

DISTRICT OF SECHELT
Bylaw No. 516-04, 2024

A bylaw to amend Highways and Parking Bylaw No. 516, 2012

WHEREAS section 8 (3) (b) of the *Community Charter, S.B.C. 2003, c.26* authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to, among others, public places;

AND WHEREAS section 36 of the *Community Charter* authorizes Council, by bylaw, to regulate and prohibit in relation to all uses of or involving a highway or part of a highway;

AND WHEREAS section 46 of the *Community Charter* authorizes Council, by bylaw, to authorize the seizure of things unlawfully occupying a portion of a highway or public place and establish fees for such seizure, and provide for recovery of those fees;

AND WHEREAS section 62 of the *Community Charter* sets out that the authority under section 8 (3) (b) includes the authority in relation to persons, property, things and activities that are in, on or near public places;

AND WHEREAS Council wishes to enact a bylaw to regulate traffic and the use of highways;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled hereby enacts as follows:

TITLE

1. This bylaw may be cited for all purposes as, "Highways and Parking Bylaw Amendment Bylaw No. 516-04, 2024".

AMENDMENTS

2. Existing definition;

Cycle means a device having any number of wheels that is propelled by human power and on which a person may ride;

is deleted, new definition;

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 does not include a skate board, roller skates or in-line roller skates;

is added.

Highway includes every highway within the meaning of the *Transportation Act, S.B.C. 2004, c. 44*, and every road, street, lane or right of way, other than arterial highways designed or intended for or used by the general public for the passage of vehicles, 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; and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway;

is deleted, new definition;

Highway includes every highway within the meaning of the *Transportation Act, S.B.C. 2004, c. 44*, and every road, street, lane, *road allowance* or right of way, other than arterial highways designed or intended for or used by the general public for the passage of vehicles, 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; and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway;

is added.

Recreational vehicle means a vehicle that is equipped with a living space and amenities found in a home;

is deleted, new definition;

Recreational Vehicle means a motor vehicle or a vehicle towed by a motor vehicle, providing temporary living accommodation and includes travel trailer, tent trailer, camper, caravan, and motor home.

is added.

3. **6 (d)** that is uninsured or does not display a valid license plate in the manner required by the Motor Vehicle Act

is added.

4. The existing provision;

42. Injury to Trees and Flowers Prohibited

No person, other than an authorized employee of the District acting in pursuance of duties, shall dig up or in any manner injure or destroy any tree, flower, foliage, flowering plant, plant, or shrubbery on any highway.

is deleted, new provision;

42. Injury to Trees and Flowers Prohibited

No person, other than an authorized employee of the District acting in pursuance of duties or a person authorized by the Manager of Community Services, shall or contract or hire another person to dig up or in any manner injure or destroy any flower, foliage, flowering plant, plant, or shrubbery in an area maintained by the District of Sechelt or a tree on any highway.

is added.

5. The existing provision;

53. OFFENCE AND PENALTY

(a) No person, other than the owner or driver of a vehicle, shall remove any notice placed thereon or affixed thereto by a Bylaw Enforcement Officer in the course of his duties.

- (i) Except where the penalty is otherwise provided for in the *Community Charter*, every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable to fines specified under the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012.
- (ii) Each day a violation of a provision of this bylaw exists or is permitted to exist, shall constitute a separate offence.

is deleted, new provision;

(a) No person, other than the owner or driver of a vehicle, shall remove any notice placed thereon or affixed thereto by a Bylaw Enforcement Officer in the course of his or her duties.

- (i) Except where the penalty is otherwise provided for in the *Community Charter*, every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable to fines specified under the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012 or the Municipal Ticket Information Bylaw No. 491, 2010.
- (ii) Except where the penalty is otherwise provided for in the *Community Charter*, every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to have committed an offence under this Bylaw subject, upon conviction, to imprisonment of not more than 6 months and/or a fine of not more than 20,000 dollars.

- (iii) Each day a violation of a provision of this bylaw exists or is permitted to exist, shall constitute a separate offence.

is added.

Council means the Municipal Council of the District of Sechelt.

District means the municipal corporation of the District of Sechelt.

PROVISIONS

- 3. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS	1st	DAY OF	MAY, 2024
READ A SECOND TIME THIS	5th	DAY OF	JUNE, 2024
READ A THIRD TIME THIS	5th	DAY OF	JUNE, 2024
ADOPTED THIS		DAY OF	MONTH, 202X

Mayor

Corporate Officer