

*A Bylaw to regulate and prohibit the use of highways within  
the boundaries of the City of Port Coquitlam.*

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***WHEREAS the Council of the Corporation of the City of Port Coquitlam wishes to ensure the safe and orderly use of highways within the boundaries of the City;***

***WHEREAS pursuant to section 124 of the Motor Vehicle Act and section 36 of the Community Charter, Council of the Corporation of the City of Port Coquitlam is authorized to regulate traffic and the use of highways;***

***NOW THEREFORE the Council of the Corporation of the City of Port Coquitlam enacts as follows:***

**Citation**

1. This bylaw may be cited for all purposes as the "Highway Use Bylaw, 2018, No. 4033"

**Repeal**

2. The following bylaws passed and amendments thereto are repealed:
  - (1) City of Port Coquitlam Extraordinary Traffic Regulation Bylaw, 1971, No. 1119;
  - (2) Port Coquitlam Highway Bylaw, 1984, No. 2011;
  - (3) Highway Utilities Installation Bylaw, 1990, No. 2507;
  - (4) Highway and Pedestrian Ditch Crossings Bylaw, 1995, No. 2989;
  - (5) Encroachment Bylaw, 1996, No. 3023;
  - (6) Traffic Regulation Bylaw, 1998, No. 3155;
  - (7) Newspaper Box Regulation Bylaw No. 3534;

## **DIVISION 1 - INTERPRETATION**

### **Severability**

3. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### **Definitions**

4. In this bylaw, any reference to bylaws of the City refer to those bylaws, as amended or replaced from time to time.
5. In this bylaw, unless the context otherwise requires, words shall be as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318.
6. In this bylaw, unless the context otherwise requires:

**BOULEVARD** means any portion of the area from the edge of the pavement or curb of a highway, or where there is no pavement or curb from the edge of the traveled portion of the highway, to the property line; and on a street designated for the segregation of traffic traveling opposite directions by leaving a central portion thereof in an underdeveloped state or improved by paving or by the planting of grass or shrubs, then the portion of the street so left shall be included in the term boulevard, and includes the space below and above the surface of the land;

**CITY** means The Corporation of the City of Port Coquitlam;

**CITY CLERK** means the person appointed by Council to that position and includes anyone authorized by Council to act on behalf of the City Clerk;

**COUNCIL** means the Municipal Council of The Corporation of the City of Port Coquitlam;

**CONSTRUCTION** includes the original construction of a new highway and also the work of reconstructing or putting a highway or any section in repair by general and continuous regrading or remetalling of its surface, or by building, rebuilding or enlarging bridges, or by executing other highway work of improvement or protection classified by the engineer as substantial;

<b>CROSSWALK</b>	means: (1) a portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the road the surface; or (2) 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 absence of curbs, from the edges of the roadway;
<b>CURB LINE</b>	means the edge of a sidewalk or boulevard adjoining a roadway;
<b>CYCLE</b>	means a unicycle, bicycle or tricycle;
<b>DISABLED PERSON</b>	means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk;
<b>DISABLED PERSONS' PARKING PERMIT</b>	means a parking permit issued to a disabled person pursuant to the Regulations;
<b>DISABLED ZONE</b>	means a part of a highway or public place identified by a disabled parking sign as specified in the Regulations;
<b>ENGINEER</b>	means the Director of Engineering & Public Works or designate of the City;
<b>FEES AND CHARGES BYLAW</b>	means the City's current Fees and Charges Bylaw;
<b>HIGHWAY</b>	includes every highway within the meaning of the <i>Transportation Act</i> , S.B.C. 2004, c. 44 and amendments thereto, 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 private place or passage way to which the public, for the purpose of the parking or servicing of vehicles has access or is invited, and includes disabled zones and the roadway, shoulder, boulevard, ditch and sidewalk, and whatever lands lie between

the property lines of the highway, and further includes every Off-Street Parking Facility;

**LANE** means a highway abutting the rear or side property lines of parcels of land and intended primarily to give access to the rear or side yards of such parcels of land;

**MAINTENANCE** means the work, subsequent to the construction of a highway, of preserving and keeping it in repair, including the making, cleaning and keeping open ditches, gutters, drains, and water courses, and the repairing of retaining walls, cribs, river protection works and other works necessary to keep open and maintain the highway for the use by the traffic for which it is required;

**MOTOR VEHICLE OR VEHICLE** means a vehicle, not run on rails, that is designed to be to be self propelled or propelled by electric power obtained from overhead trolley wires or on-board storage batteries, but does not include a motorized wheelchair (a “scooter”);

**OFF-STREET PARKING FACILITY** means any real property owned, leased, possessed or otherwise held by the City from time to time, for the purpose of providing off-street parking;

**PARK, PARKING OR PARKED** means the standing of a vehicle, whether occupied or not, upon a highway except when standing temporarily for the purpose of and while actually engaged in loading or unloading of merchandise, discharging or taking on passengers, or in obedience to traffic regulations or traffic signs or signals;

**PRIVATE ROAD OR DRIVEWAY** means every road or driveway not owned or possessed by the Crown or the City;

**REGULATIONS** means the regulations to the *Motor Vehicle Act* (British Columbia);

**RESPONSIBLE  
OFFICIAL**

means any person required by the terms of their employment, official duties or designated by Council to be responsible for the administration or enforcement of any provision of this bylaw;

**SIDEWALK**

means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians, or other uses authorized by this Bylaw;

**STOP OR STAND**

means:

- (1) When required, a complete cessation of movement, and
- (2) When prohibited, the stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic, or to comply with the directions of a peace officer or a traffic control device; and

**TRAFFIC OFFICER**

means any any official or employee of the City whose designated duties include the control of traffic or parking within the City, and includes peace officers and Bylaw Enforcement Officers, and every officer and member of the Fire Department of the City while attending upon any fire or emergency in the course of their duty.

