

**COMMITTEE OF THE WHOLE
AGENDA
6:30 P.M.**

Tuesday, March 9, 2021

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

1. CALL TO ORDER AND ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Residents are encouraged to "virtually" attend the meeting by registering here:
https://zoom.us/webinar/register/WN_Rxsie_Q3R2yIxDJjpgOtmA

Instructions on how to join the meeting will be sent immediately after you register.

View the livestream on YouTube:

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

2. AGENDA APPROVAL

Recommendation

That the agenda for this March 9, 2021 Committee of the Whole meeting be approved.

3. MINUTES

3.1. Minutes of the Committee of the Whole Meeting held January 12, 2021

4

Recommendation

That the minutes of the Committee of the Whole meeting held January 12, 2021 be approved.

4. REPORTS

4.1. 2021 Grant in Aid Requests

9

Recommendation

That the Committee:

1. Determine the amounts to allocate to various community groups based on their 2021 Grant in Aid requests; and
2. Recommend that Council approve the allocated amounts of 2021 Grant in Aid requests.

4.2. Yard Waste Pilot

16

Recommendation

That the Committee recommend that Council direct staff to:

1. Implement a yard waste pilot project, starting with two spring pickup dates targeted for the end of April and May 2021;
2. Bring a summary report of costs and participation levels after the first two spring pickups, in order that Council can provide direction on a fall pickup schedule; and
3. Include \$20,000 in the Solid Waste budget for 2021 with the funds to come from the Solid Waste Reserve.

4.3. Identified Properties for Parkland Dedication Consideration

19

Recommendation

That the Committee recommend that Council direct staff to:

1. Prepare a Park Dedication Bylaw which includes Town-owned properties identified in the staff report dated March 9, 2021; and
2. Identify portions of road right of way that are currently being used as park space and bring forward the necessary bylaws to:
 - a. close and remove the road dedication pursuant to section 40 of the *Community Charter*; and
 - b. dedicate the resulting legal parcels as park.

4.4. Two-Storey Coach Houses

24

Recommendation

That the Committee:

1. Consider whether it wishes to recommend amendments to the Zoning Bylaw related to two-storey coach houses; and, if so,
2. Recommend that Council direct staff to bring forward amendments to the Zoning Bylaw related to two-storey coach houses as identified by the Committee of the Whole.

4.5. Proposed Amendments to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309”

32

Recommendation

That the Committee recommend that Council direct staff to prepare amendments to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” as identified in the staff report dated March 9, 2021.

5. COUNCIL SUBMISSIONS

5.1. Request to Update the Ladysmith Heritage Strategic Plan

97

Councillor Stevens has requested that the Committee discuss the possibility of updating the Ladysmith Heritage Strategic Plan as requested by Quentin Goodbody of the Ladysmith and District Historical Society in his letter to Council dated February 2, 2021.

6. NEW BUSINESS

7. ADJOURNMENT



**MINUTES OF A MEETING OF THE
COMMITTEE OF THE WHOLE**

**Tuesday, January 12, 2021
6:30 P.M.**

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

Council Members Present:

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

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba

Geoff Goodall
Donna Smith
Chris Geiger
Sue Bouma

1. AGENDA APPROVAL

CW 2021-001

That the agenda for this January 12, 2021 Committee of the Whole meeting be approved as amended to include the following:

- Item 7.1., "Request to Delay Removal of Holiday Street Level Lights"

Motion Carried

2. MINUTES

2.1 Minutes of the Committee of the Whole Meeting held November 10, 2020

CW 2021-002

That the minutes of the Committee of the Whole meeting held November 10, 2020 be approved.

Motion Carried

3. REPORTS

3.1 Building Inspector's Reports for October to December 2020

CW 2021-003

That the Committee receive the Building Inspector's Report for the months October to December 2020.

Motion Carried

3.2 Ladysmith Fire/Rescue Reports for November to December 2020

CW 2021-004

That the Committee receive the Ladysmith Fire/Rescue Reports for the months November to December 2020.

Motion Carried

3.3 Coastal Animal Control Services Reports for August to October 2020

CW 2021-005

That the Committee receive the Coastal Animal Control Services Reports for the months August to October 2020.

Motion Carried

3.4 Bylaw Compliance Statistics for July to December 2020

CW 2021-006

That the Committee receive the Bylaw compliance statistics for the period of July to December, 2020.

Motion Carried

3.5 RCMP Reports for Quarter 4, 2020

CW 2021-007

That the Committee receive the RCMP Reports for the fourth quarter of 2020.

Motion Carried

3.6 Costs Associated with the Provision of Lifeguarding at Transfer Beach

CW 2021-008

That the Committee receive for information the report dated January 12, 2021 regarding costs and considerations associated to the provision of lifeguarding services at Transfer Beach.

Motion Carried

3.7 Proposed Amendments to Town of Ladysmith Bylaw Enforcement Policy

CW 2021-009

That the Committee recommend that Council amend “Town of Ladysmith Bylaw Enforcement Policy 09-4020-B” to include housekeeping amendments and wording stating that bylaw enforcement will be on a complaint-driven basis unless there is a safety, hazard or liability issue to the Town.

Motion Carried

3.8 Proposed Amendments to Corporate Flag Protocol Policy No. 01-0340-A

CW 2021-010

That the Committee recommend that Council amend the Corporate Flag Protocol Policy No. 01-0340-A as follows:

1. Remove the requirement that a Council member or former Council member must have served at least 10 years prior to the flag being flown at half-mast;
2. Replace Infrastructure Services with Parks, Recreation & Culture as the department responsible for maintenance of the flags flown at all Town-owned sites;
3. Add new wording that recognizes that Ladysmith Fire/Rescue may lower their flag to half-mast for any ‘Line of Duty Deaths’ of an emergency responder; and
4. Add new wording to state that the following guest flags shall be flown annually at City Hall:
 - Pride Flag – June 1-30
 - Metis Flag (Louis Riel Day) – November 16

Motion Carried

CW 2021-011

That the Committee request staff to investigate options to incorporate permanent flag placement of the Stz'uminus First Nation flag at all Town-owned facilities for consideration at a future Committee of the Whole meeting.

Motion Carried

3.9 Park Bench Donation Guidelines Policy

CW 2021-012

That the Committee recommend that Council amend the existing Town of Ladysmith Park Bench Donation Guidelines Policy 12-5810-A as follows:

1. Update the guidelines to include Town benches, trees and other amenities;
2. All costs associated with installation of the bench, tree or amenity being borne by the donor;
3. Maintain in perpetuity formerly dedicated benches ; and
4. Any new dedications will be maintained for the reasonable life span of the bench, tree or amenity with regular maintenance costs being borne by the Town.

Motion Carried

3.10 2020-2023 Strategic Priorities Update

CW 2021-013

That the Committee receive for information the strategic priorities update entitled "2020-2023 Strategic Plan" dated January 12, 2021.

Motion Carried

4. COUNCIL SUBMISSIONS

4.1 Alternate Water Billing Structure(s) Discussion

CW 2021-014

That the Committee direct staff to investigate potential alternate water billing structure options for consideration at a future Committee of the Whole meeting.

Motion Carried

4.2 School District No. 68 Facilities Plan Status

CW 2021-015

That the Committee recommend that Council direct staff to set up an electronic meeting between Council and the Board of School District No. 68, including senior staff, to discuss the Long Range Facilities Plan and other items of mutual interest prior to the end of March 2021.

Motion Carried

5. NEW BUSINESS

5.1 Request to Delay Removal of Holiday Street Level Lights

The Committee discussed the importance of decorative lighting in the downtown core during the pandemic. Staff advised that the Edison light bulb light strings purchased in 2020 will be reinstalled once the Festival of Lights lighting has been removed.

6. ADJOURNMENT

CW 2021-016

That this meeting of the Committee of the Whole be adjourned at 8:03 p.m.

Motion Carried

Chair (Councillor T. McKay)

Corporate Officer (D. Smith)

STAFF REPORT TO THE COMMITTEE OF THE WHOLE

Report Prepared By: Erin Anderson, Director of Financial Services
Meeting Date: March 9, 2021
File No: 1850-01-2021
RE: 2021 GRANTS IN AID REQUESTS

RECOMMENDATION:

That the Committee:

1. Determine the amounts to allocate to various community groups based on their 2021 Grant in Aid requests; and
2. Recommend that Council approve the allocated amounts.

EXECUTIVE SUMMARY:

The Town provides Grant in Aid funding to various community groups based on their eligibility and policy. The 2021 Financial Plan includes \$55,200 for applications received and an additional \$7,350 for late applications and waiving of fees, for a total budget of \$62,550. The total request received for 2021 amounts to \$60,260.

PREVIOUS COUNCIL DIRECTION:

CS 2020-364	12/15/2020	That Council allow recipients of 2020 Grants in Aid to roll unused funds into the 2021 year, with no additional Grant in Aid requests for 2021.
CS 2019-170	05/06/2019	That Council approve the amended Grant-in-Aid policy as presented.

