

CITY OF KELOWNA

BYLAW NO. 11214

Amendment No. 28 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **PART 1 – INTRODUCTION**, 1.4.1 Definitions be amended by:

a) Deleting the definition for “**Chattels**” that reads:

“**Chattels**” means a moveable item of personal property.

And replace it with:

“Chattels” means a moveable item of personal property except for, but not limited to; wet or soiled clothing/bedding, plastics, metals, perishable food, footwear, cardboard/paper, wooden items, glass, personal hygiene items.

b) Deleting the definition for “**Park**” that reads:

“**Park**” when prohibited, means the **standing** of a **vehicle** whether occupied or not, except when **standing** temporarily for the purpose of and while actually engaged in loading or unloading.

And replace it with:

“**Park**” when prohibited, means the **standing** of a **vehicle** whether occupied or not.

c) Deleting the definition for “**Trailer**” that reads:

“**Trailer**” includes a **vehicle** without motive power designed to be drawn by or used in conjunction with a **motor vehicle** and constructed so that no appreciable part of its weight rests upon or is carried by the **motor vehicle**, but does not include a house **trailer** having a **gross vehicle weight** of less than 700 kilograms which is licensed pursuant to the *Motor Vehicle Act*.

And replace it with:

“**Trailer**” means a **vehicle** that is at any time drawn on a highway by a motor **vehicle** and includes a semi-trailer as defined in the Commercial Transport Act, R.S.B.C. 1996, c. 58, as amended. except for:

- (a) an implement of husbandry;
- (b) a sidecar attached to a motor cycle; and
- (c) a disabled motor vehicle that is towed by a tow vehicle.

d) Deleting the definition name for “**Transportation Services Manager**” and replacing it with “**Manager of Public Works**”;

e) Replacing all references to “**Transportation Services Manager**” and replacing it with “**Manager of Public Works**” as appropriate throughout the bylaw.

2. AND THAT **PART 2 – GENERAL REGULATIONS, 2.4 Removal of Vehicles and Chattels** be amended as follows:

- a) Adding in 2.4.1 Unlawful Occupancy, sub-paragraph (f)(ii) the word “/her” after the words “into his”;
- b) Deleting in 2.4.5 Recovery the words “Financial Services Branch at City Hall” and replace it with “Bylaw Services”;
- c) Deleting in 2.4.6 Notice of Impoundment the words “**motor vehicle trailer, trailer or chattel**” and replacing it with “**motor vehicle or trailer**”
- d) Deleting in 2.4.8 Recovery of Fees in its entirety that reads:

“Recovery of Fees. If the **motor vehicle, trailer or chattel** is not claimed by its **owner** within sixty (60) days of its impounding, the **City** may provide for the recovery of the fees by sale, public auction or other means of disposal as deemed necessary pursuant to the *Community Charter* and the *Motor Vehicle Act*, after reasonable efforts have been made to contact the **owner**.”

And replace with the following:

“Recovery of Fees.

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

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

3. AND THAT **PART 4 – PARKING REGULATIONS, 4.1 General Parking Prohibitions** be amended as follows:

- a) Deleting in 4.1.1 Exceptions sub-paragraph (a) that reads:

“(a) when a vehicle is so mechanically disabled as to render it mobile;”

And renumbering all sub-sequent paragraphs;

- b) 4.1.2 Parking Prohibitions be amended by:

- i) Adding the words “or equipment” after the words “stand or **park a vehicle**” in the first paragraph;
- ii) Adding the word “**licenced**” before the words “**gross vehicle weight**” in sub-section Commercial Vehicle (x);
- iii) Deleting sub-section (pp) that reads:

Unlicensed Vehicle (pp) without valid license plates.

And replace it with:

Fail to Display Valid License Plate (pp) without displaying valid license plates.

iv) Adding new sub-sections (rr)(ss) and (tt) as follows:

Construction equipment	(rr) Upon a road right of way for more than 72 hours with no valid Road Usage Permit and outside an approved work zone.
Leaking Vehicles	(ss) Upon a roadway whereas the vehicle is leaking any type of fluid that is harmful to the public, animals or the environment. Owners of such vehicles are responsible for any damages caused by the leak(s) to public property.
Detached trailers	(tt) or trailer including a semi-trailer on a highway without the motive power unit being properly attached.

4. AND THAT **PART 5 – HIGHWAY USE REGULATIONS** be amended as follows:

a) Deleting 5.1.8 Damage to Highway Surface that reads:

"5.1.8 Damage to Highway Surface. No person shall drive, drag, or skid anything along or over a **highway** so that the same damages the surface of the **highway**."

