

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:30 P.M.**

Tuesday, October 20, 2020

This meeting will be held electronically as per Ministerial Order No. M192

Pages

1. CALL TO ORDER

Call to Order 6:30 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

Recommendation

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- negotiations and related discussions respecting the proposed provision of a municipal service - section 90(1)(k)

3. OPEN MEETING (7:00 P.M.)

Please follow this link to view the meeting:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for October 20, 2020.

5. RISE AND REPORT- Items from Closed Session

Items from the Closed Meeting of Council held October 6, 2020

- **CE 2020-137**

That Council:

1. Appoint the following representatives to the Public Art Task Group for a two year term ending September 2022:
 - Lesley Lorenz and Lynda Baker (Parks, Recreation and Culture Advisory Committee)
 - Kathy Holmes and Ora Steyn (Arts Council of Ladysmith and District)
 - Julia Noon (Community Youth Representative)
2. Rise and report on this item once the representatives have been notified.

6. MINUTES

6.1. Minutes of the Regular Meeting of Council held October 6, 2020

7

Recommendation

That Council approve the minutes of the Regular Meeting of Council held October 6, 2020.

7. PROCLAMATIONS

7.1. Adoption Awareness Month

17

Mayor Stone has proclaimed November 2020 as Adoption Awareness Month in the Town of Ladysmith.

8. DEVELOPMENT APPLICATIONS

- 8.1. Development Variance Permit Application 3090-20-07 for 373 Chemainus Road** 18

Recommendation

That Council:

1. Approve Development Variance Permit 3090-20-07 to vary the maximum height of a principal building at 373 Chemainus Road from 7.5m to 8.5m; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-07.

- 8.2. Development Permit Application 3060-20-22 – Public Washroom Facility between 531 & 521 1st Avenue and Road Closure Bylaw for 531 & 521 1st Avenue and 431 & 421 1st Avenue** 28

Recommendation

That Council:

1. Approve Development Permit 3060-20-22 to allow for a public washroom facility located between 531 & 521 1st Avenue; and
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-22.
3. Direct staff to work with the project stakeholders to develop a public contest in order to determine the exterior colours of the building.
4. Give first three readings to “Town of Ladysmith Road Closure Bylaw 2020, No. 2055”; and
5. Direct staff to proceed with public notice of the road closure of part of the unnamed laneway between 531 and 521 1st Avenue and part of the unnamed laneway between 431 and 421 1st Avenue.

9. COMMITTEE MINUTES

- 9.1. Minutes of the Community Planning Advisory Committee Meeting held August 5, 2020** 42

Recommendation

That Council receive for information the minutes of the August 5, 2020 meeting of the Community Planning Advisory Committee.

10. REPORTS

10.1. Public Works Washroom Facility

44

Recommendation

That Council:

1. Approve the construction of a washroom facility, including showers, at the Public Works Yard for a cost of \$45,000 with the funding to be split equally by the Water, Sewer and General Funds; and
2. Amend the 2020-2024 Financial Plan accordingly.

10.2. Grant Opportunities Projects

46

Recommendation

That Council:

1. Direct staff to submit an application for a grant funding application for Lot 108 Park Plan for \$2,181,250 through the *Investing in Canada Infrastructure Program – Rural and Northern Communities*;
2. Support the project and commits to its share \$218,125 of the project, as well as cost overruns; and
3. Direct staff to amend the 2020-2024 Financial Plan accordingly.

AND That Council:

1. Direct staff to submit an application for grant funding to support refurbishment of Town assets on 1st Avenue and wayfinding signs through the *Community Economic Recovery Infrastructure Program* and amend the 2020-2024 Financial Plan accordingly.

AND That Council:

1. Direct staff to submit an application for grant funding to support facility infrastructure upgrades at Transfer Beach through the *Tourism Dependent Communities Grant* and amend the 2020-2024 Financial Plan accordingly.

11. BYLAWS

- 11.1. **Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968, Amendment Bylaw 2020, No. 2056** 50

The purpose of Bylaw 2056 is to allow for the addition of a registered non-profit youth swim club rate.

Recommendation

That Council give first three readings to "Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968, Amendment Bylaw 2020, No. 2056".

- 11.2. **Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052** 55

The purpose of Bylaw 2052 is to exempt from taxation certain buildings, the lands on which the buildings stand and the lands surrounding certain buildings.

Recommendation

That Council adopt "Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052".

- 11.3. **Town of Ladysmith Community Services Centre Tax Exemption Bylaw 2020, No. 2053** 65

The purpose of Bylaw 2053 is to exempt from taxation the Community Services buildings, the lands on which the buildings stand and the lands surrounding them.

Recommendation

That Council adopt "Town of Ladysmith Community Services Centre Tax Exemption Bylaw 2020, No. 2053".

- 11.4. **Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2054** 67

The purpose of Bylaw 2054 is to allow the Director of Development Services to issue permits authorizing sidewalk patios between October 31st and March 1st.

Recommendation

That Council adopt "Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2054".

- 11.5. **Bylaw Status Sheet** 69

12. NEW BUSINESS

13. UNFINISHED BUSINESS

13.1. Streets and Traffic Bylaw Notice of Motion

70

At the October 6, 2020 Council meeting, Mayor Stone provided the following notice of motion:

Recommendation

That Council direct staff to:

1. Prepare a report for consideration at a future Committee of the Whole meeting with proposed amendments to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” to ensure it is current and balances best practices with the realities faced in our community; and
2. Proceed with enforcement of the bylaw on a complaint-driven basis until such time as “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” is updated.

14. QUESTION PERIOD

Residents can submit questions to Council via email at info@ladysmith.ca during the meeting.

- Persons wishing to address Council must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must include their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council

15. ADJOURNMENT



MINUTES OF A REGULAR MEETING OF COUNCIL

Tuesday, October 6, 2020

6:30 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall

Donna Smith
Julie Thompson
Mike Gregory
Sue Bouma

Guests:

Toby Seward and Frank Crucil, FMC Holdings Ltd., applicants for Zoning and OCP Amendment for 201/203 Dogwood Drive

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 6:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2020-281

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- personal information about an identifiable individual being considered for a position as an officer, employee or agent of the municipality - section 90(1)(a)

Motion Carried

3. **OPEN MEETING (7:00 p.m.)**

Mayor Stone called this Regular Meeting of Council to order at 7:00 p.m., recognizing that it was taking place on the traditional territory of the Stz'uminus First Nation and expressing gratitude to be here.

Mayor Stone then took a moment to recognize the Director of Finance, Erin Anderson, who took on the position of Acting Chief Administrative Officer after the resignation of Guillermo Ferrero. He applauded Ms. Anderson for keeping her sense of humour during challenging circumstances while juggling the demands of two positions, and thanked her for her outstanding accomplishments as Acting CAO. Council echoed Mayor Stone's sentiments and thanked Ms. Anderson for rising to the occasion.

Mayor Stone introduced Allison McCarrick, the new Chief Administrative Officer for the Town. He and Council welcomed Ms. McCarrick to the Town and stated they are looking forward to working with her.

4. **AGENDA APPROVAL**

CS 2020-282

That Council approve the agenda for this Regular Meeting of Council for October 6, 2020 as amended to include the following:

- Item 12.1., "Notice of Motion from Mayor Stone - Streets and Traffic Bylaw No.1309 Enforcement"

Motion Carried

5. **RISE AND REPORT- Items from Closed Session**

Council rose from Closed Session at 6:33 p.m. without report.

The following item from the Closed Meeting of Council held September 1, 2020 was reported:

- **CE 2020-131**

That Council:

1. Direct the Mayor and Corporate Officer to execute the Lease and Access Agreement renewal with Sealegs Kayak Rentals and Marine Adventures for use of the Transfer Beach Park Eco-Tourism Facility for a five-year period from October 1, 2020 until September 30, 2025, with a 2% increase each year beginning in Year 2 as outlined in the agreement;

2. Direct staff to give notice of the Town's intent to lease the facility to Sealegs in accordance with the *Community Charter*, and
3. Rise and report on this item once the lease agreement has been signed by both parties.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held September 15, 2020

CS 2020-283

That Council approve the minutes of the Regular Meeting of Council held September 15, 2020.

Motion Carried

7. PROCLAMATIONS

7.1 Foster Family Month

Mayor Stone proclaimed the month of October 2020 as Foster Family Month in the Town of Ladysmith.

7.2 Waste Reduction Week

Mayor Stone proclaimed October 19 to 25, 2020 as Waste Reduction Week in the Town of Ladysmith.

8. DEVELOPMENT APPLICATIONS

8.1 Zoning and OCP Amendment for 201 and 203 Dogwood Drive

The applicants, Mr. Toby Seward and Mr. Frank Crucil, entered the meeting at 7:15 p.m. and responded to Council's questions regarding the proposed development.

CS 2020-284

That Council:

1. Direct that application 3360-20-04 (Amended Lot 10 (DD 21674N) District Lot 56 Oyster District Plan 1684 and Amended Lot 11 (DD 27179N) District Lot 56 Oyster District Plan 1684) proceed for further consideration to investigate a five storey building design option with consideration of the following:

- i. view corridors;
 - ii. design controls related to height, scale, form and massing; and
 - iii. neighbourhood character and public concerns.
2. Having considered section 475 (consultation during development of an OCP) and section 476 (consultation on planning for school facilities) of the Local Government Act, direct staff to refer the application to:
- i. Stz'uminus First Nation pursuant to the Memorandum of Understanding
 - ii. School District 68 (Nanaimo Ladysmith)
 - iii. The Community Planning Advisory Committee;
 - iv. The BC Ministry of Transportation and Infrastructure;
 - v. BC Hydro; and
 - vi. Fortis BC.
3. Direct that staff:
- i. Work with the applicant regarding land use matters and report back to Council, specifically with regard to the following items:
 - ii. submission of a Development Permit application;
 - iii. consolidation of the subject properties; and
 - iv. density bonus options.

CS 2020-285

That resolution CS 2020-284 be amended to add the following considerations under item 1:

- iv. description of a rental covenant structure
- v. description of a remediation plan

Amendment Carried

Resolution CS 2020-284 as amended reads:

That Council:

- 1. Direct that application 3360-20-04 (Amended Lot 10 (DD 21674N) District Lot 56 Oyster District Plan 1684 and Amended Lot 11 (DD 27179N) District Lot 56 Oyster District Plan 1684) proceed for further

consideration to investigate a five storey building design option with consideration of the following:

- i. view corridors;
 - ii. design controls related to height, scale, form and massing; and
 - iii. neighbourhood character and public concerns.
 - iv. description of a rental covenant structure
 - v. description of a remediation plan
2. Having considered section 475 (consultation during development of an OCP) and section 476 (consultation on planning for school facilities) of the Local Government Act, direct staff to refer the application to:
- i. Stz'uminus First Nation pursuant to the Memorandum of Understanding
 - ii. School District 68 (Nanaimo Ladysmith)
 - iii. The Community Planning Advisory Committee;
 - iv. The BC Ministry of Transportation and Infrastructure;
 - v. BC Hydro; and
 - vi. Fortis BC.
3. Direct that staff:
- i. Work with the applicant regarding land use matters and report back to Council, specifically with regard to the following items:
 - ii. submission of a Development Permit application;
 - iii. consolidation of the subject properties; and
 - iv. density bonus options.

Main Motion, As Amended, Carried

OPPOSED: Councillors Johnson and McKay

Mr. Toby Seward and Mr. Frank Crucil, vacated the meeting at 8:31 p.m.

8.2 Industrial Development Permit and Development Variance Permit at 10750 South Watts Road

CS 2020-286

That Council:

1. Approve Development Variance Permit (DVP) 3090-20-01, to vary the Zoning Bylaw and Subdivision and Development Servicing Bylaw regulations requiring a connection to a community sanitary sewer system, to allow the property at 10750 South Watts Road (Lot 20, District Lot 72, Oyster District, Plan 8793 Except Parcel A (DD 94199N)) to be developed without connecting to the sanitary sewer system, on the condition that the applicant enter into a covenant that requires extension and connection to the Town's sanitary sewer main within two years of the main being available to the subject property.
2. Approve Development Permit (DP) 3060-19-21 to allow the property at 10750 South Watts Road to be developed as a cannabis production facility within the Industrial and Riparian Development Permit Areas.
3. Authorize the Mayor and Corporate Officer to sign DVP 3090-20-01 and DP 3060-19-21.

Motion Carried

9. COMMITTEE MINUTES

9.1 Minutes of the Parks, Recreation and Culture Advisory Committee Meeting held September 16, 2020

CS 2020-287

That Council receive for information the minutes of the September 16, 2020 meeting of the Parks, Recreation and Culture Advisory Committee.

Motion Carried

10. REPORTS

10.1 2021 Council Meeting Schedule

CS 2020-288

That Council:

1. Remove the August 17, 2021 Regular Council Meeting date from the proposed schedule of Regular Council Meetings; and
2. Confirm the following schedule of Regular Council Meetings for 2021, and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

Council Meetings

January 5	April 6	July 6	October 5
January 19	April 20	July 20	October 19
February 2	May 4	August 3	November 2
February 16	May 18	August 17	November 16
March 2	June 1	September 7	December 7
March 16	June 15	September 21	December 21

Motion Carried

OPPOSED: Councillor Johnson

CS 2020-289

That Council confirm the following schedule of regular Committee of the Whole meetings for 2021 and direct staff to advertise the schedule in accordance with Section 127 of the *Community Charter*.

Committee of the Whole Meetings

January 12	May 11	September 28
March 9	July 13	November 9

Motion Carried

OPPOSED: Councillor Johnson

10.2 Machine Shop Seismic Upgrade Project Update

CS 2020-290

That Council:

1. Direct staff to submit an application for grant funding for the Machine Shop Rehabilitation Phase 2 for \$3,114,611 through the *Investing in Canada Infrastructure Program – Community, Culture and Recreation*;
2. Support the project and commit to its share (\$1,132,779) of the project with the funds to come from the Real Property Reserve and General Government Reserves; and
3. Direct staff to amend the 2020-2024 Financial Plan accordingly.

Motion Carried

10.3 Economic Recovery - Sidewalk Patios

CS 2020-291

That Council give first three readings to “Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2054” allowing the Director of Development Services to issue permits authorizing sidewalk patios between October 31st and March 1st.

Motion Carried

Councillor Paterson declared a conflict of interest with the following agenda item due to his association with the Kinsmen Club and recused himself from the meeting at 9:01 p.m.

10.4 Permanent Downtown Washroom

CS 2020-292

That Council:

1. Direct staff to amend the budget to \$100k for the permanent downtown washroom, with the funds to come from the Real Property Reserve for \$32k and the remaining funding to come from community donations; and
2. Waive the purchasing policy.

Motion Carried

Councillor Paterson returned to the meeting at 9:06 p.m.

10.5 Re-opening Plan for Swimming Pool

CS 2020-293

That Council direct staff to:

1. Reopen the 25m pool and the therapy teach pool at the Frank Jameson Community Centre on November 2nd with limited programming as presented by the Director of Parks, Recreation and Culture; and
2. Phase in the opening of the other pool amenities when permitted by the Provincial Health Officer and other regulatory agencies.

Motion Carried

10.6 Battie to Thetis Watermain Loop Budget Amendment

CS 2020-294

That Council direct staff to amend the 2020-2024 Financial Plan to include the Battie to Thetis Watermain loop for \$80,000, with \$40,000 to come from the Water Development Cost Charges reserve and \$40,000 to come from the Water Reserve.

Motion Carried

11. BYLAWS

11.1 Bylaw Status Sheet

12. NEW BUSINESS

12.1 Notice of Motion by Mayor Stone - Streets and Traffic Bylaw 1309 Enforcement

Mayor Stone provided the following notice of motion to be considered by Council at its Regular Meeting scheduled for October 20, 2020: .

“That Council direct staff to:

1. Prepare a report for consideration at a future Committee of the Whole meeting with proposed amendments to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” to ensure it is current and balances best practices with the realities faced in our community; and
2. Proceed with enforcement of the bylaw on a complaint-driven basis until such time as “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” is updated.”

13. QUESTION PERIOD

There were no questions submitted by the public.

14. ADJOURNMENT

CS 2020-295

That this Regular Meeting of Council adjourn at 9:14 p.m.

Motion Carried

Mayor (A. Stone)

Corporate Officer (D. Smith)

Subject to Adoption



TOWN OF LADYSMITH

PROCLAMATION

ADOPTION AWARENESS MONTH

- WHEREAS:** *adoptive families in British Columbia provide children with the love and support of a permanent family, and*
- WHEREAS:** *the Town of Ladysmith wishes to recognize the care, compassion and unselfish commitment of British Columbia adoptive families, and*
- WHEREAS:** *there continues to be a need for adoptive families to nurture the growth and development of children, especially those with special needs because of physical, mental or emotional disabilities, and*
- WHEREAS:** *there is a need to remind citizens during this time that there are many children and sibling groups in the province who are available for adoption;*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim November 2020 as Adoption Awareness Month in the Town of Ladysmith, British Columbia.*

Mayor A. Stone

October 14, 2020

STAFF REPORT TO COUNCIL

Report Prepared By: Darren Lucas, Planner
Meeting Date: October 20, 2020
File No: DVP 3090-20-07
RE: **DEVELOPMENT VARIANCE PERMIT APPLICATION - 373 CHEMAINUS ROAD**

RECOMMENDATION:

That Council:

1. Approve Development Variance Permit 3090-20-07 to vary the maximum height of a principal building at 373 Chemainus Road from 7.5m to 8.5m; and
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-07.

EXECUTIVE SUMMARY:

A Development Variance Permit (DVP) application has been received to vary the maximum height of a principal building with a roof pitch less than 4:12 from 7.5m to 8.5m to allow the construction of a Single Unit Dwelling on the property located at 373 Chemainus Road.

Staff is recommending approval of DVP 3090-20-07 based on an analysis of the impacts of the proposal.

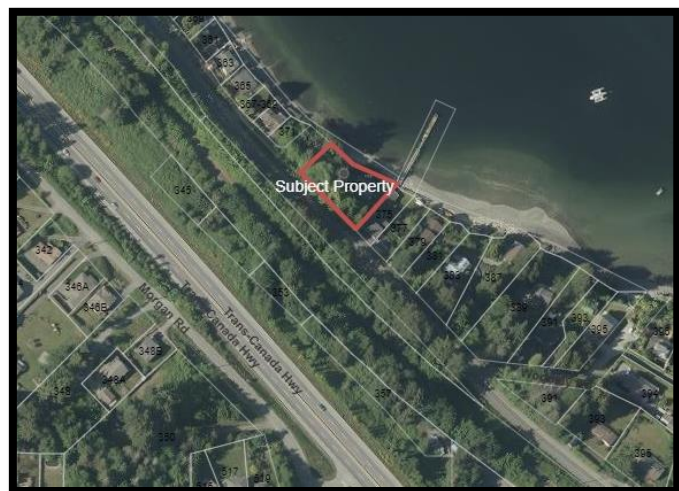


Figure 1: Subject property.

PREVIOUS COUNCIL DIRECTION

Resolution #	Resolution Details
CS 2020-183	<p>That Council:</p> <ol style="list-style-type: none"> 1. Issue Development Variance Permit 3090-20-03 to vary the setback from the sea and the maximum height to allow for a single unit dwelling at 373 Chemainus Road; 2. Issue Development Permit 3060-20-05 to allow for a single unit dwelling at 373 Chemainus Road; and 3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-03 and Development Permit 3060-20-05. <p><i>Motion Carried</i></p>

INTRODUCTION/BACKGROUND:

The applicant is proposing to construct a two storey single unit dwelling at 373 Chemainus Road. The subject property is located on the waterfront, approximately 800m southeast of the intersection between Davis Road and the Trans-Canada Highway.

The subject property previously had a single unit dwelling, a boathouse, and three sheds (including one small utility shed). The original dwelling and two of the sheds have been removed. The existing boathouse and utility shed are proposed to be retained. The subject property slopes steeply from Chemainus Road towards a flat area adjacent to the shoreline where the house is proposed to be located. The subject property has frontage on Chemainus Road, but is accessed via an existing gravel driveway that crosses a neighbouring property and an unconstructed road right-of-way.

The proposed two storey dwelling has a unique design with the main living space on the large second storey overhanging a smaller first storey. The benefits of the proposed design are:

- To provide a large, accessible (single storey) living area;
- To improve the driveway access by allowing for a turnaround large enough to accommodate an ambulance;
- To avoid extensive grading or vegetation removal on the slope adjacent to Chemainus Road; and
- To minimize the encroachment into the required setback from the sea at ground level.

On June 16, 2020 Council issued DVP 3090-20-03 to allow reduced setbacks from the shoreline, and an increase in height for the proposed dwelling from 7.5m to 7.7m. However, through the building permit process, a survey indicated that the proposed dwelling would need to be 8.5m tall to achieve the proposed design, and the applicant had previously miscalculated the height of the dwelling. As such, the applicant has applied to vary the maximum height of a principal building with a roof pitch less than 4:12 from 7.5m to 8.5m to allow the construction of the proposed dwelling. The siting of the dwelling is the same as previously proposed, and a new variance to the setbacks is not required.

DISCUSSION:

The subject property is designated Single Family Residential in the Official Community Plan (OCP; Bylaw No. 1488), and is within the Single Dwelling Residential (R-1) zone in the Zoning Bylaw (Bylaw No. 1860). The proposal is consistent with the OCP designation and the permitted uses within the R-1 zone. The maximum permitted height in the R-1 zone is 7.5m for a principal building with a roof pitch less than 4:12, otherwise the maximum height is a 9m. As the proposed dwelling has a roof pitch less than 4:12, a variance is required to allow the proposed 8.5m height of the dwelling.

Proposed Variance:

Table 1 outlines the proposed variance. The proposal is otherwise consistent with the Zoning Bylaw requirements, except for the setback from the shoreline, which is consistent with approved DVP 3090-20-03. It is noted that the boathouse is not proposed to change as part of this development and may have protection under Section 529 of the *Local Government Act*.

Table 1: Zoning requirement and proposed variance

Zoning Provision	Zoning Requirement	Proposed Variance
Maximum Height	7.5 metres for a principal building with a roof pitch less than 4:12	8.5 metres for the proposed dwelling

Development Permit Area 7 – Hazard Lands:

The subject property is located within DPA 7 – Hazard Lands. On June 16, 2020 Council issued DP 20-15 to allow the construction of the proposed dwelling. A new DP application is not required.

ANALYSIS:

The maximum height for the principal building within the R-1 zone is 7.5 metres where the roof pitch is less than 4:12. The roofline of the proposed dwelling is flat with a partial shallow pitch near the back, adding visual interest.

Because the house is located at the bottom of the treed slope, the house is unlikely to be visible from Chemainus Road, even with the increased height. The nearest house is located higher up the slope on the neighbouring property so will not be overshadowed by the proposed dwelling. The additional height will be visible from the shoreline, however the proposed dwelling is consistent with the scale of other homes along the shoreline in the area.

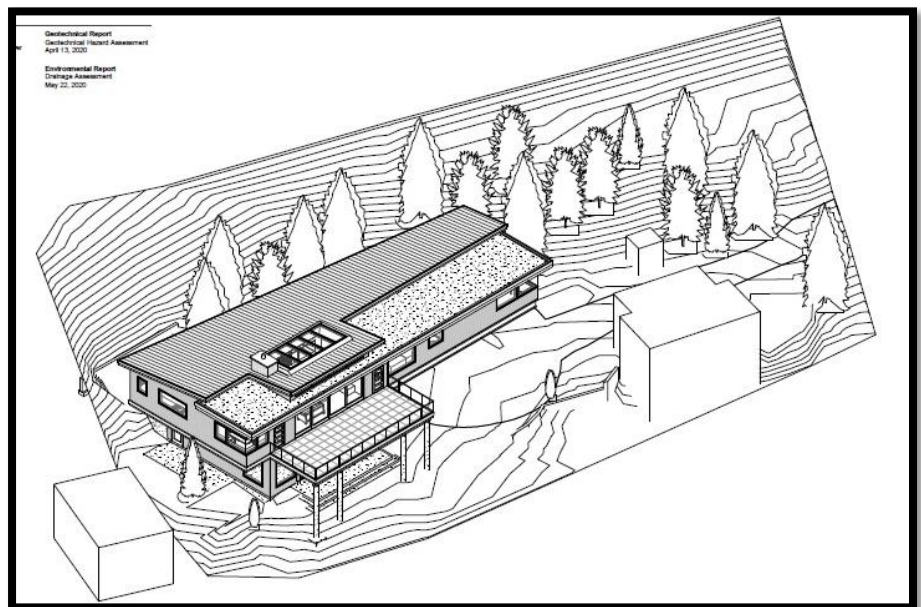


Figure 2: Conceptual rendering of proposed dwelling, located at 373 Chemainus Road.

Staff recommend that the requested variance be approved based on the assessment of the potential impacts.

ALTERNATIVES:

Council can choose to refuse DVP 3090-20-07. The proponent could attempt to meet the zoning requirements, for example, by constructing a smaller dwelling.

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary zoning regulations excluding regulations of use, density, and rental tenure through issuance of a DVP. Council may permit exceptions to the height provisions as is proposed in this application.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notice of the proposed variance was issued in accordance with the requirements of the *Local Government Act* and Development Procedures Bylaw No. 1667. On October 8, 2020 a letter was delivered to the property owners/residents within 60m of the subject property. At the time of writing, one submission has been received (attached). The submission states that they have no objections to the proposed height variance.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

DVP 3090-20-03 and DP 3060-20-05 were previously referred to Infrastructure Services (Engineering), the Building Inspector, and the Fire Chief and their comments were incorporated into the previously issued permits and/or will be addressed at time of building permit. Staff have requested follow-up comments from the Engineering Department concerning the increased height proposed within this more recent application. No updated comments have been received.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|--|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- Draft DVP 3090-20-07
- Public Submission

Received October 9, 2020

Within Circulation Area

From: Jen Forrest
Sent: October 9, 2020 4:22 PM
To: Town of Ladysmith <info@ladysmith.ca>
Subject: DVP 20-07 (373 Chemainus Road)

Thank you for the Notice of Development Variance Permit for 373 Chemainus Road, regarding a height increase.

We are the adjacent property owners at 375 Chemainus Road, (closest to the development) and have no objection to the proposed variance.