INTRODUCTION/BACKGROUND:

Each year Council, on behalf of residents of the Town of Ladysmith, provides grants for social, cultural, recreational, special events services. The purpose of the Grant in Aid program is to assist citizens, financially, to organize themselves around community issues and projects (see Appendix B – Grant in Aid Policy).

In 2020, some organizations withdrew their Grant in Aid request due to COVID-19 restrictions; others received their Grant in Aid funding and later cancelled their event. Council provided approval for organizations to roll unused grant funds from 2020 forward to 2021 with no additional grant funding. Three organizations opted to roll their funds forward: Arts Council of Ladysmith & District, Ladysmith Ambassadors Program, and Ladysmith Fire Rescue - Santa Parade. The “roll forward” amounts are not included in the total amount requested as they were expensed in 2020.

One of the requirements to continue to receive Grant in Aid funding is to submit a short report



detailing how the organization used the funds received. All of these reports received for 2020 can be found on the Town’s website at: <http://www.ladysmith.ca/city-hall/funding-grants>

The deadline to receive the Grant in Aid requests is December 31. The total amount of GIA requests is \$60,260. Should the Committee approve all of the “asks”, at this time, only \$2,290 waiving of fees and late requests.

The Town received the following applications by the deadline:

ORGANIZATION	Request (\$)
Ladysmith Community Gardens Society	2,660
Old English Car Club Central Island Branch	600
Ladysmith Downtown Business Association	5,000
Ladysmith Family and Friends Society	2,500
Ladysmith Celebrations Society	10,000
Ladysmith & District Historical Society	7,500
Ladysmith and District Marine Rescue Society	2,500
Cowichan Family Caregivers Support Society	1,000
Ladysmith Festival Of Lights	15,000
Ladysmith Show and Shine	2,000
Ladysmith Maritime Society	1,500
Ladysmith Little Theatre	5,000
Cowichan Trail Stewardship Society - Ladysmith Chapter	2,000
Ladysmith Secondary School Parent Advisory Council	1,500
LSS - Frank Jameson Bursary	1,500

ALTERNATIVES:

The Committee could recommend that Council:

1. Choose to approve the amounts requested, modify the amount requested or deny the amount requested.
2. Amend the Grants in Aid Policy to:
 - Restrict the number of years an organization may receive funding;
 - Provide funding only to Town events (i.e. not to support the ongoing operations of the organization);
 - Restrict the organizations to solely reside within the Town of Ladysmith;
 - Make organizations choose between a Grant-in-Aid or a Permissive Tax Exemption (See Appendix A).

FINANCIAL IMPLICATIONS:

For 2020, the original GIA budget was set at \$64,129, which included \$3,000 for a grant writing workshop. The budget was reduced after some organizations withdrew their requests and the funds were then reallocated to the downtown patio table initiative. By yearend, the Grant in

Aid budget was \$49,129 (including the grant writing workshop) with \$41,450 provided in Grant in Aid funding and approximately \$110 provided in waiving of fees:

	2018	2019	2020	2021
GIA budget	58,752	59,930	46,450	62,550
GIA provided	55,350	53,050	41,450	TBD
Waived fees	2,617	4,126	106	TBD
Total GIA	57,967	57,176	41,556	-

The 2021 proposed GIA budget is:

GIA applications received by cutoff date	\$ 55,200
Waiving Fees	2,500
Late Applications	<u>4,850</u>
	\$ 62,550

There is an additional \$129,678 allocated to Service Agreements with the Ladysmith Resources Centre Association (\$43,840), Ladysmith and District Historical Society (\$28,538), Ladysmith Chamber of Commerce & Visitor Centre (\$60,400, including the Economic Development and Tourism pilot program).

Grant in Aid monies come directly from property taxation funds; any increase/decrease in funding is an increase/decrease in taxation.

LEGAL IMPLICATIONS:

Authority to provide Grants in Aid is derived from the *Local Government Act* s.176 (c).

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Many community groups rely on this funding. Any changes to the funding could impact the services those organizations deliver.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

With direction from Council, the Finance Department leads the GIA process.

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:

- Infrastructure Economy
 Community Not Applicable
 Waterfront

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

Appendix A - Grant in Aid Policy

Appendix B – Listing of 2021 Requests and 2020 Approvals



TOWN OF LADYSMITH
POLICIES AND PROCEDURE MANUAL

TOPIC: Grants-in-Aid

APPROVED BY:

Council

DATE: May 6, 2019

RESOLUTION #: CS 2019-170

Previous Version: 2013-266, 2016-371

Purpose:

To establish a policy for Council of the Town of Ladysmith that is designed to assist organizations with projects or special activities, or to allow them to take advantage of development opportunities and events.

Policy:

In granting financial assistance to an organization for a discretionary Grant-in-Aid, the Council of the Town of Ladysmith will take into account the following objectives:

1. The primary purpose of a grant in aid is to provide financial assistance to an organization for a specific project or event or service that benefits the residents of the Town of Ladysmith. The organization should be registered as, or belong to a parent Society under the laws of British Columbia and/or Canada.
2. Preference will be given to organizations that are locally based and whose efforts are community based in nature.
3. The Council of the Town of Ladysmith will not grant monies for a 'for profit' organization.

Procedure:

1. An organization applying for a grant in aid must provide the following information in order to have its application considered by Council:
 - Name of the organization
 - Name of the individual making the application
 - Description of the project or event for which funding is requested
 - Indicate whether or not the project or event or service is already provided in the community
 - Identify the beneficiaries of the project or event or service
 - Indicate the total cost of the project or event or service
 - Indicate other sources of funding for the project or event or service
 - Indicate whether the application to other local governments has been made
 - Indicate the volunteer labor and in-kind donations to be contributed towards the project or event or service by the members of the organization
 - Specify the amount of financial assistance required; and
 - Provide the organization's current annual budget and previous year's financial statements as presented at the last Annual General Meeting.
2. All Grant in Aid applications must be submitted, in writing, to the Finance Department by December 31st in order to be considered by the Council of the Town of Ladysmith for funding in the following year.
3. Grant in Aid applications received after December 31st may not be considered for funding in the following year. Further, the organization applying for the Grant in Aid must re-submit their

TOPIC: Grants-in-Aid

APPROVED BY:

Council

DATE: May 6, 2019

RESOLUTION #: CS 2019-170

Previous Version: 2013-266, 2016-371

application should they still be requesting financial assistance for the subsequent year.

4. Organizations submitting an application for a Grant in Aid must complete the prescribed application.
5. Council will considered only one (1) application per Organization per year.
6. Applications for funding will be considered at an open Council Meeting prior to the adoption of the Financial Plan. All decisions are final following ratification at the next Regular Meeting of Council.
7. An organization must, using the form provided, report back to Council by December 31st of the same year funding was received regarding how the monies were spent, including a budget sheet and pictures, if available.

Conditions of Funding:

1. If applicable, the applicant must acknowledge the support of the Town of Ladysmith in all print and publicity material related to the project including banners and signs on site during the event.
2. Funds must be used for the purpose for which they were requested.
3. In the event that the project is not completed, the Town of Ladysmith reserves the right to request the return of the grant.
4. An organization must prepare, using the form provided, a report regarding how the monies were spent, including a budget sheet and pictures, if available. If a report is not received by the Town on or before December 31st, the organization shall be notified that they may be ineligible for further grant funding for a period of 3 years from the year the grant was received.

Applications may be mailed to the following address:

**Town of Ladysmith
PO Box 220
Ladysmith, BC V9G 1A2**

Or picked up at City Hall at:

**410 Esplanade
Ladysmith, BC**

05 – 1850 - A

Appendix B - Listing of 2021 Request compared to 2020 Approved

	2021 Requested	Approved 2020	Difference
New Application			
Ladysmith Secondary School Parent Advisory Council	1,500	-	1,500
New Application Total	1,500	-	1,500
Reinstate			
Ladysmith and District Marine Rescue Society	2,500	2,500	-
Ladysmith Celebrations Society	10,000	8,000	2,000
Ladysmith Show and Shine	2,000	1,500	500
Old English Car Club Central Island Branch	600	600	-
Reinstate Total	15,100	12,600	2,500
Roll forward			
Art Council of Ladysmith and District	-	1,000	-
Ladysmith Ambassador Program	-	1,500	-
Ladysmith Fire Rescue - Santa Parade	-	1,200	-
Roll forward Total	-	3,700	-
Continuing			
Cowichan Family Caregivers Support Society	1,000	750	250
Cowichan Trail Stewardship Society	2,000	1,000	1,000
Ladysmith & District Historical Society	7,500	7,500	-
Ladysmith Community Gardens Society	2,660	1,000	1,660
Ladysmith Downtown Business Association	5,000	1,500	3,500
Ladysmith Family and Friends Society	2,500	2,500	-
Ladysmith Festival Of Lights	15,000	10,000	5,000
Ladysmith Little Theatre	5,000	2,000	3,000
Ladysmith Maritime Society	1,500	1,500	-
LSS - Frank Jameson Bursary	1,500	1,500	-
Continuing Total	43,660	29,250	14,410
Approved after deadline			
Ladysmith Downtown Business Association		3,000	
Ladysmith Family and Friends Society		1,500	
Approved after deadline Total		4,500	
Did not apply			
Stz'uminus First Nation		2,500 -	2,500
St Philips Church - Open Table		500 -	500
Ladysmith Golf Course Society		3,500 -	3,500
Did not apply Total		6,500 -	6,500
Discretion			
Waiving Fees	4,000	4,000	-
Late Applications/Council discretion	6,500		6,500
Discretion Total	10,500	4,000	6,500
Grand Total	70,760	60,550	18,410

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Infrastructure Services
Meeting Date: March 9, 2021
File No:
Re: Yard Waste Pilot

RECOMMENDATION:

That the Committee recommend that Council direct staff to:

- 1. Implement a yard waste pilot project, starting with two spring pickup dates targeted for the end of April and May 2021;
2. Bring a summary report of costs and participation levels after the first two spring pickups, in order that Council can provide direction on a fall pickup schedule; and
3. Include \$20,000 in the Solid Waste budget for 2021 with the funds to come from the Solid Waste Reserve.

EXECUTIVE SUMMARY:

Council has inquired with staff about the implementation of a door-to-door yard waste collection program. Staff looked at a similar system that was implemented in Duncan, which is provided by the contractor that the Town uses for its garbage/recycling collection (Waste Connections). Staff are recommending that the Town proceed with running a pilot project with two pickups in the spring and a further two pickups in the fall, pending an evaluation of the program.

INTRODUCTION/BACKGROUND:

In response to Council's inquiries regarding the potential of a door-to-door yard waste pickup program, staff investigated and found that Duncan provides a similar program. Duncan provides a door-to-door yard waste program that also includes the collection of glass. The Duncan program is delivered once per month for 10 months each year; there is no collection in January and February. The yard waste portion of the program is based on the following criteria:

Yard Waste (Duncan Example)

Yard waste is collected on the first collection day of each month from March to December. The following can be placed at the curb for yard waste collection:

Table with 2 columns: Item Name, Description. Rows include Yard Waste (Up to 10 compost bags or reusable bins of yard waste no larger than 77L and weighing no more than 50lbs/22kg) and Sticks (Up to 2 bundles of sticks no longer than 3 feet and no larger than 2 inches in diameter. Bundles of sticks must be tied with cotton string and not exceed 50lbs/22kg in weight).



Staff proposed that the Ladysmith pilot be based on the above criteria.

ALTERNATIVES:

The Committee can recommend that Council:

1. Not move forward with the pilot this year.
2. Deliver the program either more or less frequently.
3. Increase the scope of the program to include glass collection as done in Duncan.

FINANCIAL IMPLICATIONS:

It is difficult to confirm the actual costs of the program as participation levels are unknown. Staff feel the best approach is to allocate up to \$20,000 for the program, run two spring pickups in March and April 2021, and then review participation levels and costs. This information will then be brought back to Council for direction on whether to proceed with a fall program.

Staff have spoken with the contractor and obtained costs for this approach as follows:

- \$150 hourly rate for pick up.
- \$70/MT for disposal.

Based on these rates, if each pickup takes two days and generates 20MT of material, the cost would be \$3,800. Considering two pickups in the spring and two pickups in the fall, this gives a cost of \$15,200. Due to the huge variability in potential participation, having the program split into spring and fall provides an opportunity to reassess costs and allocate additional funding if required.

In addition to the actual cost to deliver the service, money will be required to advertise and communicate the program to the community. Staff feels that up to \$2,000 will be required for this purpose.

It is expected that this pilot program can be run without any additional costs to the recipients in 2021. The funding for the pilot will come from the 2020 savings due to the cancellation of the Spring Cleanup. If the pilot program is successful, staff will bring forward the total costs for the additional service during the 2022-2026 Financial Plan discussions.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A communications strategy will need to be developed for this program, which is anticipated to be delivered in-house. Monies will be required to advertise the program to the community.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The program will utilize the Town’s solid waste contractor, Waste Connections. The Manager of Operations will be the Town’s program coordinator.

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

REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Chris Barfoot, Director Parks, Recreation and Culture
Meeting Date: March 9, 2021
File No:
Re: Identified Properties for Parkland Dedication Consideration

RECOMMENDATION:

That the Committee recommend that Council direct staff to:

1. Prepare a Park Dedication Bylaw which includes Town-owned properties identified in the staff report dated March 9, 2021; and
2. Identify portions of road right of way that are currently being used as park space and bring forward the necessary bylaws to:
 - a. close and remove the road dedication pursuant to section 40 of the *Community Charter*; and
 - b. dedicate the resulting legal parcels as park.

EXECUTIVE SUMMARY:

The purpose of this report is to identify a list of properties that could be considered for parkland dedication. Staff have compiled a list of 14 Town-owned properties that currently function as parkland but do not have formal parkland dedication. These parcels have been zoned for park or are identified as park through gateway signage or the Town’s inventory of parks. Staff have also identified unused road right of ways that are currently used as parkland that may be suitable for park dedication.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CW 2020-043	09/08/2020	That the Committee direct staff to prepare a report for a future Committee of the Whole meeting with a list of properties that could be considered for parkland dedication.

DISCUSSION:

At the September 8, 2020 Committee of the Whole meeting, the Committee requested information about properties that could be considered for parkland dedication. There are currently 14 Town-owned properties that currently function as parkland but have not been formally dedicated as parkland.

Criteria used to identify parcels

Staff used GIS and Land Titles records to identify Town-owned parcels with zoning or other characteristics that warrant parks dedication. Fourteen identified parcels in total met these criteria and are listed below and in Attachment A. These parcels are:



- Bob Stuart Park
- Root Street Park
- Transfer Beach Amphitheatre including Dirt Parking Lot
- Gourlay Janes Park
- Rotary Memorial Peace Gardens (6)
- Harbourview Park
- Recent Bike Park next to Brown Drive Park
- Parcel within the Holland Creek Park area
- Lot 108 (Forrest Field)

Town-owned property used for other purposes, such as institutional parcels or parcels with Town infrastructure have been excluded from the list.

Any Town-owned property can be used for parks and recreation purposes. However, parkland dedication is a legally binding designation that restricts the use and disposal of parkland. Parkland dedication is mandatory in certain circumstances (e.g. parkland dedication required for subdivision). In some cases, it's possible that lands currently being used as park but not formally dedicated necessitate or require dedication, as the circumstances by which the land was acquired (e.g. subdivision, rezoning, contracts etc.) are binding in nature and prevent non-park use of the property or disposal of the land.

Formally dedicating these properties is a critical step to protect these properties as parkland and would prevent it from being used for another purpose. It is a legally binding commitment to protect the land as parkland. This is an important step as it will formalize a process that may have been missed and could prevent property that the community has used as parkland from not being parkland in the future.

Dedicated Road

Staff also note that there are “parks” in Ladysmith which are actually dedicated road. It is not possible to dedicate these sites as park in the same way as the 14 properties noted above, because they are already “dedicated” as road. Identifying these sites and determining their suitability for park is also much more complex. Existing and future infrastructure needs must be considered and these sites are harder to identify as functional parkland in GIS systems and legal plans. Once the sites are identified, bylaws must be enacted and surveying and Land Titles registrations must be undertaken to formally close the road, remove the road dedication and create legal parcels which can then be dedicated as park through a separate bylaw. For these reasons, staff are recommending that this process be done separately from dedicating the 14 parcels noted above.

LEGAL IMPLICATIONS:

Local governments have the authority to acquire and dispose of real property. However, due to the significance of parks to community values, there are two limitations on local governments' ability to dispose of parkland:

- *Disposal of parkland dedicated on subdivision:* Elector approval is required for disposal of these parklands.
- *Removing parkland dedicated by bylaw:* Elector approval is required to remove the dedication. Once a dedication is removed, the local government can dispose of the property under regular land disposal rules.

FINANCIAL IMPLICATIONS:

Properties dedicated as parkland are difficult to dispose of and will have a reduced asset value as parkland. All proceeds from sale must be placed in a parkland acquisition reserve fund.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The existence of these public lands, whether developed as a park or not, is likely to be seen by nearby residents as a valued amenity, and likely adds to the market value of nearby properties. The "park" status of these properties on the plan of subdivision may be seen as a commitment to preservation or park development by the local government.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Parks, Recreation and Culture staff have consulted with Finance, Development Services and Infrastructure Services about the information contained in this report.