And replace with:

"5.1.8 Damage to Highway Surface. No person shall drive, drag, or skid anything along or over a **highway**, permit any fluids leaking from a vehicle so that the same damages the surface of the **highway**, or cause damage to the **highway** by a burning vehicle."

b) Deleting in 5.1.10 Garbage Collection Containers the words "Garbage Collection Bylaw No. 7173." and replacing it with "Solid Waste Management Regulation Bylaw No. 10106"

c) In **5.4 Road Usage**:

i) Deleting in 5.4.5 Default – City to Repair the words "Twenty-five Dollars (\$25.00)" at the end of the paragraph and replacing it with "Seventy-Five Dollars (\$75.00)"; and

ii) Deleting 5.4.10 Materials to complete work in its entirety that reads:

"5.4.10 Materials to complete work. The applicant shall ensure all materials, labour and equipment which are needed to complete the work within the time period specified are available to the applicant before applying for a **road usage permit**."

And replace it with:

"5.4.10 Materials to complete work. The applicant shall ensure all materials, labour and equipment which are needed to complete the work within the time period specified are available to the applicant before applying for a **road usage permit**. If the work is not completed within 72 hours of the specified time period as shown on the valid Road Usage Permit, the City may complete the work. The cost to complete the work plus a fee of \$500 per day will be charged to the Permittee. If these costs are not paid the permittee will not be able to obtain additional Road Usage Permits."

5. AND THAT **PART 8 – PEDESTRIAN REGULATIONS** be amended as follows:

a) Deleting from **8.1 Sidewalks**, 8.1.2 Sitting or Lying on Sidewalks "between the hours of 8:00am and 9:00pm daily"; and

b) Adding to **8.1 Sidewalks**, a new 8.1.4 Pedestrian Traffic Control s follows:

"8.1.4 Pedestrian Traffic Control Pedestrians must obey all traffic control devices placed on or around a sidewalk for the purpose of construction related activities."

6. AND THAT **SCHEDULE "A" FEES** be amended as follows:

- a) In **PART 2 – GENERAL REGULATIONS**, Subsection 2.4.7 Impound Fees (vii) and (viii) be amended by deleting "\$10.00" and replacing them both with "\$40.00";
- b) In **PART 5 – HIGHWAY USE REGULATIONS**, Subsection 5.4.2 – Road Usage and Hoarding Permit (RUP & HP) be amended by adding in the table, under RUP Extension fee the following:

RUP Seasonal Permit for non-excavation work. Utility providers, Tree pruning, CCTV, and others as approved by the Manager of Public Works	\$75.00	\$300 per season	\$0.00
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7. AND THAT **SCHEDULE "B" ROAD USAGE PERMIT** be amended as follows:

- a) in Section 19 Protection of Lawns, Boulevards or Other Landscaping be amended by:

- i) deleting the title "Protection of Lawns, Boulevards or Other Landscaping";
- ii) replacing it with "Protection of Lawns, Boulevards, Trees or Other Landscaping"; and
- iii) adding the following at the end of the paragraph:

"When excavating within the drip line of a tree the Permittee must insure that NO roots or branches are cut or damaged without authorization from the City Arborist prior to work starting. Only hand digging or air spade are the permitted methods of excavation within the drip line of a tree without authorization from the City Arborist. Other mechanical means of excavation such as low pressure hydrovacating may be approved on a case by case base.

If it is found that tree roots or branches have been damaged, work will immediately be stopped until such time as the City Arborist can assess the damage.

The Permittee will be responsible for all costs to remediate the damage up to and including tree replacement value if deemed necessary by the City Arborist."

- b) Adding a new subparagraph g in Section 23. Breaking Through Surface that reads:

- "g) Longitudinal trenches must be a minimum of 1.45m in width and final restoration must be machine paved. If the trench extends into the wheel path the trench width must be extended to the centre of that lane. If a longitudinal trench is within a bike lane the trench edge must extend to the outer edge of the bike lane."

- c) In Section 25. Hours of Work be amended by:

- i) Deleting the title "Hours of Work" and replace it with "Hours of Work and Notificaiton";
- ii) Deleting the time "9:00pm" and replacing it with "10:00pm";
- iii) Adding a new subparagraph (d) that reads:

"d) Prior to any work starting the Permittee shall give public notification in writing at least 72 hour in advance to effected residents and businesses as well as written notification MUST be given to emergency services and transit service. If the Manager of Public Works deems it necessary the Permittee at their cost may also be required to give notification in the form of a Traffic Advisory to all local media outlets."

d) In Section 28. Restoration of Surface (b) be amended by adding to the end of the paragraph "Cold mix may only remain in place for a maximum of 7 days."

e) Addind a new Section 34. Prime Contractor Designation as follows:

"34. Prime Contractor Designation: The Permittee by signing the Road Usage Permit Applications accepts the roles and responsibilities of the Prime Contractor – Workers Compensation Act -118 and are responsible for all aspects of the work as per all City of Kelowna Bylaws, Ministry Manuals and as per WorkSafe BC."

8. This bylaw may be cited for all purposes as "Bylaw No. 11214, being Amendment No. 28 to Traffic Bylaw No. 8120."

9. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 28th day of November, 2016.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk