

CITY OF WEST KELOWNA

BYLAW NO. 0331

A BYLAW TO REGULATE THE DELEGATION OF POWER, TRAFFIC CONTROL, PARKING PROHIBITIONS, MAINTENANCE OF BOULEVARD AND OFFENCES AND PENALTIES.

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WHEREAS the Council of the City of West Kelowna may by bylaw, pursuant to Section 8 of the *Community Charter*, regulate, prohibit and impose requirements in relation to public place.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1.0 CITATION

This bylaw may be cited as “TRAFFIC BYLAW NO. 0331, 2025”.

2.0 APPLICABILITY

Lands Within City Except as otherwise indicated, this Bylaw applies to all lands within the boundaries of the City of West Kelowna.

Provincial Arterial Highways Except as indicated in Schedule B, this Bylaw does not apply to arterial highways classified as such by order of the Lieutenant Governor in Council under the *Transportation Act*.

Arterial highways designated in Schedule B of this Bylaw, shall be subject to all regulations in Section 11 and 12 of this Bylaw.

Exclusions This bylaw does not apply to:

- a) persons lawfully engaged in highway or public utility construction or maintenance work, upon a highway while they are at the site of the work, but does apply to them while traveling to or from the site of the work;
- b) persons operating emergency vehicles during an emergency; or

The provisions of this bylaw regulating or prohibiting stopping and parking do not apply to the operators of:

- a) utility service vehicles owned by the City or by the governments of Canada or the Province of British Columbia;
- b) service vehicles owned by a public utility corporation; or
- c) vehicles specifically designed for the purpose of towing another vehicle;

while the operators of the vehicles are engaged in work requiring them to be stopped or parked in contravention of the provisions.

Traffic Control Devices Subject to other provisions of this bylaw, all traffic control devices installed in the City shall be deemed to be authorized traffic control devices under this bylaw.

### 3.0 INTERPRETATION

Enactments Any Act referred to in this bylaw is a reference to an Act of the Province of British Columbia or Canada, as the case may be, and the applicable regulations, as amended, revised, consolidated or replaced from time to time. Any bylaw referred to in this bylaw is a reference to a bylaw of the City of West Kelowna, as amended, revised, consolidated or replaced from time to time.

Headings The headings given to the parts, sections and paragraphs in this bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this bylaw.

Severability If any part, paragraph or phrase in this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in force.

Schedules The following schedules attached to this Bylaw form part of this bylaw:

Schedule A – **Access** Design Requirements

Schedule B – Downtown Parking

Schedule C – Road Classification Map

Schedule D – Sightline Triangles

## 4.0 DEFINITIONS

4.1 Words or phrases defined in the *Motor Vehicle Act* or the *Commercial Transport Act*, or their regulations, have the same meaning in this bylaw, unless otherwise defined in this bylaw.

4.2 In this bylaw:

“**Access**” means any improvement that is constructed over a boulevard or sidewalk for the purpose of allowing vehicles or pedestrians to gain access between the highway and the land adjacent to the highway.

“**Accessible Parking Permit**” means a parking permit for people with disabilities issued by the Social Planning and Research Council of British Columbia (SPARC BC) or by another jurisdiction.

“**Accessible Zone**” means a parking zone set aside for the exclusive use of vehicles displaying an **Accessible** Parking Permit.

“**Arterial Road**” means a highway defined as an Urban Arterial, Rural Arterial, or Wine **Trail Arterial** in the City of West Kelowna Works and Services Bylaw.

“**Bicycle Path**” means that portion of a highway intended either exclusively or partially for use by cyclists.

“**Boulevard**” means the area of a highway between the edge of pavement, sidewalk, and/or curb of the roadway and the adjacent property line, but excludes a sidewalk.

“**Bylaw Enforcement Officer**” means a Bylaw Enforcement Officer appointed by Council.

“**City**” means the City of West Kelowna.

“**Collector Road**” means a highway classified as Urban Collector, Urban Minor Collector, Rural Collector, Rural Minor Collector, or Hillside Collector in the City of West Kelowna Works and Services Bylaw.

“**Commercial Access**” means every **access** that is not a residential **access**.

“**Commercial Vehicles**” means a commercial vehicle as described in the *Commercial Transport Act*.

“**Commercial Vehicle Loading Zone**” means an area on a highway designated exclusively for the loading or unloading of materials by commercial vehicles.

“**Council**” means the Council of the City of West Kelowna.

"Curb" means the line of demarcation between the roadway and the boulevard, or the sidewalk.

"Drainage Facility" includes boulevard drainage inlets, catch basins, grates, **swales, ditches, detention and retention ponds.**

"Fire Chief" means the Chief of the City 's Fire Department and includes his authorized deputy.

"General Manager" means the **person responsible for the Engineering department** or the City employee authorized to act on his or her behalf.

"Highway" includes all public streets, roads, ways, trails, lanes, bridges and any other public way or right-of-way open to public use.

"Highway 97" means a highway defined as a Ministry Highway in the City of West Kelowna Works and Services Bylaw.

"Impound" means to detain or remove any vehicle, under the authority of a Peace Officer or a Bylaw Enforcement Officer.

"Lane" means a highway not exceeding 8 metres in width, abutting the rear or side property lines of a parcel and intended primarily to give access to the rear or side yards of the parcel.