**APPLICABILITY**

7. Unless the context otherwise requires, the provisions of this Bylaw do not apply to:
  - (1) persons, vehicles and other equipment while actually engaged in highway or public utility, construction or maintenance work, authorized and/or permitted by the City, on, under or over the surface of a highway while at the site of the work;
  - (2) the driver of an emergency vehicle,
    - i. while it is responding to an emergency call and sounding an audible signal, siren or bell and showing at least a flashing red light,
    - ii. while it is at the scene of an emergency and showing at least a flashing red light,
    - iii. who is a peace officer in immediate pursuit of an actual or suspected violator of the law, or
    - iv. who is a peace officer engaged in a police duty that would be unduly hampered by the sounding of an audible signal or siren,
  - (3) a bylaw enforcement officer engaged in the performance of his or her duties on behalf of the City.

8. The provisions of this Bylaw relating to the stopping, standing or parking of vehicles do not apply to the stopping, standing or parking of vehicles by:
  - (1) The driver of a vehicle owned, leased or otherwise under the control of the Government of Canada, the Province of British Columbia, a municipality, the RCMP or a public utility, while the driver is engaged in works that require him or her to stop, stand or park the vehicle in contravention of those provisions,
  - (2) The driver of a vehicle instructed by any lawful authority to stop, stand or park the vehicle in contravention of those provisions, or
  - (3) The driver of a vehicle designed for towing other vehicles, while the vehicle designed for towing is stopped, standing or parking for that purpose.
9. A person exercising a privilege conferred by section 7 or 8 must exercise that privilege with due regard for safety and in a manner that obstructs traffic as little as possible.

## **DIVISION 2 – GENERAL TRAFFIC REGULATIONS**

### **Traffic Officers**

10.
  - (1) All Traffic Officers, other than officers and members of the Fire Department of the City, are authorized to do all things necessary to control traffic in pursuance of this bylaw at all times and to ensure that the requirements of this bylaw are being carried out.
  - (2) All Traffic Officers are authorized to do such things as may be considered necessary to control traffic during any emergency requiring the attendance of emergency equipment.
  - (3) No person shall refuse to comply with any lawful direction made by any Traffic Officer.
  - (4) No person shall hinder, delay or obstruct in any manner, directly or indirectly, a Traffic Officer carrying out duties in accordance with this bylaw.

## **DIVISION 3 – TRAFFIC CONTROL DEVICES**

11. All traffic control devices placed by the City prior to adoption of this bylaw are deemed to be authorized and placed in accordance with this bylaw.
12. Every person shall comply with the directions of every traffic control device, except as otherwise authorized or required pursuant to this bylaw.
13. The Engineer is authorized to order the placing of additional traffic control devices, excluding parking meters, as he or she deems appropriate, for the regulation of the

following traffic matters and by those orders to exercise the following powers of the City under this bylaw:

- (1) regulation, control or prohibition of pedestrian traffic and vehicle traffic on highways;
  - (2) regulation, control or prohibition of the stopping, standing or parking of vehicles;
  - (3) setting apart and allotting portions of highways adjacent to federal, provincial or municipal public buildings for the exclusive use of officials and officers engaged in them for the parking of vehicles and the regulation of such parking;
  - (4) regulation or prohibition of pedestrian traffic on highways other than at crosswalks;
  - (5) regulation, control or prohibition of persons using roller skates, sleighs, in-line skates, skateboards, skis or other similar means of conveyance on a highway;
  - (6) establishment and use of loading, commercial and passenger zones in the City and for their designation;
  - (7) regulation of the width, length and height of vehicles and the width, length, height, fastenings and distribution of loads on vehicles driven or operated on a highway;
  - (8) on highways where construction, reconstruction, widening, repair, marking or other work is being carried out, the erection or placement of traffic control devices indicating that persons or equipment are working on the highway and the regulation or prohibition of traffic in the vicinity of the work;
  - (9) establishment of school crossings in the City and the regulation and control of pedestrian and vehicular traffic with respect to them;
  - (10) regulation of traffic passing by or in the vicinity of schools through the use of traffic patrols, and for that purpose vesting in school children or other persons employed in traffic patrols power to require vehicles to stop at school crossings or other designated places on a highway;
  - (11) establishment and use of taxi stands in the City and their designation; and
  - (12) the places, conditions and circumstances for the use of sidewalks and crosswalks by persons riding cycles.
14. The Engineer may rescind, revoke, amend or vary an order made by the Engineer under Section 13.
  15. Orders made by the Engineer under Sections 13 and 14 of this bylaw shall be in writing.