Sincerely

Jennifer Forrest and

Garth Decker



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-20-07

DATE: October 20, 2020

Name of Owner(s) of Land (Permittee): Edward Donald Gregson and Sheila Louise Gregson

Applicant: Angela Quek, Architect

Subject Property (Civic Address): 373 Chemainus Road

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

**Lot A (DD 82674-N), District Lot 42, Oyster District, Plan 4858 – PID: 006-035-001
(373 Chemainus Road)
(referred to as the “Land”)**
3. Section 10.2.5.a) of the “Single Dwelling Residential (R-1)” zone in the “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is varied for the Land as follows:
 - a) The maximum height of a *Principal Building* or *Structure* with a roof pitch less than 4:12 is increased from 7.5m to 8.5m to allow the construction of a *Single Unit Dwelling* as shown in **Schedule A – Site Plan** and **Schedule B – Elevation Plans**.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. The following plans and specifications are attached:
 - a) **Schedule A – Site Plan**
 - b) **Schedule B– Elevation Plans**
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3090-20-07**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 2020.

Mayor (A. Stone)

Corporate Officer (D. Smith)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Edward Donald Gregson or Sheila Louise Gregson** other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

Date

Signed

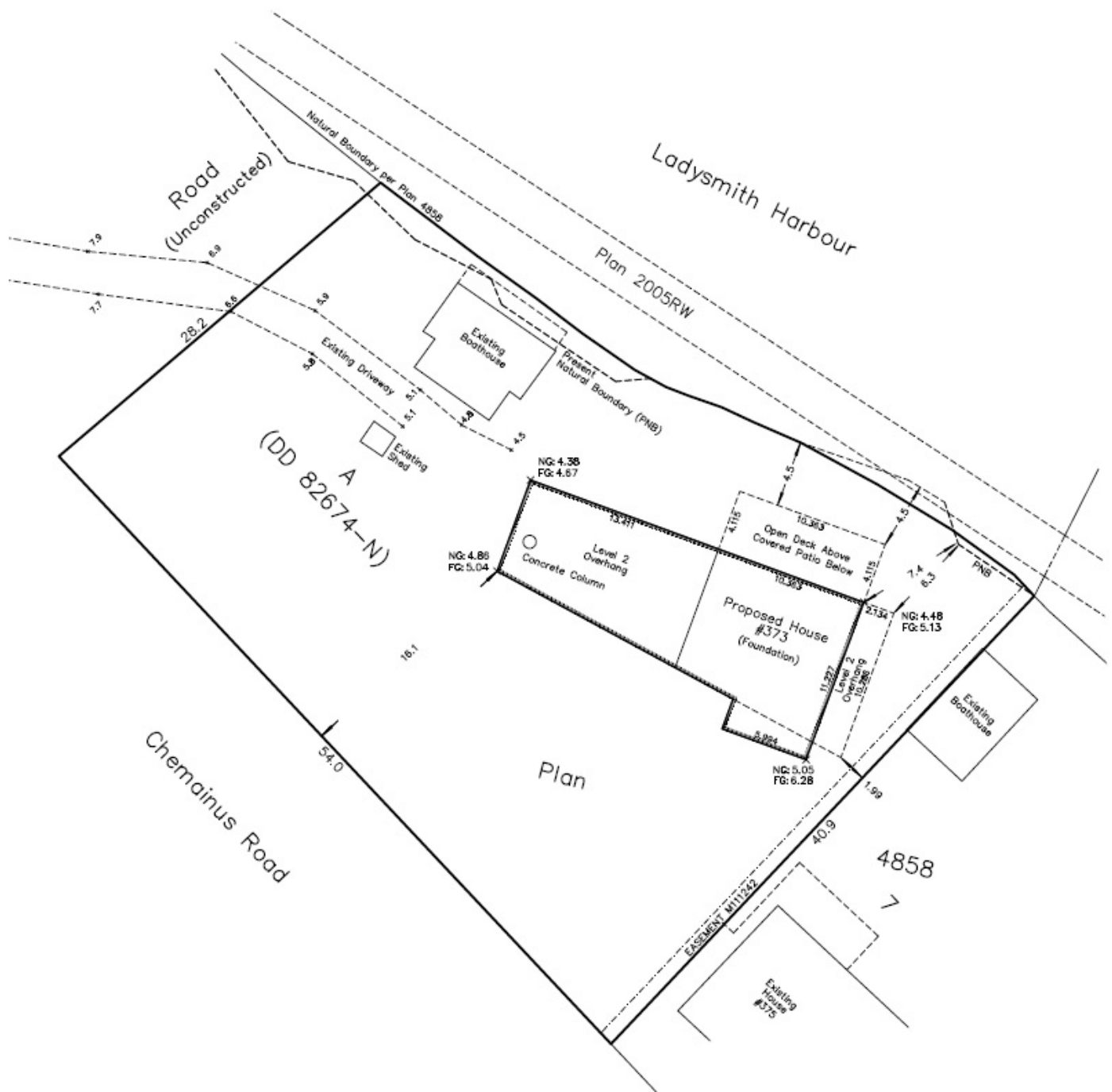
Witness

Title

Occupation

Date

Date

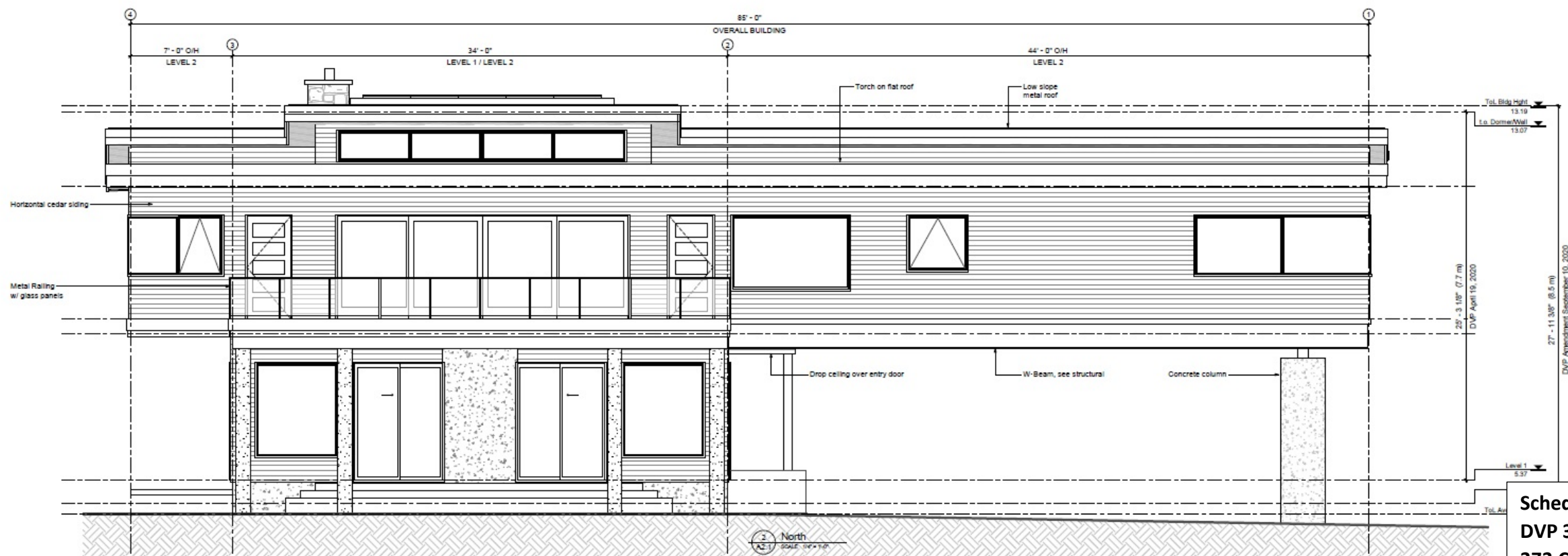
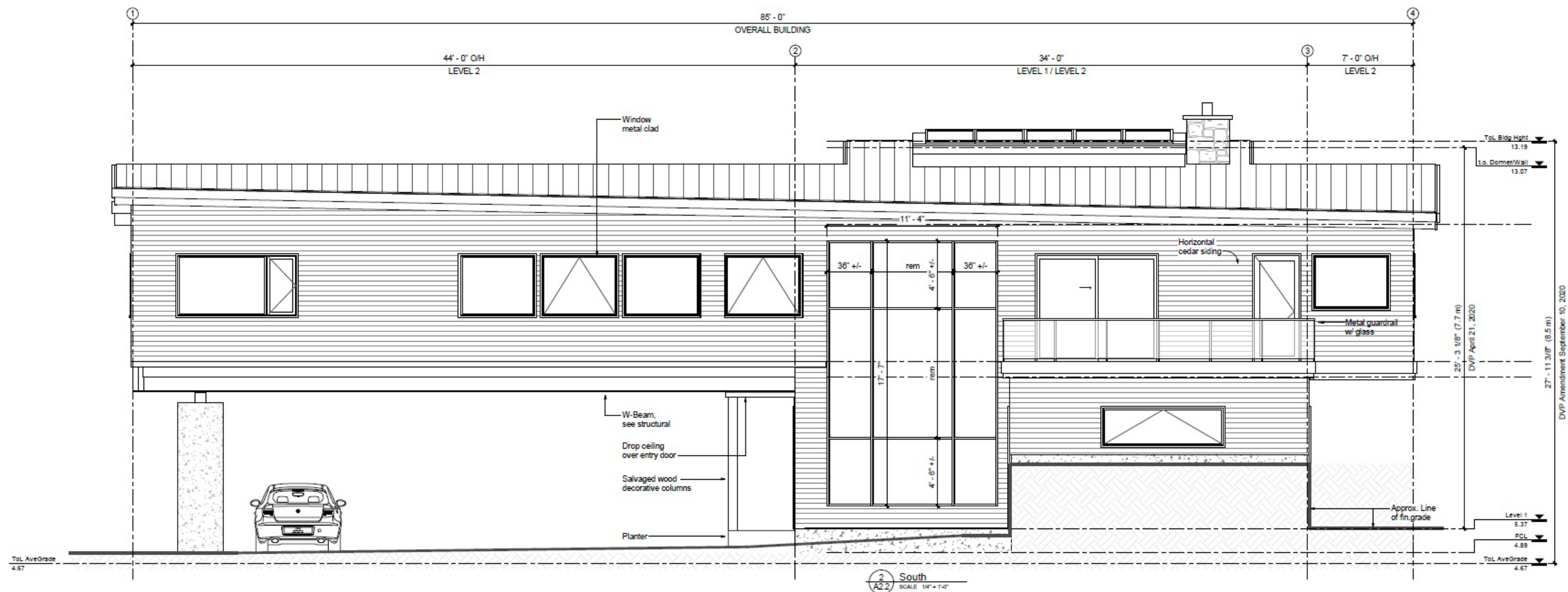


Schedule A – Site Plan

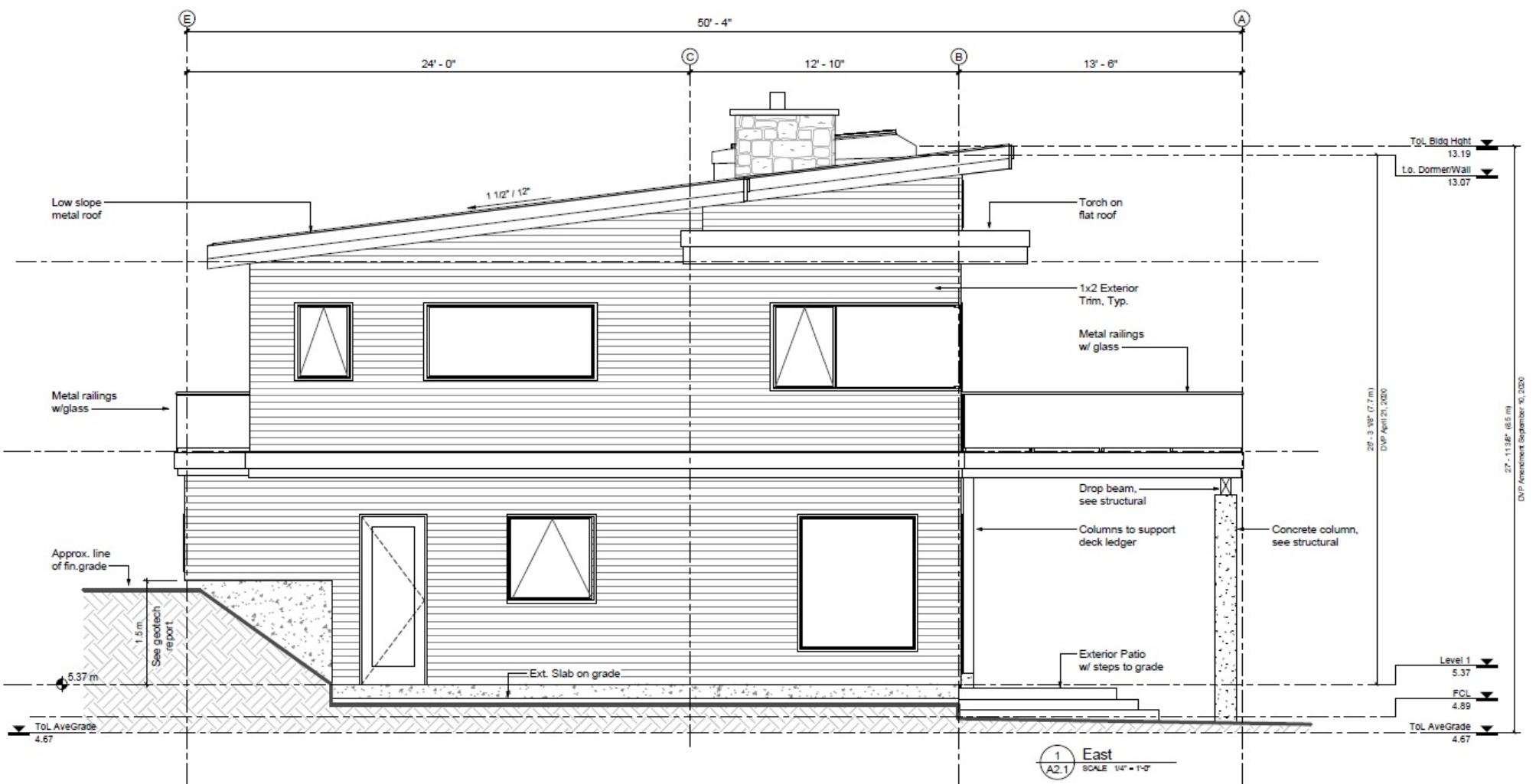
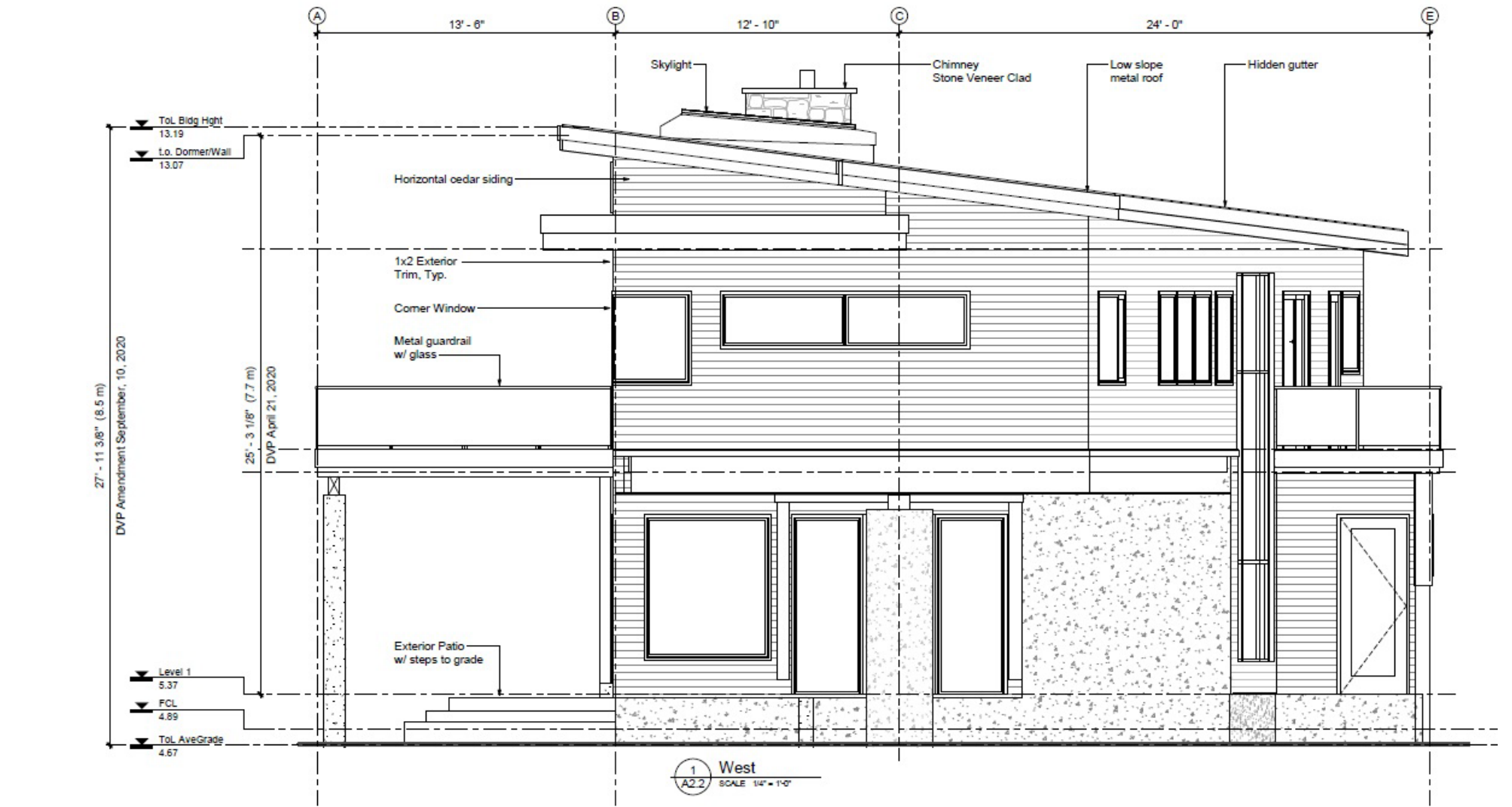
DVP 3090-20-07

373 Chemainus Road

Edward Douglas Gregson & Sheila Louise Gregson



Schedule B – Elevation Plans (page 1 of 2)
DVP 3090-20-07
373 Chemainus Road
Edward Douglas Gregson & Sheila Louise Gregson



Schedule B – Elevation Plans (page 2 of 2)
DVP 3090-20-07
373 Chemainus Road
Edward Douglas Gregson & Sheila Louise Gregson

STAFF REPORT TO COUNCIL

Report Prepared By: Darren Lucas, Planner
Meeting Date: October 20, 2020
File No: DP 3060-20-22
RE: **DEVELOPMENT PERMIT APPLICATION 3060-20-22 – Public Washroom Facility [between 531 & 521 1st Avenue] and Road Closure Bylaw for 531 & 521 1st Avenue and 431 & 421 1st Avenue**

RECOMMENDATION:

That Council:

1. Approve Development Permit 3060-20-22 to allow for a public washroom facility located between 531 & 521 1st Avenue; and
2. Authorize the Mayor and Corporate Officer to sign DP 3060-20-22.
3. Direct staff to work with the project stakeholders to develop a public contest in order to determine the exterior colours of the building.
4. Give first three readings to “Town of Ladysmith Road Closure Bylaw 2020, No. 2055”; and
5. Direct staff to proceed with public notice of the road closure of part of the unnamed laneway between 531 and 521 1st Avenue and part of the unnamed laneway between 431 and 421 1st Avenue.

EXECUTIVE SUMMARY:

The Town of Ladysmith has submitted a Development Permit (DP) application to allow the construction of a single storey public washroom facility between 531 & 521 1st Avenue. The subject area is within Development Permit Area 2 – Downtown (DPA 2) and has been reviewed by staff and the Community Planning Advisory Committee (CPAC). Staff is recommending issuance of DP 3060-20-22 based on its consistency with the DPA 2 guidelines and support from



Figure 1: Conceptual design rendering of the proposed public washroom. Note, the maintenance door shown in the centre is proposed to be located at the rear of the building.

CPAC. As the proposed washroom is located in an undeveloped portion of a lane, staff are recommending that “Town of Ladysmith Road Closure Bylaw No. 2055” be given first three readings to stop-up and close the road to traffic. Bylaw No. 2055 also closes the section of the laneway between 431 & 421 1st Avenue, which is also unused for motor vehicle traffic. Under the *Community Charter*, public notice of the road closures is also required.

PREVIOUS COUNCIL DIRECTION

None.

INTRODUCTION/BACKGROUND:

The Town of Ladysmith is proposing to construct a public washroom facility located on a section of road right-of-way (ROW) between 531 & 521 1st Avenue.



Figure 2: Subject area.

The subject area is located on the northeast side of 1st Avenue. The proposed public washroom facility will be constructed within an approximately 40m² area within close proximity to the sidewalk. The proposed public washroom facility includes two separate and accessible universal washrooms in addition to an enclosed service/maintenance area, to be located at the rear of the building.

The proposed public washroom is located on a public right-of-way. Staff are recommending first, second and third readings of “Town of Ladysmith Road Closure Bylaw No. 2055” (attached), which would close the road to traffic. Bylaw No. 2055 will not remove the road dedication from the ROW, meaning the lane can be reopened to traffic (by bylaw) in the future.

Bylaw No. 2055 also closes off the laneway between 431 & 421 1st Avenue as it is unused for traffic. This unused laneway currently provides a small amenity area, utility infrastructure, and green space, which contribute to the pedestrian environment of 1st Avenue by providing visual

interest and an area for pedestrians to rest. Schedule “B” of the Bylaw No. 2055 (attached) shows the location of the unused laneway.

ANALYSIS:

The proposed washroom facility is to be located on a road ROW within the Downtown Development Permit Area (DPA2) and the Downtown Commercial (C-2) zone. The proposed use is permitted under the Zoning Bylaw. The objective of DPA2 is to strengthen the historic downtown as the Town’s primary commercial area. The proposed washroom has been evaluated against the DPA2 guidelines. Staff observations are summarized in Table 1, below.

Table 1: Summary of DPA 2 guidelines and staff observations

DPA2 Guideline:	Observations:
Building Design	<ul style="list-style-type: none"> • The overall form of the building complements the neo-traditional aesthetic of existing buildings located on 1st Avenue. • The proposed scale and massing of the building provides a transition between the two neighbouring structures at 531 & 521 1st Ave while maintaining existing view corridors above the 1st storey.
Building Siting & Massing	<ul style="list-style-type: none"> • The proposed building respects the character of the surrounding buildings and contributes to a continuous street wall and varying height in a complementary way. • The proposed building will be sited so that it is abutting 521 1st Avenue (the building to the right within the conceptual images) to provide one wider pedestrian access between 531 1st Avenue and the proposed washroom facility (see ‘Accessibility and Connectivity’ below).
Building Frontage	<ul style="list-style-type: none"> • The building frontage is articulated by its roofline and creates the presence of a distinctive unit. • The building is located in close proximity to the front parcel line, but is set back enough to create a public amenity space in front of the washroom building.
Roof Form	<ul style="list-style-type: none"> • The roof line and projection allow for shelter from the elements in addition to providing visual interest.
Windows & Doors	<ul style="list-style-type: none"> • No windows are proposed. • The washroom doors are pronounced by trim.
Signs, Canopies and Lighting	<ul style="list-style-type: none"> • Signage for the washroom facility is not shown on the design renderings, but may be located above the doors on the front elevation. • Lighting towards the top of the building will illuminate the abutting public space next to the sidewalk and complements the building’s aesthetic.
Materials & Colours	<ul style="list-style-type: none"> • The siding of the building is proposed to be hardie board, which is durable and of high quality. • While the neutral tones of the building shown on the conceptual design rendering (see figure 1) do not take away from the presence of the adjacent buildings, the proposed colours don’t add much visual interest to the streetscape. CPAC has recommended that a more vibrant colour scheme be incorporated into the design to accent the streetscape. Staff concur with this recommendation.

DPA2 Guideline:	Observations:
	<ul style="list-style-type: none"> Staff are recommending that the colour palette should be decided through a public engagement strategy where Council can determine the most appropriate colour palette
Accessibility & Connectivity and Crime & Safety	<ul style="list-style-type: none"> The building is accessible by its close proximity to the sidewalk, at grade without steps. The proposed building will be located to abut the neighbouring building located at 521 1st Avenue, as this will provide a safer, wider pathway and view corridor for pedestrians accessing parking in the rear alleyway located behind the building.
Public Realm	<ul style="list-style-type: none"> The proposed building is set back from the front parcel line and provides a small amenity space between the building and the sidewalk, linking to the public realm.

The proposed washroom facility is generally compliant with the DPA2 guidelines. However, a more vibrant colour palette may be more appropriate. As the colour palette has not yet been decided, staff recommend that the public be engaged to determine the colours of the future public washroom facility (e.g. a contest). This will not delay issuance of the Development Permit as the proposed permit omits colour requirements allowing the Town to decide on a colour later. Since painting is the last step in construction, the colour selection process can occur while the building is under construction and a colour choice can be considered by Council once the building is complete or under construction.

It is recommended that DP 3060-20-22 be approved, as it is generally compliant with the DPA2 guidelines.

ALTERNATIVES:

Council may:

1. Refuse to issue DP 3060-20-22 where refusal is based upon a determination that the application does not meet the DPA2 guidelines.
2. Reject Bylaw No.2055.
3. Refer the proposal back to staff for further review, as specified by Council.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC):

The application was reviewed by the CPAC on Wednesday, October 7, 2020. The CPAC made the following recommendation:

It was moved, seconded and carried that the Community Planning Advisory Committee:

1. *Supports the recommendations made by staff to:*
 - a. *widen the pedestrian pathway by abutting the proposed washroom building against 521 1st Avenue; and*
 - b. *utilize a more vibrant colour palette on the building which is aligned with the heritage buildings in the downtown.*
2. *Recommends:*

- a. *That the proposed development retain the trees that are currently located next to the front of the proposed public washroom;*
- b. *That wayfinding and/or directional signage to assist residents and visitors in identifying the location to the public washroom be investigated;*
- c. *That incorporation of a heritage feature into the site design be investigated; and*
- d. *That reuse of the existing cedar fencing be investigated.*

The CPAC recommendation to retain the trees has been incorporated into the proposed permit. The wayfinding signage and reuse of the existing cedar split rail fence can be implemented after the washroom is constructed. Staff are currently investigating the feasibility of these recommendations with other Town departments.

