.048*), any highway is liable to be damaged because of extraordinary traffic operating upon it, he may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein.

27. Compensation

Any person to whom this Part might otherwise apply may, with the approval of the General Manager, Engineering and Public Works (*Bylaw 5000.048*), enter into an agreement for the payment to the Municipality of compensation in respect of the damage or expenses which may, in the opinion of the General Manager, Engineering and Public Works (*Bylaw 5000.048*), be caused by the extraordinary traffic, and thereupon that person shall not be subject to any prohibition or penalty prescribed in this Part, in respect of that extraordinary traffic.

28. Offence

Every person driving on or using the highway, in contravention of a regulation, limitation or prohibition made under Section 26, is guilty of an offence against this Bylaw, and is liable, on summary conviction, to a fine of not less than ONE HUNDRED DOLLARS (\$100.00) and not more than TWO THOUSAND DOLLARS (\$2,000.00).

PART 5 - NOISE

29. Public Address Systems

No person shall use or operate any megaphone, loudspeaker or other sound amplifying device, instrument or system on any highway for the purpose of broadcasting a message or advertising, except with the written permission of the Corporate Officer.

PART 6 - SAFETY EQUIPMENT

30. Application

This Part does not apply to arterial highways.

31. Special Equipment

The General Manager, Engineering and Public Works (*Bylaw 5000.048*) may, by public notice or by the placing of signs, prohibit vehicles from being driven or operated on a highway if such vehicles are not equipped with chains, or winter tires, or sanding devices, or any combination of these which the General Manager, Engineering and Public Works (*Bylaw 5000.048*) may consider adequate and necessary in view of prevailing road conditions.

PART 7 - USES REQUIRING GENERAL MANAGER, ENGINEERING AND PUBLIC WORKS PERMISSION
(*Bylaw 5000.048*)

32. Application

This part does not apply to arterial highways.

33. Restrictions

Except as authorized by a permit issued by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) pursuant to Part 8 of this Bylaw, and except as authorized by a crossing permit issued by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) pursuant to "CROSSING CONTROL BYLAW NO. 3719", as replaced or amended, no person shall:

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|-------------------------------|------|---|
| EXCAVATIONS
CUTTING TIMBER | (1) | Dig up, break up 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 TO
BOULEVARDS | (2) | Cause damage to, cut down or remove, trees, grass, shrubs, plants bushes and hedges, fences, signs or other things erected, planted or maintained by the City on a highway. |
| STOPPING
WATER | (3) | Change the level of a highway in any manner whatsoever, or stop the flow of water through any drain, sewer or culvert on, through or under a highway. |
| STRUCTURES | (4) | Place, construct or maintain a chattel, loading platform, skids, rails, mechanical devices, buildings, signs or any other structure or thing on a highway or any portion of a highway. |
| EFFLUENT FROM
DRAIN | (5) | Construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a highway. |
| DEFACING | (6) | Mark, imprint or deface in any manner whatsoever a highway or a structure situated upon a highway. |
| SIGNS | (7) | 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. |
| TRACKED
VEHICLES | (8) | Operate tracked vehicles, whether equipped with road plates or not, on sidewalks, boulevards, highways or lanes, other than for the purpose of snow removal or grading. |
| VEHICLES AND
ANIMALS | (9) | Ride, drive, lead, move or propel any vehicle or animal in excess of 270 kg (600 lbs) over or across any curb, sidewalk or ditch, unless such has been constructed or improved so as to form a suitable crossing, except when such vehicle or animal is being used to improve or maintain the boulevard or, in the case of any area of the City designated as Agricultural Land Reserve or as a Rural Zone under the City's Zoning Bylaw. |
| CONSTRUCTION | (10) | Construct a boulevard crossing, including a curb, ditch or sidewalk crossing. |

34. Bonding Against Damage to Highway (Bylaw 5000.027)

DEPOSIT

- (1) Where an applicant for a permit to be issued under "BUILDING BYLAW 1988 NO. 3220", as replaced or amended in the course of construction, alteration, repair or demolition of the building for which the permit is issued will:
- be excavating a foundation or otherwise upon the property;
 - be bringing heavy equipment onto the site from the adjacent highway;
 - be transporting materials from or to the site across a curb or ditch where no boulevard crossing has been constructed;

the applicant for the permit shall deposit with the City a sum of money sufficient to pay for the costs of repairing any damage likely to be done to the adjacent highway or public utilities located in or on the adjacent highway during the course of construction, and as sufficient security that the obligations imposed by this bylaw are met as is determined by the General Manager, Engineering and Public Works (Bylaw 5000.048).

- (2) The sum of money required in Section (1) shall be as specified in Schedule "H", attached to and forming part of this Bylaw, and shall be deposited with the City in the form of cash, certified cheque, or as an Irrevocable Letter of Credit in the City's standard format from a chartered bank of Canada prior to the issuance of any permit.

REFUND

- (3) (a) Where a deposit has been made in accordance with (1) and (2), upon completion of the work specified in the permit, and providing that there has been satisfactory adherence to the provisions of this Bylaw throughout the period for which the permit was issued, then the deposit shall be refunded in full to the person named on the bond following final inspection as required for the permit by "BUILDING BYLAW 1988 NO. 3220".

ADDITIONAL INSPECTION

- (b) Notwithstanding (a), where it is necessary for the City to carry out an additional inspection subsequent to final inspection by the Building Inspector pursuant to "BUILDING BYLAW 1988 NO. 3220" in order to ensure that the provisions of this Bylaw have been complied with within the time limitations stipulated, then an inspection fee shall be deducted from the monies on deposit, and this inspection fee shall not be refunded.

The inspection fee provided for in (b), shall be as set out in Schedule "H", attached to and forming part of this Bylaw.

- DEFAULT (4) (a) Notwithstanding (3), where the holder of a permit fails to abide by the provisions of this Bylaw, or fails to ensure the contractors working on the site specified in a permit abide by the provisions of this Bylaw at any and all times during the construction of the structure authorized in the permit, and where the holder of the permit fails to clean up or repair the highway, or cause the highway to be cleaned up or repaired in a manner satisfactory to the General Manager, Engineering and Public Works (*Bylaw 5000.048*) within a time period established by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) and of being notified to do so by a Peace Officer or Building Inspector, then the City or its authorized agents shall carry out such repairs or clean up as is deemed necessary by the General Manager, Engineering and Public Works (*Bylaw 5000.048*), and call on the monies on deposit and to pay the costs therefrom.
- (b) Should there be an insufficiency of monies on deposit with the City, the holder of the permit and the registered owner of the land at the time at which payment of these monies becomes due shall be jointly and severally liable for payment, and shall pay the balance forthwith, upon invoice, that amount required by the City to carry out, or cause to be carried out, the necessary repairs, clean up, or highway reconstruction.

The balance required under (b), shall be paid in addition to the inspection fee required under Section 34(3) and in addition to an administration charge of TWENTY FIVE DOLLARS (\$25.00).

PART 8 - CONDITIONS REQUIRING PERMISSION OF THE GENERAL MANAGER, ENGINEERING AND PUBLIC WORKS (*Bylaw 5000.048*)

35. Permit Fee

- (1) The General Manager, Engineering and Public Works (*Bylaw 5000.048*) may issue a permit to do any of those things otherwise prohibited in Section 33 of this Bylaw.
- (2) A permit issued under (1) shall be in the form prescribed in Schedule "I" attached to and forming part of this Bylaw, and shall be issued subject to the payment of the application fee of TWENTY FIVE DOLLARS (\$25.00), or such other fee as may be specified in the Schedules and which are applicable, and subject to such other conditions as may be contained in this part.

36. Plans

The applicant shall provide four complete copies of satisfactory plans and/or specifications of the work to be undertaken and when such are supplied and approved by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) and the necessary permit issued, the work shall conform in every way to the plans and specifications so provided.

37. Standard Conditions to Apply

Any and all work which is carried out under a permit issued pursuant to the provisions of this Part shall conform in every way to the regulations set out in the City of Nanaimo "Manual of Engineering Standards and Specifications", as established by the General Manager, Engineering and Public Works (*Bylaw 5000.048*).

38. Deposit

- (1) Prior to the issuance of any permit under this Part, the applicant shall deposit with the General Manager, Engineering and Public Works (*Bylaw 5000.048*) a sum of money sufficient to pay for the cost of repairing any damage likely to be done to the highway, and as sufficient security that the obligations imposed by the permit are fulfilled within the time specified by the permit.
- (2) The deposit required in (1), shall equal ten (10) percent of the total value of the work to be carried out and in all instances, shall not be less than \$500.00 and shall be in the form of cash or certified cheque.
- (3) Notwithstanding (2), if the sum of money required pursuant to (2) is greater than FIVE HUNDRED DOLLARS (\$500.00), the applicant may deposit with the General Manager, Engineering and Public Works (*Bylaw 5000.048*) an Irrevocable Letter of Credit from a chartered bank of Canada.

39. As Built Plans

Following completion of the work, the applicant shall provide satisfactory plans of the works installed by the applicant if works are installed by the applicant and such plans shall be drawn to a scale satisfactory to the General Manager, Engineering and Public Works (*Bylaw 5000.048*) and shall show the location, size and description of the works 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.

40. Refund Less Inspection Fee

Where a deposit has been made in accordance with this Part and upon satisfactory completion of the work within the time specified, the deposit shall be refunded to the applicant less an inspection fee of TWENTY-FIVE DOLLARS (\$25.00) where applicable.