16. Temporary traffic control devices may from time to time be placed by a Traffic Officer or upon authority of the Engineer without an order under Section 15:
  - (1) in the interest of public safety;
  - (2) to facilitate the fighting of any fire; or
  - (3) to enable work to be done on a highway.
17. No person shall establish, place, maintain, or display upon or in view of any highway, any traffic control device or other device which purports to be or resembles any traffic control device, or any device which attempts to divert the movement of traffic or the parking of vehicles within the City, except under the authority of this bylaw, or with the written permission of the Engineer.
18. No person shall obliterate, deface, damage, injure, move, obstruct or otherwise interfere with any traffic control device placed or maintained within the City pursuant to this bylaw.

#### **DIVISION 4 - PEDESTRIAN TRAFFIC**

19. At any intersection where crosswalks are marked, pedestrians shall use such crosswalks in crossing a highway.
20. Every pedestrian crossing a highway at any point, other than within a marked crosswalk, shall yield the right-of-way to all vehicles on the highway.
21. Pedestrians shall move, whenever practicable, upon the right half of a crosswalk.
22. No person shall stand on or adjacent to a highway for the purpose of soliciting a ride from the driver of any vehicle.
23. On the approach of an emergency vehicle, pedestrians shall proceed or return to the nearest sidewalk or boulevard and remain there until that vehicle has passed.
24. No pedestrian shall leave a curb or other place adjacent to a roadway and move into the path of a vehicle which is approaching such that it is not possible for the driver of the vehicle to yield the right-of-way.
25. No person who has emerged from a bus which has stopped shall start to cross to the opposite side of the highway until the bus has moved away from its stopping place, unless such crossing is made in compliance with traffic control signals or at the direction of a Traffic Officer.
26. No person shall form a part of a group of persons congregated on a highway in such manner as to obstruct the free passage of pedestrians or vehicles.

27. No person shall do anything which causes persons to congregate in a group upon any highway in such a manner as to unreasonably obstruct the free passage of pedestrians or vehicles, or in such a manner that the persons so congregated might be in danger of injury from traffic.

## **DIVISION 5 - VEHICLE TRAFFIC**

### **No Animals**

28. No person shall drive or herd animals on any highway in the City, except a City poundkeeper or a peace officer in the discharge of their duty.

### **Driving**

29. The driver of any motor vehicle:
- (1) shall not drive such motor vehicle upon any sidewalk or boulevard except on a driveway crossing provided for such purposes;
  - (2) shall yield the right of way to a pedestrian where traffic control signals are not in place or not in operation when the pedestrian is crossing the highway in a crosswalk and the pedestrian is on the half of the highway on which the vehicle is travelling, or is approaching so closely from the other half of the highway that he or she is in danger;
  - (3) on meeting or overtaking a school bus
    - i. that is designated as a school bus,
    - ii. that is stopped on a highway, and
    - iii. on or near which a sign or signal is displayed indicating the school bus is receiving or discharging school children,must stop the vehicle before reaching the bus and not proceed until the bus resumes motion or the driver of the bus signals to other drivers that it is safe to proceed.
  - (4) shall not drive or operate such motor vehicle or trailer on a highway unless it is operated or equipped in all respects in compliance with the Motor Vehicle Act, R.S.B.C. 1996, c. 318, as amended, and the Motor Vehicle Act Regulations, Reg. 26/58, as amended.

### **Refuse on Highways**

30. No person shall throw, drop, deposit or leave, or let fall from or out of any motor vehicle or conveyance, any bottle or bottles, glass, crockery, nails, wood, sawdust, or refuse, or any other object or material, on or upon any highway and any person who has thrown,

dropped, deposited or left any such objects or material shall forthwith remove the same from such highway.

### **Heavy Traffic**

31. The following classes of vehicles are established:
  - (1) Class 1 Vehicle - a motor vehicle having a licensed gross vehicle weight (“LGVW”) of 11,794 kg or less; and
  - (2) Class 2 Vehicle - a motor vehicle with a licensed gross vehicle weight (“LGVW”) over 11,794 kg.
  
32. Except as otherwise expressly provided in this bylaw and the *Motor Vehicle Act*:
  - (1) Class 1 Vehicles may be operated on any highway in the City;
  - (2) Class 2 Vehicles may only be operated or present on arterial highways or portions of the following highways in the City:
    - i. Kingsway Avenue;
    - ii. Broadway Street;
    - iii. Coast Meridian Road; and
    - iv. Lougheed Highway.
  
33. Notwithstanding Section 32(2), a Class 2 Vehicle:
  - (1) that is a public transit vehicle, an emergency vehicle, or is operated by a municipal, regional, provincial or federal government agency may be used or be present on any highway in the City;
  - (2) may be operated or present on any highway in the City, except those listed in section 34, for the purpose of moving to or from a:
    - i. lawful loading or unloading destination in the City for the purpose of delivering materials to premises or collecting materials from premises;
    - ii. lawful overnight or longer term parking or vehicle storage space in the City;
    - iii. repair or maintenance garage in the City; or
    - iv. highway construction or maintenance site in the City where that vehicle is engaged;
  - (3) shall proceed on a highway or portion of a highway listed in section 32 until reaching a point closest to the destination, and then proceed along the shortest route possible, by way of an arterial street where available.
  