"Motor Home" means a motor vehicle designed or used primarily for accommodation during travel or recreation, and includes a motor vehicle that has attached to it a structure:  
(a) designed or used primarily for accommodation during travel or recreation, and  
(b) designed or intended to be detachable.

"Occupier" means a person who occupies the land but is not the registered owner.

"Owner", in relation to a vehicle, means the owner as defined in the *Motor Vehicle Act*; and in relation to land means the owner as defined in the *Community Charter*.

"Parade" means the procession of a group of pedestrians numbering more than twenty, standing, marching or walking on any highway or sidewalk, or any group of vehicles numbering ten or more standing or moving in a procession on any highway, except for a funeral procession or members or vehicles of Her Majesty's Armed Forces.

"Parking Stall" means an area on a highway designated as a parking place for one vehicle.

"Passenger Zone" means an area on a highway designated for the loading or unloading of passengers.

"Plantings" means any tree, shrub, bush or hedge installed as a natural or improved landscape treatment.

“Road & Right of Way Usage Permit” means a permit issued by the City to work on City Right-of-Way.

“Residential Access” means an access which provides access to and from land which is zoned for single detached dwelling, duplex, multi-family, compact residential, manufactured home, rural residential, carriage house, or any other residential use permitted under the City of West Kelowna Zoning Bylaw.

“Roadway” means the part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include accesses.

“Traffic control device” means a sign, signal, line marking, yellow curb, barrier, pedestrian controlled flasher or any other device placed or erected by the authority of the person designated by Council to exercise such authority.

“Truck” means any vehicle or combination of vehicles having a gross weight rating or licensed gross vehicle weight in excess of 11,793 kilograms.

## 5.0 DELEGATION OF POWERS

### General Manager

#### 5.1 The General Manager is authorized to:

- a) order the placement, replacement or alteration of traffic control devices for the regulation, control or prohibition of traffic;
- b) regulate or prohibit parking on a highway during construction, repair, maintenance, Christmas decorating, banner placement, or snow removal operations;
- c) order the placement of traffic signs prohibiting parking:
  - i) at the entrance to any place of public assembly;
  - ii) upon either or both sides of any highway along the route of any parade or in the vicinity of public gatherings;
  - iii) at any location where, in special circumstances, it is necessary to facilitate or safeguard traffic; or
  - iv) adjacent to any buildings or structures under construction, alteration, repair or demolition;
- d) designate portions of highways as:
  - i) commercial vehicle loading zones;
  - ii) passenger zones;
  - iii) bicycle paths;
  - iv) school zones; or
  - v) playground zones;
- e) close a highway, or restrict or divert traffic when, in his opinion, any part of the highway is unsafe or unsuitable for traffic, or it is advisable that traffic should be restricted or diverted;
- f) designate boulevards, sidewalks and walkways for the use of persons riding animals, or where the riding of animals is prohibited, and for that purpose to make regulations restricting the direction of travel and hours of use, and to locate and post signs or other traffic control devices as may be necessary;

- g) issue a permit for the purpose of a temporary road closure for a block party;
- h) designate access to and from a highway for adjacent land, including the location and extent of access when in the General Manager's opinion the designation is necessary to protect the best interests of the local residents and traffic; and
- i) rescind, revoke, amend or vary any order made by him.

5.2 The General Manager shall not **make an order that would vary a provision of this bylaw with regard to speed limits, except under Section 5.1(d)(iv) or (v) of this Bylaw.**

### Fire Chief

5.3. The Fire Chief may:

- a) direct and regulate traffic in any manner deemed necessary during an emergency and in doing so, may disregard any traffic control device;
- b) place temporary traffic control devices deemed necessary in the interest of public safety or in an emergency;
- c) impound any vehicle that interferes with this bylaw or during an emergency procedure;
- d) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

## **6.0 GENERAL REGULATIONS**

6.1 Except where otherwise directed by a Peace Officer, a Bylaw Enforcement Officer or a person authorized by a Peace Officer to direct traffic, every person shall obey all directions, regulations and prohibitions contained in or upon any traffic control device which is erected or placed under the provisions of this bylaw.

6.2 No person shall mark or imprint on, or deface, damage or interfere with, any traffic control device which is erected or placed under the provisions of this bylaw.

6.3 No person other than the owner or operator of a vehicle shall remove any notice placed or affixed on the vehicle by a Peace Officer or Bylaw Enforcement Officer under this bylaw.

6.4 Every person shall at all times comply with any lawful order, direction, signal, command made or given by a Peace Officer, Bylaw Enforcement Officer, Fireman, Traffic Control Person, Ambulance Attendant or School Patrol.

## **7.0 PROHIBITIONS**

7.1 No person shall:

- a) throw or cause to be deposited or tracked from a vehicle or to flow upon a highway, any water, oil, gasoline, grease, soil, sand, gravel or rock or any other substance, article or thing;
- b) leave any excavation or other obstruction on a highway without placing barricades and warning lights;

- c) interfere with any barricade, sign, warning lamp or other device which is lawfully occupying any highway at or near any excavation, obstruction or work on the highway;
- d) engage in any occupation on a highway except in an area designated for that purpose;
- e) engage in any sport, amusement, exercise, or occupation on a highway, stand or loiter in such a manner as to obstruct, impede or interfere with the passage of vehicles, cyclists or pedestrians on a highway;
- f) drive or operate a vehicle on a highway between the persons or vehicles comprising a parade or funeral procession;
- g) occupy a trailer as living quarters while it is parked upon any highway;
- h) make any repairs to a vehicle while it is upon any highway, other than the temporary repairs as are necessary for the removal of the vehicle from the highway;
- i) except with lawful authority, drive or operate a motor vehicle so as to leave a highway and enter a place where a sign indicates that such motorized vehicle is prohibited;
- j) drive or operate any motor vehicle or motorcycle on any grassed area **or** on any trail within City boundaries;
- k) **remove a wrecked or damaged vehicle from the scene of an accident on a highway without also removing all glass, debris and any other substance caused by the accident from the highway.**

7.2 No person shall drive, operate, or park a truck on any Highway not identified as the Highway 97, as set out in Schedule "C" of this bylaw except:

- a) any truck operating for or on behalf of the City, while such vehicle is in actual use for City purposes;
- b) as authorized by a **Road & Right of Way Usage Permit** issued by the General Manager pursuant to this bylaw;
- c) transit vehicles, emergency vehicles, and school vehicles; or
- d) to supply a service or collect or deliver cargo, provided that the most direct accessible route using the highest order road on the Road Classification Map to and from the destination is used.

7.3 Despite subsection 7.2, any truck shall at all times remain on a road of a higher order when supplying a service or collect or deliver cargo. The hierarchy of roads within the City shall be considered in order as:

1. Highway 97;
2. Arterial roads;
3. **Collector roads**; and
4. **All other roads**

## **8.0 HIGHWAY USES PROHIBITED WITHOUT PERMIT**

8.1 Except as authorized by a permit issued by the General Manager pursuant to this bylaw, no person shall:

- a) place any fuel, lumber, merchandise or chattel of any nature on any highway;
- b) deposit, throw, or leave any earth, refuse, debris or any other thing on a highway;

- c) cause or permit any earth, rocks, stones, liquids, logs or stumps or other things to cave, fall, crumble, slide or accumulate from any property onto a highway or to remain thereon;
- d) drag or skid anything along or over a highway;
- e) dig up, break up or remove any part of a highway, cut down or remove trees or timber growing on a highway, or excavate in or under a highway;
- f) change the level of a highway;
- g) stop the flow of water through any drain, sewer culvert or any drainage facility on or through a highway;
- h) place, construct, install, maintain, demolish, remove or alter any works, structures or things of any kind, or perform any work of any kind on a highway;
- i) construct or maintain a drainage facility, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury on any portion of a highway;
- j) mark or imprint or deface in any manner whatsoever a highway structure or traffic control device thereon;
- k) ride, drive, lead, move or propel any animal or vehicle over or across a boulevard, including any curb, sidewalk or ditch, except within an access;
- l) cause damage to shrubs, plants, bushes and hedges, fences or other things erected or maintained on a boulevard;
- m) operate a vehicle on a highway with dimensions or load in contravention of the *Motor Vehicle Act*, or where such dimensions or loads may cause damage.

## 9.0 ACCESS REGULATIONS

- 9.1 No person shall construct or replace an access without first obtaining a Road & Right of Way Usage Permit.
- 9.2 An application for a Road & Right of Way Usage Permit shall be accompanied by a fee outlined in the Fees and Charges Bylaw, and shall be made by the owner of the real property or the owner's agent, on the application form authorized by the General Manager.
- 9.3 Upon receipt of a completed application, payment of all required fees and deposits, and confirmation that the proposed access complies with this bylaw, the General Manager shall issue a Road & Right of Way Usage Permit.
- 9.4 In addition to the general terms and conditions on a Road & Right of Way Usage permit set out in Section 10.1, the General Manager may impose specific terms and conditions on an Access, in relation to:
  - a) surfacing of the access;
  - b) traffic movement restrictions within and from the access and installation of signage or other traffic control devices to give effect to those restrictions.
- 9.5 Accesses shall be designed and constructed in compliance with the requirements in Schedule "A" to this bylaw.
- 9.6 If alterations to a highway or the construction of public works or utilities requires the removal or modification of an access, no compensation in respect of the access shall be payable to the permit holder or to the owner or occupier of adjacent land.

9.7 No additional access to an arterial road shall be permitted for an existing property unless otherwise approved by the General Manager.

## 10.0 PERMITS

10.1 The General Manager may issue a permit to do those things otherwise prohibited by Section 8, of this bylaw, subject to payment of an application fee as outlined in the Fees and Charges Bylaw and subject to such other conditions contained in this section as are applicable.

The General Manager or the General Manager's authorized delegate may impose terms and conditions on a Road & Right of Way Usage Permit, in relation to:

- a) dates and times of the work;
- b) safety measures, including traffic control;
- c) inspection of the work;
- d) deadlines for completion of the work and defined portions of the work;
- e) protection and restoration of public works and other property on or adjacent to the highway;
- f) required modifications to existing works on the highway;
- g) soil, debris and removal;
- h) provision of plans, levels, profiles, and surveys by the permit holder;
- i) notification to the City regarding commencement and completion of construction;

10.2 As a prerequisite to the issuance of a permit under this section, the applicant shall:

- a) deposit with the City a sum of money (in cash or by unconditional, irrevocable letter of credit issued by a financial institution) which is, in the opinion of the General Manager, sufficient:
  - i) to pay the cost of repairing any damage which may be done to the highway or installations therein; and
  - ii) as security that any obligations imposed by the permit shall be fulfilled and completed within the time specified in the permit; and
- b) provide satisfactory plans and specifications of any work to be undertaken and include Traffic Control plan (if required).