41. Default

Failure by the permit holder to repair damage and/or fulfill such obligations as are set out in the permit within the specified time shall enable the City to carry out such repairs or fulfill such obligations that have not been met under the terms and conditions of the permit, and to deduct the cost thereof from the costs therefrom, and should there be an insufficiency of monies on deposit or through the Letter of Credit, then the applicant shall pay the balance forthwith, upon invoice, that amount required by the City to carry out the works or fulfill the obligation, and such balance shall be paid in addition to an administration charge of TWENTY-FIVE DOLLARS (\$25.00).

42. Warnings

Any person doing work on, in, over or under any highway shall provide and place appropriate barricades, flag persons, lights and other safety devices as required to protect the public in accordance with the Uniform Traffic Control Device manual published by the Road and Transportation Association of Canada and the B.C. *Motor Vehicle Act*.

43. Insurance

The applicant shall provide evidence, satisfactory to the General Manager, Engineering and Public Works (*Bylaw 5000.048*), that he is insured against and has provided insurance coverage for the municipality against all claims for damages for personal injury and property damage which may arise out of the performance of the work covered by the permit and such insurance, for both himself and the municipality, shall each be in an amount of not less than TWO MILLION DOLLARS (\$2,000,000.00) for each occurrence, and the applicant shall waive all rights of subrogation.

44. Materials

The applicant shall provide evidence satisfactory to the General Manager, Engineering and Public Works (*Bylaw 5000.048*) that all materials, labour and equipment which are needed to complete the work with reasonable dispatch are available.

45. Utility Companies and Districts

(1) The General Manager, Engineering and Public Works (*Bylaw 5000.048*) may issue a permit to a public utility company permitting such company, over the calendar year for which the permit is applicable, to carry out such work as may be necessary in the case of an emergency to repair any break or damage to the utilities under their control, and subject to the terms of any franchise or other agreement entered into between such utility and the City of Nanaimo.

(2) There shall be no charge levied for an annual permit issued under (1).

PART 9 - TRAFFIC CONTROL DEVICES

46. Application

The provisions of this Part do not apply to arterial highways with the exception of Section 47(3).

47. Location

The General Manager, Engineering and Public Works (*Bylaw 5000.048*) is hereby authorized to order the placing or erection of any applicable traffic control devices at such places as he may designate in such order to give effect to the provisions of this Bylaw, the Uniform Traffic Control Device Manual published by the Road and Transportation Association of Canada and the *B.C. Motor Vehicle Act*. (*Bylaw 5000.013*)

Such traffic control devices shall include all signs contained in the Uniform Traffic Control Device Manual published by the Road and Transportation Association of Canada, the *B.C. Motor Vehicle Act* regulations and without limiting the generality of the foregoing shall also include: (*Bylaw 5000.013*)

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| SIDEWALKS BRIDGES
LANES | (1) | Traffic control devices to regulate, control or prohibit pedestrian traffic, ridden or herded animals, vehicular traffic and cycle traffic on sidewalks, bridges, walkways or boulevards, or in lanes. |
| STOP SIGNS | (2) | Traffic control devices to regulate, control or prohibit the stopping of vehicles. |
| PARKING | (3) | Traffic control devices for the regulation, control or prohibition of standing or parking of vehicles. |
| PUBLIC BUILDINGS | (4) | Traffic control devices to set apart and allot portions of highways adjacent to government buildings for the exclusive use of officials and officers engaged therein for the parking of vehicles and the regulation of such parking. |
| MEN WORKING | (5) | Traffic control devices where construction, reconstruction, widening, repair, marking or other work is being carried out indicating that men or equipment are working upon the highway. Traffic control devices must be in accordance with the Uniform Traffic Control Device manual published by the Road and Transportation Association of Canada and the <i>B.C. Motor Vehicle Act</i> . |
| CONSTRUCTION
ZONE / DETOURS | (6) | Traffic control devices where construction, reconstruction, widening, repair, painting or marking or other work is being carried out to regulate or prohibit traffic in the vicinity of such works, in accordance with the Uniform Traffic Control Device manual published by the Road and Transportation Association of Canada and the <i>B.C. Motor Vehicle Act</i> . |
| PEDESTRIANS | (7) | Traffic control devices to regulate or prohibit pedestrian traffic on highways other than at crosswalks. |

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| SKATES | (8) | Traffic control devices to regulate, control or prohibit persons using roller skates, skateboards, sleighs, skates, skis or other similar means of conveyance on a highway. |
| TURN PROHIBITION | (9) | Traffic control devices at intersections and in advance of intersections where it is required to prohibit certain movements. |
| DO NOT ENTER | (10) | Traffic control devices at the end of one-way highways to prevent traffic entering the restricted area. |
| ONE WAY | (11) | Traffic control devices on highways upon which the traffic is required to travel in one direction only. |
| TWO WAY TRAFFIC | (12) | Traffic control devices at the transition from one way to two way highways to indicate that normal travel is restricted to the right hand side of the highway. |
| DO NOT PASS | (13) | Traffic control devices at the beginning of a zone through which restricted sight distance makes overtaking and passing hazardous. |
| KEEP RIGHT | (14) | Traffic control devices within and at the end of median strips and traffic islands. |
| LOADING ZONES | (15) | <ul style="list-style-type: none">(a) Traffic control devices at locations where due to adjacent commercial facilities it is desirable to reserve space for loading and unloading commercial vehicles.(b) Traffic control devices at locations where due to adjacent passenger facilities it is desirable to reserve space for loading and unloading passenger vehicles.(c) Traffic control devices in locations where truck traffic is prohibited or restricted. |
| MAXIMUM WEIGHT | (16) | Traffic control devices at locations where due to seasonal weakening of road surfaces, obsolescence of bridges or pavements, or highway repairs, loads in excess of those prescribed on the signs constitute a hazard to traffic or may cause excessive damage to the highway. |
| MAXIMUM SPEED | (17) | Traffic control devices at locations where due to limitations of sight distances, road surfaces, traffic flows and frequency of intersections, speeds in excess of those prescribed on the signs constitute a hazard to traffic or may cause excessive damage to the highway. |
| BUS STOPS | (18) | <p>Traffic control devices at locations where a bus or other transit vehicle stops to pick up passengers, and it is desirable to restrict stopping, standing and parking on the road to only such vehicles. A sign erected pursuant to this subsection shall contain the following information:</p> <ul style="list-style-type: none">(a) That the bus stop is a "tow away zone". |

(b) Hours of tow away, 6:30 a.m. to 12:00 midnight, Monday to Sunday

(c) The telephone number of the City's towing contractor.

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| NO STOPPING | (19) Signs at locations where free flow of traffic is required, and where it is desirable, therefore, to permit no stopping on the highway, except in the case of an emergency. |
| SCHOOL | (20) Traffic control devices at locations where it is required to give advance information and warning, such as the presence of a school adjacent to a highway, a school crosswalk, or a school maximum speed zone. For the purposes of this subsection, the term "school" refers to all schools in the City of Nanaimo which are not used for playground purposes. Schools used for playground purposes are as designated in Schedule "J" attached to and forming part of this Bylaw. |
| PLAYGROUND | (21) Traffic control devices at locations where it is required to give advance information and warning of a playground adjacent to a roadway, or it's maximum speed zone. |
| CROSSWALK | (22) Traffic control devices or lines at locations where heavy pedestrian traffic crosses a highway 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 | (23) Traffic control devices or lines in locations where it is permissible to angle park. |
| WARNING | (24) Traffic control devices at locations where it is required to warn traffic of hazardous conditions, either on or adjacent to the highway or to prohibit traffic from using the highway. |
| TRAFFIC SIGNALS | (25) Traffic control devices at intersections and other locations where the existing traffic control devices are not adequate to control the traffic efficiently. |
| TAXI ZONES | (26) Traffic control devices at locations as outlined in Schedule "L" of this Bylaw, where due to frequent use by the public, it is desirable to reserve a place for taxi cabs to stop, stand or park to pick up fares. The rental fees for these locations shall be specified in Schedule "L". |
| TRUCK ROUTES | (27) Traffic control devices on streets where the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>) has designated truck routes for movement of truck traffic through the City. |

PARKING	(28)	Traffic control devices at the entrance to a highway or upon highways where provision is made for parking of motor vehicles under the conditions of "No parking unless valid and subsisting passes or tickets are displayed on the dashboard of the vehicle and which are in full view through the front windshield of the vehicle.
NO PASSING	(29)	Traffic control devices at locations approaching crosswalks, school and park zones indicating that passing is prohibited.
FIRE ZONE	(30)	Traffic control devices at locations where standing, stopping or parking of a vehicle would impede the passage or operation of firefighting equipment, indicating that the area is a "FIRE ZONE" and that standing, stopping or parking is prohibited in that area.
PARALLEL PARKING	(31)	Traffic control devices or lines in locations where it is permissible to parallel park.
R.C.M.P. ZONE	(32)	Traffic control devices at locations where it is desirable to restrict stopping, standing, or parking in zones reserved for R.C.M.P. use only.

48. Orders (Bylaw 5000.010)

- (1) The General Manager, Engineering and Public Works (Bylaw 5000.048) is hereby authorized to issue orders pursuant to Sections 47, 50 and 59.1 of this Bylaw, and the Corporate Officer shall affix the Corporate Seal to the order and certify the same to be a true copy. Following this procedure, the order shall come into full effect.
- (2) A single order may contain any number of orders related to the matters set out in Sections 47, 50, and 59.1.

49. Rescind, Revoke, Amend or Vary Order

- (1) The General Manager, Engineering and Public Works (Bylaw 5000.048) may rescind, revoke, amend or vary any order made by him, provided such order does not require the doing of any act contrary to or inconsistent with this Bylaw or the *Motor Vehicle Act*.
- (2) To vary or amend an order, the General Manager, Engineering and Public Works (Bylaw 5000.048) shall issue a new order reflecting the variation or amendment, and revoking the original order, and the Corporate Officer shall affix the Corporate Seal to the new order and certify the same to be a true copy.