LEGAL IMPLICATIONS

Section 40 of the *Community Charter* allows Council to close a road right of way to motor vehicle traffic by bylaw. Before adopting the bylaw, the residents of the municipality must first be notified and provided with an opportunity to make representations to Council.

COMMUNITY CONSULTATION

In accordance with section 94 of the *Community Charter*, notice of Bylaw No. 2055 will be posted in the October 22nd and October 29th issues of the Ladysmith/Chemainus Chronicle. Notice of the proposed Bylaw No. 2055 has also been posted at Development Services and on the Town's website.

Staff's recommendation to engage the public in colour selection also provides an opportunity for public input.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been received by the Development Services Department through Infrastructure Services (Engineering) and Parks, Recreation, & Culture. A referral for the proposed road closure will be sent to the Ministry of Transportation and Infrastructure and any utility providers with infrastructure located in the lane, as required under section 93 of the *Community Charter*. As this is a project brought forward by the Town of Ladysmith, staff has determined that this report has received proper review by all applicable departments.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|----------------------------------|
| <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
|--|----------------------------------|

- ☐ Community
- ☐ Waterfront

☐ Not Applicable

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- Draft DP 3060-20-22
- Proposed Road Closure Bylaw No. 2055



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 498 *Local Government*

Act) FILE NO: 3060-20-22

DATE: October 20, 2020

Name of Owner(s) of Land (Permittee): Town of Ladysmith

Applicant: Town of Ladysmith

Subject Property (Civic Address): Right-of-way located between 531 & 521 1st Ave

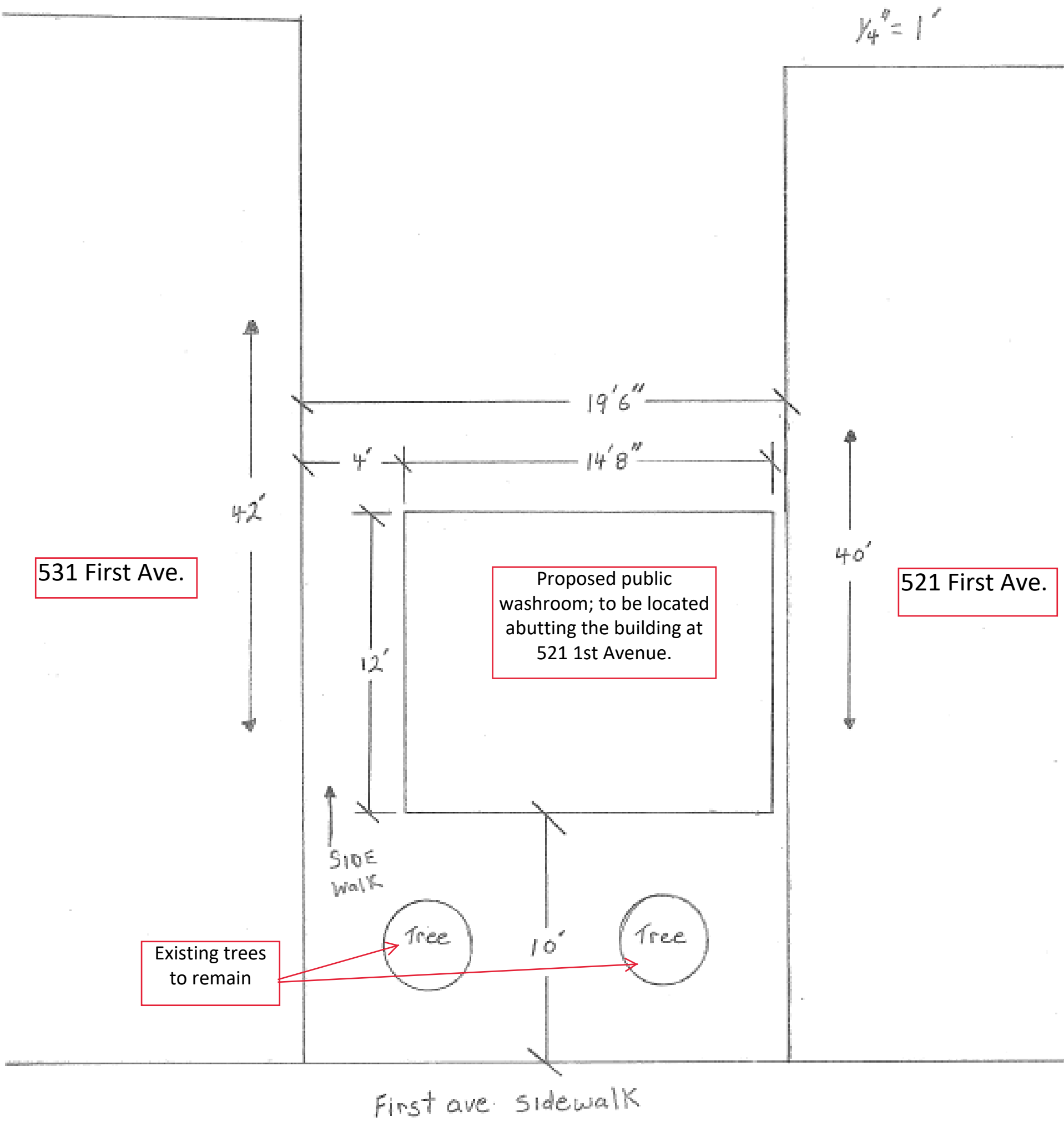
1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:
Town of Ladysmith, between 531 First Avenue and 521 First Avenue, identified as "Closed Area" within Bylaw No. 2055
(referred to as the "Land")
3. This Permit has the effect of authorizing:
 - (a) The issuance of a building permit for the construction of a public washroom on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws;
 - (b) The alteration of land located within Development Permit Area 2 – Downtown; and
 - (c) The alteration of land designated in the Official Community Plan under section 488(1)(d) and section 488(1)(f) of the *Local Government Act*.
Subject to the conditions, requirements and standards imposed and agreed to in this Permit.
4. The Permittee, as a condition of the issuance of this Permit, agrees:
 - (a) To develop the lands in accordance with **Schedule A – Site Plan** and **Schedule B – Elevations**;
 - (b) That the public washroom shall be located abutting the building at 521 First Avenue as shown in **Schedule A – Site Plan**, to allow a pathway between 531 First Avenue and the public washroom; and
 - (c) That the exterior colour palette of the public washroom is at the discretion of the owner.

5. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
6. The plans and specifications attached to this Permit are an integral part of this Permit.
7. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (**3060-20-22**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
9. Despite issuance of this Permit, construction may not start without a Building Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE _____ DAY OF _____ 2020.

Mayor (A. Stone)

Corporate Officer (D. Smith)



Schedule A – Site Plan
DP 3060-20-22
ROW between 531 & 521 1st Ave
Town of Ladysmith

FRONT ELEVATION

Exterior to consist of horizontal, hardie-board siding.

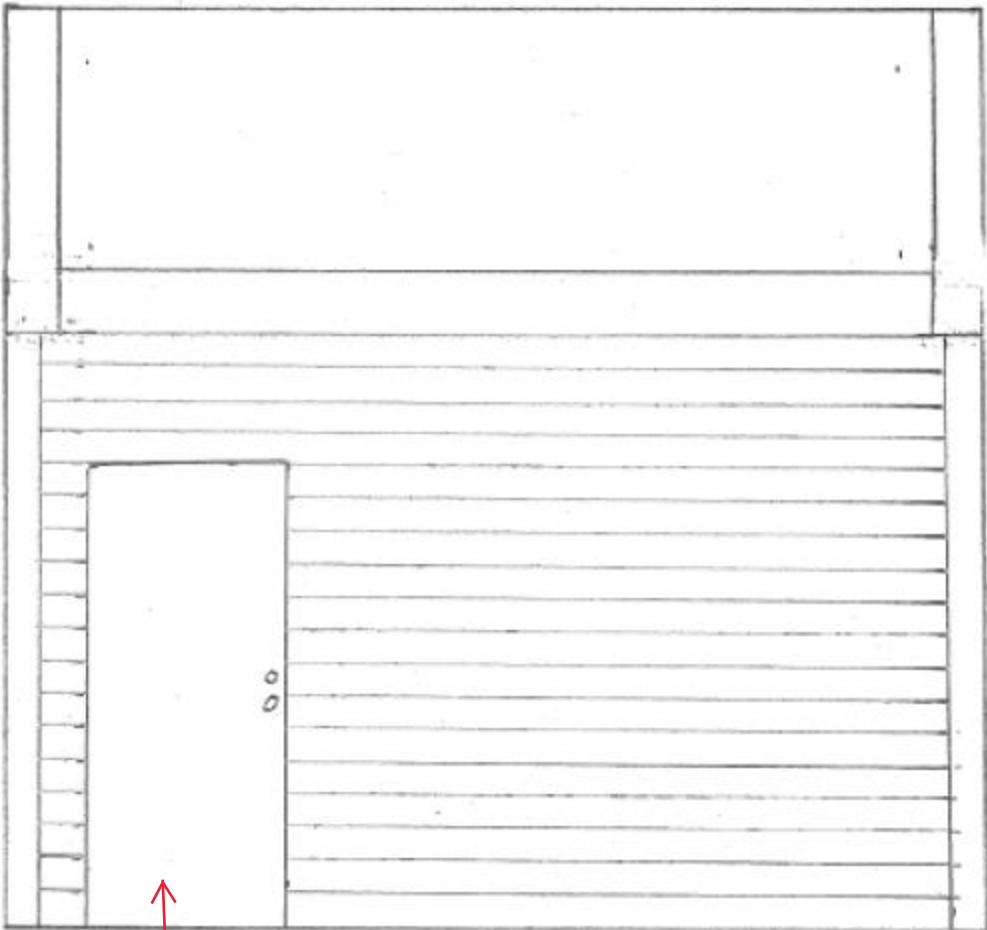


Maintenance room door to be located on rear of building, as shown in rear elevation.



Location of future signage

REAR ELEVATION



Maintenance door

Rear Elevation $\frac{1}{2}'' = 1'$

TOWN OF LADYSMITH

BYLAW NO. 2055

A Bylaw to Close a Highway

WHEREAS the purpose of this Bylaw is to close to traffic:

1. That part of the unnamed laneway between 531 1st Avenue and 521 1st Avenue, identified as “Closed Area” on the plan attached as Schedule “A”, for the purpose of installing a public washroom; and
2. That part of the unnamed laneway between 431 1st Avenue and 421 1st Avenue, identified as “Closed Area” on the plan attached as Schedule “B”, for the purpose of installing benches;

AND WHEREAS in accordance with sections 40(3) and (4), and 94 of the *Community Charter*, the Town of Ladysmith has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or works Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. That portion of laneways shown as “Closed Area” on the plan attached as Schedule “A”, is closed to all traffic.
2. That portion of laneways shown as “Closed Area” on the plan attached as Schedule “B”, is closed to all traffic.
3. The Mayor and Corporate Officer are hereby authorized to execute all necessary documents as may be required to carry out the purpose of this bylaw.

Citation

4. This Bylaw may be cited as “Town of Ladysmith Road Closure Bylaw 2020, No. 2055”.

READ A FIRST TIME on the _____ day of _____ ,

READ A SECOND TIME on the _____ day of _____ ,

READ A THIRD TIME on the _____ day of _____ ,

Notice of intention to proceed with this bylaw was published on the ____ day of _____, 2020 and the _____ day of _____, 2020 in the Ladysmith Chronicle newspaper, circulating in the Town of Ladysmith, pursuant to section 94 of the *Community Charter*.

APPROVED BY THE MINISTER

OF TRANSPORTATION &

INFRASTRUCTURE on the _____ day of _____ ,

ADOPTED on the _____ day of _____ ,

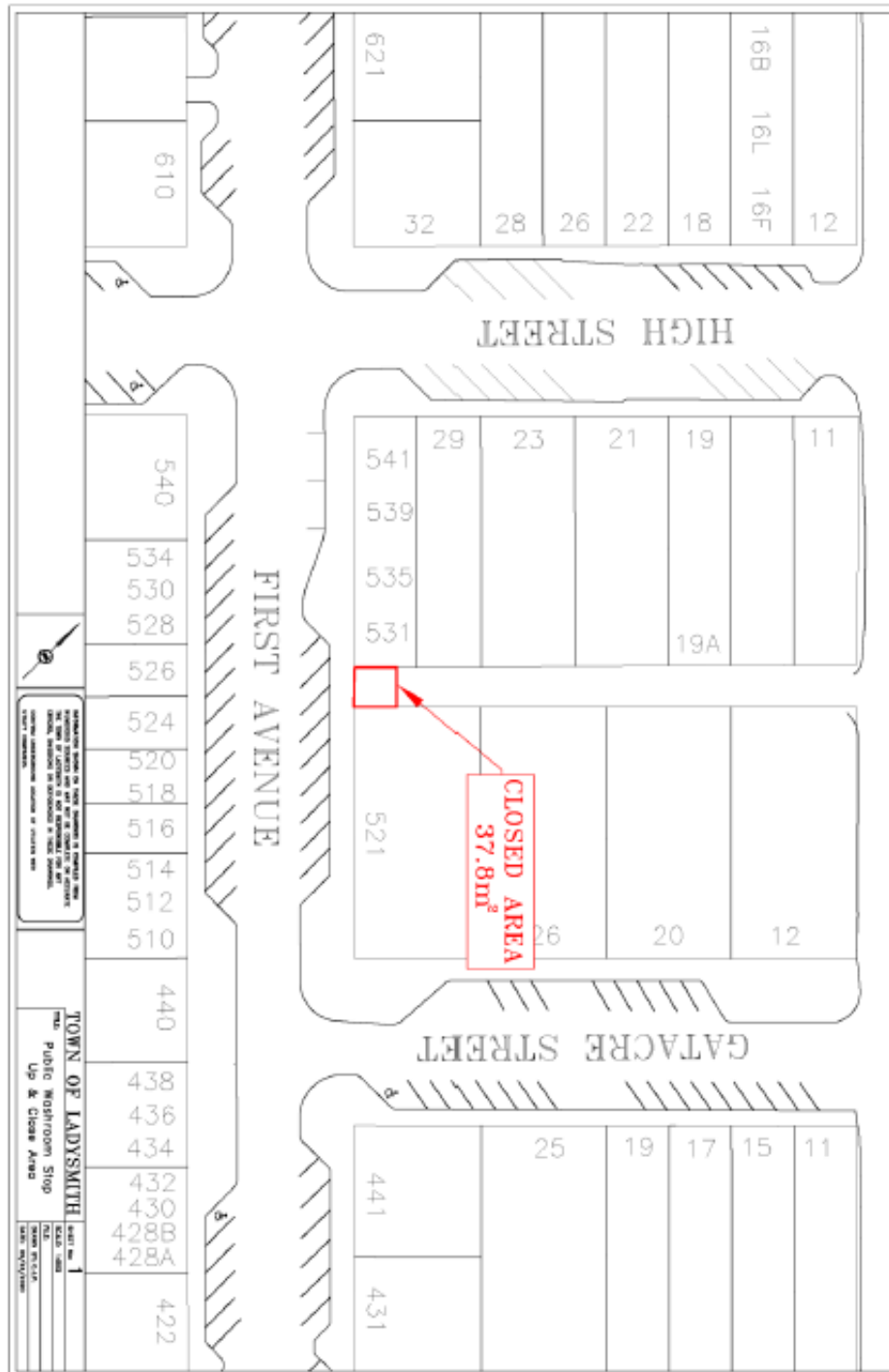
Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule "A"

"Town of Ladysmith Road Closure Bylaw 2020, No. 2055"

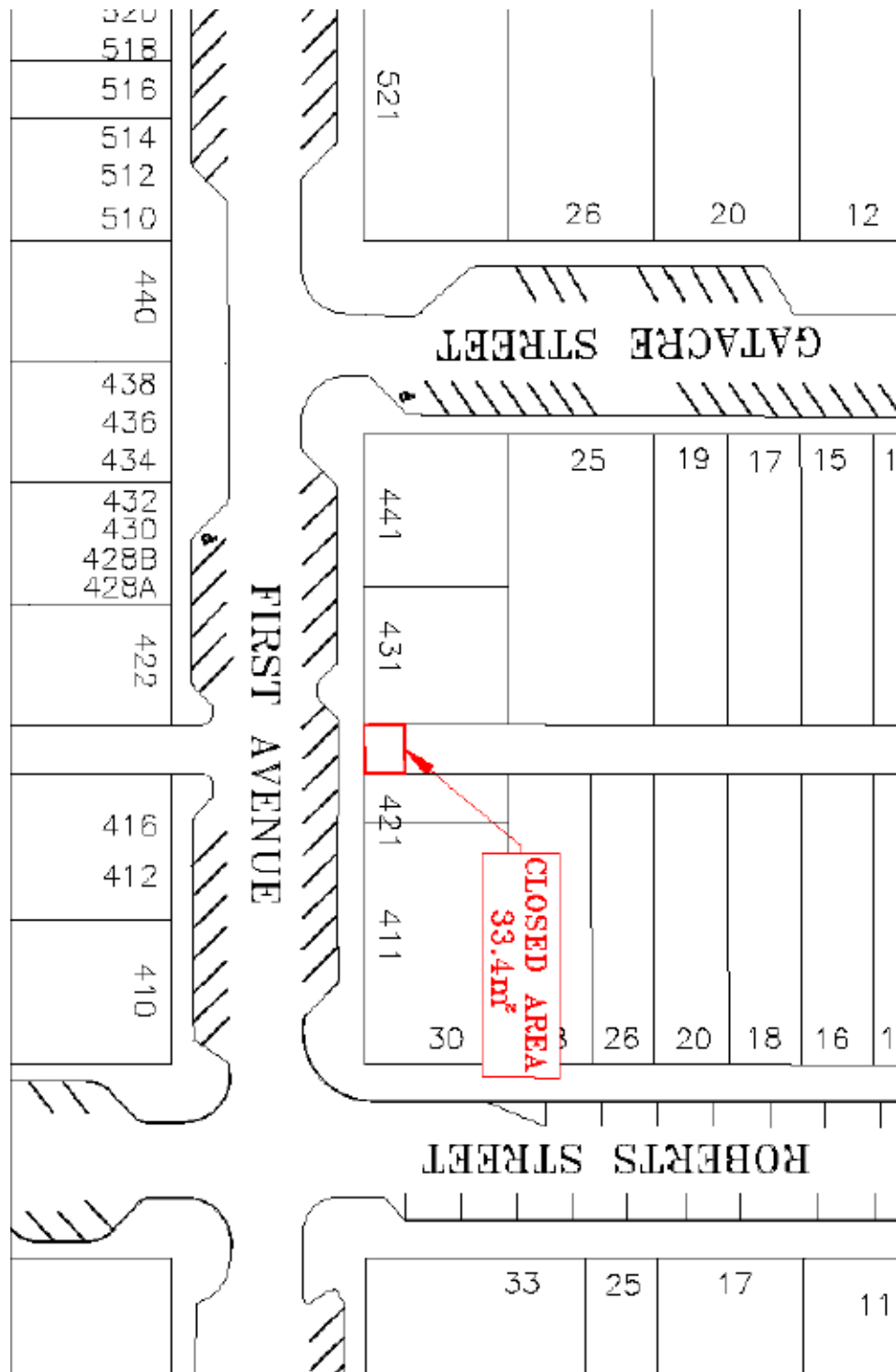
Part of the Unnamed Laneway between 531 1st Avenue and 521 1st Avenue



Schedule "B"

"Town of Ladysmith Road Closure Bylaw 2020, No. 2055"

Part of the Unnamed Laneway between 431 1st Avenue and 421 1st Avenue





AGENDA

Community Planning Advisory Committee

Wednesday, August 5, 2020 at 7:00 p.m.
Aggie Hall (1110 1st Avenue)

PRESENT: Acting Chair – Jason Harrison; Members – Brian Childs, Tamara Hutchinson, Jennifer Sibbald; Council Liaison – Tricia McKay; Senior Planner & Recorder – Christina Hovey, Planner – Julie Thompson

ABSENT: Members – Tony Beckett, Steve Frankel, Lacey McRae Williams

GUESTS: Applicants – Robyn Kelln, Ashley Garib

The meeting was called to order at 7:10 p.m.

1. SELECTION OF ACTING CHAIR

That in the absence of Lacey McRae Williams, it was moved, seconded and carried that Jason Harrison act as the meeting chair. Jason Harrison opened the meeting by recognizing the traditional territory of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of August 5, 2020 be approved.

2. ADOPTION OF MAY 6, 2020 MINUTES

It was moved, seconded and carried that the Minutes of May 6, 2020 be approved.

3. COUNCIL REFERRALS

a. OCP & Zoning Bylaw amendment application

3360-19-02 (Lot 20 Trans Canada Hwy & 670 Farrell Road)

Applicant Robyn Kelln was available to answer Community Planning Advisory Committee (CPAC) questions.

CPAC did not provide a recommendation on whether they support the OCP and Zoning Bylaw amendment; however, they identified the following issues that Council should take into consideration:

- Protection of the natural environment and preserving the mature trees that are currently on the property.
- Traffic and especially highway access at Davis Road, this is already an existing issue, but the proposed development will contribute additional traffic to the intersection.
- Parkland dedication/greenspace should be required rather than cash-in-lieu. It is important for the new residents to have access to greenspace.
- Connecting the community to the Town's trail network should be a priority.

b. OCP & Zoning Bylaw amendment application

3360-20-02 (1130 Rocky Creek Road)

Applicant Ashley Garib introduced the application and was available to answer CPAC questions.

It was moved, seconded and carried that the Community Planning Advisory Committee:

1. Supports the OCP & Zoning Bylaw amendment to allow for commercial uses on 1130 Rocky Creek Road.
2. Supports allowing drive-through restaurants at 1130 Rocky Creek Road, but consideration should be given to requiring a logical offset to potential carbon emissions/air pollution impacts, for example by requiring electric vehicle quick charge stations.
3. Recommends that Council take the following items into consideration regarding application 3360-20-02 (1130 Rocky Creek Road):
 - Electric vehicle quick charge stations should be required.
 - The property should be as "green" as possible maximizing landscaped/permeable areas, and using low-impact methods for rainwater management.
 - The property is a gateway into Ladysmith.

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC) did not have enough information to comment on the form and character of the proposed development at 1130 Rocky Creek Road. The Committee requests that Council refer additional information about the proposed form and character to a future CPAC meeting.*

4. NEW BUSINESS
None.
5. MONTHLY BRIEFING
None.
6. NEXT MEETING - TBD
7. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 9:05 pm.


Jason Harrison (Oct 13, 2020 17:08 PDT)
Acting Chair (J. Harrison)

RECEIVED:



Corporate Officer (D. Smith)

*Note: High-level information was provided to CPAC so they could provide preliminary input into the proposed form and character of the development. The full development permit application (DP 3060-20-19) has not been referred to CPAC. Under the CPAC Terms of Reference, only Development Permits within the Downtown are referred to CPAC, however Council may choose to refer any application to CPAC.

STAFF REPORT TO COUNCIL

Report Prepared By: Geoff Goodall, Director of Infrastructure Services
Meeting Date: October 20, 2020
File No:
RE: **PUBLIC WORKS WASHROOM FACILITY**

RECOMMENDATION:

That Council:

1. Approve the construction of a washroom facility, including showers, at the Public Works Yard for a cost of \$45,000 with the funding to be split equally by the Water, Sewer and General Funds; and
2. Amend the 2020-2024 Financial Plan accordingly.

EXECUTIVE SUMMARY:

There is currently one washroom available at the Public Works Yard. With more employees dispatched from the Yard and working during COVID-19, another washroom facility, including showers, is necessary at this location.

PREVIOUS COUNCIL DIRECTION

n/a

INTRODUCTION/BACKGROUND:

There are over 20 employees dispatched from the Public Works Yard on a daily basis. There is only one washroom facility located within the Public Works main building. An additional facility, including showers, is necessary, especially since WorkSafe standards require limiting access within buildings.

The proposed washroom facility will be located within an existing building, currently used for inventory storage. It will be accessible from the outside to all employees from within the Yard. The proposed design is similar to the facilities at the Water Filtration Plant which include 2 individual units, each with a shower, toilet and sink. The current inventory area will be reduced and relocated to another area within the Yard.

ALTERNATIVES:

Council can choose to:

- Not construct the washroom facility.
- Rent a sanitation station at a cost of \$4,500/month.

FINANCIAL IMPLICATIONS:

The proposed washroom renovation is expected to cost \$45,000 with the funding to

come from savings in general capital projects, water and sewer and the remainder to come from general reserves.

An additional cost for cleaning and maintenance will be incorporated into the 2021 - 2025 Financial Plan.

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Public Works staff will lead the project. Plumbing and electrical contractors will be utilized as needed.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Staff
Meeting Date: October 20, 2020
File No: 1855-20
RE: GRANT OPPORTUNITIES PROJECTS

RECOMMENDATION:

That Council:

- 1) Direct staff to submit an application for a grant funding application for Lot 108 Park Plan for \$2,181,250 through the *Investing in Canada Infrastructure Program – Rural and Northern Communities*;
- 2) Support the project and commit to its share \$218,125 of the project, as well as cost overruns; and
- 3) Direct staff to amend the 2020-2024 Financial Plan accordingly.

AND That Council:

- 1) Direct staff to submit an application for grant funding to support refurbishment of Town assets on 1st Avenue and wayfinding signs through the *Community Economic Recovery Infrastructure Program* and amend the 2020-2024 Financial Plan accordingly.

AND That Council:

- 1) Direct staff to submit an application for grant funding to support facility infrastructure upgrades at Transfer Beach through the *Tourism Dependent Communities Grant* and amend the 2020-2024 Financial Plan accordingly.

EXECUTIVE SUMMARY:

There are three funding stream opportunities available:

1. *Investing in Canada Infrastructure Program – Rural and Northern Communities* (ICIP-RNC);
2. *Community Economic Recovery Infrastructure Program – Community Economic Resilience* (CERIP-CER); and
3. *Tourism Dependent Communities Grant* (Tourism) for which only select communities are eligible to apply.

Staff have selected:

1. The parks improvements identified under the items contained in the Lot 108 Park Plan Update for the ICIP-RNC grant;
2. Town signage and refresh of Town assets in the downtown core for the CERIP-CER; and

3. The Transfer Beach facility updates under the Tourism program.

PREVIOUS COUNCIL DIRECTION

n/a

INTRODUCTION/BACKGROUND:

The Province announced some available funding opportunities:

- ICIP-RNC which has an alternative focus on recreation;
- CERIP which has a focus on BC recovery from the COVID-19 pandemic; and
- Tourism, where there are 33 communities eligible to apply for the destination-specific funding.

ICIP-RNC - Deadline to apply: October 22, 2020.

Staff selected key projects identified under the Lot 108 Park Plan Update for the ICIP-RNC grant. These projects, as approved by Council on October 7, 2019, amount to \$2.181 million with a 25% contingency and increased estimates for a multi-option pump track design. These can be found in the [Lot 108 Parks Plan Update](#), specifically:

- Grading site preparations
- Perimeter trail & outdoor exercise equipment
- Synthetic turf practice pitch
- Play area enhancements
- Bike park and multi-option pump track
- Pickle ball courts
- Multi-sport court for basketball & ball hockey
- Parking
- Lighting, picnic area and landscaping

CERIP – CER – Deadline to apply: October 29, 2020.

Following Council's 2020-2023 Strategic Plan, staff have identified some projects listed under "Economy" that would align with this funding, specifically:

- Welcome Signs – such as wayfinding signs to key infrastructure
- Replace interlocking brick pavers
- Refurbish existing benches
- Restore Artifacts Signs
- Replace light standards
- Tree grates

TOURISM - Deadline to apply: November 27, 2020.

A number of projects were bundled together to apply for the Tourism funding. These projects focused on Transfer Beach, including:

- Install bike racks
- Bike service station – Aggie Hall
- Bike service station – Transfer Beach

- Permanent surfacing for food trucks
- Additional picnic tables around food truck stations
- Reconstruction of Transfer Beach washroom/change room and shelters
- Accessibility measures to explore the waterfront and Town amenities

ALTERNATIVES:

Council can choose to:

- Not apply for the grants
- Apply for all phases of the Lot 108 Parks Plan Update, estimated at \$4.9 million
- Direct staff to find alternate projects that align with the funder's objectives

FINANCIAL IMPLICATIONS:

For the ICIP – RNC: Phase 1 of the Lot 108 project was budgeted in the 2020-2024, though the funding was to come from Parks DCCs and Gas Tax. As Gas Tax cannot be used as the offsetting funding for these grants, reserves will be utilized to make up the 10% funding the Town would be required to contribute if the grant is successful.

The CERIP and Tourism grants are fully funded grants.

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The public has supported the Lot 108 Parks Plan Update via the Parks and Recreation Master Plan. Various feedback from other projects indicate the public and businesses would support the other projects listed under the CERIP. Transfer Beach continues to be a popular resident and tourist draw.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Parks and Recreation will lead the grant application and the project regarding Lot 108 Parks Plan Update. Infrastructure Services will lead the CERIP projects.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input checked="" type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

Links:

- ICIP-RNC Program Guide: <https://www2.gov.bc.ca/assets/gov/driving-and-transportation/funding-engagement-permits/grants-funding/investing-in-canada/rnc-program-guide.pdf>
- Lot 108 Park Plan Update: https://www.ladysmith.ca/docs/default-source/2018-parks-rec/2019-09-17-final-report-lot-108-w-appendices.pdf?sfvrsn=fedae8db_2
- CERIP Program Guide: https://www2.gov.bc.ca/assets/gov/economic-recovery/community-infrastructure-program/cerip_guide.pdf

STAFF REPORT TO COUNCIL

Report Prepared By: Donna Smith, Manager of Corporate Services
Chris Barfoot, Director of Parks, Recreation & Culture

Meeting Date: October 20, 2020

File No:

RE: AMENDMENT TO “TOWN OF LADYSMITH COMMUNITY CENTRE AND FACILITIES FEES AND CHARGES BYLAW 2018, NO. 1968”

RECOMMENDATION:

That Council give first three readings to “Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968, Amendment Bylaw 2020, No. 2056”.

EXECUTIVE SUMMARY:

As per Council direction, amendments have been made to the Parks, Recreation & Culture Fees and Charges Policy to reduce pool rental rates through the addition of a registered non-profit youth swim club rate that would be less 15% of the existing fee. The next step is to amend “Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968” to reflect the reduced rate. The proposed amendment bylaw is attached for Council’s consideration of three readings.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2020-251	08/18/2020	That Council direct staff to amend the “Parks, Recreation & Culture Fees and Charges Policy No. 05-1810-E” as follows: 1. Remove existing language stating that the subsidy does not apply to specialized facilities such as swimming pools; and 2. Add a Registered non-profit youth swim club 15% subsidy for the FJCC swimming pool. OPPOSED: Mayor Stone, Councillors Stevens and Virtanen

INTRODUCTION/BACKGROUND:

The Ladysmith-Chemainus Swim Club appeared before Council in June to request a non-profit youth swim club rate and as a result, Council approved amendments to the “Parks, Recreation & Culture Fees and Charges Policy No. 05-1810-E” at its August meeting. The associated bylaw, “Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968” must also be amended to include wording that reflects the reduced rate of less 15% for registered non-profit youth swim club(s).

ALTERNATIVES:

Council can choose to:

1. Not amend Bylaw No. 1968 at this time, rescind its recent amendment to the PRC Fees and Charges Policy No. 05-1810-E and provide staff with alternate direction as to how to reduce rates for swim clubs.

FINANCIAL IMPLICATIONS:

“Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968” must be amended to reflect Council direction to reduce rates for registered non-profit youth swim clubs. Without adoption of the bylaw, the previous policy amendment would need to be rescinded and swim clubs will not receive the reduced rate.

LEGAL IMPLICATIONS:

A reduced rate for registered non-profit youth swim clubs cannot be applied until the amended bylaw is adopted.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input checked="" type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|---|---|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Community | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- “Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968, Amendment Bylaw 2020, No. 2056”

TOWN OF LADYSMITH

BYLAW NO. 2056

A Bylaw to Amend
"Town of Ladysmith Community Centre Facilities Fees and Charges Bylaw 2018, No.
1968"

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

1. "Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968" is hereby amended as follows:
 - (a) By replacing Schedule 'B' in its entirety and replacing with the attached Schedule 'B'.

Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968, Amendment Bylaw No. 2056, 2020".

READ A FIRST TIME	on the	day of	,
READ A SECOND TIME	on the	day of	,
READ A THIRD TIME	on the	day of	,
ADOPTED	on the	day of	,

Mayor (A. Stone)

Corporate Officer (D. Smith)

Schedule B
Bylaw No. 1968
Recreation Facility Rental Fees

- **Commercial bookings.....plus 20%**
- **Non-profit bookings**less 50%**
** does not include specialized facilities such as swimming pool
- **Registered non-profit youth swim club(s)....less 15%**

Facility Rental Fees 2018-2021 (GST NOT INCLUDED)			
Facility	2018/19	2019/20	2020/21
Frank Jameson Community Centre			
Meeting Room Hourly Rate	23.85	24.33	24.81
Meeting Room Hourly with Pool	21.97	22.41	22.86
Meeting Room Daily Rate	95.28	97.19	99.13
Gymnasium Hourly Rate	42.95	43.81	44.68
Gymnasium Daily Rate	370.09	377.49	385.04
Lower Program Room Hourly Rate	42.34	43.19	44.05
Lower Program Room with Pool	21.97	22.41	22.86
Lower Program Room Daily Rate	169.37	172.75	176.21
Lower Rec Room Hourly Rate	42.95	43.81	44.69
Lower Rec Room Daily Rate	370.09	377.49	385.04
Locker Rental - small	0.25	0.25	0.25
Locker Rental - large	0.50	0.50	0.50
One Pool	80.05	81.65	83.28
Two Pools	117.58	119.94	122.34
Aggie Hall			
Aggie Hall Hourly Rate (no kitchen)	42.95	43.81	44.68
Aggie Hall Hourly Rate (with kitchen)	72.54	73.99	75.47
Aggie Hall Daily Rate (includes kitchen)	197.96	201.92	205.96
Aggie Hall Receptions Party, Dance	389.13	396.92	404.85

Transfer Beach			
Transfer Beach Kin Shelter per Day	53.22	54.28	55.37
Transfer Beach Amphitheatre – Full Day Private Family Function	97.99	99.95	101.95
Transfer Beach Amphitheatre – Half Day Private Family Function	55.98	57.10	58.24
Transfer Beach Amphitheatre – Full Day Public Special Event	377.98	385.54	393.25
Transfer Beach Amphitheatre – Performances per Hour	26.77	27.31	27.86
Park Permit (parking lot, upper beach, or lower beach) Full Day	97.99	99.95	101.95
Park Permit (parking lot, upper beach, or lower beach) Half Day	55.98	57.10	58.24
Park Permit (parking lot, upper beach, or lower beach) per Hour	26.77	27.31	27.86
Sports Fields			
Aggie Ball Diamonds per Hour Youth	NO CHARGE		
Aggie Ball Diamonds per Hour Adult	16.23	16.55	16.88
Aggie Ball Diamonds Tournament per Day	139.45	142.23	145.08
High Street Little League Diamonds per Hour Youth	NO CHARGE		
High Street Little League Diamonds Tournament per Day	139.45	142.23	145.08
Holland Creek Ball Diamonds per Hour Youth	NO CHARGE		
Holland Creek Ball Diamonds per Hour Adult	16.23	16.55	16.88
Holland Creek Ball Diamonds Tournament per Day	139.45	142.23	145.08
Forrest Field per Hour Youth	7.18	7.32	7.47
Forrest Field per Hour Adult	25.67	26.18	26.71
Forrest Field per Day Youth	46.59	47.52	48.47
Forrest Field per Day Adult	173.23	176.69	180.23
Miscellaneous			
Chairs (25)	22.69	23.14	23.61
Forrest Field Half Lights per Hour	12.03	12.28	12.52
Forrest Field Full Lights per Hour	15.62	15.94	16.25
Aggie Field Lights	6.02	6.14	6.26
FJCC Field Lights	6.02	6.14	6.26

TOWN OF LADYSMITH

BYLAW NO. 2052

A bylaw to exempt from taxation certain lands and buildings for the year 2021

WHEREAS Section 224 and 225 of the *Community Charter* permits Council, by by-law, to exempt from taxation certain buildings, the lands on which the buildings stand and the lands surrounding certain buildings;

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled, enacts as follows:

Part 1 – Church Properties Tax Exemption

All church halls and lands within the legal boundaries of those properties listed under Part 1 of Schedule 'A' are hereby exempted from taxation for the year 2021.

Part 2 – Charitable, Not-for Profit and Recreational Tax Exemption

All lands and improvements within the legal boundaries of those properties listed under and to the extent described under Part 2 of Schedule 'A' are hereby exempted from taxation for the year 2021.

Schedules A through H, inclusive, which are attached hereto, form a part of this bylaw.

Citation

This bylaw may be cited as "Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052".

READ A FIRST TIME on the	15 th	day of	September,	2020
READ A SECOND TIME on the	15 th	day of	September,	2020
READ A THIRD TIME on the	15 th	day of	September,	2020
ADOPTED on the		day of		

Mayor (A. Stone)

Corporate Officer (D. Smith)

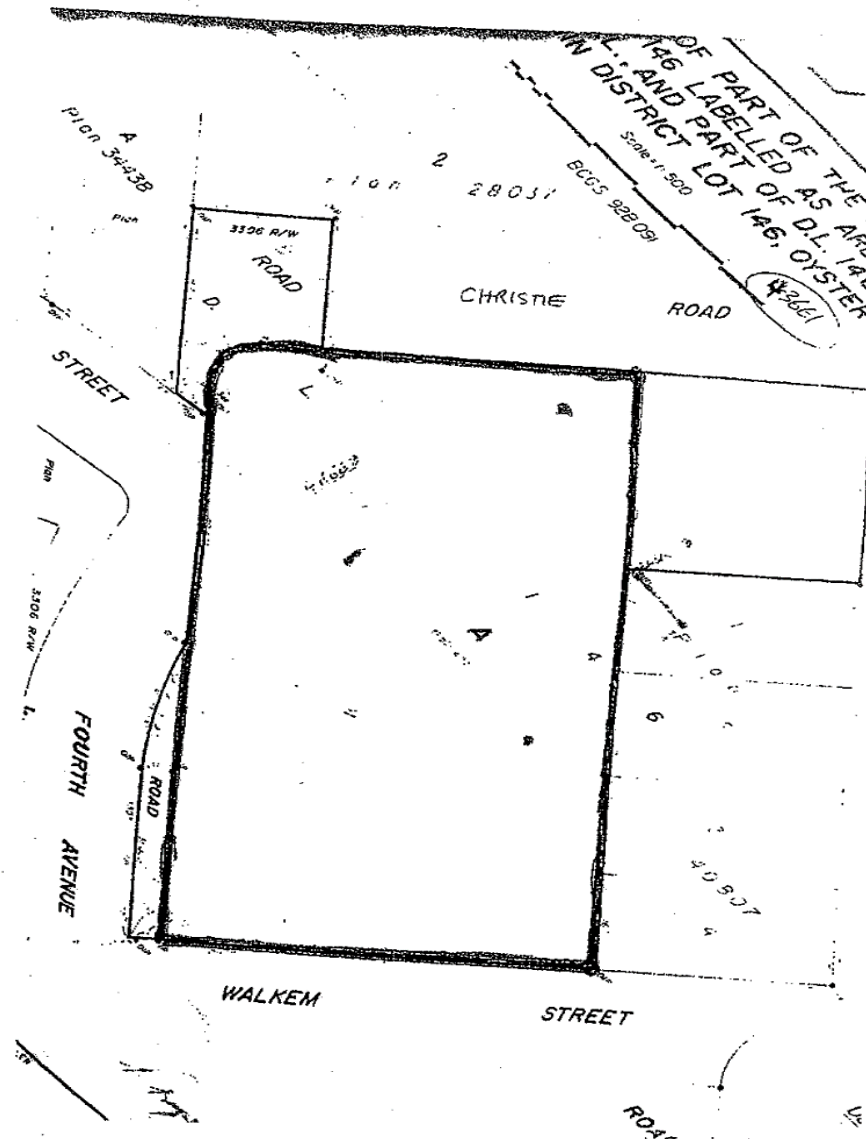
Schedule "A"**"Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052"**

Part 1 224.2 (f) Building for Public Worship		
Organization	Address	Legal Description
United Church of Canada	232 High Street	Lot A, Plan VIP63119, District Lot 56, Oyster Land District
Ladysmith Fellowship Baptist Church	381 Davis Rd	Lot 1, Plan VIP43316, District Lot 43, Oyster Land District, Except Plan VIP66137
St. Mary's Catholic Church	1135 4th Ave	District Lot 145, Oyster Land District, Except Plan 33231 & VIP72186 (Specifically the area of land and buildings outlined in bold on Schedule 'B')
Pentecostal Assemblies of Canada	1149 4th Ave	Lot A, Plan VIP46331, District Lot 146, Oyster Land District (Specifically the area of land and buildings outlined in red on Schedule 'C')
Part 2 224.2 (a) Non-Profit		
Organization	Address	Legal Description
Ladysmith & District Historical Society	721 1st Ave	Lot 11, Block 7, Plan VIP703, Oyster Land District
Canadian Legion Branch #171	621 1st Ave	Lot A, Block 8, Plan VIP703, District Lot 56, Oyster Land District, Portion (DD 65840N), Except Plan SLY 64 FT (Except The Section Outline In Bold On Schedule 'D')
Ladysmith Health Care Auxiliary	910 1st Ave	Block 30, Plan 703A, District Lot 24 (Being a consolidation of lots 1 and 2, see CA7428266), Oyster Land District.
Ladysmith Resources Centre Association	314 Buller St	Lot A, Block 76, Plan VIP703a, District Lot 56, Oyster Land District, Portion (Dd 392367)
Ladysmith Golf Club Society	380 Davis Rd	District Lot 43, Oyster Land District, Except Plan 2478 4670 5873 7527 8922 12027 14051 15693 835r 34197 48247 & VIP57353, Exc E&N Rly R/W Pcl A (Dd 24403n) Pcl C (Dd 34443i), VIP65242
Ladysmith & District Historical Society	614 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131 (PARENT FOLIO 445-1109-300) (Shown In Schedule E)
Ladysmith Maritime Society	616 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131, That Part Included In Lease From Town Of Ladysmith - Car Shop (Parent Folio 445-1109-300)
Ladysmith Maritime Society	Unit C, I & M - 610 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 85, 11G, 24, 56, Oyster Land District, Except Plan VIP64405 VIP71943, That Part Included In Lease From Town Of Ladysmith Unit C, I & M Ladysmith Maritime Society
Ladysmith & District Historical Society	612 Oyster Bay Dr	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131, That Part Included In Lease From Town Of Ladysmith

Arts Council of Ladysmith & District	Units J, K & L - 610 Oyster Bay Rd	Lot 4, Plan VIP45800, District Lot 8G,11G,24,56, Oyster Land District, Except Plan VIP64405 VIP71943 VIP72131, That Part Included In Lease From Town Of Ladysmith Unit J & K
Eco-Tourism Building	200 Capt Dekonick Way	Plan VIP66352, District Lot 56, Oyster Land District (Specifically The Area Of Land And Buildings Outline In Bold On Schedule 'F')
Ladysmith Senior Citizens Housing Society	207 Jamison Rd	Lot 1, Plan VIP21490, District Lot 56, Oyster Land District (Specifically The Area Of Land Surrounding The Building Footprint As Shown On Schedule G)
Ladysmith Senior Citizens Housing Society	101 1st Ave	Lot 1, Plan VIP31443, District Lot 56, Oyster Land District
Ladysmith & District Historical Society	1115A - 1st Ave	Strata Lot 1, Plan VIS5873, District Lot 118, Oyster Land District, Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1 Or V, As Appropriate
Ladysmith Festival of Lights	1163 4th Ave	Lot A, Plan VIP34438, District Lot 146, Oyster Land District, Portion Part Of Fourth Ave
Ladysmith Maritime Society	611 Oyster Bay Dr	Block C, District Lot 2016, Cowichan Land District, Foreshore Lease For Commercial Marina Purposes; That Part Included In Area Leased From Town Of Ladysmith, Lease/Permit/Licence # 106431 (Shown in bold on Schedule 'H', Including The Insert For The Visitors Centre)

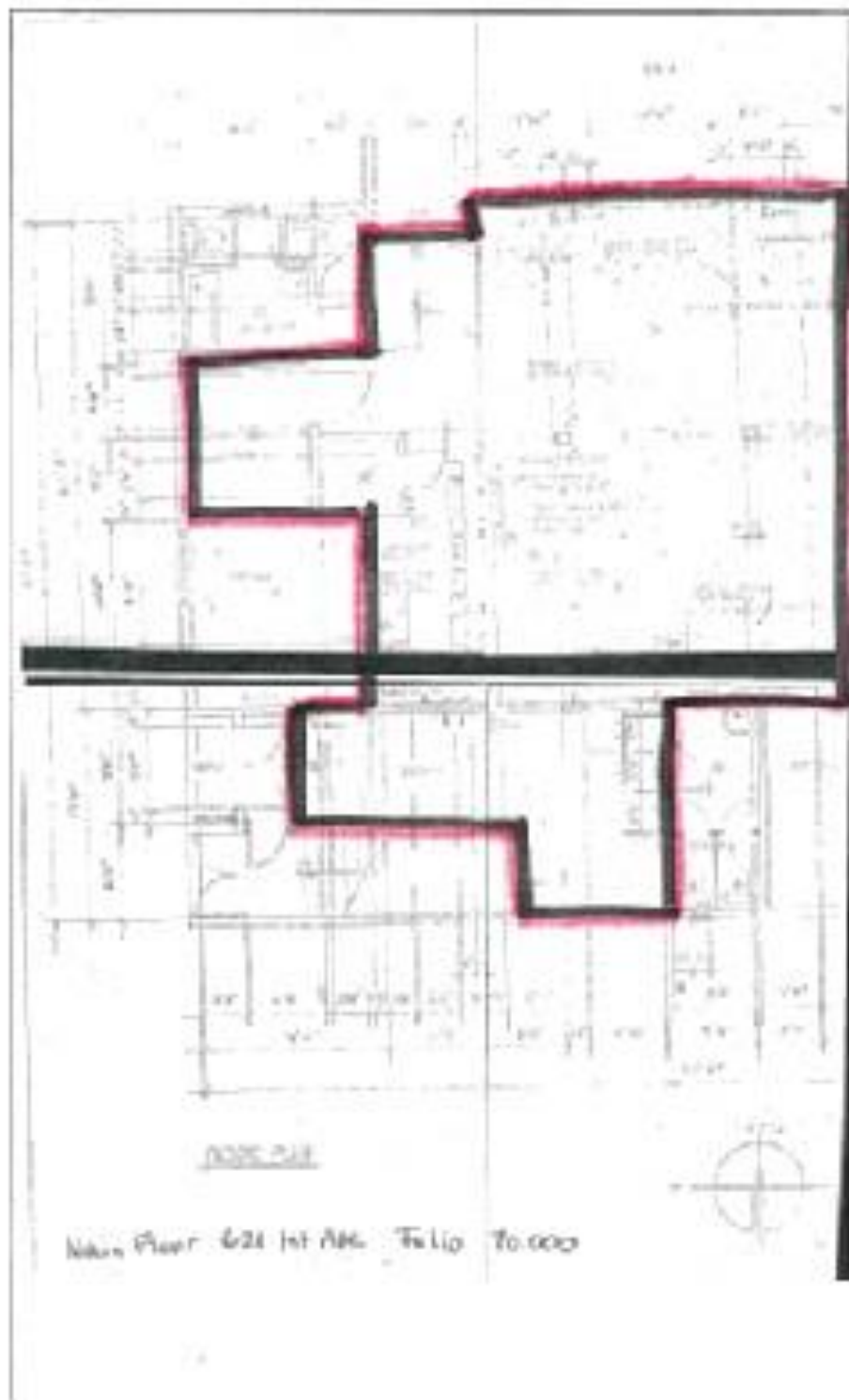
Schedule "C"

"Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052"



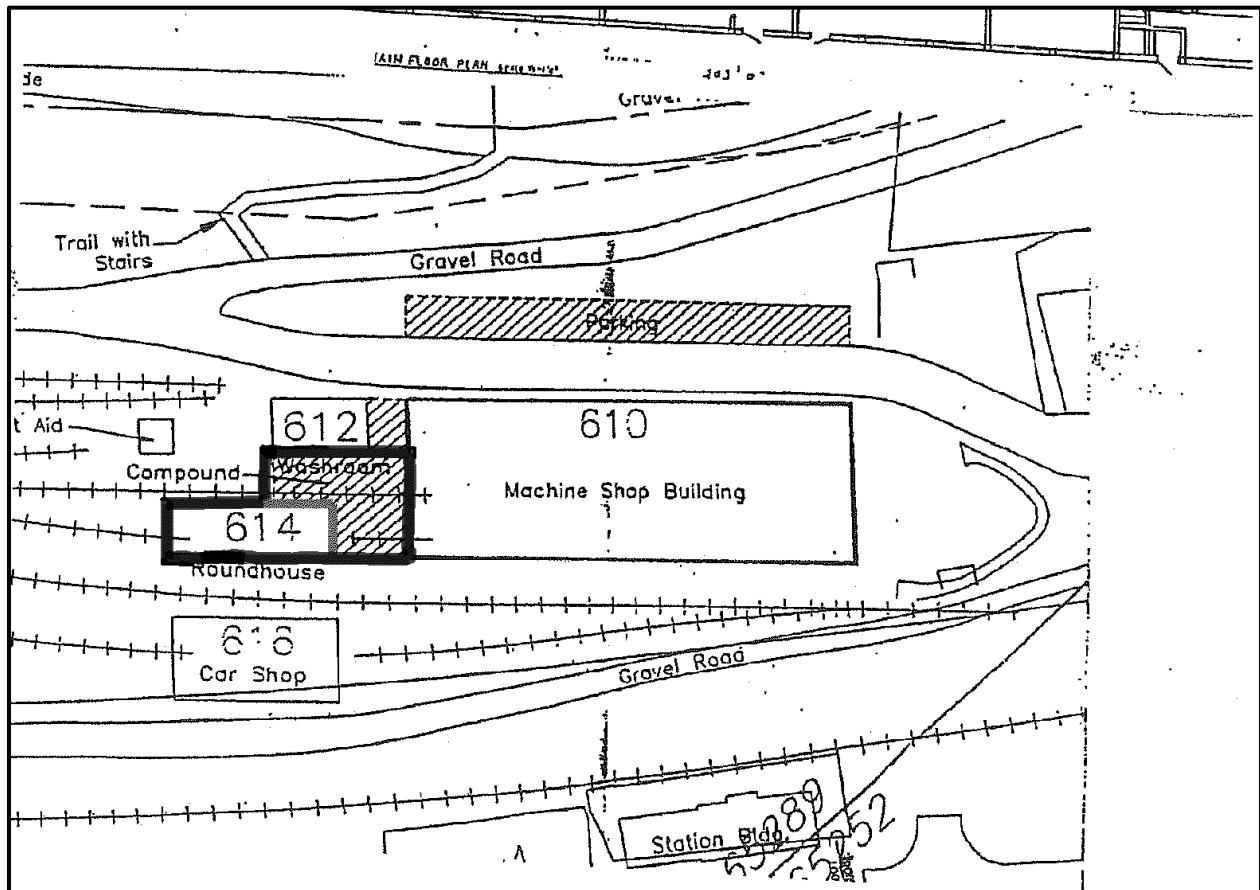
Schedule "D"

"Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052"