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):

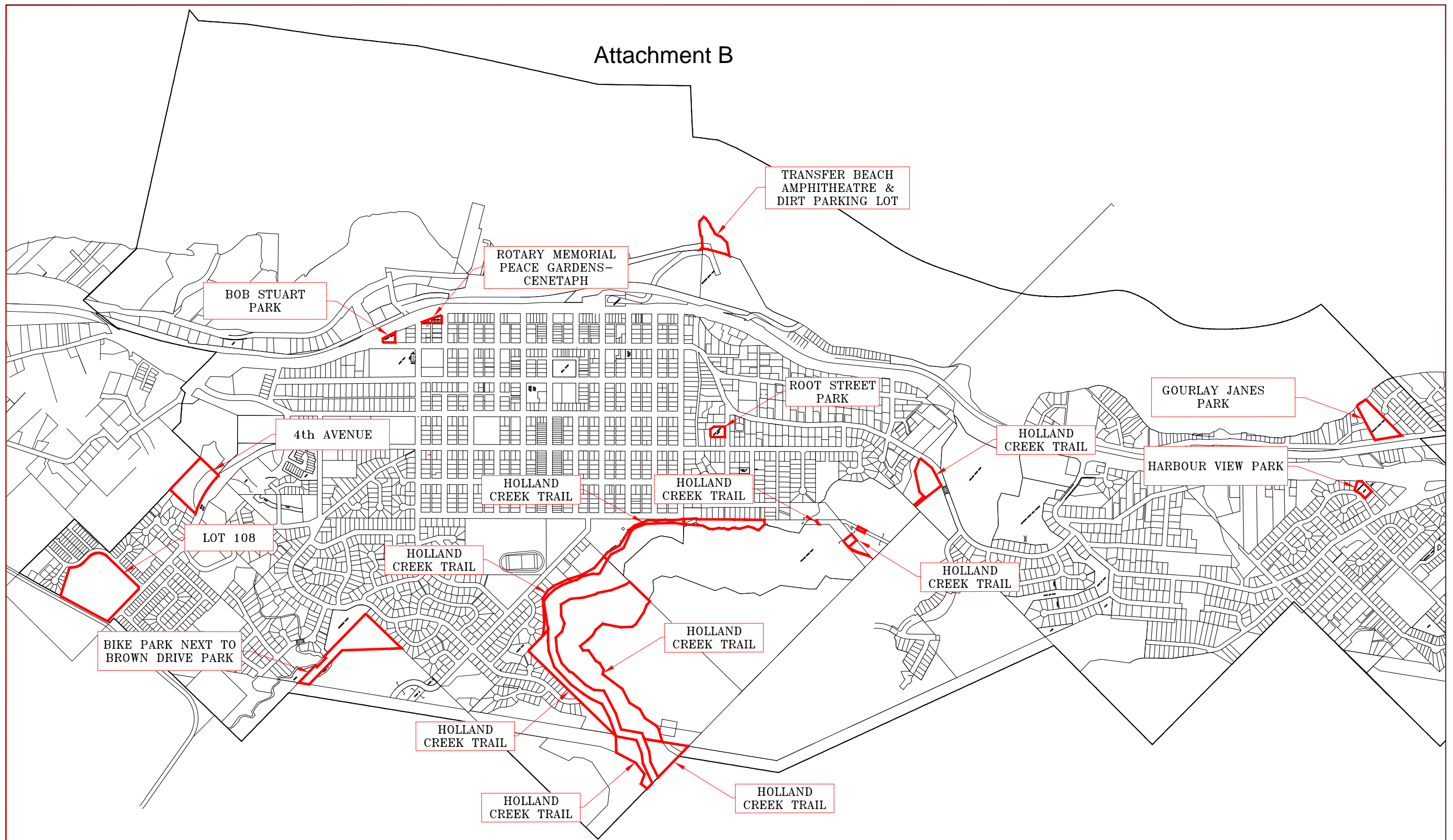
- Attachment A – Compiled List of Identified List of Properties for Parkland Dedication
- Attachment B – Town of Ladysmith Map identifying Properties for Parkland Dedication Consideration

Attachment A

Identified Parcels for Parkland Dedication Consideration

PID	Description	Zoning	Identifier
1 001-512-765	Bob Stuart Park	P-2	Parks and Recreation
2 005-156-513	Root Street Park	P-2	Parks and Recreation
3 006-099-050	Transfer Beach Amphitheatre and Dirt Parking Lot	P-2	Parks and Recreation
4 006-722-857	Gourlay Janes Park	P-3	Nature Park
5 008-549-419	Rotary Memorial Peace Gardens - Cenetaph	P-2	Parks and Recreation
6 008-552-452	Rotary Memorial Peace Gardens - Cenetaph	P-2	Parks and Recreation
7 008-552-461	Rotary Memorial Peace Gardens - Cenetaph	P-2	Parks and Recreation
8 008-552-487	Rotary Memorial Peace Gardens - Cenetaph	P-2	Parks and Recreation
9 008-552-517	Rotary Memorial Peace Gardens - Cenetaph	P-2	Parks and Recreation
10 008-552-576	Rotary Memorial Peace Gardens - Cenetaph	P-2	Parks and Recreation
11 023-867-337	Harbour View Park	P-2	Parks and Recreation
12 025-218-301	Recent Bike Park next to Brown Drive Park	P-2	Parks and Recreation
13 025-708-651	Holland Creek Trail	P-3	Nature Park
14 028-311-884	LOT 108	P-2	Parks and Recreation

Attachment B



STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
Meeting Date: March 9, 2021
File No: 3360-17- 06
Re: **Two-Storey Coach Houses**

RECOMMENDATION:

That the Committee:

1. Consider whether it wishes to recommend amendments to the Zoning Bylaw related to two-storey coach houses; and, if so,
2. Recommend that Council direct staff to bring forward amendments to the Zoning Bylaw related to two-storey coach houses as identified by the Committee of the Whole.

EXECUTIVE SUMMARY:

This report seeks direction from the Committee related to regulatory options for two-storey coach houses.

PREVIOUS COUNCIL DIRECTION:

Please see Attachment A.

INTRODUCTION/BACKGROUND:

Coach houses (aka carriage houses, casitas or laneway homes) are small, detached, self-contained homes on a parcel with a (usually larger) single-family dwelling. Coach houses can be one or more storeys in height and often consist of second storey living space above a garage.

Coach houses are generally considered to be part of the affordable housing “mix”; supporting key housing objectives such as rental housing for singles or small families, “mortgage helpers”, aging in place (e.g. “granny suite”), or supporting family members with disabilities. Conversely, coach houses may not support these goals if they are used as guest or “pool” houses or rented as vacation rentals. Since coach houses simply add small detached dwellings to existing suburban neighbourhoods, they are a relatively low impact way to increase suburban density while preserving existing neighbourhood character. Concerns about coach houses occasionally include noise, traffic, form and character, parking and privacy. Subsequently, land use regulations for coach house are usually carefully designed to minimize these impacts.

The Town undertook such a process in 2011 (see resolution CS 2011-270) and when the current Zoning Bylaw was adopted in August 2014, it included regulations allowing coach houses in certain residential zones. Council also adopted accompanying development permit guidelines for form and character, and environmental performance of coach houses. Currently, coach houses are allowed in the following zones:

- Rural Residential (RU-1)
- Old Town Residential (R-2),
- Bayview Residential (R-2-A)
- Live/Work Residential (R-2-LW)

Section 6.5 of the Zoning Bylaw also includes regulations applicable to coach houses in all zones. Both one and two-storey coach houses are currently allowed in Ladysmith.

From 2017 to 2019, the Town investigated expanding zones where coach houses are permitted. In September 2018, while considering a development permit for a two-storey coach house, Council referred “the matter of two-storey coach houses” to the “incoming Council” (see resolution CS 2018-340)¹. Later, during budget deliberations in January 2019, Council elected not to proceed with further consultation on coach houses (see resolution CS 2019-038). At this time, Council’s direction on both two-storey coach houses and expanding areas where coach houses are allowed appears undecided. However, “two-storey coach houses” is still listed in the Development Services work plan.

To date, the Town has issued 18 Development Permits and 14 Building Permits for coach houses, of which 13 have received occupancy. The majority of approved coach houses have been two-storeys. Table 1 provides a breakdown of coach house developments:

Table 1: Coach House Permits 2014 to Present

	Development Permits	Building Permits	Occupancy Permits
Two-storey Coach Houses	14	11	10
One-storey Coach Houses	4	3	3

OPTIONS:

The Town essentially has five regulatory options for two-storey coach houses. Table 2 outlines each option.