34. No person shall operate or allow the presence of a Class 2 Vehicle:
  - (1) on that portion of Tyner Street between Central Avenue and Pitt River Road; and

- (2) on those portions of Oxford Street and Wellington Street between Lincoln Avenue to the northern boundary of Port Coquitlam.
35. No person shall operate or use a vehicle or combination of vehicles which is overloaded or oversized as defined in the *Commercial Transport Act* (British Columbia) on a highway within the City unless:
  - (1) the person has a valid and subsisting permit for operation of the vehicle under the *Commercial Transport Act* (British Columbia); and
  - (2) the person has a valid and subsisting permit issued by the Engineer pursuant to this bylaw.
36. Every person wishing to operate a vehicle under section 35 of this bylaw, must make application for a permit in the form set by the Engineer from time to time to this bylaw, and pay the permit fee as specified in the Fees and Charges Bylaw in support of the application. Every person holding a permit under this section must comply with all requirements and restrictions set out in such permit, and must follow the route, if any, set out in such permit.
37. No person shall use engine brakes, including compression release engine brakes, commonly known as Jacobs (Jake) brakes, except in an emergency that requires their use.

### **Speed Limits**

38. No person shall operate a motor vehicle upon a Lane within the City at a greater rate of speed than 20 kilometres per hour, unless otherwise posted.
39. Except where the Minister of Transportation and Infrastructure has caused a sign to be erected or placed on a highway limiting the rate of speed of motor vehicles or a category of motor vehicles, no person shall operate a motor vehicle upon a highway within the City at a greater rate of speed than 50 km/h, unless otherwise posted.

## **DIVISION 6 - STATIONARY VEHICLES**

### **Standing, Stopping and Parking Prohibitions**

40. Except when necessary to comply with the law or the directions of a Traffic Officer, or where permitted by a traffic control device, no person shall stop or stand a vehicle so as to contravene the Motor Vehicle Act, a traffic control device, or this bylaw, and, without limiting the foregoing, no person shall stop a vehicle:
  - (1) where a traffic control device:

- i. prohibits stopping;
  - ii. restricts stopping, except in accordance with that restriction;
  - iii. abutting a school property prohibits stopping;
  - iv. except in accordance with that restriction;
- (2) on a sidewalk, or boulevard when a curb is present;
  - (3) within 6 metres of a flashing beacon or stop sign;
  - (4) within 6 metres of any street intersection or crosswalk;
  - (5) in or near any intersection of two highways in such a location as to reduce or impede the flow of traffic or the or reduce or impede the sight distance required for the safe operation of an intersection;
  - (6) within 5 metres of any fire hydrant, measured from a point on the Curb Line which is closest to the fire hydrant;
  - (7) in front of or within 1 metre of any non-commercial private or public Driveway, or in front of or within 5 metres of any multifamily dwelling, commercial, industrial or institutional Driveway or Lane;
  - (8) on a highway other than on the right side of the highway and with the right hand wheels parallel to that side, and where there is a curb, within 30 cm of that curb; unless the highway is designated for angle parking;
  - (9) on the highway side of any motor vehicle stopped or parked at the edge or curb of any highway;
  - (10) within 6 metres either side of the highway from or on either side of the entrance to or exit from a firehall;
  - (11) within 6 metres of an entrance or exit to any school property, on any day when school is in session;
  - (12) within 6 metres of any entrance to or exit from any playground or park;
  - (13) within 5 metres of a Canada Post Super Mailbox for greater than 5 minutes;
  - (14) in any Lane except when actually loading or unloading passengers or materials, or so as to prevent the free movement of motor vehicle traffic;
  - (15) on any bridge, or other elevated structure on a highway;
  - (16) on any portion of a highway indicated by traffic control device as reserved for any class of motor vehicle, other than a motor vehicle coming within such class;
  - (17) within 15 metres of the nearest rail of a railroad crossing;
  - (18) on any highway
    - i. for the principal purpose of storing, advertising, washing, maintaining, repairing, wrecking any vehicle unless repairs are necessitated by an emergency;
    - ii. for the purpose of displaying such motor vehicle for sale; or
    - iii. for the purpose of selling any commodities or articles;