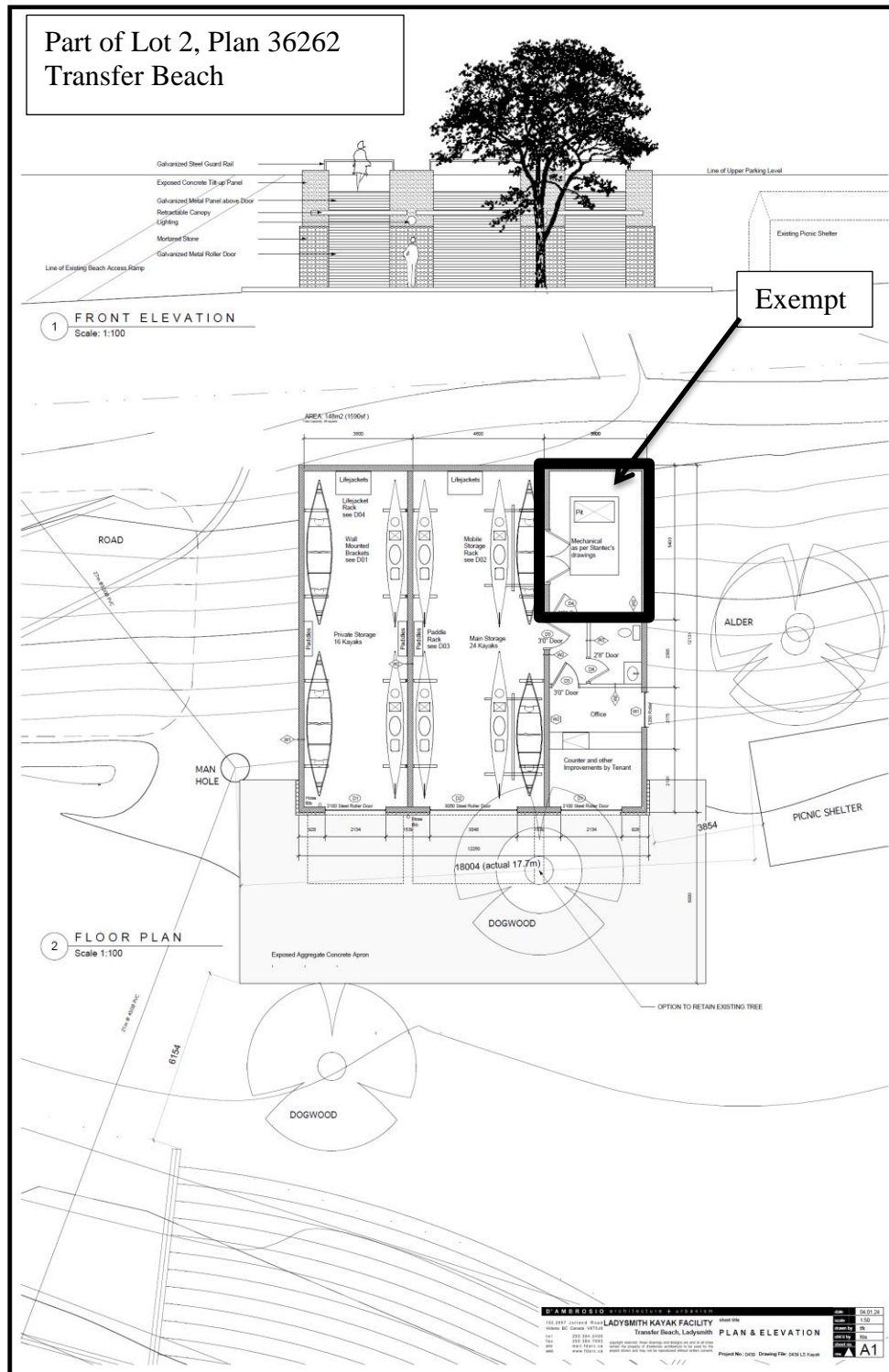
Schedule "E"

"Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052"



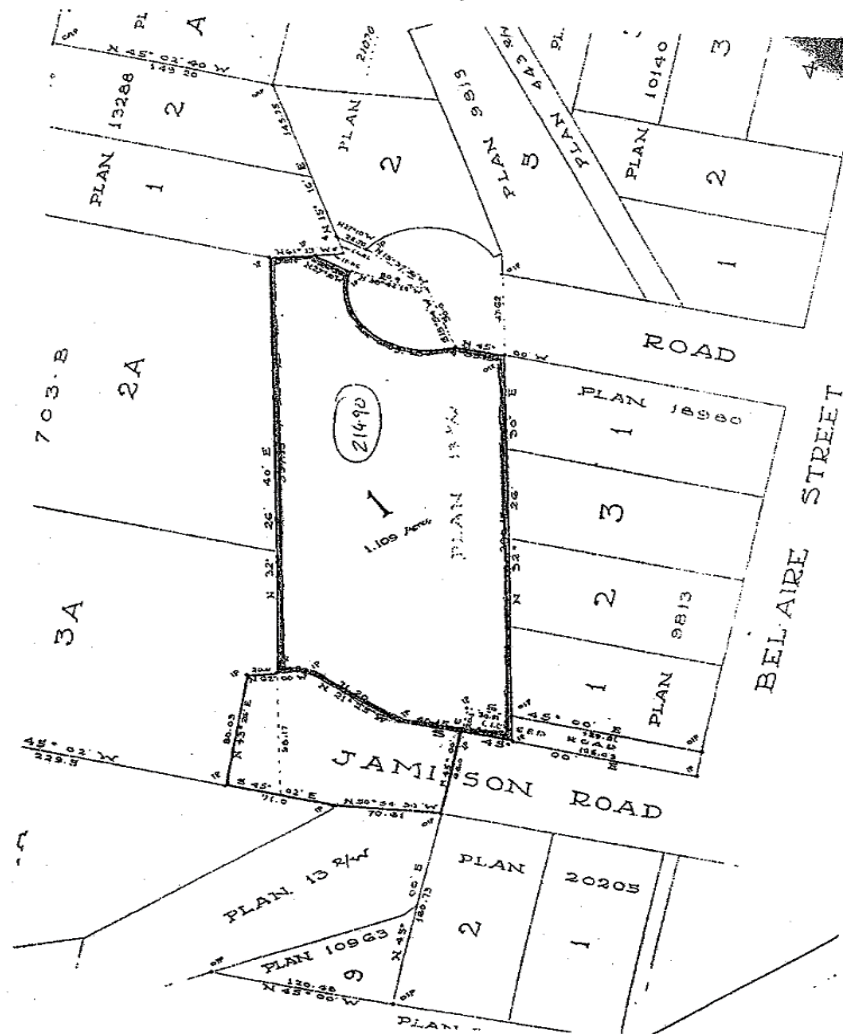
Schedule "F"

"Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052"



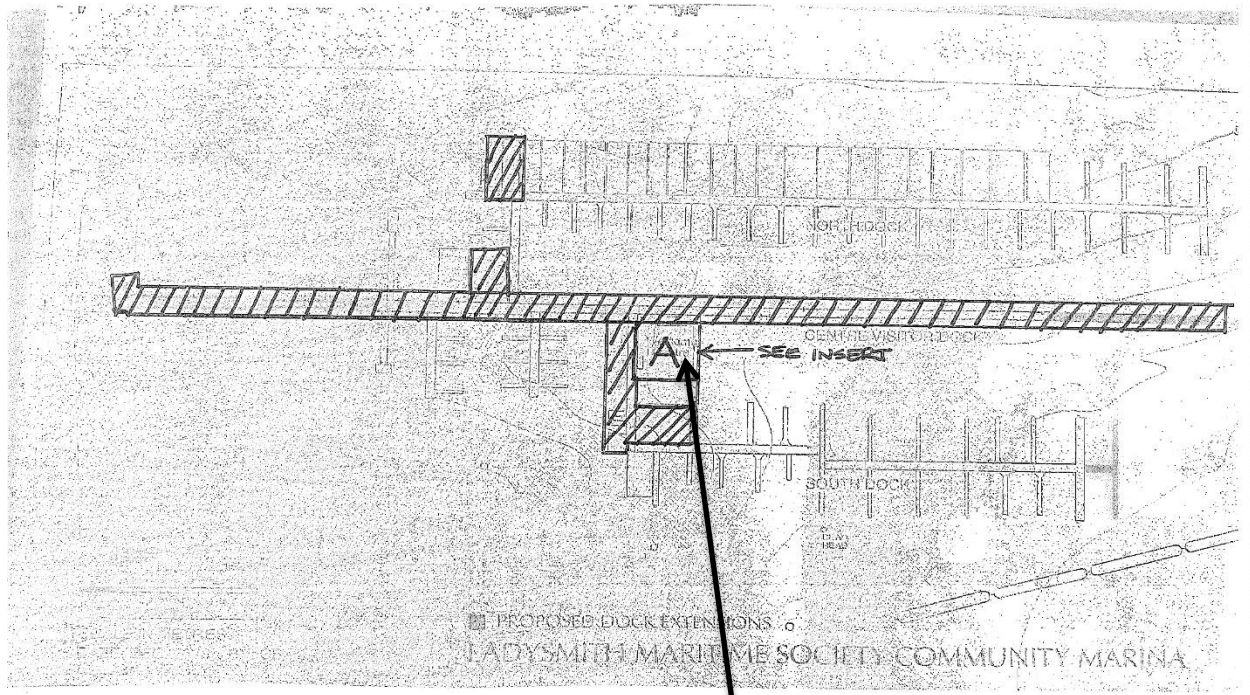
Schedule "G"

"Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052"



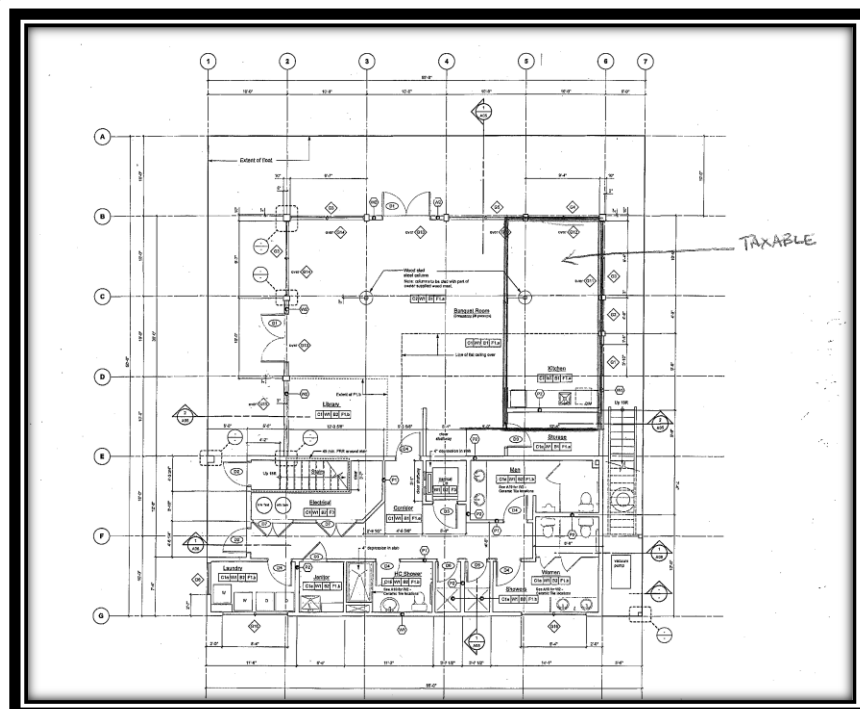
Schedule "H"

"Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052"



See insert below

Insert:



TOWN OF LADYSMITH

BYLAW NO. 2053

A bylaw to exempt from taxation certain lands and buildings for the years 2021 to 2030

WHEREAS Section 224 and 225 of the *Community Charter* permits Council, by by-law, to exempt from taxation certain buildings, the lands on which the buildings stand and the lands surrounding certain buildings;

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled, enacts as follows:

Charitable, Not-for-Profit and Recreational Tax Exemption

All lands and improvements within the legal boundaries of those properties listed under and to the extent described under Schedule 'A' are hereby exempted from taxation for the years 2021 to 2030.

Schedule 'A', which is attached hereto, forms part of this bylaw.

Citation

This bylaw may be cited as "Town of Ladysmith Community Services Centre Tax Exemption Bylaw 2020, No. 2053".

READ A FIRST TIME on the	15 th	day of	September,	2020
READ A SECOND TIME on the	15 th	day of	September,	2020
READ A THIRD TIME on the	15 th	day of	September,	2020
ADOPTED on the		day of		

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE "A"
"TOWN OF LADYSMITH COMMUNITY SERVICES CENTRE
TAX EXEMPTION BYLAW 2020, NO. 2053"

Part 2 224.2 (a) Non-Profit		
Organization	Address	Legal Description
Ladysmith Seniors Ladysmith Resource Centre Association	630 2 nd Ave	BLOCK B,PLAN NUMBER VIP6460,DISTRICT LOT 56,LAND DISTRICT 43
Boy's & Girls Club of Central Vancouver Island	220 High St	LOT A,PLAN NUMBER VIP68919,DISTRICT LOT 56,LAND DISTRICT 43

TOWN OF LADYSMITH

BYLAW NO. 2054

A Bylaw to Amend "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Streets and Traffic Bylaw;

AND WHEREAS the Municipal Council considers it advisable to amend "Streets and Traffic Bylaw 1998, No. 1309";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule E is amended by deleting "(March 1st to October 31st)" from the last sentence;
- (2) Schedule F is amended by changing Regulation 2 under Part I: General Regulations, to read:

"Unless expressly authorized in a sidewalk patio permit, a sidewalk patio must be removed between the months of October 31st and March 1st." ; and

- (3) Schedule G is amended by:
 - a. deleting "MARCH 1 TO OCTOBER 31" from the subtitle;
 - b. Amending condition 4 to read: "Unless condition 11 expressly authorizes the permit area to be used for a sidewalk patio after November 1st, the permit area may only be used for a sidewalk patio between March 1st and October 31st of each year.";
 - c. Amending condition 6 to read: "Unless condition 11 expressly authorizes the permit area to be used for a sidewalk patio after November 1st, the permittee will remove all sidewalk encumbrances by the 1st of November"; and
 - d. Adding the following as condition 11: "The permit area may also be used for a sidewalk patio between _____ and _____ of each year, including this calendar year, subject to any additional conditions of winter use required by the *Director of Development Services*".

- (4) This bylaw may be cited for all purposes as "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #8, 2020, No. 2054".

READ A FIRST TIME on the	6 th	day of	October, 2020
READ A SECOND TIME on the	6 th	day of	October, 2020
READ A THIRD TIME on the	6 th	day of	October, 2020
ADOPTED on the		day of	

Mayor (A. Stone)

Corporate Officer (D. Smith)

**BYLAW STATUS SHEET
October 20, 2020**

Bylaw No.	Description	Status
2052	Town of Ladysmith 2021 Permissive Tax Exemptions Bylaw 2020, No. 2052 (to exempt from taxation certain lands and buildings for the year 2021)	Three readings September 15, 2020. Must be advertised prior to adoption.
2053	Town of Ladysmith Community Services Centre Tax Exemption Bylaw 2020, No. 2053 (to exempt from taxation certain lands and buildings for the years 2021 to 2030)	Three readings September 15, 2020. Must be advertised prior to adoption.
2054	Town of Ladysmith Streets and Traffic Bylaw, No. 1309, Amendment Bylaw #8, 2020, No. 2054 (allowing the Director of Development Services to issue permits authorizing sidewalk patios between October 31 st and March 1 st .)	Three readings October 6, 2020



TOWN OF LADYSMITH POLICIES AND PROCEDURE MANUAL

TOPIC: Bylaw Compliance Policy

APPROVED BY: COUNCIL

DATE: August 20, 2018

RESOLUTION #: CS 2018-286

Purpose:

The purpose of the Bylaw Compliance Policy is to establish Council's priorities for bylaw compliance and to provide guidance to staff in the enforcement of Town bylaws.

Guiding Principles:

The Town promotes an enforcement philosophy that seeks voluntary compliance, which is often achieved through education, information and non-penalty enforcement, including providing a reasonable timeframe to comply. Enforcing the Town's bylaws is discretionary and not mandatory.

General Provisions:

Complaints will be addressed as promptly as resources permit. Note: All complaints received regarding animals are to be referred to the Town's contractor for animal services for investigation and action.

1. Complaints received in writing from Town residents or business owners will be investigated by the Bylaw Compliance Officer.
2. During the regular course of their duties, the Bylaw Compliance Officer may identify bylaw infractions for issues of public health and/or safety or other bylaw violations.
3. Compliance may be obtained through education and information, notification of fines and other enforcement measures associated with the offence.
4. The first step in achieving compliance with local bylaws is voluntary compliance.
5. The Town will not accept frivolous or vexatious complaints which means multiple complaints from the same person on the same issue submitted in response to bylaw compliance action on the same or a similar matter.
6. The Secondary Suites enforcement policy is outlined in policy # 09-4020-A.
7. Watering complaints will be dealt with proactively at Stage 2 and beyond of the watering restrictions.

Bylaw Compliance Priorities:

As a means to manage potential demand within available resources, Council has established the priority for bylaw compliance as follows:

09-4020-B

Priority #1 – Public Land, Public Resources, Public Safety

Violations will be investigated and enforced as soon as possible, given the availability of staff and other resources. Examples include, misuse of or damage to Town-owned land or parkland, parking of unattached trailers on the public road or boulevard, hazardous conditions on a property, not following water restrictions.

Priority #2 – Negative Impact on adjacent properties / neighbourhood

Investigation and enforcement is initiated due to a valid complaint from a Town of Ladysmith resident living in proximity to the address of the complaint. The first step will be seeking voluntary compliance.

Priority #3 – Parking

Priority emphasis is to be placed on parking at fire hydrants, parking in a space designated for persons with disabilities without appropriate authorization, parking in a bus stop, parking over-time in a 15-minute space, parking in a loading zone, parking over-time in a timed space. On-street parking will be monitored proactively by the Bylaw Compliance Officer.

Procedures:

1. The bylaw violation report is received in writing and date stamped.
2. The complainant's identity will not be disclosed unless the Town is required to do so under the *Freedom of Information and Protection of Privacy* laws or the complainant's testimony is required as part of a legal proceeding.
3. The complaint is entered into the Town's tracking system and acknowledged.
4. The complaint is investigated.
5. Action taken, as needed, if there is a bylaw infraction using various compliance tools.
6. In the following circumstances, the Bylaw Officer is authorized to take action to undertake the clean-up of a Property Maintenance Bylaw complaint when the required work remains in default following the delivery of a letter to the Owner and Occupier by registered mail or hand delivery and the Owner has not submitted a request for a hearing before Council within fourteen (14) days of the date of the letter:
 - a. Removal of Refuse as defined in the Property Maintenance Bylaw with a contractor's cost estimate of up to \$750.
 - b. Removal of Weeds and other growths when the Weeds and other growths are in excess of ten (10) inches in height with a contractor's cost estimate of up to \$750.
7. Compliance achieved.
8. Other follow-up as needed.

Compliance tools:

Compliance tools range from education to enforcement and the process is generally intended to be progressive in nature. The initial focus is on gaining voluntary compliance except where, in the opinion of the Town, health, safety or liability concerns necessitate more immediate and significant action(s).

1. Education, including information on the Town's website
2. Telephone calls, meeting(s) with the property owners, letters of expectation, issuing parking ticket
3. Providing a reasonable timeframe to comply
4. Notice to cease infraction, including Stop Work Order

5. Compliance through a Town approval such as a rezoning or development variance permit.
6. Town or contractor clean up pursuant to Ladysmith Property Maintenance Bylaw.
7. Municipal Ticket Information.
8. Section 72-74 Community Charter - Remedial Action
9. Section 57 Community Charter - Notice on Title (unauthorized construction)
10. Injunction or Court Order

TOWN of LADYSMITH

STREETS and TRAFFIC BYLAW 1998

No. 1309

TABLE OF CONTENTS

PART I	INTERPRETATION	1
	DEFINITIONS	I-IV
PART II	AUTHORITY	1
	APPLICATION	1
	EXEMPTIONS	1
	DELEGATION OF POWERS	1
	BYLAW OFFENSE NOTICES	2
PART III	VEHICLE AND OTHER REGULATIONS	4
	TRAFFIC CONTROL DEVICES	4
	STOPPING AT INTERSECTIONS	4
	STUNTING	4
	UNNECESSARY NOISE	4
	RACING	5
	CARELESS DRIVING	5
	OBEDIENCE TO TRAFFIC SIGNALS	5
	FOLLOWING FIRE VEHICLE	5
	DRIVING OVER FIRE HOSE	5
	OBEYING FLAGPERSON	5
	SPEED LIMITS	5
	SCHOOLS	6
	PLAYGROUND	6
	MEETING SCHOOL BUS	6
	APPROACH OF EMERGENCY VEHICLE	6
	NOISE FROM MOTOR VEHICLES	6
	OBSCURING LICENSE PLATE	6
PART IV	PEDESTRIAN AND CYCLE REGULATIONS	7
	PERSONS IMPEDING TRAFFIC	7
	CYCLES AND PLAY VEHICLES	7
PART V	ON STREET PARKING REGULATIONS	9
	MANNER OF PARKING	9
	WHERE PARKING PROHIBITED	9
	PARKING TIME LIMITS	10
	LOADING ZONES	10
	DISABLED PARKING	10
	IMPOUNDMENT OF VEHICLES	11
PART VI	GENERAL REGULATIONS	12
	OBEDIENCE TO PEACE OFFICERS, FIREFIGHTERS	12
	LITTERING	12
	ABANDONED VEHICLES	12
	FAIL TO STATE NAME	12
	GENERAL OFFENCES	12
	REMOVAL OF GLASS AND DEBRIS	13
	UNAUTHORIZED SIGNS	13
PART VII	HIGHWAY USE REGULATIONS - HEAVY TRUCKS - COMMERCIAL VEHICLES	14
	SIZE, WEIGHT AND LOADING RESTRICTIONS	14
	HIGHWAY USE REQUIRING PERMIT	14
	HIGHWAY USE PERMITS	15
	TRUCK ROUTES	16
	HEAVY COMMERCIAL VEHICLE PARKING	17
	HEAVY TRUCKS AT NIGHT	18
	ORDER OF SUPERINTENDENT OF PUBLIC WORKS	18
	OVERWEIGHT VEHICLES	18
PART VIII	ALL TERRAIN VEHICLE REGULATIONS	19
	REGULATIONS	19
	OPERATION OF ALL TERRAIN VEHICLE	19
	MOTORCYCLE HELMETS	19
PART IX	VEHICLE EQUIPMENT REGULATIONS	20
PART X	SIDEWALK PATIOS	21
	SIDEWALK PATIO PERMITS	21
	RETAIL DISPLAYS	21

TABLE OF CONTENTS continued . . .

PART XI BOULEVARD AND SIDEWALKS.....	22
SNOW REMOVAL FROM SIDEWALKS.....	22
SIGNAGE ON THE SIDEWALK	22
BOULEVARD	22
PART XIII ENFORCEMENT.....	23
PENALTIES.....	23
PART XIII REPEAL.....	24
SCHEDULE "A" - FINE SCHEDULE.....	1
SCHEDULE "B" - IMPOUND FEE SCHEDULE.....	1
SCHEDULE "C" - DESIGNATED TRUCK ROUTE AND "NO HEAVY TRUCK" ROUTE.....	1
SCHEDULE "D" - HIGHWAY USE PERMIT	1
SCHEDULE "E" - APPLICATION FOR SIDEWALK PATIO PERMIT	1
SCHEDULE "F" - SIDEWALK PATIO PERMIT REGULATIONS	1
SCHEDULE "G" - SIDEWALK PATIO PERMIT NO.	1
SCHEDULE "H" - DESIGNATED PATIO AREA	1
SCHEDULE "I" - RETAIL DISPLAY PERMIT NO.	1
SCHEDULE "J" - APPLICATION FOR RETAIL DISPLAY PERMIT.....	1
SCHEDULE "K" - RETAIL DISPLAY PERMIT REGULATIONS.....	1

TOWN OF LADYSMITH

STREETS AND TRAFFIC BYLAW 1998, NO. 1309

A Bylaw to regulate traffic, parking and the use of highways, boulevards, sidewalks and public land in the Town of Ladysmith.

Whereas the *Council* is authorized, pursuant to the Motor Vehicle Act, the Highway Scenic Improvement Act, and the Municipal Act to regulate traffic and the use of highways and to regulate the use of public areas within the Municipality.

The *Council* of the Town of Ladysmith, in open meeting assembled, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the Town of Ladysmith Streets and Traffic Bylaw. 1998, No. 1309.

PART I

INTERPRETATION

DEFINITIONS

2. For the purposes of this Bylaw, unless the context otherwise requires:

"*All Terrain Vehicle*" means a self-propelled wheeled or tracked *vehicle* designed for

- (a) personal transportation on or off the *highway*; or
- (b) the transportation of equipment or other goods on or off a *highway*, including but not limited to a *trailer* attached to the *vehicle* and a golf cart, but not a *vehicle* used for farming or an implement of husbandry.

"*Angle Parking*" means the *parking* of a *vehicle* other than parallel to a curb or the lateral lines of a *roadway*.

"*Bicycle Safety Helmet*" means any helmet that has been designated as an approved bicycle helmet by the *Superintendent of Motor Vehicles*.

"*Boulevard*" means the area between the curb lines, the lateral lines or the shoulder of a *roadway* and the adjacent property line and, in the case of a divided *highway*, that portion between the inside curbs, lateral lines or shoulders of the *roadways*.

"*Bus*" means a *motor vehicle* designed to carry more than ten persons.

"*Bus Shelter*" means a kiosk, enclosure, or structure which provides weather protection to transit patrons which may include as part of its structure one or more advertising signs.

"*Bus Stop Sign*" means a sign designated and issued by BC Transit at which public transit *buses* may *stop* and allow the ingress and egress of passengers.

"*Bylaw Enforcement Officer*" means any person designated by the *Council* to enforce the provisions of this Bylaw, including but not limited to a Building Inspector and any person employed by contract or otherwise to enforce *parking* regulations under this Bylaw.

