

TOWN OF COMOX

BYLAW NO. 1358

A BYLAW TO REGULATE TRAFFIC AND THE USE OF STREETS WITHIN THE TOWN OF COMOX.

The Council of the Town of Comox in open meeting assembled, enacts as follows:

1.0 TITLE:

This Bylaw may be cited for all purposes as the “Comox Street and Traffic Bylaw, 2001”.

2.0 PARTS:

This Bylaw is divided into the following parts:

- DIVISION I Interpretation
- DIVISION II General Regulation
- DIVISION III Traffic Control Devices
- DIVISION IV Pedestrian Traffic
- DIVISION V Vehicle Traffic
- DIVISION VI Bicycle Traffic
- DIVISION VII Offence, Penalties and Enforcement
- DIVISION VIII Voluntary Settlement
- DIVISION IX Miscellaneous

3.0 DIVISION I - INTERPRETATION

3.1 Definitions in the Motor Vehicle Act apply within this bylaw.

3.2 In this bylaw:

- (a) **Administrator** means the Administrator of the Town and includes anyone authorized by Council to act on behalf of the Administrator;
- (b) **Boulevard** means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line;
- (c) **Council** means the municipal council of the Town of Comox;

- (d) **Curb Line** means the edge of a sidewalk or boulevard adjoining a roadway;
- (e) **Highway** includes:
 - (i) every highway within the meaning of the Highway Act,
 - (ii) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and
 - (iii) every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;
- (f) **Lane** means a highway not exceeding 8 metres in width, which provides a secondary means of vehicle access to one or more parcels of land;
- (g) **Parade** means any procession or body of 15 or more persons or four or more vehicles standing or moving together on any highway, but excludes funeral processions;
- (h) **Permit** means a document in writing issued pursuant to this bylaw;
- (i) **Private Road or Driveway** means every road or driveway not owned or possessed by the Crown or the Town;
- (j) **Public Works Superintendent** means the Public Works Superintendent of the Town and includes anyone authorized by Council to act on behalf of the Public Works Superintendent;
- (k) **Responsible Official** means any person required by the terms of their employment, official duties or designation by Council to be responsible for the administration or enforcement of any provision of this bylaw;
- (l) **Roadway** means that portion of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder;
- (m) **Streetline** means the boundary line between any highway and any property which is not a highway;
- (n) **Town** means the Town of Comox;
- (o) **Traffic Officer** means any official, employee or contractor of the Town whose designated duties include the control of traffic or parking within the Town, and

includes peace officers and Bylaw Enforcement Officers, and every officer and member of the Fire Department of the Town while attending upon any fire or emergency in the course of their duty.

4.0 DIVISION II — GENERAL REGULATIONS

4.1 Traffic Officers

- (a) All Traffic Officers, other than officers and members of the Fire Department of the Town, 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.
- (b) 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.
- (c) No person shall refuse to comply with any lawful direction made by any Traffic Officer.
- (d) No person shall hinder, delay or obstruct in any manner, directly or indirectly, a Traffic Officer carrying out duties in accordance with this bylaw.
- (e) Every driver or operator of a vehicle and pedestrian shall stop and state correctly their name and address when requested to do so by a Traffic Officer.

4.2 Emergency Vehicles and Fire Hoses

No person driving or operating any vehicle, except such vehicles as are conveying authorized persons who have duties to perform in connection with a fire, or other emergency, shall follow closer than 152 metres to any emergency vehicle, or drive or stop any vehicle within a radius of 152 metres of any fire or other emergency scene, or drive a vehicle over or across any fire hose, unless so directed by a Traffic Officer.

4.3 Parades

- (a) No person shall take part in any Parade unless permission for that parade has been issued by the Administrator.

- (b) An application for a Parade shall identify the proposed route, dates, times and the number of vehicles and persons expected to participate.
- (c) A Parade may be refused where the proposed parade would create a hazard or would interfere with ordinary traffic.
- (d) No person or organization shall be entitled to more than one Parade in any calendar year.