Table 2: Options for Regulating Two-storey Coach Houses

Option	Description
1. Maintain the status quo	The existing coach house regulations allow two-storey coach houses

¹ The coach house was never built and the development permit has now expired.

	and there are already a number of development permit guidelines related to scale, siting, window placement, views, shadow etc. that can mitigate impacts of two-storey coach houses. Council has the power to refuse a development permit when the application does not comply with development permit guidelines (see examples in table 3). When this happens, the applicant may reapply with a modified proposal that meets the guidelines and the application cannot be unreasonably refused.
2. Create more regulations for two-storey coach houses	<p>These can be regulations dealing with setbacks, the location of features such as windows and balconies, footprint, location of the coach house in relation to on-site and neighboring dwellings etc. depending on the nature and intent of a given regulation, it would be added to zoning regulations or development permit guidelines.</p> <p>One particular example that may be of interest to the Committee is enacting a development permit guideline under s. 490(1)(a) of the <i>Local Government Act</i> allowing the Town to “supplement” the zoning height regulations for coach houses. Such a guideline could allow Council to require proposed coach houses to be lowered to one storey on a case-by-case basis based factors outlined in the development permit guidelines.</p>
3. Change regulations to incentivize one-storey coach houses	For example, the Town could require development permits only for two-storey coach houses, Two-storey coach houses would be subject to greater design scrutiny through the development review process whereas one-storey coach houses would only require a building permit. Regulation changes for setbacks, siting, parcel coverage, footprint, etc. could also be made more permissive for one-storey coach houses, making this variant more appealing for property owners.
4. A combination of option 2 and 3	Self-explanatory
5. Prohibit two-storey coach houses	Self-explanatory

Additionally, the Town could evaluate options 1-5 after the new OCP is adopted. Although it is not likely to extensively explore coach house policies, the OCP process will examine overarching topics such as housing needs, densification, neighbourhood form and character and development permit guidelines. It is likely that once the OCP is adopted, evaluating the five options noted above can be done with the benefit of a more robust policy framework. This is discussed in greater detail under ‘Analysis’.

ANALYSIS:

A pros and cons analysis of each policy option are summarized in Table 3 below.

Table 3: Pros and Cons of Options for Regulating Two-storey Coach Houses

Option	Pros	Cons
1. Maintain the	<ul style="list-style-type: none"> No resources required to develop 	<ul style="list-style-type: none"> Existing guidelines may not

<p>status quo</p>	<p>new regulations.</p> <ul style="list-style-type: none"> • Existing DP guidelines exist that can be used to mitigate the impacts of two-storey coach houses e.g. Council could use existing DP guidelines to do any of the following for a proposed coach house: <ul style="list-style-type: none"> ○ Require balconies, windows or similar features to face away from a neighboring house or be reduced in size or screened/frosted. ○ Require the coach house to be relocated to avoid obstructing views or creating shadows. ○ Reduce the scale of the coach house to be more proportional to with neighboring properties. • Two-storey coach houses offer a more favorable solution for some sites (e.g. sloped properties and smaller lots) 	<p>address some concerns.</p> <ul style="list-style-type: none"> • Fewer incentives for one-storey coach houses. • DP's are not discretionary approvals and cannot be arbitrarily refused e.g. a two storey carriage house cannot be refused simply because it is two storeys.
<p>2. Create more regulations for two-storey coach houses</p>	<ul style="list-style-type: none"> • Most of the benefits of Option 1 • Can fill gaps in existing regulations and still allow two-storey coach houses. 	<ul style="list-style-type: none"> • Resources required to develop new regulations. • Monitoring and “housekeeping” amendments are likely required to ensure new regulations are practical and fair. • Additional regulations could be redundant in some cases, as there are already extensive DP and zoning regulations which address most of the potential impacts of coach houses.
<p>3. Change regulations to incentivize one-storey coach houses</p>	<ul style="list-style-type: none"> • Incentivizes one-storey coach houses without prohibiting two-storey coach houses. 	<ul style="list-style-type: none"> • Resources required to develop new regulations. • May result in fewer design controls for one-storey coach houses.
<p>4. A combination of Options 2 and 3</p>	<ul style="list-style-type: none"> • See pros from Options 2 and 3. 	<ul style="list-style-type: none"> • See cons from Options 2 and 3.

<p>5. Prohibit two-storey coach houses</p>	<ul style="list-style-type: none"> Minimal work to implement. 	<ul style="list-style-type: none"> Many impacts of concern are not specific to two-storey coach houses (e.g. height, noise, overlook). Impacts will likely shift to other permitted land uses (e.g. accessory buildings, houses, houses with suites, one-storey coach houses etc.). Further limits opportunities to build coach houses in Ladysmith and by extension reduces opportunities to achieve housing objectives.
---------------------------------------------------	------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Deferring discussions on the above policy options until the OCP process is complete brings additional policy and housing information to the discussion but would delay implementation of any coach house policies that Council may wish to adopt. A decision to defer would essentially maintain the status quo until the OCP is adopted, allowing coach houses to be built in the interim. Subsequently, if changes to coach house regulations are seen as time sensitive, for example if Council feels that two storey coach houses should be prohibited immediately, deferring until the OCP is adopted would not be recommended.

ALTERNATIVES:

The Committee can choose to recommend that Council:

- Maintain the status quo, and direct staff not to bring any changes to existing coach house regulations forward for Council consideration.
- Direct staff to bring forward additional regulations for two-storey coach houses for Council consideration.
- Direct staff to bring forward OCP and zoning amendments to incentivize one-storey coach houses for Council consideration.
- Direct staff to bring forward a combination of Alternative Nos. 2 and 3 for Council consideration.
- Direct staff to bring forward bylaw amendments prohibiting two-storey coach houses for Council consideration.
- Defer further consideration on coach houses until the OCP process is complete.
- Specify another course of action for coach houses.

FINANCIAL IMPLICATIONS:

- Alternative Nos. 2,3,4,6 –most resource-intensive, as they are likely to require more extensive analysis and review, including legal review of proposed bylaws.

LEGAL IMPLICATIONS:

- Alternative Nos. 2-4 and most likely 6 - legal review is recommended.
- Alternative 5 - without site-specific permissions, would render existing coach houses legal non-conforming structures under section 529 of the *Local Government Act*. This designation imposes some minor limitations on alterations and reconstruction.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Any Zoning Bylaw amendments will require public notification and public hearings pursuant to the *Local Government Act*.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Any proposed regulations or policy changes would be circulated to other departments for comment.

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:

- Attachment A – Previous Council Resolutions

Attachment A

Resolution	Meeting Date	Resolution Details
CS 2019-038	24-Jan-19	That Council direct staff not to proceed with consultation on coach houses.
CS 2018-340	17-Sep-18	That Council refer the matter of two-storey coach houses to the incoming Council for consideration.
CS 2018-248	09-Jul-18	That Council: <ol style="list-style-type: none"> 1. Receive the staff report dated July 9, 2018 summarizing the coach house consultation 2018 results 2. Direct staff to amend the 'Fees and Charges' bylaw such that a reduced application fee of \$1,000 is applied for coach house rezoning applications on an R-1 zoned lot.
CS 2018-249	09-Jul-18	That Council direct staff to prepare a report to Council with recommendations for conducting further community consultation on coach houses in the R-1 zone, focusing specifically on R-1 zone residents as they are directly impacted by the proposal to permit coach houses in the R-1 zone.
CS 2018-064	05-Mar-18	That Council receive the recommendation from the Advisory Planning Commission supporting the review of permitting coach houses outside the downtown area in the Single Dwelling Residential (R-1) zones, utilizing the existing coach house regulation framework and considering each local neighbourhood.
CS 2018-026	13-Feb-18	That Council request staff to review the Zoning Bylaw in order to determine means for appropriate discretion with respect the original intent of the coach house bylaw as it applies to lot sizes in Old Town that do not quite meet the minimum lot size of 668 square metres.
CS 2017-397	04-Dec-17	That Council: <ol style="list-style-type: none"> 1. Pursuant to s.475 of the Local Government Act, direct early and ongoing consultation for the consideration of extending Development Permit Area 10 "Coach House Intensive Residential" to new areas where a coach house is permitted. 2. Direct that the project to allow coach houses outside of the Downtown area focus on properties in the R-1 Zone, as well as form and character considerations. 3. Confirm that this project will be included in the 2018-2022 Financial Plan, if Council wishes to pursue this project.
CS 2017-255	21-Aug-17	That Council direct staff to bring back a report outlining recommendations for possible amendments to the zoning bylaw to permit coach houses outside the downtown area.
MS 2017-042	13-Jun-17	That the Committee recommend that Council direct staff to bring back a report outlining recommendations for possible amendments to the zoning bylaw to permit coach houses outside the downtown area.

CS 2014-312	15-Sep-14	That the proposed amendments to Zoning Bylaw 1860 be referred to staff for development of recommendations for alternatives to an owner occupancy requirement for coach house dwellings.
CS 2013-443	16-Dec-13	<p>It was moved, seconded and carried that the Zoning Bylaw update include amendments to permit coach houses in phases with coach houses first permitted in and around the downtown in the current R-2 and R-2-A zones as follows:</p> <ul style="list-style-type: none"> • With a minimum parcel size of 668 sq. m. where a lane or other secondary access exists (e.g. corner lot) • With a minimum parcel size of 780 sq. m. where a lane does not exist; <p>And that coach houses also be permitted on larger rural parcels (proposed RU-1, A-1, A-RR zones);</p> <p>And that the maximum floor space of a coach house be 60 sq. m. to support Official Community Plan policy</p>
CS 2011-270	20-Jun-11	<p>It was moved, seconded and carried that the phased implementation of secondary suite policy and regulation be supported, through the creation of:</p> <p>Phase I</p> <p>...</p> <p>d) land use (Official Community Plan) policy to support detached secondary suites (coach houses and ground-oriented cottage suites); and</p> <p>Phase 2</p> <p>e) new regulations and design standards for detached secondary suites within the scope of work for the Zoning Bylaw project</p>

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Donna Smith, Manager of Corporate Services
 Geoff Goodall, Director of Infrastructure Services

Meeting Date: March 9, 2021

Re: **Proposed Amendments to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309”**

RECOMMENDATION:

That the Committee recommend that Council direct staff to prepare amendments to “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309” as identified in the staff report dated March 9, 2021.

EXECUTIVE SUMMARY:

Further to Council direction at its Regular Meeting held October 20, 2020, staff have reviewed the “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309”. A summary of recommended changes is provided in this report and some changes are included in the redline version of the bylaw (Attachment A). Staff have chosen to use the consolidated bylaw as the redline version as it captures all amendments to date.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2021-023	01/19/2021	That Council amend “Town of Ladysmith Bylaw Enforcement Policy 09-4020-B” to include housekeeping amendments and wording stating that bylaw enforcement will be on a complaint-driven basis unless there is a safety, hazard or liability issue to the Town.
CS 2020-310	10/20/2020	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.

INTRODUCTION/BACKGROUND:

At its meeting held January 9, 2021, Council approved amendments to “Town of Ladysmith Bylaw Enforcement Policy 09-4020-B”. Staff have now completed a review of “Town of



Ladysmith Streets and Traffic Bylaw 1998, No. 1309” and recommend the amendments outlined in the following table:

Section	Amendment	Reason
All	Delete references to <i>Highway Scenic Improvement Act</i> , <i>Highway Act</i> and <i>Municipal Act</i> .	These acts were repealed and replaced by the <i>Transportation Act</i> and the <i>Community Charter</i> .
All	Update definitions.	Update to current day language and refer to Provincial legislation when appropriate.
Table of Contents	Update and replace in its entirety.	Ensure page numbering corresponds to body of bylaw.
Cycles & Play Vehicles s.29(7)	Delete in its entirety.	Unnecessary detail related to lights, reflectors and fenders on cycles.
Manner of Parking s.30	Add new items 6-9.	To address parking of non-commercial trailers, combinations of vehicles creating extra length in lanes, and storage of dangerous goods.
Highway Use Permits s.45(2)(b)	Remove reference to outdated Subdivision Control Bylaw.	Refer to “current” Town of Ladysmith Subdivision Control Bylaw.
Heavy Comm. Vehicle Parking s.47(2)(b)	Delete in its entirety.	Moved to new Item 30(6).
Definitions section and throughout bylaw as required	Add definition, update other sections of bylaw as required. <i>(not shown in redline bylaw as it requires further review)</i>	Proposed updates include: <ul style="list-style-type: none"> • Define the size, weight and load of a heavy vehicle that will likely cause damage to the highway or resulting expense beyond what is reasonable or ordinary. • Ensure that the regulations do not apply to all “heavy trucks” as currently defined. • Insert guidelines for permitting heavy truck use on local roads.
Sch. A Fine Schedule	Update and replace in its entirety. <i>(not shown in redline bylaw as it requires further review)</i>	Proposed updates include: <ul style="list-style-type: none"> • Remove reference to “30 days” for fine deadlines and replace with “7 days” to reflect standard practice in most municipalities. • Ensure all referenced sections match proposed amendments.

		<ul style="list-style-type: none"> • Ensure all fine amounts are current and match those stated in the bylaw. • Ensure \$35 administrative fee is reflected as per s.70(3).
Sch. D Highway Use Permit	<p>Update and replace in its entirety.</p> <p><i>(not shown in redline bylaw as it requires further review)</i></p>	<p>Proposed updates include:</p> <ul style="list-style-type: none"> • Replace the form with the current “Application to Work on or Within Town Streets, Right-of-Way and Property”. • Update the fee from \$25 to \$50 and review bond requirements (this will trigger amendments to s.45 of this bylaw as well as the Fees & Charges Bylaw).

ALTERNATIVES:

The Committee can choose to recommend that Council:

1. Include additional amendments to the Streets and Traffic Bylaw.
2. Replace the existing Streets and Traffic Bylaw.
3. Not amend the Streets and Traffic Bylaw at this time.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Under the *Motor Vehicle Act*, the *Transportation Act* and the *Community Charter*, Council is authorized to regulate traffic and the use of highways and to regulate the use of public areas within the municipality.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

An updated bylaw will provide clear guidance to residents on bylaw enforcement on Town streets.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Corporate Services prepare bylaws for Council consideration and Infrastructure Services (Bylaw) enforces the provisions contained in the bylaw, on a complaint-driven basis.

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:

- Infrastructure
- Community
- Waterfront

- Economy
- Not Applicable

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- Attachment A – Bylaw No. 1309 – proposed amendments (redline version)

ATTACHMENT A

T O W N O F L A D Y S M I T H



STREETS & TRAFFIC BYLAW NO. 1309

JUNE 1999

CONSOLIDATED FOR CONVENIENCE ONLY

**A BYLAW TO REGULATE TRAFFIC, PARKING AND THE USE OF HIGHWAYS,
BOULEVARDS, SIDEWALKS AND PUBLIC LAND IN THE TOWN OF LADYSMITH**

The amendment bylaws which are included in this consolidated version of
the “Ladysmith Streets and Traffic Bylaw 1998, No. 1309” are:

1619, 1636, 1748, 1794, 1941, 1993, 2041, 2042, 2054

as on October 21, 2020

This consolidation of the Town of Ladysmith Streets and Traffic Bylaw and amendments
has been prepared exclusively for the use of the Town of Ladysmith for convenience
only.

The Town of Ladysmith does not represent that this consolidation is accurate or
complete and anyone using this material should confirm its content by reference to the
original Bylaws.

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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 Seenie Improvement Act*~~ *Transportation Act*, and the ~~*Municipal Act*~~ *Community Charter* 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 that portion of a highway between ~~the edge of the travelled portion of the roadway and the adjoining property line and, in the case of a divided highway, that portion between the inside curbs~~ curb lines or lateral lines of a roadway and the adjoining property or roadway, and includes curbs, sidewalks, tree wells and ditches.

“*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 a~~ person designated by the *Council* to enforce the ~~provisions of this Municipality’s Bylaws, 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 a~~ combination of ~~truck, truck tractor, semi-trailer and trailer~~ motor vehicles and trailer, or motor vehicle and trailers.

“*Commercial vehicle*” ~~means a vehicle used by a person on a highway within the Municipality, if the vehicle is a commercial vehicle as defined by and licensed under the Commercial Transport Act. 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 section 48 of the Transportation Act, SBC 2004, c.44. ~~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 and includes a motor assisted cycle, but excludes a *play vehicle*.

“Disabled zone” means a parking zone identified by a disabled parking sign.

Bylaw 1941

“Director of Development Services” means the person appointed as Director of Development Services for the *Municipality* and includes his/her authorized deputy.

Bylaw 1941

“Director of Infrastructure Services” means the person appointed as the Director of Infrastructure Services for the *Municipality* and includes his/her authorized deputy.

“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;

Bylaw 1941

“Highway” includes every highway or boulevard within the meaning of the *Transportation Act* and every; road, street, *lane*, ~~*boulevard*, *sidewalk*~~, 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” has the same meaning as defined in the *Motor Vehicle Act*. 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.

Bylaw 1941

~~“Director of Development Services” means the Director of Development Services of Development Services for the *Municipality* and includes his/her authorized deputy.~~

~~“Motor Cycle” has the same meaning as defined in the *Motor Vehicle Act*. 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 mobility assist device used for medical related ambulatory assistance that is propelled by means of an electric motor rather than manual power. ~~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 any area zoned residential in the Zoning Bylaw currently in effect in the Town of Ladysmith, and includes any highway abutting or adjacent to such zones. ~~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*, ~~MOTOR VEHICLE ACT, R.S.B.C. 1996, c. 318.~~

Bylaw 1941

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

“*Taxi*” has the same meaning as defined in the *Motor Vehicle Act* and regulated by the *Passenger Transportation Act and Regulations*. ~~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, including portable ‘no parking signs’, signal, line, meter, marking, crosswalk, space, barrier or device placed or erected by authority of the *Director of Infrastructure Services Municipality*, 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*” has the same meaning as defined in the *Motor Vehicle Act*. ~~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~~ *Motor Vehicle Act*;

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 *Director of Infrastructure Services* 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~~ *Motor Vehicle Act*, 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 *Director of Infrastructure Services*, the *Director of Development Services*, 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 *Director of Infrastructure Services*, 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~~ *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 *Director of Infrastructure Services* 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 *Director of Infrastructure Services*, 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 *Director of Infrastructure Services*, 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 control 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 *Director of Infrastructure Services* 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 *Director of Infrastructure Services*.
- (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 *Director of Infrastructure Services*, 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)~~(7) No person shall use a *play vehicle* on a *roadway* unless the *roadway* has a separate *lane* or pathway designated for *cycles*.
- ~~(9)~~(8) 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.
- (6) No person shall *park* a *trailer*, licenced as other than a commercial *trailer* without the motive power unit attached on any *highway* within the *Municipality*.
- (7) No person shall *stop, stand or park* any *vehicle* or combination of *vehicles*, having a total length exceeding 6m (19.69 ft.) in any *lane*.
- (8) No person shall *park, store or stand* any *vehicle, motor 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.
- ~~(9)~~ The restrictions of this Section shall apply to every day of every year.

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.

Bylaw 1941

- (1) beyond the time limit specified by the traffic control device.
- (2) in the absence of a traffic control device, for more than seventy-two (72) hours continuously. For the purposes of this section, a vehicle shall be deemed continuously parked for as long as it remains within the public parking lot or on either side of the highway within the block in which it was originally parked.

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 *Director of Infrastructure Services*, 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 *Director of Infrastructure Services, 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 *Director of Infrastructure Services*, 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;
- Bylaw 1941 (5) No person shall occupy a *vehicle, trailer, camper or boat* parked on a *highway* or *boulevard* for the purpose of lodging, sleeping accommodation or a residence;
- (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 *Director of Infrastructure Services* or a person or persons authorized by the *Director of Infrastructure Services*, 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 *Director of Infrastructure Services* or such other persons as may be duly authorized by the *Director of Infrastructure Services*.
- (3) Any such sign so removed by the *Director of Infrastructure Services* or such other persons as may be duly authorized by the *Director of Infrastructure Services* 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 *Director of Infrastructure Services*.

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 “*Director of Infrastructure Services*” 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 *Director of Infrastructure Services* 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 *Director of Infrastructure Services* 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 *Director of Infrastructure Services*, 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 *Director of Infrastructure Services* 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 current 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 *Director of*

Infrastructure Services. 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 *Director of Infrastructure Services* 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 trailer, licenced as a commercial trailer without the motive power unit attached on any highway within the Municipality. ÷
 - ~~(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 DIRECTOR OF INFRASTRUCTURE SERVICES

49. Where the *Director of Infrastructure Services* 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

Bylaw 1794

EXTRAORDINARY TRAFFIC

- 50.1 (1) In this part: “Extraordinary Traffic” includes any carriage of goods or persons over a highway, at either one or more times, that taken in conjunction with the nature or existing condition of the highway is so extraordinary or improper in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at which the vehicles are driven or operated, as, in the opinion of the Director of Infrastructure Services, substantially to alter or increase the burden imposed on the highway through its proper use by ordinary traffic, and to cause, or potentially cause damage and expense in respect of the highway beyond what is reasonable or ordinary.
- (2) Where in the opinion of the Director of Infrastructure Services, any highway is liable to damage through extraordinary traffic thereon, the Director of Infrastructure Services may regulate, limit or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein.
- (3) Any person to whom this Section might otherwise apply may, with the approval of the Director of Infrastructure Services, enter into an agreement for the payment to the Municipality of compensation in respect of the damage or expense which may, in the

opinion of the Director of Infrastructure Services, be caused by the extraordinary traffic and there upon that person shall not in respect of the traffic be subject to any prohibition or penalty prescribed in this Section.

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.

Bylaw 2041

(1) The *Director of Development Services* 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.”

Bylaw 2042

(2) No person shall use or *permit* the use of any portion of *sidewalk or parking space* adjacent to premises owned or occupied by them for any purposes unless a valid *sidewalk patio permit* has been issued by the *Director of Development Services* 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 *Director of Development Services* 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 *Director of Development Services* 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.

Bylaw 2041

(1) The *Director of Development Services* 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 *Director of Development Services* authorizing such use.

(3) The *Director of Development Services* 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 *Director of Development Services* 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.

EXEMPTIONS

60. Notwithstanding subsections 58(2) and 59(2) a business may install a sidewalk patio or retail display, provided that the sidewalk patio or retail display:

Bylaw 2041

- (a) abuts the front of the business;
- (b) unless permission from an adjacent business or property owners has been given, is located directly in front of the business for which it serves;
- (c) extends no farther than 1.5 meters from the front property line of the business;
- (d) is situated on a sidewalk with a slope not exceeding 2% in any direction;
- (e) does not cover or alter the existing grade or surfacing of the sidewalk; and
- (f) allows for a minimum of 1.5 meters of unobstructed, clearly delineated sidewalk area for pedestrian travel.

PART XI BOULEVARD AND SIDEWALKS

SNOW REMOVAL FROM SIDEWALKS

61. 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.
62. 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

63. 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

64. No person shall damage the boulevards, trees, shrubs, plants, bushes and hedges that are adjacent to a *highway*.
65. No person shall damage any fence that is adjacent to a *highway*.
66. No person shall damage any lighting standards that are adjacent to a *highway*.
67. No person shall park a recreational vehicle, boat or *trailer* on a *boulevard* for a period longer than 72 hours.
68. No person shall place, store, *stand*, *park* any unlicensed *vehicle*, *heavy truck*, article, material or item on the boulevard.
69. Every owner or occupier of residential premises shall maintain the boulevard bordering the residential premises in a clean, fit and safe state.

Bylaw 1941

PART XII

ENFORCEMENT

PENALTIES

70.

- (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~~*Offence Act, RSBC 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

71. 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)

Director of Development Services of Corporate Services
(P. Durban)

**SCHEDULE “A”
FINE SCHEDULE**

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

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
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 wrong 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

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
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
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>vehicle, trailer, camper</i> or boat for accommodation	\$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

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
	- 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>Director of Infrastructure Services</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
67	RV over 6.5 m. parked on boulevard beyond time limit	\$30.00	\$50.00

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

SCHEDULE "B"

IMPOUND FEE SCHEDULE

1. Fee for removal to an impound lot of a *vehicle* having a licensed gross *vehicle* weight:
 - i) not exceeding 5,000 kg is \$77.46
 - ii) exceeding 5,000 kg
but not exceeding 6,300 kg is \$81.80
 - iii) exceeding 6,300 kg
but not exceeding 9,072 kg is \$129.67
 - iv) exceeding 9,072 kg is \$172.47
2. Fee for storage of an impounded *vehicle* shall be calculated at a rate of \$15.87 for each calendar day or any part thereof, including the first day of impoundment.
3. Fee for storage of unauthorized signs shall be calculated at a rate of \$10.00 for each calendar day or any part thereof.
4. Fee for detention and removal of a *play vehicle* is \$40.00.
5. Fee for impoundment of a *play vehicle* shall be calculated at a rate of \$2.00 for each calendar day or any part thereof, including the first day of impoundment.