"*Chief of Police*" means the Officer-In-Charge, Ladysmith Detachment, Royal Canadian Mounted Police, and includes any member of the RCMP appointed or designated by the Chief of police to act on his/her behalf.

"Council" means the Council of the *Municipality*.

"Combination of Vehicles" means every combination of *truck*, *truck tractor*, semi-trailer and *trailer*.

"Commercial vehicle" includes but is not limited to:

- (a) a *motor vehicle* having permanently attached to it a *truck* or delivery body;
- (b) an ambulance, casket wagon, hearse, motor *bus*, *tow vehicle*, road building machine, *taxi*, tractor; or
- (c) a *combination of vehicles*.

"Controlled Access Highway" means a highway designated as such under the HIGHWAY ACT, R.S.B.C. 1996, c.188.

"Crosswalk" means

- (a) 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 surface; or,
- (b) the portion of a *highway* at an *intersection* that is included within the connection of the lateral lines of the *sidewalk* on the opposite sides of the *highway*, or within the extension of the lateral lines of the *sidewalk* on one side of the *highway*, measured from the curbs, or in the absence of curbs, from the edges of the *roadway*.

"Cycle" means a device having any number of wheels that is propelled by human power and on which a person may ride but excludes a *play vehicle*.

"Disabled zone" means a *parking* zone identified by a disabled *parking* sign.

"Driver" means a person who drives or is in actual physical control of a *vehicle*.

"Driveway" means the improved portion of the *boulevard*, or area between the travelled portion of a highway and the property lines specifically designated and improved to provide vehicular access at a particular point to a parcel of land, and without limiting the generality of the foregoing, includes the curb, *sidewalk*, ditch and *boulevard*.

"Dumpster Container" means a container, used for but not limited to receiving garbage, that is designed and intended to be lifted by forks or other device mounted on a *vehicle* and the contents emptied into that part of the *vehicle* designed to receive same.

"Heavy Truck" means a *motor vehicle* which

- (a) has a licensed gross *vehicle* weight in excess of 9,000 kg; or
- (b) comprises a tractor towing one or more *trailers* or semi-trailers;

"Highway" includes every highway, except an arterial highway as classified pursuant to HIGHWAY ACT, R.S.B.C. 1996, c.188, road, street, *lane*, bridge, viaduct or right-of-way designed, intended for, or used by the general public for the passage of *vehicles*, *cycles* or *pedestrians* and every private place or passageway to which the public, for the purpose of the *parking* or servicing of *vehicles*, has access or is invited.

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the *roadways* of the two highways that join one another at or approximately at right angles, or the area within which *vehicles* travelling on different highways joining at any other angle may come in conflict.

"Lane" means a *highway* abutting the rear or side boundaries of parcels of land and which is intended primarily to provide access to the rear or side yards of such parcels.

"*Manager*" means the Manager of Development Services for the *Municipality* and includes his/her authorized deputy.

"*Motor Cycle*" means a *motor vehicle* running on two or three wheels and having a saddle or seat for the *driver* to sit astride.

"*Motorcycle Helmet*" means any helmet that has been designated as an approved *motor cycle* helmet by the *Superintendent of Motor Vehicles*.

"*Motor Vehicle*" means a *vehicle*, not run on rails, that is designated 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*.

"*Motorized Wheelchair*" means a personal conveyance which is used by a person who is disabled, aged or infirmed and is not self-propelled.

"*Municipality*" means the Town of Ladysmith.

"*Park*" when prohibited, means the *standing, stopping* or *parking* of a *vehicle*, whether occupied or not, except when it is to *stand, stop, or park* temporarily for the purpose of and while actually engaged in loading or unloading goods or discharging or taking on passengers.

"*Peace Officer*" means a police officer, constable or a person having the powers of a police officer.

"*Pedestrian*" means a person afoot and includes but is not limited to a person in a wheelchair, in a *motorized wheelchair* or in a carriage.

"*Permit*", when used as a noun, includes any *permit* issued to an applicant pursuant to this bylaw.

"*Play vehicle*" includes coaster, wagon, scooter, child's tricycle, in line skates, rollerskates, skateboard, sled, toboggan, ski or skate and any other wheeled or runnered device propelled by human power upon which any person may ride but does not include a *cycle*.

"*Public Place*" includes any land or improvements on land occupied by or under the care, custody or control of the *Municipality*.

"*Recovery Vehicle*" means a *motor vehicle* that is equipped with a winch and boom device or a wheel lift device or both, and that is designated for towing other *motor vehicles* by means of that device.

"*Residential District*" means all those properties within the *Municipality* which are zoned for residential use pursuant to "The Town of Ladysmith Zoning Bylaw, 1995, No. 1160" and its amendments.

"*Roadway*" means the portion of the *highway* that is improved, designed or ordinarily used for vehicular *traffic*, but does not include the shoulder; and where a *highway* includes two or more separate *roadways*, the term "*roadway*" refers to any one *roadway* separately and not to all of them collectively.

"*Roll Off Container*" means a container, used for but not limited to receiving demolition debris, that is designed and intended to be loaded and unloaded by means of a winch onto the rails of a *truck* designed for that purpose.

"*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 a *permit* or any other improved area designated for *pedestrian* use only.

"Stop" or "Stand" means,

- (a) when required, a complete cessation from movement; and
- (b) 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 *traffic control device*;

"*Superintendent of Motor Vehicles*" means the Superintendent of Motor Vehicles as defined in the MOTOR VEHICLE ACT, R.S.B.C. 1996, c. 318.

"*Superintendent of Public Works*" means the person appointed as the Superintendent of Public Works for the *Municipality*, and includes his/her authorized deputy.

"*Taxi*" means a *motor vehicle* which is designed to carry not more than ten (10) persons including its *driver* and is operated for hire.

"*Tilt and Slide Deck Truck*" means a *motor vehicle* that is equipped with:

- (a) a deck that tilts and slides,
- (b) a winch for self loading not more than two *vehicles* onto the deck, and
- (c) either a lifting tow bar or a wheel lift device designed for towing other *motor vehicles* by means of that bar or device.

"*Tow Vehicle*" means a *tilt and slide deck truck* or *recovery vehicle*.

"*Traffic*" includes *pedestrians*, ridden or herded animals, *vehicles*, *cycles*, *play vehicles* and other conveyances, either singly or together, while using a *highway* to travel, or using a *public place*.

"*Traffic Control Device*" means a sign, signal, line, meter, marking, space, barrier or device placed or erected by authority of the *Superintendent of Public Works*, to control, prohibit or regulate *traffic*.

"*Traffic Control Signal*" means a *traffic control device*, whether manually, electrically or mechanically operated, by which *traffic* is directed to *stop* and to proceed;

"*Trailer*" means a *vehicle* that is at any time drawn by or used in conjunction with a *motor vehicle* on a *highway* except;

- (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*.

"*Truck*" means a *motor vehicle* designed or used primarily for the transportation of property.

"*Truck Route*" means a *highway*, a portion of a *highway*, or a series of connected *highways*, designated and described as such in Schedule "C" hereto on which *Heavy Trucks* may be present and travel at any and all times.

"*Truck Tractor*" means a *motor vehicle* designed and used primarily for drawing other *vehicles* and not constructed to carry a load other than a part of the weight of the *vehicle* drawn and of the load of the other *vehicle*.

"*Vehicle*" means a device in, on or by which a person or thing is or may be transported or drawn on a *highway*, except a device designed to be moved by human power or used exclusively on stationary tracks or rails.

3. Words not specifically defined in this Bylaw shall have the same meaning as defined in the MOTOR VEHICLE ACT, R.S.B.C. 1996 c. 318;

PART II AUTHORITY

APPLICATION

- 4.
- (1) This bylaw applies to any person involved in any activity or subject matter covered by this Bylaw within the *Municipality*.
 - (2) A person riding a *cycle* or an animal or driving an animal drawn *vehicle* upon a *highway* has all the rights and is subject to all the duties, limitations and responsibilities that apply to the *driver* of a *vehicle* under this Bylaw.

EXEMPTIONS

5. This bylaw does not apply to:
- (1) persons, *vehicles* or other equipment while lawfully engaged in *highway* or public utility construction, maintenance or repair work on, over or under the surface of a *highway*.
 - (2) the *driver* of any emergency *vehicle*:
 - (a) while it is responding to an emergency call and sounding an audible signal, siren, or bell, and showing at least a flashing red light; or at the scene of an emergency and showing at least a flashing red light;
 - (b) who is a Peace Officer, in immediate pursuit of an actual or suspected violator of the law;
 - (c) who is a Peace Officer, engaged in a police duty of a nature that the sounding of an audible signal or siren would unduly hamper the performance of that duty;
 - (3) the *stopping, standing or parking* of *vehicles* in official use:
 - (a) that is owned, leased or under contract with the Government of Canada, Province of British Columbia or any *municipality*;
 - (b) by a public utility corporation;
 - (c) as a *tow vehicle*;while such *vehicles* are actually engaged in official use.
 - (4) a *Bylaw Enforcement Officer* engaged in the performance of his/her duties in enforcing the bylaws of the *Municipality*.

DELEGATION OF POWERS

6. The *Superintendent of Public Works* is hereby authorized:
- (1) to order the placing or erection of *traffic control devices* for the regulation, control or prohibition of *traffic*, for the purposes of giving effect to the provisions of the MOTOR VEHICLE ACT, R.S.B.C., 1996, c. 318, and this bylaw;
 - (2) to order the placing or erection of *traffic control devices* for the regulation, control or prohibition of the *stopping, standing or parking* of *vehicles* on a *highway*;
 - (3) to order the placing or erection, for temporary periods not exceeding thirty (30) days at any one time, of *traffic control devices* prohibiting *parking*:
 - (a) at the entrance to dance halls, funeral parlors, or other places of public assemblage during the periods of assemblage therein;

- (b) upon either or both sides of the *highway* or portion thereof along the route of any parade or in the vicinity of large gatherings;
 - (c) at any location where, in special circumstances it is deemed necessary to facilitate or safeguard *traffic*; or
 - (d) in front of any buildings or structures under construction, alteration, repair or demolition.;
 - (4) 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 in them for the *parking of vehicles*, and the regulation of that *parking*.;
 - (5) to order the designation of portions of *highways* as:
 - (a) *bus stops*;
 - (b) *bus shelters*
 - (c) loading zones;
 - (d) *taxi* zones; or
 - (e) *cycle* paths.;
 - (6) to order or authorize the erection, maintenance and operation of *bus shelters* that may be permitted on a *highway*.;
 - (7) when, in his/her opinion, any *highway* or any section thereof is unsafe or unsuitable for *traffic*, or it is advisable that *traffic* should be restricted or diverted therefrom, to order the closing of such *highway* or section thereof, or the restriction or diversion of *traffic* thereon.;
 - (8) to make orders regarding the size, location and type of signs other than *traffic* control devices that may be permitted on a *highway*; and
 - (9) to order the alteration, repainting, tearing down removal of any sign or other thing on a *highway*, whether erected or placed thereon with or without his/her approval, without compensation to any person for loss or damage resulting from such alteration, repainting, tearing down or removal.
7. The *Superintendent of Public Works*, the *Manager*, the *Fire Chief*, the *Building Inspector*, a *Bylaw Enforcement Officer*, a *Peace Officer*, each of their respective Deputies and Assistants, and any person designated by *Council* resolution are authorized to:
- (a) Enforce and carry out the provisions of this bylaw;
 - (b) Enter, at all reasonable times, any day of the week, on any property or premises in order to ascertain whether such regulations are being obeyed;
 - (c) Issue bylaw offence notices; and
 - (d) Detain, tow or impound any *vehicle*, *trailer*, or *cycle* in violation of this bylaw.
8. In addition to any other penalty or method of enforcement that may be prescribed by this bylaw, a *Peace Officer* may detain and impound any *play vehicle* being used by any person in contravention of this bylaw.

BYLAW OFFENSE NOTICES

- 9.
- (1) The *Superintendent of Public Works*, in conjunction with the *Chief of Police*, may arrange and administer a system to collect voluntary-indicated and Court-ordered penalties and fines respectively, including the ultimate taking of criminal proceedings; to provide notice to persons who are alleged to have committed a breach of a provision of this Bylaw.
 - (2) The system may also include the collection of voluntary penalties for alleged violations at a rate for each penalty to be collected in accordance with Schedule "A".

- (3) The *Municipality* may also take and direct civil proceedings against any person alleged to have breached the provisions of this Bylaw.
- (4) When the *Municipality* enters into proceedings against a person charged with an offense under this Bylaw, the *Municipality* may assess costs:
 - (a) where a summons is issued;
 - (b) where personal service of a summons is required; or
 - (c) where a warrant is obtained.

PART III VEHICLE AND OTHER REGULATIONS

TRAFFIC CONTROL DEVICES

10.

- (1) Division 23 of the MOTOR VEHICLE ACT REGULATIONS, BC Reg. 26/58, is hereby adopted as regulations under this Bylaw and shall be applicable to all *highways* as defined herein.
- (2) Where a *traffic control device*, authorized by the *Superintendent of Public Works* under this bylaw, is erected or placed on any *highway* or *public place*, no person shall drive, operate, *stop* or *park* a *vehicle* or act in a manner contrary to that indicated by the *traffic control device*, except where directed to do so by a Peace Officer.
- (3) Except by order of the *Superintendent of Public Works*, no person shall tear down, remove, displace or in any manner whatsoever deface, damage or interfere with any *traffic control device* erected or placed pursuant to this Bylaw.
- (4) No person other than the owner or operator of a *vehicle* shall remove any notice placed thereon or affixed thereto by any person authorized to issue such a notice pursuant to this Bylaw.

STOPPING AT INTERSECTIONS

11. Except when a Peace Officer directs otherwise, where there is a *stop* sign at an *intersection*, a *driver* of a *vehicle* shall *stop*:
- (1) at a marked *stop* line, if any;
 - (2) before entering a marked *crosswalk* on the near side of the *intersection*, or;
 - (3) when there is neither a marked *stop* line nor a marked *crosswalk*, before entering the *intersection*, at a point nearest the intersecting *highway* from which the *driver* has a view of the approaching *traffic* on the intersecting *highway*.

STUNTING

12. No person, whether as a *pedestrian*, passenger or *driver* and whether or not with the use or aid of any animal, *vehicle*, *cycle*, *play vehicle*, or other thing, shall perform or engage in any stunt or other activity on a *highway* that is likely to distract, startle or interfere with other users of the *highway*.

UNNECESSARY NOISE

13. No person shall cause the emission of any loud and unnecessary noise from a *motor vehicle*:
- (1) By using or by means of the horn, engine, exhaust system, braking system, acceleration system, tires in contact with the *roadway*; or
 - (2) By the amplified sound of an alarm system, radio, television, player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a *motor vehicle* and can easily be heard by someone outside the *motor vehicle*;
 - (3) By starting and idling of a *commercial vehicle* for an excessive period of time; or
 - (4) Otherwise, from the *motor vehicle*, any part thereof, or any thing or substance that the *motor vehicle* or a part thereof comes into contact with.

RACING

14. No person shall, unless lawfully authorized by the *Superintendent of Public Works*, drive a *vehicle* on a *highway* in a race or on a bet or wager.

CARELESS DRIVING

15. No person shall drive a *motor vehicle* on a *highway*
- (1) without due care and attention;
 - (2) without reasonable consideration for others using the *highway*; or
 - (3) at a speed that is excessive relative to the road, *traffic*, visibility or weather conditions.

NEWLY PAINTED LINES

16. No person shall drive on or over a newly painted line or marking on a *highway* when the line is indicated by a *traffic control device*.

OBEDIENCE TO TRAFFIC SIGNALS

17. Notwithstanding anything contained in this Bylaw, if on or over a *highway* there is:
- (1) one or more *traffic controls devices* indicating the direction *vehicles* shall proceed, a person shall not drive a *vehicle* other than in the direction indicated;
 - (2) a *traffic control device* indicating that a certain movement is prohibited, no person shall drive a *vehicle* in a movement prohibited by the *traffic control device*.

FOLLOWING FIRE VEHICLE

18. A *driver* who is not a *driver* of an emergency *vehicle* shall not follow fire apparatus closer than 150 metres or drive or *park* within 150 metres of the place on the same *highway* on which fire apparatus has *stopped* in apparent answer to a fire alarm.

DRIVING OVER FIRE HOSE

19. Unless the *driver* has received consent of the Fire Department official in command or a *Peace Officer*, the *driver* shall not drive a *vehicle* over an unprotected hose of a Fire Department when laid down on a *highway* or private *driveway* at the site of the emergency.

OBEYING FLAGPERSON

20. Where a flagperson is controlling the movement of *traffic* around the section of *highway* being worked on, a person shall not drive or operate a *vehicle* other than as directed by the flagperson.

SPEED LIMITS

- 21.
- (1) Subject to this section, a person shall not drive or operate a *motor vehicle* on a *highway* in the *municipality* at a greater rate of speed than 50 km/h, unless posted otherwise.
 - (2) Where the *Superintendent of Public Works* has caused a sign to be posted for a *highway* changing the rate of speed of *motor vehicles* or a category of *motor vehicles* driven or operated on that portion of the *highway*, a person shall not, when the sign is posted, drive or operate a *vehicle* on that portion of the *highway* at a greater rate of speed than that indicated on the sign for that category of *motor vehicle*.

- (3) A person shall not drive or operate a *motor vehicle* on a *lane* at a greater rate of speed than 20 km/h.

SCHOOLS

22. Between the hours of 8 a.m. and 5 p.m. on a day when school is regularly held, every person driving a *vehicle* on a *highway* shall drive at a rate of speed not exceeding 30 km/h while approaching, passing or in the vicinity of the school to which the signs relate, where signs are displayed stating a speed limit of 30 km/h or on which the numerals "30" are prominently shown.

PLAYGROUND

23. Between dawn and dusk, every person driving a *vehicle* on a *highway* shall drive the *vehicle* at a rate of speed not exceeding 30 km/h when approaching or passing a public playground for children where signs are displayed stating a speed limit of 30 km/h, or on which the numerals "30" are prominently shown.

MEETING SCHOOL BUS

24. The *driver* of a *vehicle* on a *highway*, on meeting a school *bus*
- (a) that is designated as a school *bus*; and
 - (b) that is *stopped* on a *highway*; and
 - (c) on or near which a sign or signal is displayed indicating the school *bus* is receiving or discharging school children,

shall *stop* the *vehicle* before reaching the *bus* and not proceed until the *bus* resumes motion or the *driver* of the *bus* signals to the *driver* that it is safe to proceed.

APPROACH OF EMERGENCY VEHICLE

25. On the immediate approach of an emergency *vehicle* giving an audible signal by a bell, siren or exhaust whistle, and showing at least a visible flashing red light, except when otherwise directed by a *peace officer*, a *driver* shall yield the right-of-way, and immediately drive to a position parallel to and as close as possible to the nearest edge or curb of the *roadway*, clear of an *intersection*, and *stop* and remain in that position until the emergency *vehicle* has passed.

NOISE FROM MOTOR VEHICLES

26. No person shall start, drive, turn or *stop* any *motor vehicle*, or accelerate the *vehicle* engine while the *vehicle* is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, exhaust system or the braking system, or from the contact of the tires with the *roadway*.

OBSCURING LICENSE PLATE

- 27.
- (1) No person shall obscure a *vehicle* license plate.
 - (2) No person shall operate a *vehicle* with an obscured *vehicle* license plate.
 - (3) No person shall operate a *vehicle* equipped with a device capable of temporarily or permanently obscuring a licence plate.

PART IV

PEDESTRIAN AND CYCLE REGULATIONS

PERSONS IMPEDING TRAFFIC

28.

- (1) No person shall engage in any sport, amusement, exercise or occupation on a *highway* or *stand*, walk, run or loiter in such a manner as to obstruct, impede or interfere with the free passage of *vehicles* on a *highway*.
- (2) No person shall engage in any sport, amusement, exercise or occupation on a *sidewalk* or *stand*, walk, run or loiter in such a manner as to obstruct, impede or interfere with the free passage of another person on a *sidewalk*.
- (3) No person shall engage in street performing, busking, panhandling, fund raising or soliciting donations on a *highway* or a *sidewalk*, unless the person has a *permit* granted by another bylaw or has received approval from *Council* prior to engaging in that activity.

CYCLES AND PLAY VEHICLES

29.

- (1) In addition to the duties imposed by this section, a person operating a *cycle* on a *highway* has the same rights and duties as a *driver* of a *vehicle*.
- (2) A person operating a *cycle*
 - (a) shall not ride on a *sidewalk* unless authorized by this bylaw or unless otherwise directed by a *traffic control device*;
 - (b) shall not, for the purpose of crossing a *highway*, ride on a *crosswalk* unless authorized to do so by this Bylaw or unless otherwise directed by a *traffic control device*;
 - (c) shall, subject to paragraph (a), ride as near as practicable to the right side of the *roadway*;
 - (d) shall not ride abreast of another person operating a *cycle* on the *roadway*;
 - (e) shall keep at least one hand on the handlebars;
 - (f) shall not ride other than on or astride a regular seat of the *cycle*;
 - (g) shall not use the *cycle* to carry more persons at one time than the number for which it is designed and equipped;
 - (h) shall not ride a *cycle* on a *highway* where signs prohibit their use; and
 - (i) shall not ride a *cycle* on a *highway* without a *bicycle safety helmet*, unless exempted by regulation made by the *Superintendent of Public Works*.
- (3) A parent or guardian of a person under the age of 16 shall not authorize or knowingly *permit* such persons to operate or ride as a passenger on a *cycle* on a *highway* if that person is not properly wearing a *bicycle safety helmet*.
- (4) A person operating a *cycle* shall not ride it on a *roadway* if there is a usable path intended for the use of *cycles* adjacent to the *roadway*.

- (5) A person shall not ride a *cycle* or *play vehicle* and hold on to a *vehicle* on the *highway*.
- (6) A person shall not operate a *cycle* on a *highway* without due care and attention or without reasonable consideration for other persons using the *highway*.
- (7) A *cycle* operated on a *highway* between 1/2 hour after sunset and 1/2 hour before sunrise shall have a lighted lamp mounted on the front, capable of displaying a white light visible under normal atmospheric conditions at least 150 metres in the direction in which the *cycle* is pointed, and a red reflector of a make or design approved by the *Superintendent of Public Works*, or a lighted lamp, mounted on the rear and capable of reflecting or displaying a red light toward the rear. In addition, every *cycle* operated on a *highway* shall have the most conspicuous portion of its rear mud guard, for a length of not less than 22.5 cm and the full width of the mud guard, painted white.
- (8) No person shall use a *play vehicle* on a *roadway* unless the *roadway* has a separate *lane* or pathway designated for *cycles*.
- (9) No person shall propel, coast or ride or in any other way use a *play vehicle* on any portion of the *highway* or *sidewalk* in the downtown core bounded by and including Second Avenue, Esplanade, Baden Powell Street and Symonds Street and other areas designated by sign.

PART V

ON STREET PARKING REGULATIONS

MANNER OF PARKING

30.

- (1) Except when permitted by a *traffic control device*, no person shall *stop, stand or park* a *vehicle* on a *roadway* other than on the right side of the *roadway* and with the right hand wheels parallel to that side, and where there is a curb, within 30 cm of the curb;
- (2) No person shall permit a *motor vehicle* to *stand* unattended or *parked* unless the person has:
 - (a) locked it and made it secure in a manner that prevents its unauthorized use; and
 - (b) if the *motor vehicle* is *standing* on a grade, turned the front wheels of the *vehicle* to the curb or side of the *roadway*;
- (3) No person shall *park* a *vehicle* so as to obstruct the free passage of *traffic* on the *highway*.
- (4) No person shall *park* a *vehicle* where a *traffic control device* indicates that *angle parking* is permitted other than at an angle indicated by *parking* lines marked on the *highway* and with the right front wheel not more than 30 cm from the curb. In the absence of *parking* lines, a person shall *park* at an angle of 60 degrees from the curb.
- (5) No person shall *stop, stand or park* a *vehicle* upon a *highway* without proper or valid license plates.

WHERE PARKING PROHIBITED

31. Except when necessary to avoid conflict with *traffic* or to comply with the law or the directions of a Peace Officer or *traffic control device*, a person shall not *stop, stand or park* a *vehicle*:
- (1) on a *sidewalk* or in area that has non mountable curbs adjacent to them;
 - (2) in front of, or within 2 metres on either side of a public or private *driveway, walkway or cycle path*;
 - (3) in an *intersection*, except as permitted by a *traffic control device*;
 - (4) within 5 metres of a fire hydrant measured from a point in the curb or edge of the *roadway* which is closest to the fire hydrant;
 - (5) on a *crosswalk*;
 - (6) within 15 metres of the approach of or 6 metres beyond a *crosswalk*;
 - (7) within 6 metres of the approach of a flashing beacon, *stop sign* or *traffic control signal* located at the side of a *roadway*;
 - (8) within 15 metres of the nearest rail of a railway crossing;
 - (9) on a *highway* for the principal purpose of:

- (a) displaying a *vehicle* for sale;
 - (b) advertising, greasing, painting, wrecking, storing or repairing a *vehicle*, except where repairs are necessitated by an emergency;
 - (c) displaying signs; or
 - (d) selling flowers, fruit, vegetables, seafood or other commodities or articles;
- (10) alongside or opposite any street excavation or obstruction when *stopping, standing or parking* obstructs traffic;
 - (11) on the *roadway* side of a *vehicle stopped or parked* at the edge or curb of a *roadway*;
 - (12) on a bridge or other elevated structure on a *highway*, or in a *highway* tunnel, except as permitted by a *traffic control device*;
 - (13) in a place in contravention of a *traffic control device* that gives notice that *stopping, standing or parking* there is prohibited or restricted;
 - (14) in a manner so as to obstruct the visibility of any *traffic control device* erected pursuant to this bylaw;
 - (15) in a designated *angle parking* zone where the length of the *vehicle* and/or *trailer* exceeds 6 metres;
 - (16) within 20 metres of the approach of or 10 metres beyond any *bus stop sign*; or
 - (17) within 9 metres of the lateral line of an intersecting *roadway*.

PARKING TIME LIMITS

- 32. Notwithstanding any other provision of this Bylaw, no person shall *park a vehicle* on any *highway* for more than seventy-two (72) hours continuously.