- (19) on the paved portion of any highway where the pavement is 6 metres or less in width;
  - (20) on any portion of a highway for a longer period of time than that indicated on any traffic control device applicable to that portion of the highway or City parking lot where such vehicle is stopped or parked;
  - (21) on any portion of a highway where the curb or edge of the roadway is painted yellow, except in a signed loading and unloading zone;
  - (22)
    - i. on any highway without displaying proper or valid number plates, including a valid validation decal;
    - ii. a person must not move a vehicle from one location to another in the same block in order to avoid the posted time limit or to avoid parking greater than 48 hours consecutively;
    - iii. no person shall use or permit a vehicle to be occupied as a dwelling or sleeping place while parked.
  - (23) where parking spaces for vehicles are designated by lines on a highway, except wholly within the parking space provided;
  - (24) in a fire lane or bus zone, whether attended or unattended;
  - (25) in a cul-de-sac other than parallel with the outside curb of the cul-de-sac;
  - (26) on a highway for a period greater than 48 hours; or
  - (27) in any 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.
41. Except when necessary to comply with the law or the directions of a Traffic Officer, or where permitted by a traffic control device, no person shall park a vehicle so as to contravene the *Motor Vehicle Act*, a traffic control device, or this bylaw, and, without limiting the foregoing, no person shall park a vehicle:
- (1) where a traffic control device prohibits parking;
  - (2) where a traffic control device restricts parking, except in accordance with that restriction;
  - (3) where a traffic control device abutting a school property prohibits parking;
  - (4) where a traffic control device abutting a school property restricts parking, except in accordance with that restriction.
42. Vehicles over 4600kg and all vehicles with trailers of any type having a total length exceeding 6 metres are prohibited from parking on all highways except as listed below, where such vehicles may be parked after 4:30 p.m. and before 7:00 a.m. Monday to Friday, and at all times on Saturday, Sunday and statutory holidays:

- (1) the west side of Broadway Street from Kingsway Avenue, south to the Mary Hill Bypass;
  - (2) the west side of Coast Meridian Road from Kingsway Avenue, south to Kebet Way;
  - (3) on the west side of Perkins from Holland Avenue to Kingsway Avenue;
  - (4) on the south side of Kebet Way from Broadway Street, east to Kingsway Avenue;
  - (5) on the south side of Kingsway Avenue from Mary Hill Bypass, east to Kebet Way; and
  - (6) on the south side of Langan Avenue from Broadway Avenue, east to the intersection of Lot B, LMP6446 (1610 Langan Avenue) and Lot 54, Plan 64191 (1530 Kingsway Avenue).
43. All trailers of any type parked on highways at any time must have reflective tape that is at least 10 cm (4 inches) in height, affixed across the full width of the rear of the trailer.
44. Except when necessary to comply with the law or the directions of a Traffic Officer, no person shall stop or park a trailer of any type on a highway at any time if the trailer is not hitched to a vehicle.
45. When a traffic control device is displayed on any highway or off-street parking facility indicating that the length of time allowed for parking a vehicle thereon is limited, no person who has parked a vehicle on such highway or lot shall again park a vehicle on such highway (unless there is an intersection between the two parking spaces) or lot during the next sixty minutes following the expiry of such limited time.

### **Angle Parking**

46. Upon a highway which has been marked or signed for angle parking, the driver of a motor vehicle shall park such motor vehicle at the angle to the curb indicated by such marks and within 50 cm of the curb. Where angle parking is indicated by signs only, the angle of parking shall be 45 degrees, and no person shall park a motor vehicle where the length of such motor vehicle and any trailer attached thereto exceeds 6 metres.

### **Safety Requirements**

47. No person having control or charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key, and, when standing upon any perceptible grade, without turning the front wheels to the curb or side of roadway.

### **Passenger Zones and Loading Zones**

48. (1) All passenger and loading zones existing on the date of adoption of this bylaw are deemed to be authorized passenger and loading zones established under this bylaw.
- (2) It is unlawful for any person to stop a motor vehicle in any passenger loading zone for any period of time longer than is necessary for the expeditious loading and unloading of passengers or materials, to a maximum of 15 minutes unless otherwise stated on a traffic control device.
- (3) No person shall stop a motor vehicle in any passenger zone or loading zone except while actually engaged in the loading or unloading of passengers or materials.

### **Disabled Persons' Parking**

49. The Engineer may make orders for the designation of Disabled Zones, and may rescind, revoke, amend and vary such orders.
50. (1) Council designates the Social Planning and Research Council of British Columbia as the organization responsible for issuing and cancelling Disabled Persons' Parking Permits pursuant to the Regulations.
- (2) An application for a Disabled Persons' Parking Permit shall be made by or on behalf of a Disabled Person to the Social Planning and Research Council of British Columbia.
51. (1) All Disabled Zones existing on the date of adoption of this Bylaw are deemed to be authorized Disabled Zones established under this Bylaw.
- (2) It is unlawful for any person to stop in a Disabled Zone:
- i. a vehicle that does not display a Disabled Persons' Parking Permit or a permit of a similar nature issued by another jurisdiction,
  - ii. a vehicle displaying a Disabled Persons' Parking Permit unless the vehicle is stopped, left standing or parked for the purpose of transporting a Disabled Person.

### **Mechanically Disabled Vehicles**

52. The provisions of this bylaw relating to limited times of parking shall not apply to any vehicle so mechanically disabled such that the vehicle cannot be moved, until the vehicle has been parked or stopped in a manner contrary to the provisions of this bylaw for a period of 24 hours.

### **Parking Spaces**

53. Where a parking space for vehicles is designated by lines on a highway, no person shall park a vehicle except wholly within the lines designating a parking space for one vehicle.

### **Obstruction by Motor Vehicles**

54. No vehicle shall be left stopped:
- (1) in a position that causes it to interfere with firefighting; or
  - (2) in a position that causes it to interfere with the normal flow of traffic on the highway;
  - (3) in a position that impedes or restricts the passage of vehicles beyond a road end or through any gate or barrier erected at a road end or other location; or
  - (4) in a position that causes it to interfere with the construction, improvement, maintenance, snow removal, alteration, extension, widening, marking, or repair of a highway.

### **Off-Street Parking Facilities**

55. (1) For the purposes of regulating parking in off-street parking facilities, the Engineer may erect and operate, or cause to be erected and operated, parking metres and/or electronic ticket dispensing machines as well as any other traffic control devices which the Engineer may deem necessary in the off-street parking facility;
- (2) Parking permits may be issued for hourly, monthly, and annual parking in off-street parking facilities, in the discretion of the Engineer;
- (3) If and where required by posted signage, no person shall stop, stand or park a vehicle in an off-street parking facility:
- i. 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; and
  - ii. For a period of time in excess of the length of time indicated on the parking permit; and
- (4) Fees for the use of off-street parking facilities shall be prescribed by the Fees and Charges Bylaw.

### **DIVISION 7 - VEHICLE IMPOUNDMENT**

56. Any chattel, obstruction or vehicle which is standing or parked contrary to any provision of this bylaw or which is otherwise unlawfully occupying a portion of a highway or public place may be removed, detained and impounded by a Traffic Officer or the Engineer, or by a contractor acting in accordance with the directions of the City.

57. The fees, costs and expenses assessed in accordance with the City of Port Coquitlam Business Bylaw No. 3725, 2010 for the removal, detention and impoundment of a chattel, obstruction or vehicle removed under this Division shall be paid by the owner of the vehicle prior to the release of the vehicle.
58. Any chattel, obstruction or vehicle removed, detained or impounded under this bylaw may be recovered by the owner between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, by paying the fees, costs and expenses levied in accordance with Section 68 to the tow truck company at its place of business.
59. If a vehicle, chattel or obstruction is removed, detained or impounded, and not claimed by its owner within thirty days from date of seizure, written notice shall be mailed to the registered owner at his address as shown on the records of the Registrar of Motor Vehicles advising of the seizure, and the sum payable to release the vehicle, chattel or obstruction and the date of advertising for sale by public auction, if unclaimed.
60. Any vehicle, chattel or obstruction not claimed by its owner within thirty days from the date of mailing of notice may be sold at a public auction, which auction shall be advertised at least once in a newspaper circulated in the City.
61. The proceeds of sale by public auction shall be applied first to the cost of the sale, second to the fees, cost and expenses of the City or its contractor as set out above and the balance shall be held for the owner. If the balance remains unclaimed at the end of the calendar year, such balance shall be paid into the general revenue of the City.
62. Notwithstanding any other provision of this bylaw, where any garbage, rubbish or abandoned unlicensed motor vehicle with an apparent value of less than \$300.00 is left on any highway, such articles may be removed to a garbage dump and disposed of therein.

## **DIVISION 8 - CYCLE TRAFFIC**

### **Duties of Operator of Cycle**

63. A person operating a cycle shall at all times ride or operate a cycle in a safe manner, and without limiting the foregoing,
- (1) shall not ride upon the sidewalk of any highway or bridge, unless otherwise directed by traffic control device;
  - (2) shall not, for the purpose of crossing a highway, ride on sidewalk unless otherwise directed by a traffic control device; and
  - (3) shall not ride a cycle on a highway where a traffic control device prohibits their use.
64. In addition to the duties imposed by this Division, a person operating a cycle on a highway has the same rights and duties as the driver of a motor vehicle.

## **DIVISION 9 – HIGHWAY USE PROHIBITIONS AND PERMITS**

### **Uses Requiring Engineer’s Permission**

65. Except, and to the extent only, as authorized by a permit issued by the Engineer pursuant to this Bylaw, no person shall:
- (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;
  - (2) change the level of a highway in any manner whatsoever, or stop or impede the flow of water or through any ditch, drain sewer or culvert on or through a highway;
  - (3) place, construct, or maintain a loading platform, or skids, rails, mechanical devices, building, signs, containers, newspaper boxes, bus benches, or any other structure or thing, or any chattel or ware of any nature, on a highway, except where an agreement with the City is in force for the placement, construction, or maintenance of the structure or thing;
  - (4) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a highway;
  - (5) ride, drive, lead, move or propel any animal or vehicle over or across a boulevard, including any curb, sidewalk or ditch unless such has been constructed or improved to form a suitable crossing in conformity with the provisions of this bylaw;

- (6) construct any works within a highway, including driveways, or any other boulevard crossing, including a curb, ditch or sidewalk crossing;
- (7) encumber, obstruct, or encroach in, on, or under a highway;
- (8) install or operate in a highway monitoring wells, vacuum holes, test pits, boreholes or other minor excavations;
- (9) obstruct or interfere with the free flow of traffic or attempt to control or detour traffic on any highway or lane, whether by use of signs or flagpersons or by barricades or other physical obstruction on the road, provided that this clause shall not apply to:
  - i. a Peace Officer, Bylaw Enforcement Officer or Fire Fighter acting in the normal course of his or her duties;
  - ii. a student or adult school patrol acting under the authority of the Public Schools Act or authorized by the Chief of Police;
  - iii. emergency vehicles or public utility or City crews while making emergency repairs within a highway or lane;
  - iv. vehicles while legally parked on a highway or lane or while obeying the instructions of a traffic control device or Peace Officer.

66. For the purposes of sections 65, “construct” means new construction, repair, replacement and maintenance of any matter or thing.

**Issuance of Permit**

67. The Engineer may issue a permit to do any or all of those things otherwise prohibited by this Division , subject to the payment of the application fee prescribed by Fees and Charges Bylaw with each application therefore and subject to such other conditions contained in this Division, or as determined by the Engineer, as may be applicable to each such application. Without limiting the foregoing, the Engineer may issue one or more of the following types of permits:

- (1) “Lane Closure Permit” – for the temporary closure of one or more lanes of a highway;
- (2) “Highway Use Permit” – for work in or on a highway, including work by utility companies. the construction or alteration of a ditch crossing, driveway, monitoring well, or off-site works and services, except for works and services contemplated by a written agreement with the City pursuant to the Subdivision Servicing Bylaw No. 2241;

- (3) "Highway Encroachment Permit" – for the use of a highway for private uses, including sidewalk cafes, newspaper boxes, temporary storage containers, construction trailers, and street furniture for up to 5 years; and other such forms of permits as determined by the Engineer.
68. The Engineer may, in issuing a permit under this Bylaw impose such terms and conditions as the Engineer considers reasonable or necessary for the purpose of:
- (1) avoiding undue damage to a highway,
  - (2) protecting persons or property,
  - (3) avoiding undue interference with traffic,
  - (4) ensuring that damage done to a highway in connection with an activity undertaken pursuant to a permit is adequately repaired,
  - (5) avoiding nuisances or other disturbances, or
  - (6) otherwise protecting the public interest.

#### **Temporary Closure of Highway**

69. The Engineer is hereby authorized and empowered, at his discretion, to temporarily close a highway or any part thereof to traffic, or to control traffic thereon, during the time work is in progress.

#### **Prerequisite to permit issuance**

70. As a prerequisite to the issuance of a permit under this Division, the applicant shall:
- (1) apply for a permit in the form prescribed by the Engineer from time to time, including all plans, drawings and information as considered necessary or desirable by the Engineer, acting reasonably;
  - (2) pay the applicable permit fees as set out in the Fees and Charges Bylaw;
  - (3) deposit with the City, a sum of money, bond, or irrevocable Letter of Credit which is, in the opinion of the Engineer, 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 shall be fulfilled within the time specified by such permit. The amount of each such deposit shall be:
    - i. not less than the cost of repairing such damage, as estimated by the Engineer, and without limiting the foregoing:
      - a) for permits for the crossing of boulevards and the construction of boulevard crossings, not less than \$500.00 for each permit;

- b) for monitoring wells or boreholes, not less than \$5,000 for up to three wells or boreholes and \$2,000 for each additional well or borehole, which for amounts less than \$20,000 shall be in the form of cash, but otherwise shall be in the form of a Letter of Credit acceptable to the Engineer.
- (4) provide satisfactory plans of the work to be undertaken, sealed by a Professional Engineer if required by the Engineer, and when such plans are supplied and approved by the Engineer and the necessary permit issued, the work shall conform in every way to the approved plans and to the specifications contained in and to the minimum general requirements of the City of Port Coquitlam Subdivision Servicing Bylaw No. 2241 and this bylaw;
- (5) provide evidence of insurance for the works contemplated by the permit, to the satisfaction of the Engineer.

#### **Refund of deposit**

- 71. Where a deposit has been made in accordance with this Division and upon satisfactory compliance with the permit within the time specified therein, and submission of the appropriate record drawings, the deposit will be refunded to the applicant, less where applicable, the inspection fee prescribed by Fees and Charges Bylaw, 2006, No. 3540, or the actual cost of administration and inspection, whichever is greater, provided that a security deposit for maintenance has been deposited.

#### **Maintenance of completed work**

- 72. Where completed work is to be taken over by the City the permit holder shall maintain such work for a period of one year from the date of inspection and acceptance thereof by the Engineer and a maintenance security deposit in the amount of 10% of the original security deposit shall be required for the maintenance period.
- 73. Where alterations to completed works are required due to reconstruction of a highway during the maintenance period referred to in section 71 , the person holder shall pay for all costs of such alterations.

#### **Indemnity**

- 74. Each applicant for a permit under this section shall indemnify, protect, and save harmless the City from and against all claims demands and lien claims of every kind arising out of or in any way connected with the work or other things for which the permit has been issued.

### **Use of deposit**

75. In the event that the permit holder fails to repair damage and/or fulfill such obligations as are set out in the permit within the time specified therein, the City may repair the damage or fulfil the obligations and deduct the cost of doing so from the deposit. If there are not sufficient funds on deposit to cover the costs, the City shall recovery any shortfall from the permit holder.

### **Revocation of permit**

76. The Engineer may revoke a permit issued under this Bylaw if the permit holder fails to comply with a term or condition of the permit.