SCHEDULE “C”
DESIGNATED TRUCK ROUTE AND “NO HEAVY TRUCK”
ROUTE

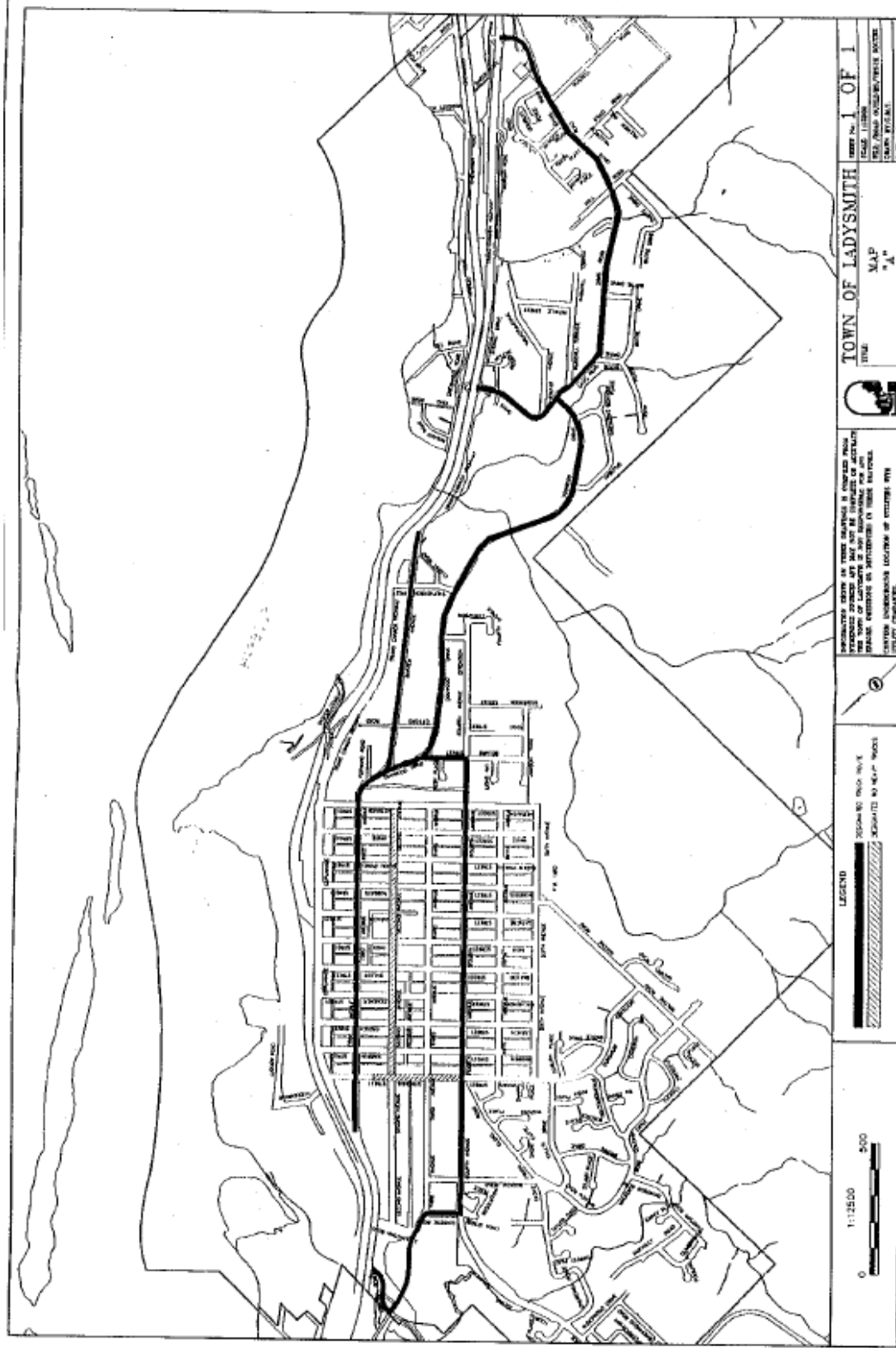
1. Designated “*Truck Route*”

(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.

MAP A



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 *Director of Infrastructure Services* 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 *Director of Infrastructure Services*.
4. Any person appointed by the *Director of Infrastructure Services* 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 *Director of Infrastructure Services*.
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 *Director of Infrastructure Services*, 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 *Director of Infrastructure Services* this _____ day of _____, _____.

Director of Infrastructure Services

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: _____

Bylaw 2041

Bylaw 2041

Bylaw 2054

SCHEDULE “F” SIDEWALK PATIO PERMIT REGULATIONS

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

Bylaw 2042

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*”).

Bylaw 2054

2. Unless expressly authorized in a *sidewalk patio permit*, a *sidewalk patio* must be removed between the months of October 31st and March 1st. ~~A *sidewalk patio permit* may only be issued for an eight month season recurring annually, commencing March 1st through and including October 31st, in any calendar year.~~

Bylaw 2042

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 *Director of Development Services* 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 *Director of Development Services* 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~~

Bylaw 2054

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.
~~The Town of Ladysmith received the required fee in the amount of \$_____ for the approved *permit* area.~~
2. Construction details and furniture layout on the attached, approved plans must be completed and used, respectively.
3. No area other than the *permit* area may be used as a *sidewalk patio*.
4. 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.
~~The *permit* area may only be used for a *sidewalk patio* between March 1st and October 31st of each year, including of this calendar year.~~
5. This *permit* automatically ceases if the permittee has his/her associated business licence or liquor licence suspended or revoked.
6. 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
~~The permittee will remove all *sidewalk encumbrances* by the 1st of November.~~
7. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
8. The permittee will keep the required third party liability insurance valid during the term of this permit.
 Insurance Company: _____ Policy No. _____
9. This *permit* may be altered or revoked by the *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.

Bylaw 2041

Bylaw 2054

Bylaw 2042

Bylaw 2054

10. The *Director of Development Services* 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.

Bylaw 2054

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*.

(*Director of Development Services*)

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 *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.
7. The *Director of Development Services* 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.

(*Director of Development Services*)

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: _____

Bylaw 2041 ~~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 *Director of Development Services*.



Ladysmith & District Historical Society
Box 813
Ladysmith, BC
V9G 1A6

Tel/Fax: 250.245.0100
Email: info@ladysmithhistoricalsociety.ca
Website: ladysmithhistoricalsociety.ca

February 2nd 2021

Dear Mayor and Council,

BC Heritage Week is almost upon us (February 15-21st).

We draw your attention to the advertisement below published in the latest edition of Take5 Magazine listing activities during the week which have been arranged by the Historical and Maritime societies to promote heritage.

The Heritage Treasure Trail event on Family Day (February 15th) is an opportunity for the family to get out for a walk while being introduced in a fun way to some of the heritage features about town. Starting at the Museum, the trail (map will be supplied) follows a path along which heritage features are identified by clues in the form of short rhymes (also provided). The participants have to identify which artifact relates to what rhyme. The trail ends up at the LMS Community dock where some of the heritage boats will be outside on display. There will be some 'swag' for kiddies and young at heart adults.

The LDHS has contacted the Mayor regarding the Ladysmith Annual Heritage Awards. Five recipients have been chosen; we are in the process of notifying them. Commemorative plaques are being prepared. The plan is to present the awards 'virtually' by Zoom Sunday February 21st 7.00pm. Zoom meeting sign-in details are as follows: <https://us02web.zoom.us/j/88353367502> All are welcome to 'attend'.

Preparations for a new Museum exhibit – Prime Predators of Vancouver Island – are nearly complete. The intent is to open the Museum the beginning of Heritage Week (Feb 15th) for visits by appointment for individual family groups. Obviously, we are watching the Covid-19 situation closely as to how it might affect these plans.

Slide shows and videos on heritage topics will also be posted on the LMS and LDHS websites so those interested can watch them during the week.

On the broader subject of Heritage, the LDHS would like to use this opportunity to re-iterate our offer made in 2019 to work with the Town on a review of the Ladysmith Heritage Strategic Plan - prepared in 2008 by Luxton & Associates

and reviewed with Council by the Heritage Revitalization Advisory Commission in March 2018.

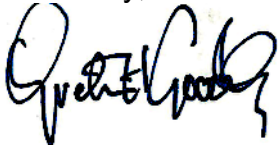
As background to this, the LDHS has prepared a draft 5-year Strategic Plan for the society which we would like to finalize. We would find it beneficial to be able to refer to an updated Ladysmith Heritage Strategic Plan to ensure that LDHS plans and activities support those of the broader community.

While recognizing that the Town has limited resources and is under considerable pressure with COVID-related issues, we hold that an updated Heritage Strategic Plan is important to the Town economically, and in the very near term in regards to development of the Arts & Heritage Hub.

The LDHS would be pleased to consult with Town staff and other community stakeholders toward a Heritage Strategic Plan Review. We suggest a meeting via ZOOM to discuss this proposal further.

On behalf of the LDHS Board:

Yours truly,

A handwritten signature in black ink, appearing to read "Quentin H. Goodbody". The signature is stylized and cursive.

Quentin H. Goodbody
President, Ladysmith & District Historical Society

BC Heritage Week Events Feb. 15-21

Where do **YOU** find heritage?

Monday Feb. 15 *Family Day* **Follow the Heritage Treasure Trail**

The trail, fun for all the family, starts at the **Ladysmith Museum** (721 First Avenue) and ends at the **Ladysmith Community Marina** (611 Oyster Bay Drive). Put on your best explorer hat and follow clues to find heritage sites around town. Warm up at the finish with a hot beverage from the marina's **Welcome Centre** on the dock, win prizes and visit the heritage boats restored by volunteers. Pick up your free official "Heritage Explorer" map and decal from the **Ladysmith Community Marina, Ladysmith Museum** or **Ladysmith Chamber of Commerce**.



Sunday Feb. 21 *Winners Announced* **Ladysmith Heritage Awards**

February 15 - 21

Heritage Slide Shows & Videos

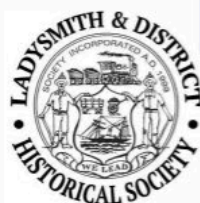
Watch all week from home: listed on the LMS and LDHS Facebook pages and websites.

Museum Open

New "Prime predators" and "Red Flag Red Flag" exhibits. Call to book your time to view.

Ladysmith Maritime Society

Heritage Boats are out on display at the marina.



ladysmithhistoricalsociety.ca

For more info: 250-245-0423



LADYSMITH
COMMUNITY
MARINA

www.lmsmarina.ca