LOADING ZONES

- 33. No *driver* or operator of any *vehicle* shall *stop*:
 - (1) in a loading zone for a period exceeding three minutes for the loading or unloading of passengers or for a period exceeding ten minutes for the loading or unloading of materials, with the exception of licensed *taxis* which shall be permitted to *stop* in loading zones providing:
 - (a) there is no designated *taxi stand* within the block where the loading zone is located;
 - (b) the *taxi* operator does not leave the *vehicle* unattended; and
 - (c) the *taxi driver*, if not in the process of loading or unloading passengers, will vacate the loading zone immediately when it is required for pickup or delivery services;
 - (2) in any passenger zone for a period exceeding three minutes for the loading or unloading of passengers.

DISABLED PARKING

- 34. No person shall *stop or park a vehicle* in a *disabled zone* on a *highway* without displaying on the *vehicle*:

- (1) a valid disabled person's *parking permit* issued pursuant to Division 38 of the MOTOR VEHICLE ACT REGULATIONS, BC Reg. 26/58; or
- (2) a *permit* of similar nature issued by another jurisdiction.

IMPOUNDMENT OF VEHICLES

35.

- (1) Any *vehicle standing or parked* in contravention of this Bylaw or unlawfully occupying a portion of a *highway or public place* may, upon the order of the *Superintendent of Public Works*, Fire Chief or their designates, a *Bylaw Enforcement Officer* or a Peace Officer, be removed to an impoundment area in such place as is directed by the said person and such *vehicle* shall not be released to its owner until the fees set out in Schedule "B" have been paid to the *Municipality*.
- (2) Notice sent to the address of the registered owner, as shown on the records of the Registrar of Motor Vehicles, of every *vehicle* impounded under this Section and not claimed by its owner within 5 days from the date of impoundment shall:
 - (a) indicate that the *vehicle* is in the *Municipality's* possession and that it has not been claimed;
 - (b) advise the date of impoundment;
 - (c) specify fees owing to reclaim the *vehicle*; and
 - (d) indicate the date after which the *vehicle* may be sold if not reclaimed;
- (3) Any *vehicle* impounded under this Section and not reclaimed within two (2) months from the date of impoundment may be sold at public auction and any monies received from the sale shall:
 - (a) firstly, be applied to the cost of the sale;
 - (b) secondly, be applied to the payment of fees as set out in Schedule A;
 - (c) thirdly, any surplus be sent by registered mail to the address of the registered owner, as shown on the records of the Registrar of Motor Vehicles; and
 - (d) where the owner of the *vehicle* cannot be determined or located after reasonable effort, any surplus after one year from date of impoundment be paid into the general funds of the *Municipality*.

PART VI

GENERAL REGULATIONS

OBEDIENCE TO PEACE OFFICERS, FIREFIGHTERS

36.

- (1) A Peace Officer, in order to expedite the movement of *traffic* or to safeguard *pedestrians* or property shall have full power to direct and regulate *traffic* and in doing so may disregard any *traffic control device*;
- (2) A Firefighter, in attendance at the scene of a fire or other emergency, in order to expedite the movement of *traffic* or to safeguard *pedestrians* or property shall have full power to direct and regulate *traffic* and in doing so may disregard any *traffic control device*;
- (3) Every person shall at all times comply with any lawful order, direction, signal or command made or given by a Peace Officer or Firefighter in the performance of his/her duty in directing or regulating *traffic*.

LITTERING

37. No person shall throw or cause to be deposited or to flow on a *highway* any noxious, offensive or filthy water or other substance or any other article or thing, whether broken or intact.

ABANDONED VEHICLES

38.

- (1) No person shall abandon a *vehicle*, or leave a roll-off container or *dumpster container* on a *highway*, public right-of-way, or on a *public place*, without lawful authority.
- (2) Where the *Superintendent of Public Works, Bylaw Enforcement Officer* or a *Peace Officer* is satisfied that a *vehicle*, roll-off container or *dumpster container* has been abandoned or left on a *highway* without lawful authority, he may have it towed and impounded pursuant to this bylaw.

FAIL TO STATE NAME

39. When requested by a Peace Officer or by a *Bylaw Enforcement Officer*:

- (1) the *driver* or operator of a *vehicle*, or the person in charge of a *vehicle* on a *highway*, shall correctly state his/her name and address and the name and address of the owner of the *vehicle*;
- (2) a *pedestrian* or the operator of a *cycle*, who has apparently committed an offence under this Bylaw, shall correctly state his/her name and address.

GENERAL OFFENCES

40.

- (1) No person shall leave any excavation, *roll off container* or other obstruction on a *highway* without obtaining written permission from the *Superintendent of Public Works*, and if permission is granted shall place barricades and warning devices for the protection of the public;
- (2) No person being the owner or occupier of any premises, shall cut, saw break, split, place or pile firewood, lumber, blocks, rock, stone, debris or other material, or mix mortar, or do any other act upon a *highway* which will obstruct or impede *traffic* thereon or deface or damage the *highway*;

- (3) No person being the owner or occupier of any premises or any other person purchasing or delivering firewood, lumber, blocks, rock, stone or other material shall allow such firewood, lumber, blocks, rock, stone or other material to remain on or to be placed on any *highway* in such a manner as to obstruct or impede *traffic* thereon;
- (4) No person shall interfere with any *traffic control device*, barricade, sign, warning lamp or other device which is lawfully occupying any *highway* at or near an excavation, obstruction or work being performed thereon;
- (5) No person shall occupy a *trailer* as living quarters while it is *parked* on a *highway*;
- (6) No person shall drive or operate a *vehicle* on a *highway* between the persons or *vehicles* comprising a parade or funeral procession;
- (7) No person shall drive a *vehicle* over an unprotected hose of a fire department when laid down on a *highway* or private *driveway*, at a fire or alarm of a fire unless he/she has received consent of the Fire Department officer in command or a *Peace Officer*.

REMOVAL OF GLASS AND DEBRIS

- 41. Every person who removes a wrecked or damaged *vehicle* from the scene of an accident on a *highway* shall remove all glass and other debris caused by the accident from the *highway*.

UNAUTHORIZED SIGNS

- 42.
 - (1) No person, other than the *Superintendent of Public Works* or a person or persons authorized by the *Superintendent of Public Works*, shall place or maintain signs of any nature in any manner upon a *highway* or upon erected *highway* signs or upon any pole or structure on a *highway*.
 - (2) Any sign erected in contravention of subsection (1) may be removed by the *Superintendent of Public Works* or such other persons as may be duly authorized by the *Superintendent of Public Works*.
 - (3) Any such sign so removed by the *Superintendent of Public Works* or such other persons as may be duly authorized by the *Superintendent of Public Works* may be claimed at the Works Yard on payment of an impound fee as set out in Schedule "B".
 - (4) The *Municipality* accepts no liability for any damage done to any such sign in any way.
 - (5) Signs not claimed within five clear working days will be destroyed in a manner prescribed by the *Superintendent of Public Works*.

PART VII

HIGHWAY USE REGULATIONS – HEAVY TRUCKS – COMMERCIAL VEHICLES

SIZE, WEIGHT AND LOADING RESTRICTIONS

43.

- (1) Hereby adopted as regulations pursuant to this Bylaw are
 - (a) MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58
 - (a) Section 19.01;
 - (b) Section 19.02;
 - (c) Section 19.03;
 - (d) Section 19.04; and
 - (e) Section 19.06;
 - (b) MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58 Division 35
Securement of Vehicle Loads;
 - (c) COMMERCIAL TRANSPORT ACT REGULATIONS, B.C. Reg. 30/78
 - (a) Division 1 Interpretation;
 - (b) Division 2 Application;
 - (c) Division 7 (commencing at Section 7.02) Size and Weight
Regulations; and
 - (d) Division 8 Pilot Cars and Signs;
 - (e) Division 11 Penalties;
- (2) For the purposes of this bylaw, wherever in these regulations adopted by this bylaw, the term "Minister" or "Minister of Transportation and Highways" appears, the term "*Superintendent of Public Works*" shall be substituted and where the term "Act" appears, the term "bylaw" shall be substituted.
- (3) No person shall operate a *vehicle* on a *highway* in the *Municipality* contrary to regulation adopted by this section.

HIGHWAY USE REQUIRING PERMIT

44.

- (1) Except as authorized by a *permit* issued by the *Superintendent of Public Works* pursuant to this Bylaw, no person shall:
 - (a) place any fuel, lumber, blocks, rock, stone, merchandise, chattel or ware of any nature on any *highway*;
 - (b) deposit, throw, or leave any earth, refuse, debris or other thing on a *highway*;
 - (c) being the owner or occupier of property abutting on a *highway*, cause or *permit* any earth, rocks, stones, logs or stumps or other things to cave, fall, crumble, slide or accumulate from any such property upon a *highway* or, being there, 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* whatsoever, or *stop* the flow of water through any drain, sewer or culvert on or through a *highway*;
 - (g) place, construct or maintain a loading platform, skids, rails, mechanical devices, buildings, signs or any other structures or things on a *highway*;
 - (h) construct or maintain a ditch, sewer or drain, the effluent from which causes damage, fouling, nuisance or injury to any portion of a *highway*;
 - (i) mark, imprint or deface in any manner whatsoever a *highway* or structure thereon;
 - (j) ride, drive, lead, move or propel any animal or *vehicle* over or across a *boulevard*, including any curb, *sidewalk* or ditch therein unless such *boulevard* has been constructed or improved to form a suitable crossing;
 - (k) construct a *boulevard* crossing, including a curb, ditch or *sidewalk* crossing;
 - (l) cause damage to, cut down or remove trees, shrubs, plants, bushes and hedges, fences or other things erected or maintained on a *boulevard*;
 - (m) operate a *vehicle* while sounding a calliope, loudspeaker or other noise making device, unless the *vehicle* is being operated as an ice cream vendor *vehicle* for which there has been issued a valid business licence;
 - (n) march, drive or otherwise take part in a parade or procession except a funeral procession;
 - (o) conduct construction on a *highway* or *traffic* control relating to such construction; or
 - (p) conduct construction on land adjacent to a *highway* where access from the *highway* to the land is required for that purpose.
- (2) For the purpose of this section construction means new construction, repair, replacement and maintenance of any matter or thing.

HIGHWAY USE PERMITS

45.

- (1) The *Superintendent of Public Works* may issue a *permit* in the form prescribed in Schedule "D" as to those things otherwise prohibited in this Part, subject to payment of an application fee of \$25.00 and subject to other conditions contained in this Part;
- (2) As a prerequisite to the issuance of a *permit* under this Section, the applicant shall:
 - (a) deposit with the *Municipality* a sum of money not less than \$1,000.00 or, where the amount is greater than \$5,000.00, an irrevocable Letter of Credit which is, in the opinion of the *Superintendent of Public Works*, sufficient:
 - (i) to pay the cost of repairing any potential damage to the *highway*, or any installations therein or thereon, by reason of the things to be done pursuant to the *permit*; or
 - (ii) to ensure that any obligations imposed by the *permit* shall be fulfilled and completed within the time specified in such *permit*; and

- (b) provide satisfactory plans and specifications of any work to be undertaken on, over or under a *highway* and, when same are approved by the *Superintendent of Public Works* and the necessary *permit* issued, the said work shall conform in every respect to the approved plans and specifications and to the requirements of the Town of Ladysmith Subdivision Control Bylaw, 1994, No. 1115,
- (3) Where a deposit has been made in accordance with this Section, upon satisfactory compliance with the conditions of the *permit* within the specified time, the deposit will be refunded to the *permit* holder, less, where applicable, an inspection fee of \$100.00, or the actual cost incurred by the *Municipality* for administration and inspection in connection with the *permit*, whichever is the greater;
- (4) Where any completed work on, over or under a *highway* is to be taken over by the *Municipality*, the *permit* holder shall maintain such work for a period of one year from the date of completion of the work, as certified by the *Superintendent of Public Works*. A new *permit* and applicable security deposit will be required for the maintenance period.
- (5) Where any alterations or adjustments to completed works on, over or under a *highway* are required due to reconstruction of a *highway* during the one year maintenance period, the *permit* holder shall pay the cost of such alterations and adjustments.
- (6) The *permit* holder shall indemnify, protect and save harmless the *Municipality* from and against all damages, claims and demands of every kind arising out of or in any way connected with the work or other things for which a *permit* has been issued.
- (7) The *permit* holder shall obtain and maintain in force during the term of the *permit*, liability insurance in the amount of not less than two million dollars, which policy of insurance shall name the *Municipality* as an additional insured, shall contain a cross-liability clause and shall provide that the policy shall not be cancelled or materially altered until the *Municipality* has received thirty (30) days notice in writing.
- (8) In the event that the *permit* holder fails to repair any damage and/or fulfill such obligations as are set out in a *permit* within the specified time, the *Municipality* may draw upon the deposit, repair the damage or fulfill the obligations at the cost of the *permit* holder and deduct the costs of doing so from the deposit. If there are not sufficient funds on deposit to cover the costs, the *Municipality* may recover any shortfall from the *permit* holder.

TRUCK ROUTES

46.

- (1) No person shall drive, operate, *stop*, or *park* any *Heavy Truck* on any *residential area highway* under the jurisdiction of the *Municipality* unless such *highway* is designated as a *Truck Route* in Schedule "C."
- (2) No person shall drive, operate, *stop* or *park* a *heavy truck* on a *highway* designated as "No Heavy Trucks" in Schedule "C".
- (3) Notwithstanding any other provisions of this bylaw to the contrary, the *council* may by resolution, designate certain *highways* as "*Truck Route*" and certain other *highways* as "*No Heavy Trucks Route*", and upon the passage of each such resolution, the *Superintendent of Public Works* shall, pursuant thereto, post such designated route with the appropriate signs, and the provisions of this Bylaw shall apply to the enforcing of each such resolution.
- (4) The provisions of this Section shall not apply to:

- (a) any gravel *truck*, fuel delivery tuck, moving van or delivery *truck* while engaged in the pick-up or delivery of soil, fuel, furnishings, fixtures, goods, wares or merchandise to premises fronting on a *highway* not designated as a *Truck Route*, provided the route followed is the shortest feasible route between a designated *Truck Route* or provincial *highway* and the premises;
- (b) any *heavy truck* while engaged in the construction, upkeep, and maintenance of such *highway* and any utility installed thereon, and the provision of any essential service to the residents whose property fronts thereon; provided, however, that any *heavy truck* providing such essential service does so by following the most direct route which requires the least travel on any "No Heavy Truck Route."
- (c) any school *bus* or other *vehicle* operated for the purpose of providing public transportation within the *Municipality*; or
- (d) any fire fighting apparatus;
- (e) travelling to and from the owner / operator's property as specifically identified in Section 47(1).

HEAVY COMMERCIAL VEHICLE PARKING

47.

- (1) No person shall park any heavy truck on any highway within a residential area in the *Municipality*, except for the express purpose of parking by the owner / operator between trips, of the motive power unit (tractor), and provided that the parking shall be restricted to the owner / operator's property or the highway immediately adjacent to their property.
- (2) No person shall *park*:
 - (a) a *trailer*, licenced as a commercial *trailer*; or
 - (b) a *trailer*, licenced as other than a commercial *trailer*;
 without the motive power unit attached on any *highway* within the *Municipality*.
- (3) No person shall *stop*, *stand* or *park* any *vehicle*, *commercial vehicle* or *combination of vehicles*, having a total length exceeding 6m (19.69 ft.): in any *lane*.
- (4) No person shall *park* any *motor vehicle* having a licensed gross *vehicle* weight exceeding 5,000 kg on any *highway* within a *residential area*.
- (5) No person shall *park* any *motor vehicle* having a licensed gross *vehicle* weight exceeding 5,000 kg on any *highway* between the hours of 7:00 p.m. in the afternoon and 7:00 a.m. in the forenoon of the following day.
- (6) No person shall *park*, *store*, or *stand* any *vehicle*, *motor vehicle*, commercial transport *vehicle*, or *trailer* that is loaded with, or contains dangerous goods, as per the Transport of Dangerous Goods Act, on any *highway* at any time.
- (7) The restrictions of this Section shall apply to every day of every year;

HEAVY TRUCKS AT NIGHT

48.

- (1) Except as hereinafter specifically provided, no person shall drive or operate any *Heavy Truck* on a *highway* in a *residential area* between the hours of 7:00 p.m. and 7:00 a.m. of the following day, except to travel to and from the owner / operator's property, as specifically identified in Section 47(1).
- (2) This Section shall not apply to:
 - (a) those classes of *vehicles* set out in Subsection 87(3); or
 - (b) a *Heavy Truck* owned or operated by a lawful non-conforming business, while the same is travelling to or from the site of such lawful non-conforming business but is not engaged in the transport of materials or any other things to or from the site.

ORDER OF SUPERINTENDENT OF PUBLIC WORKS

49. Where the *Superintendent of Public Works* has ordered closure of, or restricted the load carried on a *highway*, portion of *highway* or series of connected *highways* and placed signs to that effect, no person shall drive or operate a *vehicle* contrary to that order or contrary to the signs.

OVERWEIGHT VEHICLES

50.

- (1) Unless permitted under the COMMERCIAL TRANSPORT ACT, R.S.B.C. 1996, c. 58., no person shall operate on a *highway* a *commercial vehicle* if
 - (a) the gross *vehicle* weight of the *commercial vehicle* exceeds its licenced gross *vehicle* weight;
 - (b) the weight of an axle, group of axles or axle unit exceeds the weight permitted by the regulations;
 - (c) the dimensions of the *commercial vehicle* do not conform to the regulations;
 - (i) with load included; and
 - (ii) without load; or
 - (d) the distances between the axles, group of axles or axle units do not conform to the regulations.
- (2) A person who contravenes a provision of this Section commits an offence, and is liable, on summary conviction
 - (a) for a contravention under subsection (1)(c) or (d), to a fine of not more than \$2,000.00;
 - (b) for a contravention under subsection (1)(a) or (b), to a fine of not less than the amount prescribed by the regulations but not exceeding \$2,000.00 and, in addition, to a penalty of not less than the amount prescribed by the regulations but not exceeding \$12.00 for every 100 kg of overload; and
 - (c) every contravention of this section constitutes a separate and distinct offence.
- (3) For the purpose of this section, regulations mean a regulation under the COMMERCIAL TRANSPORT ACT, R.S.B.C. 1996, c. 58

PART VIII

ALL TERRAIN VEHICLE REGULATIONS

REGULATIONS

51. This section shall not apply to equipment or the operators of same being used by the *Municipality's* Fire Department as part of any duties associated therewith.
52. No person shall operate an *all terrain vehicle* on a *highway* unless it is licenced, insured and equipped in all respects as a *motor vehicle* pursuant to the MOTOR VEHICLE ACT, R.S.B.C. 1996, c. 318 and the MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58.
53. No person shall drive or operate a snowmobile on a *highway* unless he/she is the holder of a *permit*, authorized by the *Chief of Police*, authorizing the operation and subject to the limitation and conditions set out therein.
54. No person shall drive or operate an *all terrain vehicle* between one half (1/2) hour after sunset to one half (1/2) hour before sunrise unless the *vehicle* is equipped pursuant to Sections 4.02, 4.07 and 4.09 of the MOTOR VEHICLE ACT REGULATIONS, B.C. Reg. 26/58.

OPERATION OF ALL TERRAIN VEHICLE

55. No person shall operate an *all terrain vehicle*
 - (1) in a careless, reckless or negligent manner so as to endanger or cause injury or damage to a person or property of another;
 - (2) in a tree nursery or planting, in a manner that may damage or destroy growing stock;
 - (3) on a *sidewalk*;
 - (4) on the tracks or right-of-way of an operating railroad;
 - (5) on private property without the consent of the owner, lessee or occupant of it; or
 - (6) in such a manner as to drive, harass, chase, run over, injure or kill wildlife or a domestic animal; or
 - (7) in an environmentally sensitive area.

MOTORCYCLE HELMETS

56. A person who operates or rides as a passenger on an *all terrain vehicle* without properly wearing a *motor cycle* helmet commits an offence.

PART IX

VEHICLE EQUIPMENT REGULATIONS

57. A person shall not drive or operate a *motor vehicle* or *trailer* on a *highway* unless it is equipped in all respects in compliance with the MOTOR VEHICLE ACT, R.S.B.C., 1996, Chapter 318 and the MOTOR VEHICLE ACT REGULATIONS.

PART X

SIDEWALK PATIOS

SIDEWALK PATIO PERMITS

58.

- (1) The *Manager* may issue a *sidewalk patio permit* in the form prescribed in Schedule "G" to an applicant provided the applicant completes the application form set out in Schedule "E," pays a fee of \$25.00 and the applicant complies with the regulations and conditions set forth in Schedule "F,"
- (2) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid *sidewalk patio permit* has been issued by the *Manager* authorizing such use and the patio is located within the designated patio area shown on the map in Schedule "H" of this bylaw.
- (3) The *Manager* may terminate a *sidewalk patio permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (4) The *Manager* or any of the *Municipality's* employees or contractors may enter the *sidewalk patio permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

RETAIL DISPLAYS

59.

- (1) The *Manager* may issue a retail display *permit* in the form prescribed in Schedule "I" to an applicant provided the applicant completes the application form set out in Schedule "J" and pays a fee of \$25.00 and the applicant complies with the regulations and conditions set forth in Schedule "K."
- (2) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid retail *permit* display has been issued by the *Manager* authorizing such use.
- (3) The *Manager* may terminate a retail *permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (4) The *Manager* or any of the *Municipality's* employees or contractors may enter the retail display area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

PART XI BOULEVARD AND SIDEWALKS

SNOW REMOVAL FROM SIDEWALKS

60. Every owner or occupier of residential premises shall remove all snow and ice from any *sidewalk* bordering such residential premises BY not later than 10:00 a.m. following the snowfall, on every day.
61. Every owner or occupier of commercial premises shall remove all snow and ice from any *sidewalk* bordering such commercial premises BY not later than 10:00 o'clock a.m. following the snowfall, on every day.

SIGNAGE ON THE SIDEWALK

62. No person shall place a sign for advertising on a *sidewalk* or a *highway*, unless permitted under the Ladysmith Sign and Canopy Bylaw, 1995, No. 1176, and amendments thereto.

BOULEVARD

63. No person shall damage the boulevards, trees, shrubs, plants, bushes and hedges that are adjacent to a *highway*.
64. No person shall damage any fence that is adjacent to a *highway*.
65. No person shall damage any lighting standards that are adjacent to a *highway*.
66. No person shall place, store, *stand*, *park* any unlicensed *vehicle*, *heavy truck*, article, material or item on the boulevard.
67. Every owner or occupier of residential premises shall maintain the boulevard bordering the residential premises in a clean, fit and safe state.

PART XIII

ENFORCEMENT

PENALTIES

68.

- (1) Any person who
 - (a) contravenes;
 - (b) suffers or permits any act or thing to be done in contravention of; or
 - (c) neglects to do or refrains from doing anything required to be done pursuant to; any provision of this Bylaw or any *permit* or order issued pursuant hereto, commits an offence punishable on summary conviction, and except where specifically provided in Schedule "A," shall be liable to a fine of not less than \$100.00.
- (2) Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
- (3) If a person on whom a bylaw offence notice has been served does not dispute the allegation or the amount of the time contained in the ticket or otherwise fails to respond to a ticket under a provision of the OFFENCE ACT, R.S.B.C. 1996, c. 338, an administrative fee of \$35.00 shall be added to the amount of the fine contained in the ticket.
- (4) A person who is entitled to the possession of a impounded *vehicle* or *play vehicle* shall pay the fees prescribed in Schedule "B" for the return of the impounded *vehicle* or *play vehicle*.

PART XIII

REPEAL

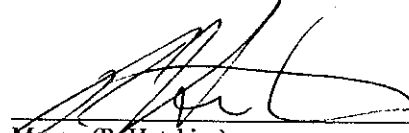
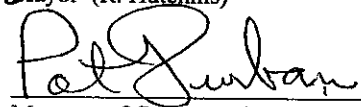
69. The Ladysmith Streets Traffic and Regulation Bylaw, No. 200, 1936 and its amendments are hereby repealed.

READ A FIRST time the 5th day of October , 1998.