4.4 Snow and Ice Removal - Downtown Commercial Area

- (a) Every owner or occupier of any land or real property in a Commercial zone in all areas of the Town and Residential Multiple zones within the Marine Plaza Area of the Town is required to remove snow, ice, or rubbish from the sidewalks and footpaths bordering on the land.
- (b) Snow and ice shall be removed pursuant to paragraph 4.4(a) prior to 12:00 o'clock noon on every day and no rubbish shall be allowed to remain upon the sidewalks and footpaths at any time.
- (c) In default of the removal of snow, ice or rubbish as required by this bylaw the Public Works Superintendent is authorized to carry out such removal at the expense of the person in default and the costs for so doing (including all expenses incidental thereto) with interest at the rate of seven percent per annum if unpaid on the thirty-first of December in any year, shall be added to and form part of the taxes payable in respect of the land as taxes in arrears.

5.0 DIVISION III - Traffic Control Devices

- 5.1 All traffic control devices placed by the Town prior to adoption of this bylaw are deemed to be authorized and placed in accordance with this bylaw.
- 5.2 The Public Works Superintendent is authorized to order the placing of additional traffic control devices, excluding parking meters, in order to exercise the powers of the Town under this bylaw and to give effect to the provisions of this bylaw, including traffic control devices:
 - (a) to regulate, control or prohibit pedestrian traffic, and vehicle traffic on highways;

- (b) to regulate, control or prohibit the stopping of vehicles;
- (c) for the regulation, control or prohibition of standing or parking of vehicles;
- (d) to set apart and allot portions of highways adjacent to federal, provincial or municipal public buildings for the exclusive use of officials and officers engaged therein for the parking of vehicles and the regulation of such parking;

- (e) at intersections and in advance of intersections as required to prohibit certain movements;
- (f) on highways upon which the traffic is required to travel in one direction only;
- (g) at the end of one-way roadways to prevent traffic entering the restricted area;
- (h) at the beginning of a zone through which restricted sight distance makes overtaking and passing hazardous;
- (i) within and at the end of median strips and traffic islands;
- (j) at locations where, due to adjacent commercial facilities, it is desirable to reserve space for loading and unloading vehicles;
- (k) in locations where truck traffic is prohibited or restricted;
- (l) at locations where, due to the seasonal weakening of road surfaces, obsolescence of pavement or roadway repairs, loads in excess of those prescribed on the sign constitute a hazard to traffic or may cause excessive damage to the highway;
- (m) at locations where a bus or other transit vehicle stops to pick up passengers and it is desirable to restrict stopping, standing and parking such vehicles;
- (n) at locations where free flow of traffic is required for the roadway;
- (o) at locations where it is required to give advance information of the presence of a school adjacent to a roadway, a school crosswalk or a

school maximum speed zone or of a playground adjacent to a roadway or its maximum speed zone;

- (p) at locations where pedestrian traffic crosses a roadway and at locations other than at intersections, such as at schools, playgrounds and public buildings where it is required to control pedestrian traffic;
- (q) in locations where it is permissible to angle park or parallel park;
- (r) designating the location of traffic lanes for traffic on paved streets;
- (s) at locations where it is advisable to warn traffic of hazardous conditions,

either on or adjacent to the roadway or prohibit traffic from using the roadway;

- (t) at locations where, due to frequent use by the public, it is desirable to reserve a place for taxicabs only to stop, stand or park to pick up fares;
- (u) at locations approaching crosswalks, school and park zones indicating that passing is prohibited; and
- (v) at locations allowing for parking for disabled persons only.

5.3 The Public Works Superintendent may rescind, revoke, amend or vary an order made by the Public Works Superintendent under Section 5.2.

5.4 Temporary traffic control devices may from time to time as required, be placed by a Traffic Control Officer or upon authority of the Public Works Superintendent without an order under Sections 5.2 and 5.3, in the interest of public safety.

5.5 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 resemble any traffic control device, or any device which attempts to divert the movement of traffic or the parking of vehicles within the Town, except under the authority of this bylaw.