50. Control

- (1) The General Manager, Engineering and Public Works (Bylaw 5000.048) 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.

- (2) No person, other than a person authorized pursuant to this Bylaw or the *Motor Vehicle Act*, shall place or erect a sign on real property which purports to regulate the adjacent highway.
- (3) Where a traffic control device listed under Section 47 is reported down or missing outside of normal working hours, such signs shall be re-erected or replaced on the next regular working day of the operations division.

51. Temporarily Closing Street

- (1) When, for any reason, any highway or portion thereof, is unsafe or unsuitable for traffic, or it is deemed advisable that traffic should be restricted thereon or diverted therefrom, the General Manager, Engineering and Public Works (*Bylaw 5000.048*), Fire Chief, or any Peace Officer, may close the highway, or portion thereof, or restrict or divert the traffic thereon or therefrom, and for that purpose, may erect traffic control devices pursuant to Section 47(6) of this Bylaw.
- (2) Where a highway or portion thereof is temporarily closed or the traffic thereon is restricted or diverted under (1), then no unauthorized person shall enter upon, or travel upon the highway or portion thereof, in contravention of the applicable traffic control devices.

52. Highway Signs

Where traffic control devices have been authorized and placed or erected under the provisions of the *Motor Vehicle Act* by the Ministry of Transportation and Highways, the same shall be deemed to have been properly placed or erected pursuant to the provisions of this part.

53. 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 Regulations to the *Motor Vehicle Act*.

PART 10 - VEHICLE REGULATIONS

DIVISION (1) - GENERAL REGULATIONS

54. Application (*Bylaw 5000.010*)

This part does not apply to arterial highways.

55. Prohibitions

55.1 Except as authorized by a permit issued by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) pursuant to Section 60 of this Bylaw, no person shall drive or operate on a highway

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| MAXIMUM WIDTH | (1) | A vehicle so loaded that any part of the load extends beyond the sides of the vehicle. |
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| MAXIMUM LENGTH | (2) | A vehicle so loaded that any part of the load extends more than 185 cm beyond the back of the vehicle, except that a commercial vehicle with a licenced GVW greater than 5500 kg may have a load extend beyond the back axle a distance equal to 35 percent of the wheelbase of the vehicle or trailer on which the load is placed. |
| PNEUMATIC TIRES | (3) | A vehicle, other than a horse-drawn vehicle, the wheels of which are not equipped with pneumatic tires in good order. |
| SOLID TIRES | (4) | A vehicle equipped with sold rubber tires, the thickness of which between the rim of the wheel and the surface of the highway is less than 32mm. |
| SPEED - SOLID TIRES | (5) | A solid rubber-tired vehicle at a speed greater than 20 km/h. |
| SPIKES, CLEATS, OTHER ATTACHMENTS | (6) | A vehicle having wheels or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, studs, flanges, lugs, or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread, or track, except that this prohibition does not apply to a vehicle equipped with tire chains when required for safety or winter studded tires when used between October 1st and April 30th of each calendar year. |
| SPEED UNLOADED POLE TRAILER | (7) | A vehicle and unloaded pole-trailer at a greater speed than 60 kmh unless the weight of the pole-trailer is carried completely upon the towing vehicle. |
| LOAD DROPPING OR SWAYING | (8) | A vehicle unless it is so constructed and loaded as to prevent any of its load, equipment or other article from shifting or swaying in such a manner as to affect the operation of the vehicle; or from dropping, sifting, leaking or otherwise escaping. |

55.2 Methods of Load Securement

- (1) No person shall drive or operate a vehicle on a highway while the vehicle is carrying a load unless the load is secured
 - (a) by sides, sideboards or side stakes and a rear endgate, endboard or endstakes that
 - (i) are securely attached to the vehicle,
 - (ii) are strong enough and high enough to fully contain the load and to ensure that the load will not shift upon or fall from the vehicle, and
 - (iii) have no aperture large enough to permit any part of the load to pass through.

- (b) where the load length falls within a load length category set out in column 1 of the following Table, by the number of tie downs set opposite the category in column 1, and as many additional tie downs as are necessary to secure the load by
 - (i) direct contact, or
 - (ii) dunnage that is secured by the tie downs and is in contact with the exterior, including topmost load, in a manner that safely holds interior pieces of the load without causing exterior pieces to crush or break up, or
- (c) by the methods described in paragraphs a & b, and the driver or the operator shall ensure that tie downs when in use, are distributed evenly along the load.

TABLE

Length of load along longitudinal axis of vehicle	Minimum number of tie downs required
not over 2.5 m	2
over 2.5 m but not over 7.5 m	3
over 7.5 m but not over 10 m	4
over 10 m but not over 12.5 m	5
over 12.5 m but not over 15 m	6

- (2) An article in a load that is less than 2.5 m long and less than 1.5 m high may be secured by one tie down if it is butted against a substantial article or a bulkhead, but, if it is not butted against a substantial article or a bulkhead it must be secured by two tie downs and the second one shall be deemed to be a necessary additional tie down under the requirements of subsection (1)(b).
- (3) The “**tie downs**” required by this Section must meet the standards of section 35.12 of the *Motor Vehicle Act Regulations*.

55.3 Exception for size or shape

Notwithstanding Section 55.2, where the methods described in that section

- (a) cannot be used to secure the load to a vehicle because of the load’s size, shape or both, or
- (b) if used to secure the load to a vehicle, are likely to cause damage to the load, a person may drive or operate the motor vehicle on the highway while the vehicle is carrying that load if it is secured, in a manner that ensures compliance with Section 55.7 by means of securement devices that conform to Section 55.2(3).

55.4 Transporting logs or poles

- (1) Notwithstanding section 55.2, a person may drive or operate a logging truck on a highway while the vehicle is transporting a load of logs or poles or both if each bundle of logs is restrained by at least 2 load encircling binders, at least 3 m apart where the length of the load allows, each binder having a breaking strength in its weakest component of not less than 5,500 kg and the vehicle is

- (a) equipped with the same bunk and stake assembly, unmodified, that it was equipped with at the time it was sold as a new vehicle and bears the National Safety Mark under the *Motor Vehicle Safety Act* (Canada) and the regulations made under it, or
- (b) not equipped and marked as described in paragraph (a) but equipped with bunks and stake assemblies that meet the standards of section 35.06(2) of the *Motor Vehicle Act Regulations*.

55.5 Tiered articles

No person shall drive or operate a vehicle on a highway while the vehicle is carrying its load in more than one tier of separate components unless

- (a) the topmost tier is secured in the manner described in section 55.2(1)(b), and
- (b) each other tier is secured in a safe and stable manner.

55.6 Drums

- (1) No person shall drive or operate a vehicle on a highway while the vehicle is carrying drums or barrels on end unless
 - (a) where metal drums or barrels are stacked on end on other metal drums or barrels, the stacks are separated by dunnage, and
 - (b) the vehicle has sides, sideboards or side stakes and the drums or barrels are blocked or tied down with hardware adequate to prevent the load from shifting on the vehicle.
- (2) Subsection (1) does not apply to a vehicle transporting empty metal drums if secured in the manner described in section 55.2(1)(a).

55.7 Covering of aggregate loads

- (1) No person shall drive or operate a vehicle on a highway while the vehicle is carrying a load of aggregate material, soil, sand, or earth if any of the load is likely, if not covered, to bounce, blow or drop from the vehicle in transit, unless the load is covered in a way that prevents any of it from blowing, bouncing, dropping or escaping from the vehicle.
- (2) No person shall drive or operate a vehicle on a highway while the vehicle is carrying a load of bark mulch, wood chips, hog fuel or sawdust unless the load is securely covered to prevent it from blowing, bouncing, dropping or escaping from the vehicle.
- (3) The cover required in Subsections (1) and (2) must be secured and tightly fastened so that it is not and cannot become a hazard.
- (4) This section does not prohibit dropping sand from a vehicle to secure traction, or water or other substance to clean or maintain a highway.

55.8 Load supported on rollers

No person shall drive or operate a vehicle on a highway when the load of the vehicle is supported on rollers unless at least one roller is equipped with locks that are fastened in a manner that prevents the load from shifting in transit.

55.9 Refuse Containers

No person shall drive or operate on a highway a self-loading vehicle transporting a refuse container unless the refuse container is located and secured to the hoist frame at all four corners by a means which is of adequate strength to prevent movement between the container, the hoist frame and the truck frame. The winch or hoist is not considered part of the securement for the container.

55.10 Front end structures

No person shall drive or operate a commercial vehicle on a highway while the vehicle is carrying a load unless the vehicle is equipped with a bulkhead or cab protector, or both in combination, that meets the standards of section 35.13 of the *Motor Vehicle Act Regulations*, and of sufficient strength to prevent penetration or crushing of the driver's compartment, or the sleeping compartment, in the event of the load shifting during any normal or emergency driving manoeuvre.

- (1) This section does not apply where a person drives or operates a commercial vehicle that is
 - (a) carrying a load in a container where the container is so constructed, and attached to the vehicle chassis, that it meets the requirements of this section for a bulkhead or cab protector, or both in combination,
 - (b) being used exclusively to transport other motor vehicles that are secured by tie down assemblies as required by section 55(1) or fastened by a method permitted by 55.2,
 - (c) licensed for a gross vehicle weight of 5 500 kg or less,
 - (d) a cab and chassis without a load carrying or work performing platform,
 - (e) transporting an intermodal cargo container, or
 - (f) equipped with a permanently attached hoist or crane which meets the standards of Section 35.13 of the *Motor Vehicle Act Regulations*."