READ A SECOND time the 21st day of June, 1999

READ A THIRD time the 21st day of June, 1999

ADOPTED on the 28th day of June, 1999


Mayor (R. Hutchins)

Manager of Corporate Services (P. Durban)

I hereby certify this to be a true and correct
copy of "Ladysmith Streets and Traffic Bylaw
1998 , No. 1309"


Manager of Corporate Services

SCHEDULE "A"

FINE SCHEDULE

The indicated penalties for alleged offenses committed against this Bylaw are as follows:

SECTION	DESCRIPTION	FINE	
		WITHIN 72 HOURS	AFTER 72 HOURS
10(2)	Drive contrary to <i>traffic control device</i>	\$30.00	\$50.00
10(3)	Interfere with <i>traffic control device</i>	\$30.00	\$50.00
10(4)	Remove notice from <i>vehicle</i>	\$30.00	\$50.00
11(1)	Disobey <i>stop</i> sign – <i>stop</i> line	\$30.00	\$50.00
11(2)	Disobey <i>stop</i> sign – <i>crosswalk</i>	\$30.00	\$50.00
11(3)	Disobey <i>stop</i> sign – no <i>stop</i> line/ <i>crosswalk</i>	\$30.00	\$50.00
12	Stunting	\$30.00	\$50.00
13	Unnecessary Noise	\$30.00	\$50.00
14	Racing	\$30.00	\$50.00
15	Careless driving	\$30.00	\$50.00
16	Driving over newly painted lines	\$30.00	\$50.00
28(1)	Pedestrian impede <i>traffic</i> on <i>highway</i>	\$20.00	\$35.00
28(2)	Pedestrian impede <i>traffic</i> on <i>sidewalk</i>	\$20.00	\$35.00
28(3)	Busking/Panhandling	\$20.00	\$35.00
29(2)(a)	Cyclist on a <i>sidewalk</i>	\$20.00	\$35.00
29(2)(b)	Cyclist improperly using <i>crosswalk</i>	\$20.00	\$35.00
29(2)(c)	Cyclist on left side of <i>roadway</i>	\$20.00	\$35.00
29(2)(d)	Cyclists riding abreast	\$20.00	\$35.00
29(2)(e)	Cyclist riding without using hands	\$20.00	\$35.00
29(2)(f)	Cyclist not astride seat	\$20.00	\$35.00
29(2)(g)	Cyclist with too many persons	\$20.00	\$35.00
29(2)(h)	Cyclist on <i>highway</i> where prohibited	\$20.00	\$35.00
29(2)(i)	Cyclist without safety helmet	\$20.00	\$35.00
29(3)	Child without safety helmet	\$20.00	\$35.00
29(4)	Cyclist off available bike path	\$20.00	\$35.00
29(5)	Cyclist attached to <i>vehicle</i>	\$20.00	\$35.00
29(6)	Cyclist - undue care on <i>highway</i>	\$20.00	\$35.00
29(7)	Cyclist without lights	\$20.00	\$35.00
29(8)	Play vehicle on roadway	\$20.00	\$35.00
29(9)	Skateboarding in downtown core	\$55.00	\$100.00
30(1)	Parked on left side of <i>roadway</i>	\$20.00	\$35.00
30(2)(a)	Left <i>vehicle</i> unsecured	\$20.00	\$35.00
30(2)(b)	Improper wheel position	\$20.00	\$35.00
30(3)	Parked obstructing free passage of <i>traffic</i>	\$20.00	\$35.00
30(4)	Improper <i>angle parking</i>	\$20.00	\$35.00
30(5)	No valid plates	\$20.00	\$35.00
31(1)	Parked on <i>sidewalk</i>	\$20.00	\$35.00
31(2)	Parked blocking <i>driveway</i>	\$20.00	\$35.00
31(3)	Parked in <i>intersection</i>	\$20.00	\$35.00
31(4)	Parked at fire hydrant	\$20.00	\$35.00
31(5)	Parked on a <i>crosswalk</i>	\$20.00	\$35.00
31(6)	Park within 15 metres of a <i>crosswalk</i>	\$20.00	\$35.00
31(7)	Park within 6 metres of a <i>traffic control device</i>	\$20.00	\$35.00
31(8)	Park within 15 metres of a railway track	\$20.00	\$35.00
31(9)(a)	Parked advertising for sale	\$20.00	\$35.00
31(9)(b)	Parked for repair or wrecking	\$20.00	\$35.00
31(9)(c)	Parked displaying signs	\$20.00	\$35.00
31(9)(d)	Parked selling goods	\$20.00	\$35.00
31(10)	Parked obstructing <i>traffic</i> at construction	\$20.00	\$35.00
31(11)	Double <i>parked</i>	\$20.00	\$35.00
31(12)	Parked on a bridge or in a tunnel	\$20.00	\$35.00
31(13)	Parked contrary to <i>traffic control device</i>	\$20.00	\$35.00
31(14)	Parked block view of <i>traffic control device</i>	\$20.00	\$35.00
31(15)	Excessive <i>vehicle</i> length – <i>angle parking</i>	\$20.00	\$35.00
31(16)	Parked at bus stop	\$20.00	\$35.00
31(17)	Park within 9 metres of an <i>intersection</i>	\$20.00	\$35.00
32	Parked beyond time limit	\$20.00	\$35.00

SECTION	DESCRIPTION	FINE	
		WITHIN 72 HOURS	AFTER 72 HOURS
33(1)	Parked too long in loading zone	\$20.00	\$35.00
33(2)	Parked too long in passenger zone	\$20.00	\$35.00
34	Parked in <i>disabled zone</i> without permit	\$20.00	\$35.00
36(3)	Disobey direction of a <i>peace officer</i>	\$50.00	\$75.00
37	Littering	\$50.00	\$75.00
38(1)	Abandon container or <i>vehicle</i>	\$75.00	\$100.00
39(1)	<i>Driver</i> fail to correctly state name	\$75.00	\$100.00
39(2)	Pedestrian fail to correctly state name	\$75.00	\$100.00
40(1)	Container without warning protection	\$75.00	\$100.00
40(2)	Place material on <i>roadway</i>	\$75.00	\$100.00
40(3)	Fail to remove material from <i>roadway</i>	\$75.00	\$100.00
40(4)	Interfere with warning protection	\$75.00	\$100.00
40(5)	Use <i>trailer</i> as living quarters	\$30.00	\$50.00
40(6)	Interfere in parade or funeral procession	\$30.00	\$50.00
40(7)	Drive over fire hose	\$200.00	\$250.00
41	Fail to remove accident debris	\$30.00	\$50.00
42(1)	Unauthorized signs on <i>highway</i>	\$30.00	\$50.00
43(3)	Fail to comply with Regulations		
	- No oversize permit	\$75.00	\$100.00
	- Contrary to oversize permit	\$75.00	\$100.00
	- Wheels and tires	\$75.00	\$100.00
	- Weighing of <i>vehicles</i>	\$75.00	\$100.00
	- No overload permit	\$75.00	\$100.00
	- Contrary to overload permit	\$75.00	\$100.00
	- Fail to secure load as required	\$75.00	\$100.00
	- Misuse of overload or oversize permit	\$75.00	\$100.00
	- No axles permit	\$75.00	\$100.00
	- Contrary to axles permit	\$75.00	\$100.00
	- Overweight on towing dolly	\$75.00	\$100.00
	- No pilot car as required	\$75.00	\$100.00
	- No flags or lamps as required	\$75.00	\$100.00
45	Fail to obtain <i>highway</i> use permit	\$75.00	\$100.00
46(1)	<i>Heavy Truck</i> off <i>truck route</i>	\$100.00	\$150.00
46(2)	<i>Heavy Truck</i> on no <i>Heavy Truck</i> route	\$100.00	\$150.00
47(1)	<i>Heavy Truck</i> parked in <i>residential district</i>	\$75.00	\$100.00
47(2)(a)	Commercial <i>trailer</i> parked with no motive power unit attached	\$75.00	\$100.00
47(2)(b)	Non-commercial <i>trailer</i> parked with no motive power unit attached	\$20.00	\$35.00
47(3)	Excessive <i>vehicle</i> length in a <i>lane</i>	\$20.00	\$35.00
47(4)	<i>Vehicle</i> over 5,000 kg after hours	\$35.00	\$50.00
47(5)	Commercial <i>truck</i> after hours on the <i>highway</i>	\$75.00	\$100.00
47(6)	Dangerous goods on <i>highway</i>	\$75.00	\$100.00
48(1)	<i>Heavy Truck</i> operating after hours	\$100.00	\$150.00
49	Drive contrary to order of <i>Superintendent of Public Works</i>	\$75.00	\$100.00
50(1)(a)	Exceed licensed gross <i>vehicle</i> weight		**
50(1)(b)	Exceed axle weight permitted		**
50(1)(c)(i)	Exceed load dimensions		**
50(1)(c)(ii)	Exceed <i>vehicle</i> dimensions		**
50(1)(d)	Non-conforming distance between axles		**
52	ATV not insured or equipped as required	\$30.00	\$50.00
53	Snowmobile on <i>highway</i> without permit	\$30.00	\$50.00
54	No lights on ATV when required	\$30.00	\$50.00
55(1)	Careless operation of ATV	\$30.00	\$50.00
55(2)	Operate ATV in planting area	\$30.00	\$50.00
55(3)	Operate ATV on sidewalk	\$30.00	\$50.00
55(4)	Operate ATV on railroad right-of-way	\$30.00	\$50.00
55(5)	ATV on private property without permission	\$30.00	\$50.00
55(6)	Operate ATV harassing wildlife	\$30.00	\$50.00
55(7)	Operate ATV in environmentally sensitive area	\$75.00	\$100.00
56	Operate ATV without helmet	\$30.00	\$50.00

NOTE: ** Refer to Section 51(2) for penalty

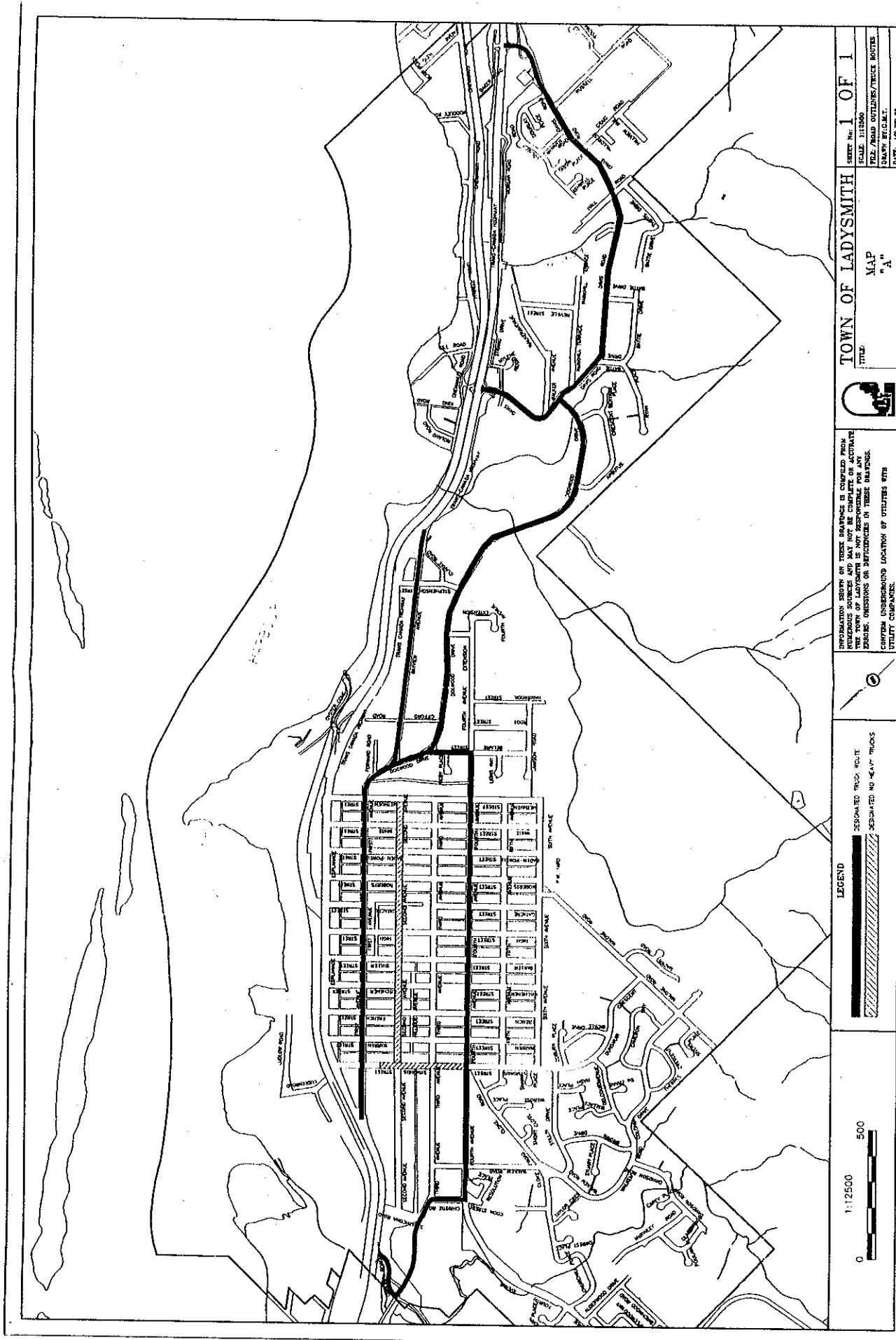
SCHEDULE "B"

IMPOUND FEE SCHEDULE

1. Fee for removal to an impound lot of a *vehicle* having a licensed gross *vehicle* weight
 - (1) not exceeding 5,000 kg is \$55.00
 - (2) exceeding 5,000 kg but not exceeding 16,000 kg is \$65.00
 - (3) exceeding 16,000 kg is \$95.00
2. Fees for storage of an impounded *vehicle* shall be calculated at a rate of
 - (1) \$2.00 per hour, or any part thereof, to a maximum of \$8.00 on the first day of storage; plus
 - (2) \$8.00 for the second and each subsequent calendar day or any part thereof.
3. Fee storage of unauthorized signs is \$10.00 per day.
4. Fee for detention and removal of a *play vehicle* is \$40.00
5. Fees for impoundment of a *play vehicle* is \$2.00 per day, including the first day of impoundment.

SCHEDULE "C"
DESIGNATED TRUCK ROUTE AND "NO HEAVY TRUCK"
ROUTE

1. Designated "*Truck Route*"
 - (1) Esplanade, Grouhel Road, Christie Road, Christie Road Extension, Fourth Avenue, 300 Block of Belaire, Dogwood Drive, Davis Road, Bayview Avenue, First Avenue as shown on Map "A" attached to this schedule.
2. Designated "*No Heavy Trucks*" Routes
 - (1) Symonds Street, westbound between the access to Lot A, Block 31, Oyster District Plan S1274 and 4th Avenue and 2nd Avenue as shown by the area outlined and cross hatched on the map "A" attached to this schedule.



SCHEDULE "D"

HIGHWAY USE PERMIT

Public Works Department
Municipal Hall
Ladysmith, B.C.

Permit No. _____

File No. _____

Name of Applicant _____

Address of Applicant _____

Pursuant to the provisions of Ladysmith Streets and Traffic Bylaw, permission is hereby granted to the above named applicant to:

insofar as such work or other matter relate to the use of municipal highways or any part thereof.

This *permit* shall be valid and subsisting from the _____ day of _____, 19____,
and shall expire on the _____ day of _____, 19____.

AND at all times during the currency thereof, shall be subject to cancellation without prior notice if the holder thereof shall neglect, fail or refuse to observe and to comply with all the requirements of "Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309" and this Permit, which is issued subject to the following conditions:

1. All necessary plans and specifications of any works to be installed on, over or under *highway* shall have been deposited with the *Superintendent of Public Works* and have been approved by him.
2. This *permit* shall be valid only for the specific works or other uses of a municipal *highway* stated herein. Any alterations and additions shall be covered by a separate *permit*.
3. The construction and maintenance of any works on, over or under a *highway* shall be carried out and completed to the satisfaction of the *Superintendent of Public Works*.
4. Any person appointed by the *Superintendent of Public Works* for that purpose shall have free access at all times to all parts of any works installed pursuant hereto for the purpose of inspecting same.
5. This *permit* shall be in force only during such time as any works installed pursuant hereto are used and maintained by the applicant to the entire satisfaction of the *Superintendent of Public Works*.
6. The *Municipality* shall not be responsible for grade changes to property accesses caused by the reconstruction of any municipal *highway*.
7. While reasonable care will be taken on the part of the *Municipality* to avoid damage to any private works while carrying out the construction or maintenance of any public work in any *highway*, the *Municipality* accepts no responsibility of any kind for such damage if the same should result from such public work.
8. Before opening up any *highway* or interfering with any public work, notice in writing of intention to do so shall be given to the *Superintendent of Public Works*, not less than seven (7) clear days before work is commenced.
9. The applicant shall hold and save harmless the *Municipality* from and against all claims, damages and costs of every kind arising out of or in any way connected with any works installed pursuant hereto and all other things authorized by this *permit*.

I, the Applicant of this Permit, agree to all terms and conditions herein before expressed, and am bound thereby and by all provisions of "Town of Ladysmith Streets and Traffic, Bylaw, 1998, No. 1309" as the same pertains to this Permit, and deposit herewith the required security, being _____ (\$ _____) Dollars in cash, (or irrevocable Letter of Credit), to guarantee the fulfillment by me of the terms and conditions set out herein within the time specified in this Permit.

(Signature of Applicant)

Permit No. _____ issued by the *Superintendent of Public Works* this _____ day of _____, _____.

Superintendent of Public Works

Application Fee (\$25.00) paid. Receipt No. _____

Security Deposit by way of cash

(or Letter of Credit) Receipt No. _____

SCHEDULE "E"

APPLICATION FOR SIDEWALK PATIO PERMIT

I, _____ of

(address)

(phone number)

hereby apply for a *sidewalk patio permit* adjacent to:

Business Premises Address: _____

Legal Description ("the lands"): _____

The lands are/are not located in a Development Permit Area named: _____

The registered owner of the said lands (if not the applicant)

is: _____

of: _____

(address)

(phone number)

My interest in the lands is (lease/rent): _____

My Business Licence Number: _____

My Liquor Licence Number: _____

I herewith pay my Sidewalk Permit Application \$25.00 non-refundable portion: _____

(check if received)

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a *sidewalk patio permit* issued under "Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309." I have included a copy of my current business licence and three (3) sets of plans prepared in accordance with the Sidewalk Patio Design Requirements and Details of Plans for *sidewalk patio* location. I also understand that upon approval, I will submit a payment of \$5.00 per m² for the approved patio area (Schedule "____") and provide proof of \$2 million third party liability insurance with The Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the *permit* (March 1st to October 31st).

Date: _____ Signature of Applicant: _____

SCHEDULE "F"

SIDEWALK PATIO PERMIT REGULATIONS

"Sidewalk Patio" refers to an outside eating and drinking area located on an adjacent *sidewalk* and used in conjunction with an adjoining eating and/or drinking business premise lawfully licenced for that purpose.

I. General Regulations

1. A valid *highway use permit* for a *sidewalk* patio (hereinafter called a "*sidewalk patio permit*"), must be obtained from the Town of Ladysmith Development Services Department prior to establishing an outside seating arrangement on a *sidewalk* (part of the "*highway*").
2. A *sidewalk patio permit* may only be issued for an eight month season, commencing March 1st through and including October 31st in any calendar year.
3. More than one *sidewalk patio permit* may be permitted adjacent to a development provided each *sidewalk patio* area is being operated from an adjacent business premise. The boundaries of a *sidewalk patio* area should not extend in width beyond the adjacent business premises to which it is a part.
4. An Applicant for a *sidewalk patio permit* must:
 - a) have a valid business licence for the adjacent business premise;
 - b) have a valid liquor licence, if appropriate;
 - c) provide proof of a valid \$2 million dollar third party public liability insurance policy with the Town of Ladysmith named as an insured party, such insurance is to be valid throughout the term of the *permit* and be non-cancellable without the Town of Ladysmith's consent; and
 - d) provide three sets of *sidewalk patio* plans which meet the following Sidewalk Patio Design Requirements and Details of Plans for Sidewalk Patio Location.
5. The *Manager* may terminate a *sidewalk patio permit* immediately if the permittee breaches any term or condition of the *permit* or with 90 days written notice for any reason.
6. The *Manager* or any of the *Municipality's* employees or contractors may enter the *sidewalk patio permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

SCHEDULE "F"

SIDEWALK PATIO PERMIT REGULATIONS

II. Sidewalk Patio Design Requirements:

The patio layout and design will be evaluated according to the following requirements:

A. Encourage a Pedestrian Environment in Commercial Areas:

1. All patio areas are encouraged to incorporate seasonal plantings to beautify the streetscape.
2. Patio operators must maintain any decorative planting associated with the patio.
3. A patio area containing other than tables and chairs flush to the face of a building must be defined with a perimeter enclosure which physically "defines" the patio area and associated activities and discourages encroachment of patrons and furniture into adjacent *pedestrian* circulation areas or other patio areas.
4. "Open," transparent or planter box type enclosures are encouraged. Solid patio enclosures higher than 0.9 metres are not permitted.
5. A solid planter perimeter may be used provided it has a dimension no less than 25 centimetres in thickness; it may be finished in a variety of materials including wood, tile, stone, brick or wrought iron and must be removable.
6. The design of patio and perimeter enclosures should fulfill the intent of any relevant Development Permit guidelines in the *Municipality's* Official Community Plan for the area in which the patio will be located.
7. The permanent fixture of any material or canopy support to the *sidewalk* is not permitted.
8. Any overhead awnings and canopies attached to adjacent buildings must have a minimum of 3 metres of clearance from the *sidewalk*, measured vertically, and may not be supported from the *sidewalk* or patio.
9. Appropriate disabled persons' access must be provided to all, or a portion, of the patio.
10. At least one *pedestrian* access to any outdoor seating arrangement which is enclosed must be provide from the adjacent *sidewalk*.
11. Patio seating shall not exceed the number of existing seats authorized within the parent business premises.

SCHEDULE "F"

SIDEWALK PATIO PERMIT REGULATIONS

B. Protect Public Safety:

12. Any proposed *sidewalk* patio location must be at the front, side or rear of the business with which it is associated.
13. A proposed patio area must not block or materially hinder access to emergency fire connections or access to adjacent buildings.
14. A minimum *sidewalk* width of 1.5 metres must be maintained.
15. A minimum 1.2 metres clearance must be maintained between a proposed patio (including enclosure) and any obstruction (e.g. power pole, sign pole, hydrant) to accommodate wheelchairs and *pedestrians*.
16. Any proposed corner locations will be reviewed for potential obstruction of sight lines of a *driver* operating a *vehicle* on an adjacent or nearby street or *lane*, which will not be permitted. In addition, a minimum of 2 metres of *sidewalk* width clear for unobstructed *pedestrian* circulation must be provided.
17. Any outside seating arrangement must be of a construction style which allows for immediate removal, if so required.
18. Any patio furniture and enclosure must be kept in a clean and safe condition.

C. Details of Plans for Sidewalk Patio Location

The *sidewalk* patio plans which accompany this application must:

1. Show in scale of not less than 1:75 (metric) the proposed size of the patio.
2. Show its location in respect of adjacent business access, windows, existing or proposed canopy or awning, curb line and *intersection*.
3. Show any pole, *stop* sign, hydrant, bench, garbage container, tree, *boulevard* or other obstruction within 5 metres from the perimeter of the patio.
4. Include a Site Plan in plan (top) view including the area adjacent to the curb and extended 5 metres to either side of the adjacent premises.
5. Include a Front Elevation drawing that must indicate the slope(s), if any, of the adjacent *sidewalk*.
6. Include a Side Elevation (end view) drawing showing the profile of the proposed patio with associated furniture against the face or side of the building.

SCHEDULE "G"
SIDEWALK PATIO PERMIT NO. _____
DURATION OF PERMIT: MARCH 1 TO OCTOBER 31

Pursuant to "Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309" permission is hereby granted to:

Name: _____

(address) (phone number)

for a *sidewalk patio permit* adjacent to:

Business Premise Address: _____

Legal Description: _____

in accordance with the attached Schedule "F" and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.
2. The Town of Ladysmith received the required fee in the amount of \$_____ for the approved *permit* area.
3. Construction details and furniture layout on the attached, approved plans must be completed and used, respectively.
4. No area other than the *permit* area may be used as a *sidewalk patio*.
5. The *permit* area may only be used for a *sidewalk patio* between March 1st and October 31st, including of this calendar year.
6. This *permit* automatically ceases if the permittee has his/her associated business licence or liquor licence suspended or revoked.
7. The permittee will remove all *sidewalk* encumbrances by the 1st of November.
8. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
9. The permittee will keep the required third party liability insurance valid during the term of this permit.
Insurance Company: _____ Policy No. _____
10. This *permit* may be altered or revoked by the *Manager*, if for public safety reasons the *Manager* deems it necessary to alter or revoke it.
11. The *Manager* or any of the *Municipality's* employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

(Manager)

SCHEDULE "H"
DESIGNATED PATIO AREA

SCHEDULE "I"
RETAIL DISPLAY PERMIT NO. _____

Pursuant to the "Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309" permission is hereby granted to:

Name: _____

(address)

(phone number)

for a retail display *permit* adjacent to:

Business Premise Address: _____

Legal Description: _____

in accordance with the attached Schedule "K" and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.
2. No area other than the *permit* area may be used as a retail display.
3. The *permit* area may only be used for retail sales.
4. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
5. The permittee will keep the required third party liability insurance valid during the term of this permit.
Insurance Company: _____ Policy No. _____
6. This *permit* may be altered or revoked by the *Manager*, if for public safety reasons the *Manager* deems it necessary to alter or revoke it.
7. The *Manager* or any of the *Municipality's* employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

(Manager)

SCHEDULE "J"

APPLICATION FOR RETAIL DISPLAY PERMIT

I, _____ of

(address)

(phone number)

hereby apply for a retail display *permit* adjacent to:

Business Premises Address: _____

Legal Description ("the lands"): _____

The lands are/are not located in a Development Permit Area named: _____

The registered owner of the said lands (if not the applicant)

is: _____

of: _____

(address)

(phone number)

My interest in the lands is (lease/rent): _____

My Business Licence Number: _____

I herewith pay my Retail Display Application \$25.00 non-refundable portion: _____

(check if received)

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a retail display *permit* issued under "Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309." I have included a copy of my current business licence and one (1) set of plans prepared in accordance with the Retail Display Requirements and Details. I will also provide proof of \$2 million third party liability insurance with the Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the *permit*.

Date: _____ Signature of Applicant: _____

SCHEDULE "K"

RETAIL DISPLAY PERMIT REGULATIONS

"Retail Display" refers to an outside display area located on an adjacent *sidewalk* and used in conjunction with an adjoining business premise lawfully licenced for that purpose.

1. A retail display permit is only valid for one year.
2. An applicant for a retail display *permit* must:
 - a) have a valid business licence for the adjacent business premise;
 - b) provide proof of a valid \$2 million dollar third party public liability insurance policy with the Town of Ladysmith named as an insured party, such insurance is to be valid throughout the term of the *permit* and be non-cancellable without the Town of Ladysmith's consent; and
 - c) provide one set of plans which shows the location of the display area.
3. Any proposed retail display location must be at the front, side or rear of the business with which it is associated.
4. A proposed retail display area must not block or materially hinder access to emergency fire connections or access to adjacent buildings.
5. A minimum *sidewalk* width of 1.5 metres must be maintained.
6. A minimum 1.2 metres clearance must be maintained between the proposed retail display area (including enclosure) and any obstruction (e.g. power pole, sign pole, hydrant) to accommodate wheelchairs and *pedestrians*.
7. Any proposed corner locations will be reviewed for potential obstruction of sight lines of a *driver* operating a *vehicle* on an adjacent or nearby street or *lane*, which will not be permitted. In addition, a minimum of 2 metres of *sidewalk* width clear for unobstructed *pedestrian* circulation must be provided.
8. Any structure must be of a construction style which allows for immediate removal, if so required.
9. Any structure used must be kept in a clean and safe condition.
10. The location and placement of the retail display must be approved by the *Manager*.