5.6 No person shall obliterate, deface, damage, injure, move, obstruct, or otherwise interfere with any traffic control device placed or maintained within the Town pursuant to this bylaw.

5.7 Every person shall comply with the directions of every traffic control device, except as otherwise authorized pursuant to this bylaw.

6.0 DIVISION IV - Pedestrian Traffic

6.1 At any intersection where crosswalks are marked, pedestrians shall use such crosswalks in crossing the highway.

7.0 DIVISION V - Vehicle Traffic

7.1 The driver of any motor vehicle, or rider or driver of any animal, shall not drive such motor vehicle or ride or drive such animal upon any sidewalk or boulevard except on a driveway crossing provided for such purposes.

7.2 No person shall do any act or place any object upon any Town street, right of way or sidewalk which will obstruct or impede pedestrian traffic.

7.3 Parking Prohibitions

Except when necessary to comply with the law or the directions of a Traffic Officer, Peace Officer or a traffic control device, no person shall stop, stand or park a vehicle:

- (a) on any sidewalk or boulevard;
- (b) within 6 metres of a flashing beacon, stop sign or other traffic control device located at the side of a roadway;
- (c) within any street intersection, except as permitted by a traffic control device;
- (d) within 5 metres of any fire hydrant, measured from a point on the curb line which is closest to the fire hydrant;
- (e) in front of and within 2 metres of any non-commercial private or public driveway, or in front of and within 5 metres of any commercial driveway or lane;
- (f) alongside or opposite any street excavation or obstruction when stopping, standing or parking in that location obstructs traffic;

- (g) upon or within 6 metres of any crosswalk, except as permitted by a traffic control device;
- (h) on the roadway side of any motor vehicle stopped or parked at the edge or curb of any roadway;
- (i) within 6 metres either side of the entrance to or exit from a firehall;
- (j) within 6 metres of an entrance to any school property, on any day when school is in session;
- (k) within 6 metres of any entrance to or exit from any playground or park;
- (l) within 6 metres of the main entrance or exterior vestibule of any hotel unless otherwise marked by a traffic control device;
- (m) in any lane for a period of time longer than is necessary for the expeditious loading or unloading of passengers or materials, so as to prevent the free movement of motor vehicle traffic;
- (n) on any highway for the principal purpose of advertising, washing, maintaining, repairing, wrecking or storing a motor vehicle (except repairs necessitated by an emergency), or for the purpose of displaying such motor vehicle for sale, or for the purpose of selling any commodities or articles;
- (o) on any portion of a highway for a longer period of time than indicated on any traffic control device which is applicable to that portion of the highway;
- (p) 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;
- (q) where parking spaces for vehicles are designated by lines on highway, except wholly within the parking space provided;
- (r) whether attended or unattended, not being an emergency vehicle, in a fire lane;
- (s) contrary to any traffic control device;
- (t) except when the Town permits, a driver must not stop, stand or park a vehicle on a roadway other than the right side of the roadway.

7.4 Where a traffic control device is placed on a Town parking lot or street indicating that the time allowed for parking a vehicle is limited, no person shall park a vehicle for a period longer than the time indicated as set out in Schedule 'A' to this bylaw.

7.5 When a traffic control device is displayed on any highway or Town parking lot 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.

7.6 No person shall stop or park a vehicle on any portion of a highway or parking lot operated by the Town, in a space designated for parking vehicles operated by disabled persons unless the operator or passenger of the vehicle is a physically disabled person and a valid disabled person's parking placard is visible and legible from outside the vehicle.

7.7 Parallel Parking

No person shall park a motor vehicle on any highway not designated for angle parking, other than parallel to and within 30 centimetres of the curb.

7.8 Angle Parking

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 centimetres 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 exceed 6 metres.

7.9 Cul-de-sac Parking

No person shall stand, stop or park a vehicle in a cul-de-sac other than parallel with the outside curb of any cul-de-sac.

7.10 Oversize Motor Vehicles

No person shall park any vehicle having an overall length, including load and any trailer, of more than 6 metres on a highway in the Marine Plaza Area as identified in the Town's Official Community Plan, except for the purpose of loading or

unloading materials or passengers.

7.11 Passenger Zones and Loading Zones

- (a) Zones for the loading and unloading of passengers or materials may be established at such places in or on any highway as may from time to time be designated by order of the Public Works Superintendent.
- (b) The passenger and loading zones as constituted on the date of adoption of this bylaw are deemed to be authorized passenger and loading zones established under this bylaw.
- (c) Traffic control devices indicating or marking passenger and loading zones shall be erected or placed under the direction of the Public Works Superintendent, and it shall be unlawful for any person to stop, stand or park a motor vehicle 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.
- (d) 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.

7.12 Parking on Streets

No person shall leave or park any motor vehicle, trailer or boat at any one location on any highway within the Town for any continuous period exceeding 72 hours.

7.13 Night Parking

- (a) No commercial vehicle, boat, trailer, shall be parked or left standing on any highway within the Town after 7:00 p.m. and before 7:00 a.m. of any day.
- (b) All vehicles not referred to in Section 7.13 of this bylaw which are parked or left standing on any highway within the Town after sunset and before sunrise of any day shall be clearly marked with adequate reflectors or other warning devices sufficient to warn approaching traffic of their presence on such highway.

7.14 Parking Exemptions

- (a) The provisions of this bylaw regulating the parking of motor vehicles shall not apply to any emergency vehicle while attending at any emergency call, but this exemption shall not excuse the driver of any such motor vehicle from exercising due and proper care for the safety of other traffic.
- (b) The provisions of this bylaw prohibiting stopping or parking shall not apply to:
 - (i) municipal or provincial utility vehicles;
 - (ii) motor vehicles of a public utility corporation;
 - (iii) tow trucks;
 - (iv) contractors authorized by the Town

while the operators of such motor vehicles are actually engaged in work requiring the vehicles to be stopped or parking in contravention of any of such provisions.

7.15 Obstruction by Motor Vehicles

No vehicle shall be left standing or parked:

- (a) in violation of this bylaw; or
- (b) in a position that causes it to interfere with firefighting; or
- (c) in a position that causes it to interfere with the normal flow of traffic on the highway; or
- (d) in a position that causes it to interfere with the construction, improvement, maintenance, snow removal, alteration, extension, widening, marking, or repair of a highway.

7.16 Removal, Detention and Impounding of Vehicles

- (a) Any 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 Public Works Superintendent, or by a contractor acting in accordance with the directions of the Town.
- (b) The fees, costs and expenses set out in Schedule 'B' of this bylaw for the removal, detention and impoundment of a vehicle removed under this Division shall be paid by the registered owner of the vehicle or their agent prior to the release of the vehicle.
- (c) Any chattel, obstruction or vehicle removed, detained or impounded under this bylaw may be recovered by the owner by paying the fees, costs and expenses set out in Schedule 'B' by paying the contractor of the Town at his place of business.
- (d) 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 advertising for sale by public auction, if unclaimed.
- (e) Any vehicle, chattel or obstruction not claimed by 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 Town.
- (f) The proceeds of sale by public auction shall be applied first to the cost of the sale, second to the fees, costs and expenses of the Town 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 Town.
- (g) 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 landfill and disposed of therein.

8.0 DIVISION VI - Bicycle Traffic

Riding on Sidewalks and Pedestrian Paths

- (a) No person shall ride a bicycle upon the sidewalk of any street, or upon any pedestrian path in a public park except as otherwise posted.

8.1 Cycle Stands

Where a cycle stand or rack is available, every person leaving a cycle unattended within one block of the rack or stand shall use the rack or stand provided.

9.0 DIVISION VII - Offence, Penalties and Enforcement

- (a) 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 \$2,000 plus the cost of prosecution for each offence.
- (b) The minimum fines for an offence against the following sections of this bylaw are as follows:

Section	Minimum Fine
7.3(o), 7.4, 7.11, 8.1, 8.2	\$60.00
4.1(e), 7.3[except ss.(o)], 7.5, 7.7, 7.8, 7.9, 7.12, 7.13	\$90.00
7.6, 7.16	\$120.00
4.1(d)	\$200.00

9.1 Multiple Ticketing for Overtime Parking

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.

10.0 DIVISION VIII - Voluntary Settlement

Any person who receives notice of an alleged violation by that person of a

section of this bylaw referred to in the following table may avoid further enforcement action by the Town, by paying the settlement amounts described below within the time limited:

Section	If paid in the first 14 calendar days	If paid after 14 calendar days, but before summons raised	If paid after summons raised
7.3(o), 7.4, 7.11, 8.1, 8.2	\$10.00	\$20.00	\$60.00
4.1(e), 7.3[except ss.(o)], 7.5, 7.7, 7.8, 7.9, 7.12, 7.13	\$25.00	\$50.00	\$90.00
7.6	\$50.00	\$80.00	\$120.00

11.0 DIVISION IX - Miscellaneous

SCHEDULES “A” through “C” are attached to and form part of this bylaw.

12.1 REPEALMENT:

"Comox Street and Traffic Bylaw No. 631, 1981" and amendments thereto is repealed.

13.1 ADOPTION:

Read a First and Second time this 4TH day of APRIL, 2001

Read a Third time this 4TH day of APRIL, 2001

Adopted this 18TH day of APRIL, 2001

*Town of Comox
Consolidated Street and Traffic Bylaw*

“George Kirkwood”
MAYOR

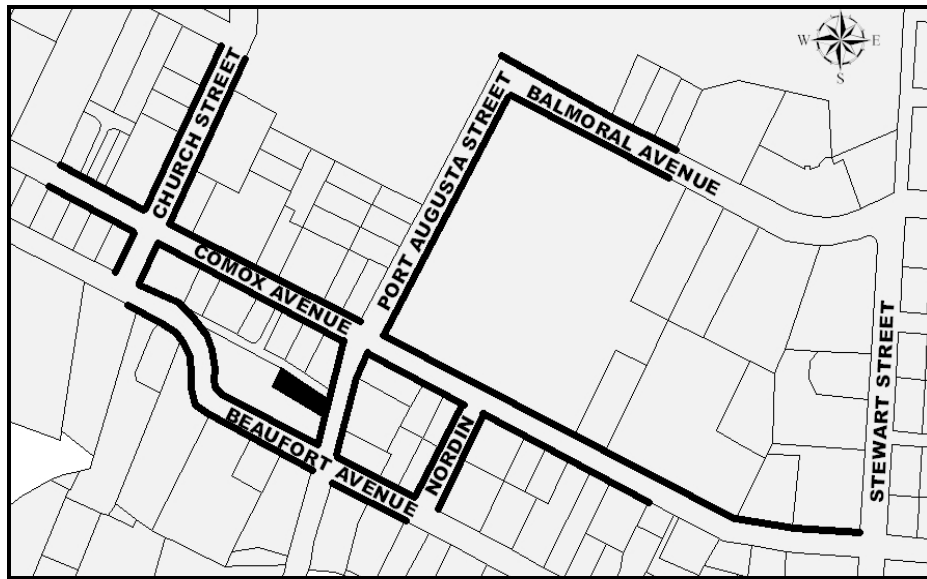
“Helen Dale”
CLERK

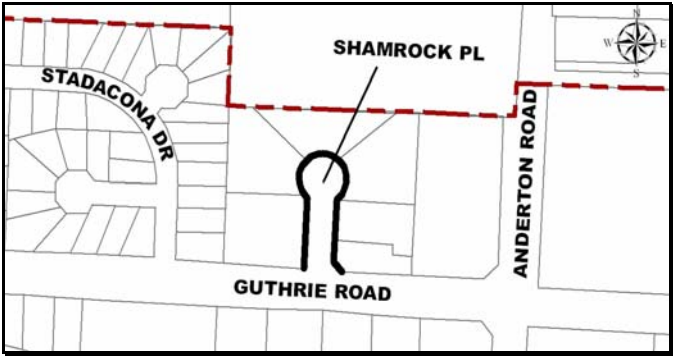
Schedules Attached

SCHEDULE "A"
PARKING RESTRICTIONS

Parking shall be restricted to two hours at the following locations, and as shown on the map:

Church Street	<ul style="list-style-type: none"> • Beaufort Avenue to Comox Avenue, east and west sides • Comox Avenue to Beuna Vista Avenue, east and west sides
Port Augusta Street	<ul style="list-style-type: none"> • Beaufort Avenue to Comox Avenue, east and west sides • Comox Avenue to Balmoral Avenue, east side
Nordin Street	<ul style="list-style-type: none"> • Beaufort Avenue to Comox Avenue, east and west sides
Balmoral Avenue	<ul style="list-style-type: none"> • Port Augusta Street to 1700 Balmoral, north and south sides
Comox Avenue	<ul style="list-style-type: none"> • 1841 Comox Avenue to Church Street, north and south sides • Church Street to Port Augusta Street, north and south sides • Port Augusta Street to Nordin Street, north and south sides • Nordin Street to Stewart Street, north side • Nordin Street to 1695 Comox Avenue, south side
Beaufort Avenue	<ul style="list-style-type: none"> • Church Street to Port Augusta Avenue, north and south sides • Port Augusta Avenue to Nordin Street, north and south sides
151 Port Augusta St	<ul style="list-style-type: none"> • North strip of parking lot
Shamrock Place	<ul style="list-style-type: none"> • All of Shamrock Place





SCHEDULE "B"

BYLAW NO. 1358

TOWING CHARGES

The following fee, costs and expenses shall be paid by the owner of the chattel, obstruction, or vehicle removed, detained or impounded by the Town of Comox.

- 1. REMOVAL OF ANY VEHICLE UP TO AND INCLUDING A 3 TONNE TRUCK SIZE TO STORAGE:
 - (a) Flat Rate (first 6 kilometres) \$37.35
 - (b) Rate per kilometer over flat rate charge above \$2.00

- 2. REMOVAL OF ANY VEHICLE LONGER THAN 3 TONNE INCLUDING SEMI-TRAILER UNITS:
 - (a) Flat Rate (first 6 kilometres) \$103.15
 - (b) Rate per kilometer over flat rate charge above \$2.90

- 3. STORAGE OF ANY VEHICLE UP TO 3 TONNE TRUCK SIZE IN CONTRACTOR'S YARD:
 - Rate per day \$7.00

- 4. REMOVAL OF ANY ABANDONED VEHICLE OR TRAILER UP TO 8 METRES IN LENGTH TO SITE AS DIRECTED:

Flat Rate \$37.35

5. EXTRA COST FOR DOLLY TOW FOR ANY VEHICLE IN ITEM #1 OR #4 ABOVE:

Flat Rate \$15.00

**SCHEDULE "C"
BYLAW NO. 1358**

PARKING TICKET DISPUTE FORM

SURNAME: _____ GIVEN NAME: _____

ADDRESS: (Home) _____

(Mailing) _____

POSTAL CODE: _____

PHONE: (Home) _____ PHONE: (Business) _____

TICKET NO: _____ DATE OF INFRACTION: _____

LICENCE PLATE NO: _____

REMARKS: _____

A summons will be issued and mailed to you informing you of the date and location of your court appearance. By your signature below you consent to being served by mail and acknowledge that you do not require personal service of the summons. It is your responsibility to keep the Town informed of any changes to your mailing address and to ensure that you appear for your court date. If you do not appear for your court date, the Town will apply for a bench warrant for your arrest.

If you do require personal service of the summons, please advise before signing this form.

SIGNATURE: _____

DATE: _____

OFFICE USE ONLY:

COURT FILE NUMBER: _____ COURT DATE: _____

TRIAL DATE: _____ RESULT: _____