## **DIVISION 10- HIGHWAY USE GENERAL REGULATIONS**

### **General Regulations**

77. (1) The means of access to and from every highway for every parcel of land abutting thereon, shall be provided by means of a standard boulevard crossing constructed in accordance with the specifications contained in the City of Port Coquitlam Subdivision Bylaw at a location to be approved by the Engineer.
- (2) Every owner of a private highway shall maintain the same in a clean, fit and safe state and shall affix suitable signs thereon indicating that such highway is a private thoroughfare.
- (3) Every owner or occupier of real property shall prominently display in such a manner so as to be visible from the highway and in figures not less than 10 centimeters in height the civic address number assigned to such building or structures under the City's highway numbering system.
- (4) For parcels of land which front arterial and collector highways, as defined in the City's Subdivision Servicing Bylaw No. 2241, and which have a lane available to the rear of the parcel of land, access to and from the arterial/collector roadway will be limited to pedestrian and bicycle access only. Vehicle access for these parcels of land shall be from the lane or adjacent local highway only, except where approved by the Engineer, in writing.

## **DIVISION 11 - OFFENCE, PENALTIES AND ENFORCEMENT**

78. The following acts, practices, matters and things in respect of a highway shall be deemed to be offences against this bylaw, namely:
- (1) throwing, depositing or causing to be deposited or to flow upon a highway any noxious, offensive or filthy water or substance, or any empty bottle, glass container or any other article, whether broken or intact;
  - (2) leaving any glass or other debris at the scene of an accident by a person who has removed a wrecked or damaged vehicle;
  - (3) leaving any excavation or other obstruction insufficiently fenced or barricaded and marked with warning lights;
  - (4) place or permit to be placed any fuel, oil, lumber, merchandise, chattel or ware of any nature on a highway;
  - (5) deposit or cause to be deposited, throw or cause to be thrown, or leave any earth, refuse, debris or any other thing on a highway;
  - (6) failing of an owner or occupier of real property to prominently display in such a manner so as to be visible from the highway and in figures not less than 10 centimeters in height, the civic address number assigned to such building or structure under the City's highway numbering system;
  - (7) to cause willful damage to:
    - i. grass, trees, shrubs, plants bushes and hedges on any part of a highway;
    - ii. a fence on any part of highway;
    - iii. anything erected or maintained on or adjacent to a highway for the purpose of lighting the highway;
    - iv. to any highway marker or traffic control sign, signal or other device placed on any highway for the guidance or control of traffic.
  - (8) to place signs of any nature in any matter on a highway or upon any erected highway signs, City highway signs or City information signs, including traffic control devices and signals;
  - (9) mark or imprint or deface in any manner whatsoever a highway or structure thereon; and
  - (10) to impact or alter the drainage facilities on or adjacent to a highway, including by altering ditches or placing material in the curb and gutter.
79. Every person who:
- (1) violates a provision of this bylaw;

- (2) consents, allows or permits an act or thing to be done in violation of a provision of this bylaw or a permit issued pursuant to this bylaw;
- (3) neglects to or refrains from doing anything required to be done by a provision of this bylaw or a permit issued pursuant to this bylaw; or
- (4) fails to comply with an order of the Engineer given under this bylaw;

is guilty of an offence and is liable to the penalties imposed under this bylaw.

#### **Liability of Vehicle Owner and Driver**

80. (1) For certainty, in the case of offences involving the cutting or damaging of more than one tree, shrub, or plant, an offence is committed in respect of each individual specimen and the maximum penalties imposed under this bylaw apply to each such offence.
- (2) The owner and/or driver of a motor vehicle is liable for any violation of this bylaw, notwithstanding that at the time of the violation, the motor vehicle is unattended or in the possession of another person.

Upon notification of a violation to the owner of a motor vehicle, the burden of proving:

- i. that the person in charge of the motor vehicle was not a person entrusted with the possession of that motor vehicle by the owner; or
  - ii. that the registered owner is not the owner; is on the owner.
81. For certainty, in the case of offences of a continuing nature, an offence is committed on each day during which the offence continues, and the maximum penalties imposed under this bylaw apply to each such offence.
  82. For certainty, where a driver has parked a vehicle in a parking space in violation of the provisions of this bylaw, a separate offence shall be deemed to be committed upon the expiry of each period of time during which the vehicle could have been lawfully parked as indicated by a traffic control device.
  83. Any person who contravenes any of the provisions of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months, or to both. Each day that an offence continues shall constitute a separate offence.

84. Nothing in this Part precludes the City from seeking any civil remedy to which it is entitled in relation to trespass on City land.

<i>READ A FIRST TIME this</i>	<i>22<sup>nd</sup> day of</i>	<i>May, 2018</i>
<i>READ A SECOND TIME this</i>	<i>22<sup>nd</sup> day of</i>	<i>May, 2018</i>
<i>READ A THIRD TIME this</i>	<i>22<sup>nd</sup> day of</i>	<i>May, 2018</i>
<i>ADOPTED this</i>	<i>12<sup>th</sup> day of</i>	<i>June, 2018</i>

**B. WEST**  
\_\_\_\_\_  
Mayor

**G. JOSPEH**  
\_\_\_\_\_  
Corporate Officer

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**RECORD OF AMENDMENTS**

<b>Amendment No.</b>	<b>Section(s) Amended</b>	<b>Date</b>
4221	29, 39 and 79	2021-03-23