10.3 Where a deposit has been made in accordance with this bylaw, upon satisfactory compliance with the permit within the time specified, the deposit will be refunded to the applicant, less, where applicable, an inspection fee as outlined in the Fees and Charges Bylaw and subject to such other conditions contained in this section as are applicable.

10.4 Where completed work is to be taken over by the City, the applicant shall be responsible for the cost of maintaining the work for a period of one year from the date of completion of the work, as certified by the General Manager. A security deposit may be required for the maintenance period by the General Manager

10.5 Where alterations to completed works are required due to the reconstruction of a highway, the permit holder shall pay all the costs of the alterations.

10.6 The permit holder shall indemnify and save harmless the City from and against all damages, claims and demands of every kind arising out of or in any way connected with any default by the holder relating to the work or activity for which a permit has been issued. Prior to issuance of the permit the applicant shall provide proof of public liability insurance in the amount of Five Million dollars (\$5,000,000.00) with the City named as an Additional Insured on the policy with respect to the works carried out under the permit issued under this section. **Where work involved is deemed to be minor, as determined by the sole discretion of the City, Two Million dollars (\$2,000,000.00) for each occurrence for bodily injury, death and damage to property with the City named as an additional insured will be accepted.**

10.7 In the event that the permit holder fails to repair any damage or fulfill any obligations set out in a permit, the City may repair the damage or fulfill the obligations and deduct the costs of doing so from the deposit. If there are insufficient funds on deposit to cover the costs, the permit holder shall pay any shortfall.

**11.0 STOPPING/PARKING PROHIBITIONS**

11.1 Except as directed by a Peace Officer or Bylaw Enforcement Officer or as permitted by a traffic control device, no person shall stop or park a vehicle:

(a)	<b>48 Hours</b>	on a highway for a continuous period of time for more than 48 hours within the same block
(b)	<b>Access</b>	i) in front of a public or private access in a residential zone ii) in front of or within 2 metres of a public or private driveway in a commercial or industrial zone
(c)	<b>Accessible Zone</b>	in an accessible zone, except where the Motor Vehicle displays a valid Accessible Parking Permit
(d)	<b>Arterial Road</b>	on any part of the paved portion of an arterial road except in areas where parking is designated by appropriate signage or pavement markings
(e)	<b>Bridge</b>	on a bridge or other elevated structure on a highway
(f)	<b>Bus Loading Zone</b>	in any designated bus loading zone
(g)	<b>Commercial Vehicles</b>	on a highway in a residential zone, a commercial vehicle having a licensed gross vehicle weight that exceeds 6000 kilograms
(h)	<b>Crosswalk</b>	on a crosswalk or within 6 metres of the approach side of a crosswalk

(i)	<b>Distance from Curb</b>	on a roadway more than 30 centimetres from the curb of such roadway if a curb has been constructed
(j)	<b>Double Parking</b>	on the roadway side of a vehicle that is stopped or parked at the edge or curb of a roadway
(k)	<b>Hydrant</b>	within 5 meters of a fire hydrant measured from a point in the curb or edge of the roadway which is closest to the fire hydrant
(l)	<b>Intersection</b>	within 6 metres of the nearest edge of the sidewalk at an intersection, or where no sidewalk exists, within 6 metres of the projection of the curb or edge of the intersecting roadway
(m)	<b>Lanes</b>	in any lane in such a manner or under such conditions as to leave available less than 3 metres of the usable traveled portion of such lane for the free movement of vehicular traffic
(n)	<b>Loading Zone</b>	on any portion of a highway designated by a traffic control device as a loading zone, unless actively engaged in loading or unloading
(o)	<b>Obstruction</b>	alongside or opposite a street excavation or obstruction when stopping, standing or parking obstructs traffic
(p)	<b>Overtime Parking</b>	on a highway where the length of time allowed for parking is controlled by a traffic control device, in contravention of the length of time indicated on the applicable traffic control device; and where a vehicle has been parked at a time-controlled parking space for the maximum period of time, the owner or operator of such vehicle shall not permit the parking of such vehicle in the same or any other parking space on either side of the same block within the same forty-eight hour period
(q)	<b>Parking Prohibition</b>	in a place that contravenes a traffic control device that gives notice that stopping, standing or parking there is prohibited
(r)	<b>Parking Stalls</b>	in contravention of painted lines or markers indicating single parking stalls parallel to the highway or angled from the highway
(s)	<b>Paths</b>	on a bicycle path, multi-use pathway, pedestrian walkway or equestrian trail

(t)	<b>Sales</b>	On a highway for the purpose of (i) displaying a vehicle for sale; (ii) advertising, greasing, painting, wrecking, storing or repairing a vehicle, except where repairs are necessitated by an emergency; (iii) displaying signs; or (iv) selling flowers, fruit, vegetables, or other commodities or articles
(u)	<b>Sidewalk</b>	on a sidewalk, either completely or partially
(v)	<b>Sign</b>	within 6 metres of the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway
(w)	<b>Visibility</b>	in a manner that obstructs the visibility of a traffic control device
(x)	<b>Without Curbs</b>	More than 2.0m onto the paved portion of the travel lane
(y)	<b>Wrong Side</b>	upon a two-way highway, other than on the right side of the highway and with the right-hand wheels parallel to that side
(z)	<b>Unlicensed Vehicle</b>	on any highway without valid license plates
(aa)	<b>Overnight Occupancy</b>	on any highway for the purpose of taking up temporary residence or overnight accommodation between the hours of 9:00 P.M. and 6:00 A.M.
(ab)	<b>Impede City Maintenance</b>	In a manner that impedes, prohibits, or obstructs a city maintenance function including but not limited to snow removal and street sweeping

## 12.0 IMPOUNDMENT OF VEHICLES

- 12.1 Any vehicle which unlawfully occupies any portion of a highway or public place may be removed or impounded by the City's employees, contractors or agents.
- 12.2 Any vehicle removed or impounded may be recovered by the owner upon presenting proof of ownership and upon payment of all fees, costs and expenses for the removal, detention and impoundment of a vehicle set out in the Fees and Charges Bylaw.
- 12.3 Where the owner of a vehicle which has been removed, detained or impounded under this bylaw defaults in paying the fees, costs and expenses, the City may sell the vehicle at a public auction or initiate an action to recover the fees, costs and expenses, provided that:

- a) the City has delivered to the owner at the address shown on the records of the Superintendent of Motor vehicles a notice that the fees, costs, and expenses will be recovered by way of public auction or court action;
- b) the owner of the vehicle has not paid the required sum to the City within 30 days of the delivery of the notice; and
- c) the 30 days have expired.

### **13.0 REMOVAL OF CHATTEL OR OBSTRUCTIONS**

- 13.1 Any chattel, obstruction, earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things unlawfully occupying any portion of a highway or public place may be removed, detained or impounded immediately if it constitutes a danger to persons using the highway or public place or, when it does not constitute a danger, within 24 hours by any person authorized to do so by the General Manager or Bylaw Enforcement Officer.
- 13.2 Any chattel or obstruction removed, 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 under the provisions of this bylaw to the City .

### **14.0 PUBLIC AUCTION**

- 14.1 Any chattel, obstruction or vehicle not claimed by its owner within 30 days of its impoundment or detention may be sold at public auction and such auction shall be advertised under the provisions of the *Community Charter* pertaining to requirements for public notice.
- 14.2 The proceeds of the 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 the sale for the owner. If unclaimed at the end of the year, the sum shall be paid into the General Revenues of the City.
- 14.3 Should any chattel or obstruction not be purchased at public auction then the chattel or obstruction shall be disposed of in a manner approved by the General Manager, and the expenses incurred to remove or dispose of the chattel or obstruction, less the proceeds (if any) of disposal, are recoverable as a debt due the City from the owner.
- 14.4 Despite the preceding provisions, where any abandoned or unlicensed motor vehicle, garbage, rubbish, chattel, obstruction, earth, mud, rocks, stones, logs, stumps, branches, garden clippings or other things with an apparent market value of less than One **Thousand Dollars (\$1,000.00)** is left on any highway, such articles may be removed and disposed of by any person authorized to do so by the General Manager or Bylaw Enforcement Officer. The full costs of removal and 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. The General Manager shall determine the apparent market value.

## 15.0 PERSONAL MOBILITY DEVICES

- 15.1 A person using a bicycle, roller skates, skateboard, skis, push scooters, inline skates or other similar means of conveyance, whether propelled by human power or assisted by an electrical motor:
- shall not be on a sidewalk unless directed by a traffic control device;
  - shall be on a multi-use pathway or bicycle lane, if there is a bicycle lane adjacent to the roadway, or if there is no bicycle lane be as near as practicable to the right hand side of the highway;
  - shall not be abreast of another person on any highway;
  - shall not be attached by the arm and hand of the operator or otherwise, to a vehicle on a highway; and
  - shall not be on a highway between ½ hour after sunset and ½ hour before sunrise unless equipped with lights and/or reflective clothing visible from the front and rear;
  - shall not stop, stand or park a personal mobility device on a sidewalk, crosswalk, multi-use pathway, bicycle lane or any portion of a highway.
- 15.2 Motorized devices designed primarily for off-road or low-powered on-road use, including two-wheeled and similar types, are not permitted on sidewalks, multi-use pathways or bicycle lanes within City boundaries. Motorized wheelchairs or other mobility assist devices used for medical related ambulatory assistance are permitted within City boundaries and are treated the same as pedestrians.

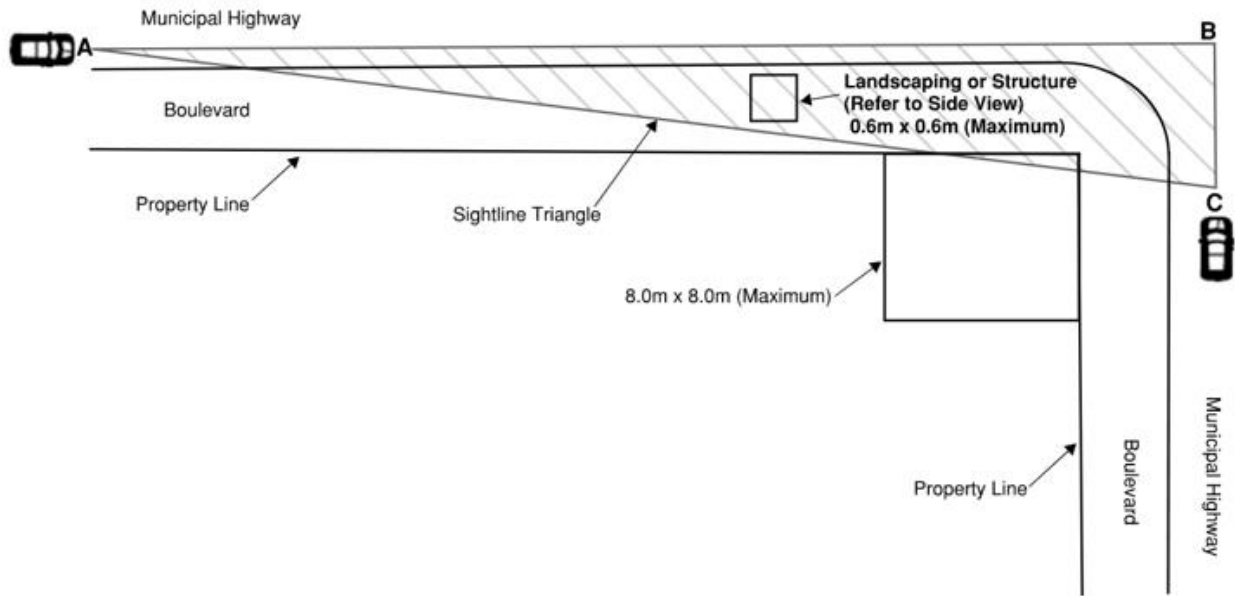
## 16.0 OTHER REGULATIONS

- 16.1 No trailer designed for occupancy by individuals or for the carriage of goods and merchandise shall be parked on any highway unless it is attached to a motor vehicle capable of towing the trailer.
- 16.2 No owner or occupier of property adjacent to the intersection of two highways shall place or permit to be placed or to grow any tree, shrub, plant, fence, retaining wall or other structure with any horizontal dimension exceeding 0.6 meters where it is in the vertical area contained within 1.0 and 3.0 meters (2.0m zone) above the finished grade of the abutting highways (except tree trunks, poles, posts or similar objects as determined per the discretion of the General Manager), and is within the triangular area indicated as per Figure 1 below or in Schedule "D" attached to and forming part of this bylaw.

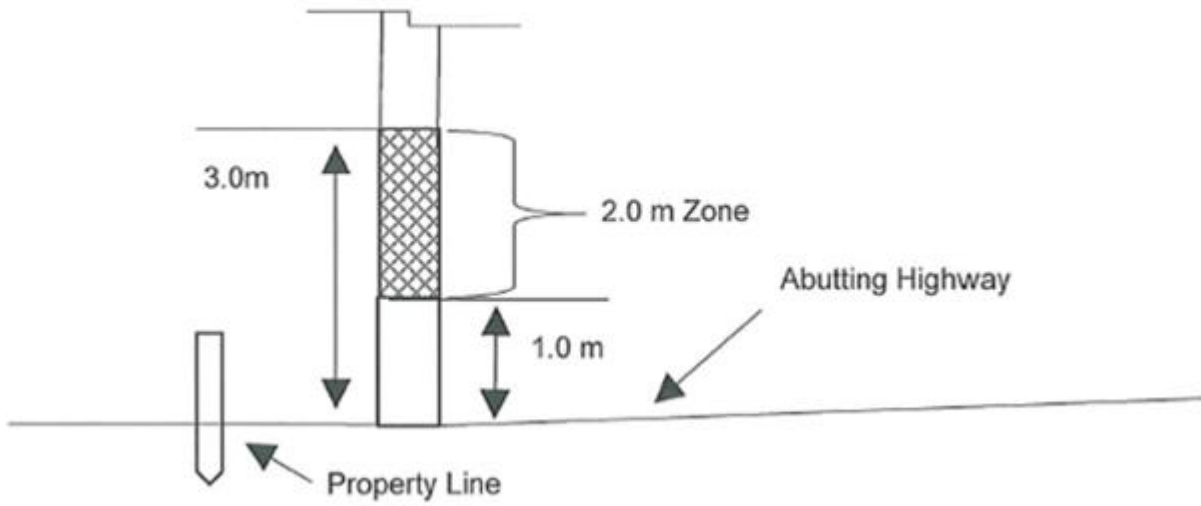
For the purpose of this section:

- The sightline triangle is defined by connecting the following three points: (A) the sight distance clearance point, (B) the point of intersection of the edge of pavement of the two highways, (C) the location of a stopped vehicle at the intersection; as shown in Figure 1 below or in Schedule "D" attached.
- This triangle shall be restricted in its intrusion onto private property to a maximum distance of 8.0 meters back along both property lines abutting the highways from the intersection point.