DIVISION (2) - SIZE AND WEIGHT REGULATIONS

56. Dimensions

Except as authorized by a permit issued by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) pursuant to Section 60 of this Bylaw and except as permitted under Section 57, no person shall drive or operate on any highway:

MAXIMUM
WIDTH

- (1) A vehicle having a total outside width, with or without load, in excess of 2.6m, except that with loads of loose hay, loose straw or loose fodder, the load may project over the side of the vehicle such distance as results in a total outside width not in excess of 3.1m.

MAXIMUM
HEIGHT

- (2) A vehicle having a height, with or without load, in excess of 4.15m.
- (3) (a) A single vehicle having an overall length, with or without load, in excess of 12.5m, except as provided in (b), (c) and (d);
- (b) A trailer the overall length of which exceeds 12.5m, except that in the case of a "reefer-van", the overall length may be extended to include the refrigeration and/or heating unit only;
- (c) A semi-trailer the overall length of which exceeds 14.65m, except that in the case of a "reefer-van" the overall length may be extended to include the refrigeration and/or heating unit only;
- (d) A bus the overall length of which exceeds 12.5m;

(Bylaw 5000.010)

- (e) A combination of vehicles having an overall length, with or without load, in excess of 20m, except as provided in (f) and (g).
- (f) A combination of three vehicles consisting of a 3-axle tandem drive truck-tractor, semi-trailer and trailer, or a 3-axle tandem drive truck-tractor and two semi-trailers, having an overall length, with or without load, in excess of 22m, provided that the distance from the kingpin of the first semi-trailer and/or its load does not exceed 16.75m;
- (g) A combination of vehicles carrying a load of non-reducible logs, poles or piling in excess of 21.5m.

(Bylaw 5000.014)

- (4) A vehicle loaded so that the load or any portion thereof obstructs the driver's reflected view of the highway directly to the rear of the vehicle, or the driver's view to the front or sides of the vehicle.

56.1 Pilot Cars and Signs (*Bylaw 5000.014*)

Where conditions of an oversize or overload permit prescribe that pilot cars, signs, flags or lights be provided by the permittee, the standards for equipment as set forth in this Section shall be complied with, unless otherwise prescribed by the conditions of the permit.

- (1) Pilot cars shall be private passenger motor vehicles or single commercial vehicles of a gross weight not exceeding 5500 kg.
 - (2) Where an oversize or overload permit requires that a sign be provided on the vehicle or load, the operator of the oversize or overload vehicle shall ensure that the sign conforms fully with the standards in Section 8.03 of the *Commercial Transport Act Regulations*.
 - (3) In the case of mobile homes and modular buildings that exceed 3.5 m in width, in addition to the requirements of subsection (2) the operator of the oversize vehicle shall ensure that there is displayed on the rear of the mobile home or modular building at the time of transport a sign that conforms fully with the standards in Section 8.03 of the *Commercial Transport Act Regulations*.
- 56.2 (1) Every operator of a pilot car shall ensure that the pilot car is
- (a) while escorting a vehicle or a vehicle and load in excess of 27.5 m in length and less than 3.2 m in width, equipped with a roof mounted “**Long Load**”, “**Oversize Load**” or “**D**” sign that complies with the standards in Section 8.04 of the *Commercial Transport Act Regulations*, and
 - (b) while escorting a vehicle or a vehicle and load in excess of 3.2 m in width, equipped with a roof mounted “**Wide Load**”, “**Oversize Load**” or “**D**” sign that complies with the standards in Section 8.04 of the *Commercial Transport Act Regulations*.
- 56.3 Flags must be displayed on all oversize vehicles or loads and shall
- (a) be red,
 - (b) be mounted on all four corners or projections of the vehicle or load, and
 - (c) either be a minimum size of 30 cm square, or be in strips that are not less than 3 cm in width, and not less than 45 cm in length.
- 56.4 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.
- 56.5 (1) A pilot car when escorting an oversize vehicle or load on a 2 lane or 3 lane highway shall precede the oversize vehicle or load at a distance of not less than 100 m nor more than 500 m.
- (2) When escorting an oversize vehicle or load on a 4 lane or divided highway, the pilot car shall follow the oversize vehicle or load at a distance of not less than 100 m nor more than 500 m.
 - (3) Despite subsection (1), on 2, 3 or 4 lane highways a pilot car required for escorting
 - (a) overlength vehicles, and
 - (b) loads in excess of 27.5 m in length and not exceeding 3.2 m in width shall travel to the rear of the escorted vehicle.
- 56.6 Notwithstanding section 56.5 a lead pilot car shall when necessary precede the oversize vehicle or load through tunnels, bridges and other structures, at an adequate distance so as to provide ample warning for oncoming vehicles.”

57. Exemptions (Bylaw 5000.013)

Sections 56 to 60 shall not apply to:

1. An implement of husbandry on a highway during the hours of daylight.
2. A vehicle registered in the name of the City of Nanaimo, the Ministry of Transportation and Highways or their agents that:
 - (a) is operated for the purposes of road maintenance or snow removal;
 - (b) is operated for the distribution of material on the highway for the purpose of improving traction; and,
 - (i) travelling to the place on the highway where distribution of the material carried by the vehicle begins; or
 - (ii) distributing the material on the highway.
3. ICBC Driver Examiner during an ICBC road test, loaded to 70 percent of the legal axle weight for a Provincial standard Class 1 vehicle. (Bylaw 5000.029)

58. All Signs to Apply

Notwithstanding any of the provisions of the regulations under Section 56 or a permit issued pursuant to this Bylaw, the maximum height, length or width of a vehicle or load allowable on a highway or portion of a highway that is expressly limited as to maximum height, length or width of a vehicle or load by a traffic control device erected by or with the authority of the General Manager, Engineering and Public Works (Bylaw 5000.048) shall be that set out on the traffic control device.

59. Weight Restrictions

Notwithstanding any of the provisions of this Bylaw, no person shall, without a permit issued pursuant to this Bylaw, drive or operate on a highway, or a portion of a highway, including a bridge, a vehicle or combination of vehicles having a gross weight on any axle or group of axles, or a gross vehicle weight, in excess of any load limit as may be indicated by a traffic control device.

59.1 General Manager, Engineering and Public Work's Orders: Weight (Bylaw 5000.010,5000.048)

The General Manager, Engineering and Public Works (Bylaw 5000.048) may, by an order made in accordance with Section 48 and subject to Section 59.2, exercise the powers of Council with respect to the maximum gross weight of vehicles or their loads permitted on a highway or class of highways and the weight on an axle, tire or wheel, either generally or in respect of the time of the year and the physical condition of the highway. The General Manager, Engineering and Public Works (Bylaw 5000.048) may order the placement of traffic control devices for the implementation of orders under this section.

59.2 Maximum Weights (Bylaw 5000.010)

Subject to Section 60 but notwithstanding any other provision of this Bylaw, no person shall drive or operate on any highway in the City:

- | | | |
|--|-----|---|
| EXCEED AXLE WEIGHT
<i>(Bylaw 5000.014)</i> | (a) | a vehicle, any axle of which is carrying a gross weight in excess of 9,100 kg or the rated capacity of the axles as rated by the manufacturer, whichever is lesser |
| EXCEED GROUP AXLE WEIGHT | (b) | a vehicle or combination of vehicles having a gross weight on any group of 2 or more consecutive axles which exceeds the applicable gross weight indicated in Schedule 'N'; |
| EXCEED WHEEL WEIGHT
<i>(Bylaw 5000.014)</i> | (c) | a vehicle loaded such that the gross weight on any wheel thereof is in excess of 110 kg per centimetre of width of tire or in excess of the rated capacity of the tire as rated by the manufacturer; whichever is the lesser. In the case of metal or solid rubber tires the weight on any wheel shall not exceed 55 kg per centimetre of width of tire |
| EXCEED LICENCED GROSS VEHICLE WEIGHT | (d) | A vehicle which has a gross vehicle weight in excess of its licenced gross vehicle weight |
| | (e) | Nothing contained in this section regarding the weights of vehicles shall relieve the driver or operator of any vehicle from complying with the weight limits established under Section 59.1. |

59.3 Penalty: Weight Violations *(Bylaw 5000.010)*

Where any vehicle, or vehicle and its load, are found to be overweight contrary to Sections 59.1 or 59.2 of this Bylaw, the driver or operator of the vehicle shall be liable to a fine of \$100.00, plus a further fine of \$10.00 for each 100 kg, or portion thereof, by which the vehicle, or vehicle and load, exceed the limits prescribed under this Bylaw.

DIVISION (3) - PERMITS

60. Authorization

- (1) The General Manager, Engineering and Public Works *(Bylaw 5000.048)* by the issuance of written permit in the form specified in Schedule "J" attached to and forming part of this Bylaw may authorize the driving or operation on a highway of a commercial vehicle that;
 - (a) Does not conform to Section 55 (General Prohibitions), and the fee for the permit shall be in accordance with the rates set out in Schedule "K" of this Bylaw;
 - (b) Does not conform to Section 56 or 59.2, and the fee for the permit shall be in accordance with the rates set out in Schedule 'K' of this Bylaw. *(Bylaw 5000.010)*
- (2) The General Manager, Engineering and Public Works *(Bylaw 5000.048)* may specify in the permit the hours of day for which the permit shall be valid and the date for which the permit shall be valid and the route which shall be followed.

- (3) The General Manager, Engineering and Public Works (*Bylaw 5000.048*) may specify, in writing, as part of or attached to Schedule “J”, any exemptions or conditions that are reasonable. (*Bylaw 5000.021*)

61. Operate Contrary to Permit (*Bylaw 5000.010*)

Any driver, operator or owner of any vehicle or any other person who violates any of the conditions contained in a permit issued pursuant to Section 60 is guilty of an offence. If the driver, operator or owner of any vehicle or any other person who violates the weight restrictions contained in a permit pursuant to Section 60, the provisions of Section 59.3 shall apply.

61.1 Enforcement

For the purposes of enforcing Section 55, 56, 58 and 59 through 59.2 of this Bylaw, any Peace Officer may require a person who is driving or operating any vehicle to stop the vehicle for the purpose of having the vehicle and its load weighed and measured in order to ascertain compliance with this Bylaw.

- 61.2 Every Peace Officer may weigh or measure any vehicle for the purpose of ascertaining compliance with this Bylaw and may issue a violation notice or take other enforcement action in cases of non-compliance.

61.3 Obstruct Peace Officer (*Bylaw 5000.010*)

No person shall obstruct a Peace Officer who is acting pursuant to this Bylaw.

- 61.4 Where a vehicle or its load are found not to be in compliance with this Bylaw, the person driving or operating the vehicle shall forthwith remove from the vehicle the load or part of it which is found to be in excess of the prescribed weight, redistribute the load or otherwise correct the non-compliance, and shall not drive or operate the vehicle until the vehicle and its load comply with this Bylaw.

“PART 11 – MICROMOBILITY DEVICE REGULATIONS
(*Bylaw 5000.048*)

DIVISION (1) – INTERPRETATION

62. Interpretation

In this Part 11, without limiting the definitions in section 2 of this Bylaw:

“ELECTRIC KICK
SCOOTER”

(1) means a device that complies with the following:

- (a) is designed to be:
 - (i) solely self-propelled, or
 - (ii) self-propelled with the capability to be propelled by human power
- (b) has up to 4 wheels, each of which is not more than 430 mm in diameter, placed along a longitudinal axis,

with one to 2 wheels at the front of the device and one to 2 wheels at the rear

- (c) has a platform for standing along the longitudinal axis between the front wheels and the back wheels of the device and is designed to be operated while the operator is standing on the platform
- (d) has a steering handlebar that acts directly on the steerable wheels at the front of the device
- (e) is designed to transport not more than one person
- (f) is not a motor assisted cycle or another device that has pedals
- (g) does not have:
 - (i) a seat, or a surface or structure that could be used as a seat, or
 - (ii) a structure that encloses the Electric Kick Scooter
- (h) the device must have one or more electric motors that:
 - (i) are powered solely by one or more electric batteries
 - (ii) are not capable of propelling the device at a speed exceeding 25 km/h when the device is being operated on a clean, paved and level surface, and
 - (iii) have a continuous power output rating that, in total, does not exceed 500 W

“PROTECTED BICYCLE LANE”

- (1) means that a part of a Highway which is separated from Motor Vehicle Traffic by a bicycle lane buffer and is designated by the General Manager, Engineering and Public Works for use by persons on bicycles, non-motorized skates, skateboards, Electric Kick Scooters or Kick Scooters.

“KICK SCOOTER”

- (2) means device without a motor that complies with the following:
 - (a) is designed to be propelled by human power
 - (b) has up to 4 wheels, each of which is not more than 430 mm in diameter, placed along a longitudinal axis, with one to 2 wheels at the front of the device and one to 2 wheels at the rear

- (c) has a platform for standing along the longitudinal axis between the front wheels and the back wheels of the device and is designed to be operated while the operator is standing on the platform
 - (d) has a steering handlebar that acts directly on the steerable wheels at the front of the device
 - (e) is designed to transport not more than one person
 - (f) is not a motor assisted cycle or another device that has pedals
 - (g) does not have:
 - (i) a seat, or a surface or structure that could be used as a seat, or
 - (ii) a structure that encloses the scooter
- (3) For certainty, an Electric Kick Scooter does not include a motorized wheelchair.

DIVISION (2) - MICROMOBILITY REGULATIONS

63. Micromobility Regulations

- 63.1 An owner, registered owner, lessee or operator of a Vehicle must not cause, allow or permit the Vehicle to stop on any portion of a Highway that is designated by the General Manager, or their designate, this Bylaw or any other enactment for use by persons on bicycles, Electric Kick Scooters or Kick Scooters.
- 63.2 No person shall ride an Electric Kick Scooter or Kick Scooter in a marked crosswalk unless it is also marked to permit cycling by persons on bicycles.
- 63.3 Subject to the provisions of subsection (4), a person may ride an Electric Kick Scooter or Kick Scooter in an unmarked crosswalk.
- 63.4 A person riding an Electric Kick Scooter or Kick Scooter if permitted in a crosswalk must yield the right of way to pedestrians who are entering, leaving, or in the crosswalk. For the purposes of this subsection, a marked crosswalk includes the area of the crosswalk also marked to permit cycling by persons on bicycles.
- 63.5 Subject to the requirements of this section 63, a person may ride or coast on an Electric Kick Scooter or Kick Scooter on:
- (a) any Highway, other than an Arterial Highway, that is subject to a speed limit of 50 kilometres per hour or less, or
 - (b) portion of Highway designated by the General Manager, or their designate, as a protected bicycle lane.

- 63.6 A Person must not operate an Electric Kick Scooter:
- (a) on a sidewalk, except for the purpose of directly crossing a sidewalk as a pedestrian pushing the device, unless the General Manager, or their designate, has designated the sidewalk as a bicycle path or multi-use trail;
 - (b) despite subsection (5), on a Highway with a posted speed limit higher than 50 km/h;
 - (c) despite subsection (5), on a Highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal bylaw;
 - (d) who is under 16 years of age; or
 - (e) that has an electric motor which exceeds 500 watts and that provides a maximum speed in excess of 25 kilometres per hour.
- 63.7 A person must not ride an Electric Kick Scooter or Kick Scooter on any Highway or protected bicycle lane:
- (a) while wearing headphones, or any other manufactured device capable of transmitting sound, over or in close proximity to both ears, except that this prohibition will not apply to the wearing of a device designed and worn for the purpose of improving the wearer's ability to hear sounds emanating from outside of the device;
 - (b) unless that person wears a helmet;
 - (c) unless, between 1/2 hour after sunset and 1/2 hour before sunrise, that person or the person's skateboard or Kick scooter is equipped with and using lighting or reflective equipment that under normal atmospheric conditions is visible in all directions at least 75 m from the person or the Electric Kick Scooter or Kick Scooter;
 - (d) unless that person travels in the direction of Vehicular or bicycle traffic and as close as practicable to the extreme right side of the Highway or protected bicycle lane; or
 - (e) in a reckless manner or in a manner that will obstruct traffic or endanger the safety or property of any person.
- 63.8 A person operating an Electric Kick Scooter or Kick Scooter must not:
- (a) carry any other person or cargo on the scooter;
 - (b) tow another person, vehicle or device;
 - (c) attach themselves to another scooter, Vehicle or device for the purpose of being drawn or towed;
 - (d) operate it in any position other than while always standing; or
 - (e) leave it in a location that is intended for the operation or passage of Vehicles, bicycles, scooters or pedestrians.
- 63.9 A person must not drive, operate, or propel:
- (a) on any Highway or other public place, an internal combustion motorized scooter, except for internal combustion Motor Vehicles the *Motor Vehicle Act* permits to operate on Highways; or
 - (b) despite paragraph (a), any Motor Vehicle on a path in a park or public place, except for certainly a motorized wheelchair or an Electric Kick Scooter or Kick Scooter.
- 63.10 A Peace Officer may impound any Vehicle or internal combustion motorized scooter in contravention of section 63.9 (a) or (b).
- 63.11 A person riding an Electric Kick Scooter or Kick Scooter must, at the request of a Peace Officer, state their correct name, address, and date of birth.

- 63.12 A Peace Officer may arrest without warrant any person riding an Electric Kick Scooter or Kick Scooter whom the officer finds committing a breach of any provision of this Bylaw if such person fails to stop and state their correct name, address, and date of birth.
- 63.13 Without limiting any other provision of this Bylaw, a person must comply with British Columbia Order in Council 640/2023.

PART 12 - GENERAL

64. Remainder of Bylaw to be Maintained Intact

In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

65. Incorporation of Existing Regulations

- (1) All those things done and regulations and provisions made by Council pursuant to "TRAFFIC AND HIGHWAYS BYLAW 1993 NO. 5000", are hereby adopted as orders made pursuant to this Bylaw, and shall have the same authority as orders made by the General Manager, Engineering and Public Works (*Bylaw 5000.048*) pursuant to Section 48.
- (2) The General Manager, Engineering and Public Works (*Bylaw 5000.048*) is hereby authorized to rescind, repeal, vary or amend an order which is adopted pursuant to (1), providing always that the General Manager, Engineering and Public Works (*Bylaw 5000.048*) follows the procedure set out in Section 49.

66. Appeal

- (1) An appeal may be brought against any order of the General Manager, Engineering and Public Works (*Bylaw 5000.048*) under Section 48 or any order varied or amended under 49.
- (2) The person affected by a decision of the General Manager, Engineering and Public Works as outlined in Section 66(1) must file a Notice of Appeal to the Director of Legislative Services, within 30 days of the date of the General Manager, Engineering and Public Works' decision as outlined in the Appeals Procedure Bylaw, 2022 No. 7354, as amended from time to time. (*Bylaw 5000.048*)

67. Repeal

The following Bylaws as amended are hereby repealed:

- (1) "TRAFFIC AND HIGHWAYS REGULATION BYLAW 1983 NO. 2600"

Bylaw No. 5000 (Consolidated Version)

TRAFFIC & HIGHWAYS BYLAW 5000

SCHEDULES

SCHEDULE A

PARKING METER, TICKET DISPENSING MACHINE AND MONTHLY PARKING PERMIT FEES

(A) **PARKING METERS (ON-STREET PARKING)**

The fee to be placed in a parking meter pursuant to Section 5(5) of this Bylaw, for standing, stopping or parking in each and every metered space during the time that parking meters are required to be operated, shall be \$1.25 per hour.

(B) **PARKING METERS (OFF-STREET PARKING)**

The fee to be placed in a parking meter, pursuant to Section 6(7) of this Bylaw, for standing, stopping or parking in each and every metered space in an off-street parking facility during the time that parking meters are required to be operated shall be equivalent to those set out in (C) for ticket dispensing machines.

(C) **TICKET DISPENSING MACHINES (OFF-STREET PARKING)**

The fee to be placed in a ticket dispensing machine, pursuant to Section 6(7) of this Bylaw, for standing, stopping or parking in each and every marked parking space in an off-street parking facility during the time that parking permits issued from ticket dispensing machines are required, shall be as outlined.

PARKING RATES FOR OFF-STREET FACILITIES

	Port of Nanaimo Centre Parkade	Harbourfront Parkade	Bastion Street Parkade	Cavan St. & Wallace/Wentworth	Prideaux Street	Maffeo Sutton	Brechin Boat Ramp
	24 hours Mon-Sun	24 hours Mon-Sun	24 hours Mon-Sun	0800-1700 Mon-Fri	0800-1700 Mon-Fri	0800-1700 Mon-Fri	24 hours Mon-Sun
1 hr					Free	Free	\$1.00
2 hr	\$0.75	\$0.75	\$0.75	\$0.75	Free	Free	\$2.00
3 hr	\$1.75	\$1.75	\$1.75	\$1.75	Free	Free	\$3.00
4 hr	\$2.75	\$2.75	\$2.75	\$2.75	Free	\$2.00	\$4.00
5 hr	\$3.75	\$3.75	\$3.75	\$3.75	Free	\$3.00	\$5.00
6 hr	\$4.75	\$4.75	\$4.75	\$4.75	Free	\$4.00	\$6.00
7 hr	\$5.75	\$5.75	\$5.75	\$5.75	Free	\$5.00	\$6.00
8 hr	\$6.75	\$6.75	\$6.75	\$6.75	Free	\$6.00	\$6.00
9 hr	\$7.00	\$7.00	\$7.00	\$7.00	Free	\$7.00	\$6.00
10 hr	\$7.00	\$7.00	\$7.00	\$7.00	Free	\$7.00	\$6.00
11 hr	\$7.00	\$7.00	\$7.00	\$7.00	Free	\$7.00	\$6.00
12 hr	\$7.00	\$7.00	\$7.00	\$7.00	Free	\$7.00	\$6.00
13 -24 hr	\$9.00	\$9.00	\$9.00	\$9.00	Free	\$9.00	\$6.00

MONTHLY PARKING RATES FOR OFF-STREET FACILITIES

The fees for monthly parking permits, issued pursuant to Schedule “B” and Section 6(3)(b) of this Bylaw, shall be as follows:

	Unreserved	Reserved
Port of Nanaimo Centre Parkade	\$110.00	n/a
Harbour Front Parkade	\$110.00	n/a
Bastion Street Parkade	\$75.00	\$90.00
Cavan Street Parking Lot	\$60.00	\$90.00
Wallace/Wentworth Parking Lot	\$60.00	\$90.00
Selby Street Parking Lot	\$60.00	\$90.00

Pay parking shall not be in effect in any off-street parking facility, as specified in Schedule “B”, on any of the following holidays:

- | | |
|----------------|------------------|
| New Year’s Day | BC Day |
| Family Day | Labour Day |
| Good Friday | Thanksgiving Day |
| Easter Monday | Remembrance Day |
| Victoria Day | Christmas Day |
| Canada Day | Boxing Day |

SCHEDULE "B"

OFF-STREET PARKING FACILITIES

The following are designated as off-street parking facilities, pursuant to Section 6 of this Bylaw:

- (A) Consisting of the Bastion Street Parkade, situated on Lot 1, Plan 26912, Nanaimo District.
- (B) Consisting of the Gordon Street Parkade, situated on Lot 1, Section 1, Nanaimo District, Plan VIP63076 and Bed of the Public Harbour of Nanaimo Except Part in Plan VIP63941.
- (C) Consisting of the Cavan Street Parade, situated on Lots 4, 5, 15 and 16, Block 15, Plan 584, Nanaimo District.
- (D) Consisting of the Wallace/Wentworth Parkade, situated in Lots 1, 2, 3 and 4, Block 39, Section 1, Plan 584, Nanaimo District.
- (E) Consisting of the Arena Parking Lot situated on Lots 7 & 8, Block 51, Plan 584, Lots 1 & 2 of Section 1, Plan 5931 and that Section of Arena Street as closed by Street Closure Bylaw 1992 No. 3904.
- (F) Consisting of the Prideaux-Franklyn Parkade, situated on Lot 1, Section 1, Plan 27296, LD 32.
- (G) Consisting of the Harbourfront Parkade situated on Lot 1, Section 1 and part of the bed of the public harbour, Nanaimo District, Plan VIP65156, Except parts in Air Space Plan VIP65336 and Air Space Plan VIP65337.
- (H) Consisting of the Selby Street Parkade situated on Block 34, Sec 1, Nanaimo District, Plan 584 Except That Part Taken For Right Of Way Of The E&N Rly Right Way Is Shown On Pln 1064 (P.I.D. 008-777- 446) & Lot 2, Blk 34 Sec 1, Nanaimo District, Plan 584 Except Part Of Right Way E&N Rly (P.I.D.008-777-411).

Monthly parking permits are restricted to and valid only for the specified areas as outlined in (A) to (H) of this Schedule.

(Example: a monthly parking permit obtained for the Cavan Street Parade (C), is not valid in the Bastion, Gordon, Wallace/Wentworth, Selby, Arena, and Prideaux/Franklyn Street Parkades.)

SCHEDULE "C"

PARKING METER PERMIT

- (1) The charge for a Parking Meter Permit issued to an owner of a commercial vehicle under Section 7(3) of this Bylaw shall be:
 - (a) \$100.00 per annum for the first vehicle.
 - (b) \$100.00 per annum for each additional vehicle under the same registered ownership.

SCHEDULE "D"

TEMPORARY HIGHWAY FRONTING AUTHORIZATION

- (1) Where any person has been granted permission for the temporary occupation of any street frontage in any area pursuant to Section 9 of this Bylaw, then the fee for the permit shall be:
 - (a) \$10.00 per day for each parking space granted;
 - (b) a minimum of \$20.00 per meter if the meter head is removed from the meter post.
- (2) **METER HOODS/DEPOSIT**
 - (a) Where any person has been granted permission for the temporary occupation of any street frontage in any metered area he shall cover the meters in that area with a meter hood or bag which shall be supplied by the City. Security in the amount of \$20.00 for each meter hood or bag shall be deposited with the City and shall be refunded to the applicant upon the return of each meter hood or bag in good condition.
 - (b) Should the applicant fail to return a meter hood or bag, or should the meter hood or bag be returned in such a condition that it is not longer usable as determined by the Corporate Officer, then the security deposit for that meter hood or bag shall be forfeited.
 - (c) Should a meter hood or bag be returned in a damaged but repairable condition, the City reserves the right to assess the cost of any necessary repairs to the bag or bags, and this amount shall be deducted from the permit holder's security deposit.
 - (d) Where any person has been granted permission for the temporary occupation of any street frontage in any unmetered area he shall erect temporary signs in that area, which shall be supplied by the City. Security in the amount of \$25.00 for each sign shall be deposited with the City and shall be refunded to the applicant upon return of each temporary sign in good condition.
 - (e) Should the applicant fail to return a temporary parking sign, or should the temporary parking sign be returned in such a condition that it is no longer usable as determined by the Corporate Officer, then the security deposit for that temporary parking sign shall be forfeited.
 - (f) Should a temporary parking sign be returned in a damaged but repairable condition, the City reserves the right to assess the cost of any necessary repairs to the temporary parking signs, and this amount shall be deducted from the permit holder's security deposit.

SCHEDULE "E"

Deleted in it's entirety (*Bylaw 5000.048*)

Bylaw No. 5000 (Consolidated Version)
(Bylaw 5000.010)

SCHEDULE "F"

CITY OF NANAIMO BYLAW VIOLATION TICKET

(DELETED BY BYLAW 5000.012)

SCHEDULE "G"

FEE SCHEDULE - REMOVAL OF CHATTEL, OBSTRUCTIONS AND VEHICLES

The following fees, costs and expenses shall be paid by the owner of any chattel, obstruction or vehicle removed, detained or impounded pursuant to Part 3 of this Bylaw.

REMOVAL OF VEHICLE

- | | | |
|-----|--|-------------|
| (a) | removal of any vehicle up to 3600 kg | \$40.00 |
| (b) | removal of any vehicle from 3600 kg to 5500 kg inclusive | \$55.00 |
| (c) | removal of any vehicle over 5500 kg | \$85.00 |
| (d) | for storing vehicles in private storage yards: | |
| | (i) automobiles, including panel and pick up trucks | \$ 8.00/day |
| | (ii) heavy trucks, tractors or trailers | \$12.00/day |
| (e) | car specialty tow bars when necessary | \$25.00 |
| (f) | dollies | \$32.00 |

REMOVAL OF CHATTEL OR OBSTRUCTION

- | | | |
|-----|---|-------------|
| (g) | for any chattel or obstruction removed, the actual cost of removal be charged to the owner of the chattel or obstruction or a minimum of
<i>(Bylaw 5000.038)</i> | \$25.00 |
| (h) | storage fees for any chattel or obstruction removed shall be
<i>(Bylaw 5000.038)</i> | \$ 7.00/day |

SCHEDULE "H"

FEE SCHEDULE: BONDING AGAINST DAMAGE TO CITY STREETS DURING THE COURSE OF CONSTRUCTION ON OTHER THAN THE HIGHWAY ITSELF.

(A) Cash, Certified Cheque or Approved Irrevocable Letter of Credit to be deposited with the City prior to the issuance of any building permit (pursuant to Section 34 (2) in the amount of :

- (1) Single Family Residence \$ 750.00
- (2) Duplex \$ 750.00
- (3) All others (except corner lots) \$ 20.00/frontage foot
(minimum fee \$1,000.00)

Where the applicant has more than two (2) concurrent building permits issued under (1) and (2) above, the maximum bonding required will be \$1,500.00.

(B) For the purposes of (A)(3), corner lots shall pay the following fees:

- (1) For a corner lot fronted by two highways \$ 10.00/frontage foot
minimum fee (\$1,000.00)
- (2) For a corner lot fronted by two highways, one
of which is an arterial highway \$ 20.00/frontage foot
excluding arterial footage minimum fee (\$1,000.00)

(C) Fee for necessary additional inspection - subsequent to final inspection by a Building Inspector, in order to ensure that the provisions of this Bylaw have been complied with. (Pursuant to section 34(3)(b) and 34(3)(c)..... \$ 50.00

SCHEDULE "I"

APPLICATION TO WORK ON OR WITHIN CITY STREETS, EASEMENTS/PROPERTY

1. Applicant's Name

2. Business Address

_____ Postal Code

3. Telephone Number Business License No.

4. Owner's Name

5. Starting Date _____ 6. Completion Date

7. Name of Street _____ Nearest Intersecting St.

8. Street No. & Legal Description

9. Type of Work

10. Distance of Work from Property Line

11. Purpose of Construction

12. S.D. # if part of a Subdivision

13. Building Permit Yes _____ No _____ Number

I (we) hereby agree to be bound by the provisions of the City of Nanaimo Traffic Bylaw and amendments thereto, if any; as well as any regulation contained within the City of Nanaimo Manual of Engineering Standards and Specifications which may govern work in or under Municipal streets, easements and property; as well as to such special conditions, restrictions, and regulations as may be imposed by the Director of Public Works.

- o INSURANCE ON FILE
- o 3 SETS OF APPROVED DRAWINGS
- o DEPOSIT AMOUNT _____

Authorized Company Signature

Applicant's Signature

Date of Application

PERMIT FEE	\$25.00	
G.S.T.	<u>1.75</u>	
TOTAL	\$26.75	<i>(Bylaw 5000.021)</i>

SCHEDULE "I"

The permission and approval granted herein, is subject at all times to the following conditions:

- | | | |
|----------------------------|----|--|
| SATISFACTORY
COMPLETION | 1. | That the construction and maintenance of the said works is carried out to the satisfaction of the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>). |
| NOTICE | 2. | That before commencing with any work on City property, notice in writing of the intention to do so must be given to the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>) at least two (2) clear working days before the work is begun. |
| INSPECTION | 3. | (1) That any person or persons appointed by the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>) to carry out inspections, shall have free access to all parts of any work for the purpose of inspecting the same.

(2) The General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>) may make such inspections as are reasonably necessary in the enforcement of this Bylaw, and is empowered to provide a full-time Inspector if necessary. All inspection costs shall be borne by the Permittee. |
| RESPONSIBILITY | 4. | That the person or persons for whom these works are being constructed, or by whom these works are maintained, shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by these works, and shall save harmless and keep indemnified the City from all claims and demands whatsoever in respect of these works and such works. |
| APPLICATION | 5. | The permission herein granted is not to be construed as being granted for all time, and shall not be deemed to vest in the Permittee any right, title or interest whatsoever in or to the lands upon which the works are constructed. Should the lands affected at any time be classified as an arterial or primary highway, this permission shall become void. |
| WITHOUT
PREJUDICE | 6. | That the permission hereby granted to construct, use and maintain work is granted subject to and without prejudice to the provisions of the <i>Highway Act</i> , or any other acts governing City lands and public works or their use by the public, and subject to and without prejudice to any City Bylaws. |
| PROPERTY OF
CITY | 7. | 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, upon completion, become the property of the City of Nanaimo and shall not be further added to, modified, destroyed or removed without obtaining a further permit from the City. |
| VALIDITY | 8. | This permit is valid only for the specific works stated herein. Any alteration or addition must be covered by a separate permit. |
| CANCELLATION | 9. | A permit may be canceled at the direction of the General Manager, Engineering and Public Works (<i>Bylaw 5000.048</i>) without recourse should the permittee fail to comply with all the terms of the permit. |

SCHEDULE "J"

USE OF PERMITS

1. The purpose of permits is to authorize movement of special loads within acceptable limits which exceed the normal loading restrictions in overall dimension or weight, or which would otherwise be prohibited under this Bylaw. (Bylaw 5000.014)
2. Permits will be valid only for a single movement and for specific loads indicated on the application unless size dimensions are less than limits as per Section 2 of Schedule 'K' in which case an annual permit may be issued. (Bylaw 5000.010)
3. Notwithstanding 1, this permit shall in no way be construed as giving permission for the operation of a vehicle on any highway in contravention of any regulation, limitation or prohibition which may be made from time to time for the protection of the highway, pursuant to City of Nanaimo Traffic and Highways Bylaw, other than that specific regulation, limitation or prohibition which may be named in the permit.

CONDITIONS OF PERMIT

4. **Permitee to Assume Liability**

The holder of the permit shall move the object or load described in the application entirely at his own risk and shall accept full responsibility for all damages or injury to any person or persons using the highway, or otherwise; and for any and all loss or damage to privately owned or City property which may result from the operation of the vehicle under the authority of the permit. The holder of the permit shall protect, indemnify and save harmless the City from all loss, damage or injury resulting, directly or indirectly, from the operation of the vehicle.

5. **Permitee to Ensure Vehicle Safety**

The gross vehicle weight of the vehicle, or combination of vehicles, named herein shall not exceed the safe practical carrying capacity of the vehicular combination of vehicles or any of the component parts thereof. The permittee shall be responsible for the checking of the vehicle for which this permit is issued to ensure that it is mechanically sound.

6. The following regulations apply to the marking and travel of vehicles (loaded or unloaded) which exceed normal width and length regulation:

(a) Overall length (measured out to out of vehicle and/or load):

(i) There shall be conspicuously displayed, at the extreme rear and extreme width of such loads, red flags during daylight hours and clearance lights during the period between sunset and sunrise, or at any time when the atmospheric conditions are such that objects on the highway are not plainly visible at a distance of 100m.

(b) Overall width (over 2.6m and less than 3.2m overall): (Bylaws 5000.010, 5000.014)

(i) There shall be conspicuously displayed, at extreme edges, red flags during daylight hours and clearance lights during the period between sunset and sunrise, or at any time when the atmospheric conditions are such that objects on the highway are not plainly visible at a distance of 100m.

Overall width (over 3.5 m overall): (Bylaw 5000.014)

(ii) Where the overall width is in excess of 3.5 m the load shall, in the case of a 2 or 3 lane highway, be preceded by a pilot car at a distance of not less than 100 m and not more than 500 m. In the case of a 4 lane or divided highway the pilot car shall follow the load at a distance of not less than 100 m nor more than 500 m.

7. Clearance Lights

Every public service and commercial vehicle having a width in excess of 2.5m, or a length in excess of 18m including the load thereon, shall be equipped with clearance lights in accordance with the following provisions:

(a) On the front of the vehicle, two amber lights, one at each extreme width of the vehicle and/or load and as near the top as practicable.

(b) On the rear of the vehicle, two amber lights, one at each extreme width of the vehicle and/or load, and as near the top as practicable. Providing, however, in the case of a vehicle where it is impracticable to have clearance lights mounted at either the front or the rear of the body of the vehicle, then the said required clearance lights may be carried at the ends of a bar of pipe securely attached to the top or the rear of the cab of the vehicle in such a manner that the extreme width of the truck and/or load may be plainly indicated from the front and the rear of the vehicle.

(c) All public service and commercial vehicles, including pole trailers, well casing or other materials which extend beyond the rear of the vehicle, be provided with flexible extension cords for the purpose of displaying red clearance lights at the extreme rear and extreme width of such loads.

(d) In the case of semi-trailers or any combination of vehicles which exceed 10.5m in length, then in addition to the above requirements, a red lateral light shall be located as near the centre as possible on 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 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 so placed that they shall be visible from a distance of at least 150m under normal atmospheric conditions.
 - (g) During the period between sunset and sunrise or at any time when the atmospheric conditions are such that objects on the public highways are not plainly visible at a distance of 100m, the said clearance shall be a light.
8. Before commencing to move the object or load, the operator shall ascertain whether the dimensions of the object or load are such as would collide with any guide-post or railing along the highway or with any portion of ridges through which he might have to pass. Under no circumstances shall such posts or railings be removed without permission from the General Manager, Engineering and Public Works (*Bylaw 5000.048*).
9. The operator shall also ascertain if there are any telephone, telegraph or power wires under which the object or load has to be moved and if the height of the object or load is such as is likely to collide with such wires in any degree, then under no circumstances shall the object or load be moved until the consent of the agency owning the wires has been obtained.
10. If, in the opinion of the General Manager, Engineering and Public Works (*Bylaw 5000.048*), the operation of the vehicle is found to be causing injury or damage to the highway, or it is found that the operation of the vehicle is not in the interests of the public, the General Manager, Engineering and Public Works (*Bylaw 5000.048*) may suspend or cancel the Permit.
11. It shall be sufficient notice that the Permit is suspended if such notice is given by the General Manager, Engineering and Public Works (*Bylaw 5000.048*), or by any person authorized by the Corporate Officer, verbally or otherwise, to the person owning or to the person driving or operating the vehicle, and no formal notice of suspension shall be required.
12. This permit shall be produced for inspection upon demand of any Peace Officer or any person authorized by the General Manager, Engineering and Public Works (*Bylaw 5000.048*).
13. No person shall change or alter this permit in any manner, unless he is authorized to do so by the General Manager, Engineering and Public Works (*Bylaw 5000.048*).

SCHEDULE 'J'

CITY OF NANAIMO

**STRATEGIC PLANNING, ENGINEERING
AND
ECONOMIC DEVELOPMENT DEPARTMENT**

"APPLICATION FOR VEHICLE OVERSIZE AND/OR OVERWEIGHT SINGLE TRIP PERMIT"

"APPLICATION FOR VEHICLE OVERSIZE AND/OR OVERWEIGHT TERM PERMIT"

form available at:

Engineering Department, Bylaw Services Division, or the Finance Department

METRIC CONVERSION

Distance			Distance		
Metres	=	Feet	Metres	=	Feet
0.4	=	1.31	6.4	=	20.99
0.5	=	1.64	6.7	=	21.98
0.9	=	2.95	7.0	=	22.97
1.0	=	3.28	7.3	=	23.95
1.2	=	3.94	7.5	=	24.61
1.4	=	4.59	7.9	=	25.92
1.5	=	4.92	8.25	=	27.07
1.8	=	5.91	9.0	=	29.53
2.4	=	7.87	10.5	=	34.45
2.44	=	8.01	12.0	=	39.37
2.5	=	8.20	13.45	=	44.13
2.75	=	9.02	14.3	=	46.92
3.0	=	9.84	15.0	=	49.21
3.05	=	10.01	15.3	=	50.19
3.7	=	12.14	16.0	=	52.49
3.9	=	12.80	16.3	=	50.19
4.0	=	13.12	17.0	=	55.77
4.3	=	14.11	17.1	=	56.10
4.5	=	14.76	18.0	=	59.06
4.6	=	15.09	18.3	=	60.03
4.88	=	16.01	18.9	=	62.01
4.9	=	16.08	19.0	=	62.34
5.0	=	16.40	20.0	=	65.62
5.2	=	17.06	21.0	=	68.89
5.3	=	17.39	25.0	=	82.02
5.5	=	18.04	27.5	=	90.22
5.8	=	19.03	30.0	=	98.43
6.0	=	19.69	60.0	=	196.85
6.05	=	19.85	300.0	=	984.25
6.1	=	20.01	400.0	=	2624.67

Note: The table listed above is provided for convenience only, and does not form an integral part of the Traffic and Highways Bylaw. In some cases, the imperial measurement equivalents are approximate.

SCHEDULE "K"

SCHEDULE OF PERMIT FEES PURSUANT TO DIVISION (3), PART 10, "PERMITS"

Attached to and forming part of "TRAFFIC AND HIGHWAYS REGULATION BYLAW 1993 NO. 5000".

1.	<u>ONE WAY PERMITS</u>			<u>FEE</u>	
	(a)	Operation on a highway (oversize vehicles) vehicle prohibited under Section 55 &56		\$ 15.00	
	(b)	Operation on a highway (overweight vehicles) vehicle prohibited under Sections 59, 59.1 or 59.2		\$ 10.00	
	(c)	Operation on a highway (oversize and overweight vehicles)		\$ 25.00	
2.	<u>TERM PERMITS</u>				
			<u>1 MONTH</u>	<u>6 MONTH</u>	<u>12 MONTH</u>
	(a)	Oversize	\$ 30.00	\$ 180.00	\$ 360.00
	(b)	Overweight	\$ 100.00	\$ 600.00	\$ 1,200.00
	(c)	Oversize and Overweight	\$ 130.00	\$ 780.00	\$ 1,560.00
	(d)	Exemption from following designated Truck Routes per Section 60 for the purposes of commercial vehicle training	\$ 30.00	\$ 180.00	\$ 360.00
	(e)	Exemption from following designated Truck Routes per Section 60 for purposes other than 2(d)	\$ 100.00	\$ 600.00	\$ 1,200.00

SCHEDULE "L"

TAXI ZONES - LOCATIONS AND RENTAL FEES

TAXI ZONE LOCATIONS:

- (i) A 6-metre area on Commercial Street, fronting Lot: PCL A of 4 (10434N0, Block 59, Section 1, Plan 584.
- (ii) A 6-metre area on Victoria Crescent fronting Lot 3, Section 1, Plan 9893.
- (iii) A 6-metre area on Commercial Street fronting Lot 30, Block 13, Section 1, Plan 584.
- (iv) A 6-metre area on Front Street fronting Lot 3, Block 57, Plan 589.

TAXI ZONE RENTALS:

Rental rates for the aforementioned taxi zones shall be \$400.00 each, per fiscal year.

SCHEDULE “M”

OFF STREET PARKING FACILITIES ADJACENT TO PUBLIC BOAT LAUNCH FACILITIES

Brechin Boat Ramp Off-Street Parking Facility

Lot 2, Section 1, Nanaimo District, Plan VIP85783; and
Block 1, District Lot 227, Nanaimo District

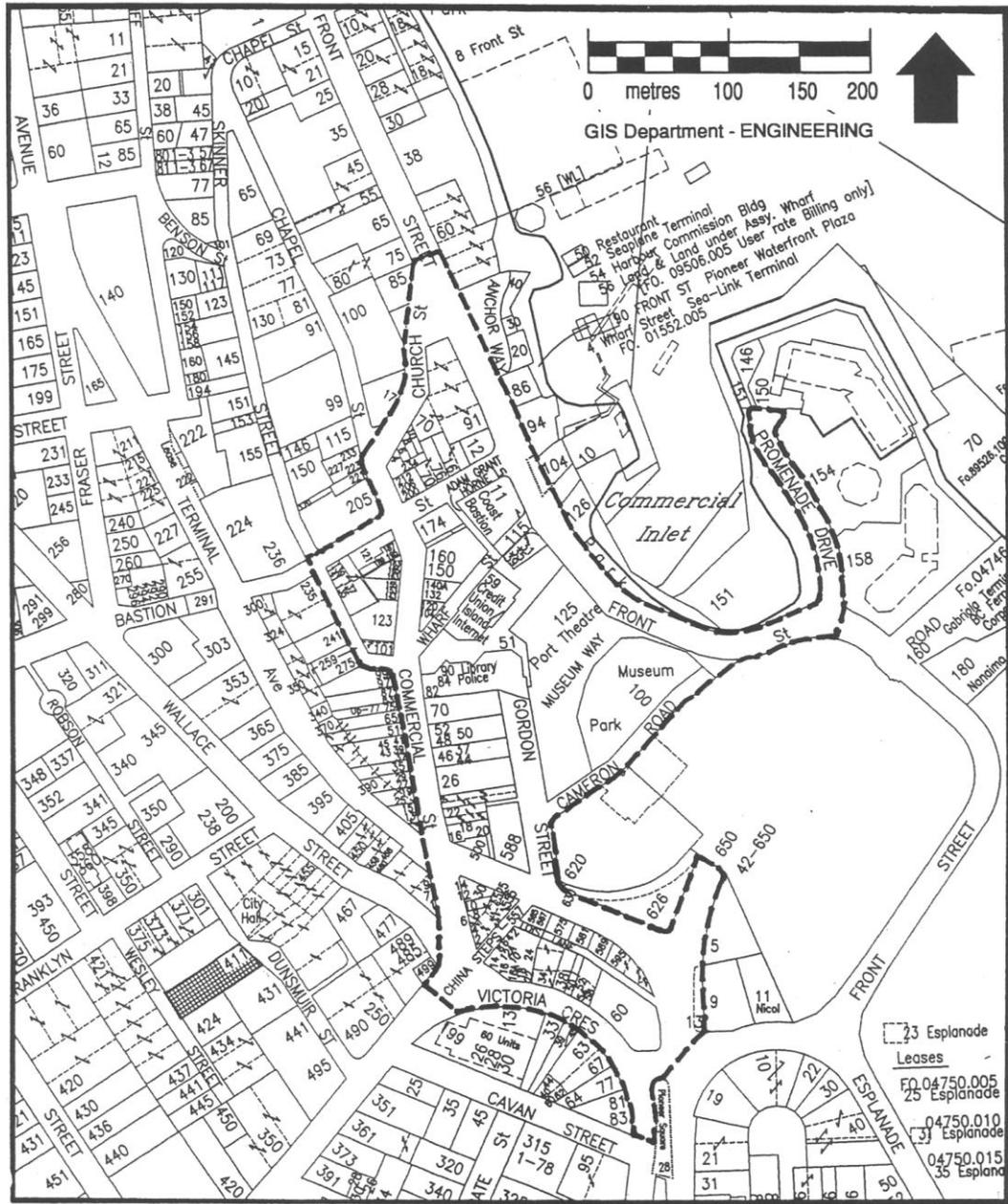
SCHEDULE 'N'

MAXIMUM ALLOWABLE GROSS VEHICLE AXLE WEIGHT

Distance Between the Centres of the First Axle and Last Axle of any Group of Axles of a Vehicle or Combination of Vehicles	Maximum Allowable Gross Weight on that Group of Axles
Centimetres	Kilograms
Up to 120	16,000
150	16,500
180	17,000
210	17,500
240	18,000
270	18,500
300	19,000
330	19,500
360	20,000
390	20,500
420	21,000
450	21,500
480	22,000
510	22,500
540	23,000
570	23,500
600	24,000
630	24,500
660	25,000
690	25,500
720	26,000
750	26,500
780	27,000
810	27,500
840 or more	28,000

In measuring the distance between the centres of any group of axles, where the distance is greater than a number in the centimetres column, the next highest number shall be used.

SCHEDULE 0



RESTRICTED 2 HOUR ON-STREET PARKING ZONE