**FIGURE 1: PLAN VIEW (NTS)**



**FIGURE 2: SIDE VIEW (NTS)**



**17.0 OFFENCE AND PENALTIES**

- 17.1 Any person who contravenes, suffers or permits anything to be done in contravention of any of the provisions of this bylaw or any permit issued under this bylaw commits an offence punishable on summary conviction and shall be liable to a fine or penalty not exceeding **Fifty Thousand Dollars (\$50,000)**.
- 17.2 Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
- 17.3 **Failure by the Permittee to comply and/or fulfill such obligations as are set out in the Road & Right of Way Usage Permit within the specified time on the permit is considered an offence and shall enable the City to carry out Ticket Offences.**

**18.0 REPEAL**

- 18.1 "City of West Kelowna Traffic Bylaw 2009 No. 0092" and all amendments thereto are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS  
ADOPTED THIS

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MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

## SCHEDULE "A"

### Access Design Requirements

All **accesses** shall conform to the requirements of the **Access** Permit issued for construction of the **access** and shall meet the following conditions:

1. The number of **accesses** to a parcel that is used for residential use only, shall be not more than one for each 24 metres (78.74 feet) or remaining fraction thereof, of the total highway frontage of the parcel.
2. The number of **accesses** to a non-residential parcel shall be not more than one for each 30 metres (98.43 feet) or remaining fraction thereof, of the total highway frontage of the parcel.
3. **Multiple accesses** to one parcel, or to adjacent parcels resulting from the subdivision of a duplex, shall not be closer than 6 metres (19.69 feet) to each other at any point.
4. **A minimum buffer of 0.5 metres must be provided between the edge of any driveway and the interior side parcel boundary, except for parcels containing a duplex.**
5. Where a non-residential parcel adjoins another parcel, no **access** to the non-residential parcel shall be less than 1.5 metres (4.92 feet) from the adjoining parcel boundary.
6. **Accesses** shall be located adjacent to the interior side lot line of a property and no closer than 7.5 metres (24.61 feet) at any point to the point of intersection of two highway right-of-way boundaries, or if one or more of the highways is a lane, within 4.5 metres (14.76 feet) of the intersection.
7. No commercial or strata **access** shall be constructed wider than 9 metres (29.53 feet) at any point on public property.
8. No residential **access** shall be constructed wider than 6 metres (19.69 feet) at any point on public property, **except as provided in Section 9.**
9. **For parcels containing a duplex or townhouse either, one access up to 8 metres wide for all units, or one access up to 4 metres wide for each unit, may be permitted at any point on public property.**
10. **Notwithstanding any other provision of this Schedule, for any parcel fronting a collector road, as classified in Schedule "C" of this bylaw, only one access shall be permitted per parcel.**
11. The angle between the **access** and the edge of pavement on the road right-of-way is no less than 45°.
12. Loop **accesses** are permitted, provided that the **accesses** at each end of the loop meet the requirements of Sections 1, 2, 3 and 6 of this Schedule and that no part of the connecting loop is on public property.
13. Except in areas where curbs have been installed or where all municipal services have been completed, no concrete accesses are permitted on public property.
14. **Any modifications to an existing access must comply with the above requirements.**

# Schedule B

## Legend

Provincial Arterial Highway Subject to Bylaw



- POSTED BRIDGE WEIGHT LIMIT RESTRICTIONS:**
1. GELLATLY ROAD: 40,000 kg
  2. JENNENS ROAD: 40,000 kg
  3. PRITCHARD ROAD: 60,000 kg
  4. ROSS ROAD: 50,000 kg
  5. BYLANDS ROAD: 50,000 kg
  6. SHANNON LAKE ROAD: 50,000 kg

# Schedule C - Road Classification Map

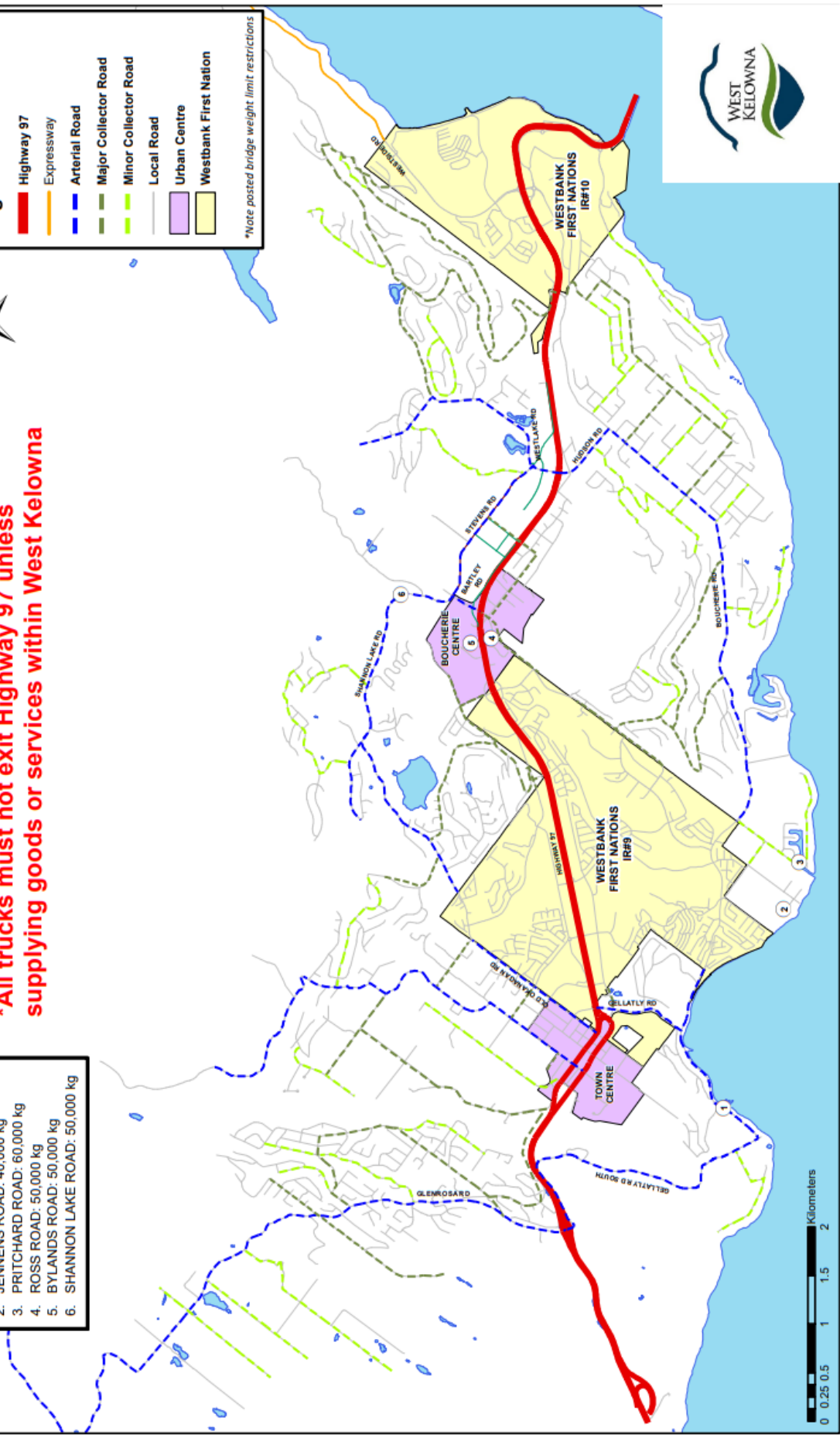
**\*All trucks must not exit Highway 97 unless supplying goods or services within West Kelowna**

Vehicles or combinations of vehicles with a LGVW greater than 13,700 kg (30,203 lbs) must use the highest order road in a direct route.

**Legend**

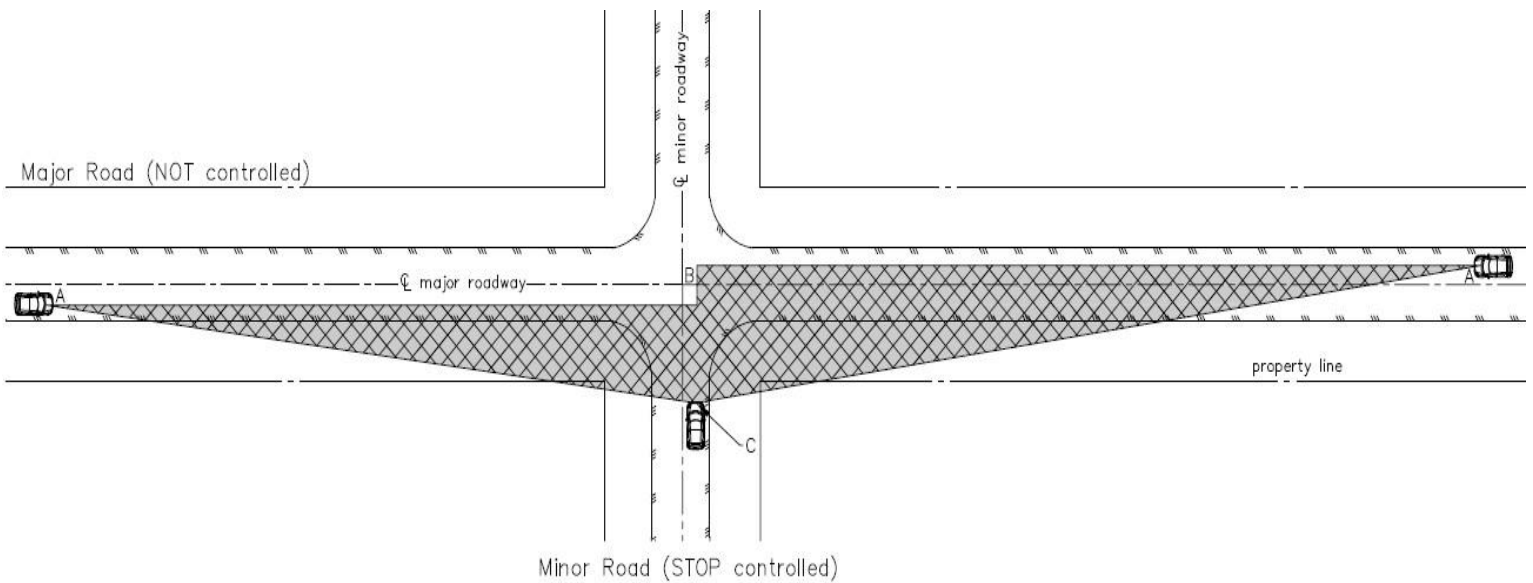
- Highway 97
- Expressway
- Arterial Road
- Major Collector Road
- Minor Collector Road
- Local Road
- Urban Centre
- Westbank First Nation

\*Note posted bridge weight limit restrictions



## SCHEDULE "D"

### Sightline Triangles



#### Sight Distance Clearance Point (A)

Number of Major Road Travel Lanes	Speed Along Major Road	Sight Distance Clearance Point (A) (metres from Point B)
2	50 km/hr	110
	60 km/hr	130
4	50 km/hr	120
	60 km/hr	150

#### Roadway Point of Intersection (B)

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

#### Position of Stopped Vehicle (C)

The location of a vehicle waiting to depart the Minor Road will be field determined by City staff. This point will be taken as 5.0 metres from the edge of the outside travel lane of the Major Road, nearest the Minor Road.