

CITY OF SALMON ARM

BYLAW NO. 4610

A bylaw to amend Traffic Bylaw 1971, to regulate traffic, parking and the use of streets, within the City of Salmon Arm

WHEREAS pursuant to the *Community Charter, Local Government Act* and the *Motor Vehicle Act*, which authorize Council to regulate and prohibit the use of highways within the City;

AND WHEREAS Council desires to amend Traffic Bylaw 1971, a bylaw to to regulate traffic, parking and the use of streets, within the City of Salmon Arm;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

1. That every reference to the word "District" in Bylaw 1976 is deleted and replaced with the word "City" throughout the Bylaw.
2. The following definition is added in Part I – Definitions, after "Street" and before "Time":
"temporary shelter" means a tent, lean to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material, and that covers an area of less than ten (10) square metres;
3. The following sub-sections are added to Section 607 – Structures Over Highways as follows:
 - 4) No person shall at any time construct, install, erect, place or occupy on any highway, a temporary shelter, structure, pavilion, or other improvement or work of any nature, or sleep on a highway.
 - 5) No person shall deposit, place, leave, or abandon a chattel or other item of personal property on a highway in a manner that causes an obstruction of the highway.
 - 6) The Director, a member of the Royal Canadian Mounted Police or any Bylaw Enforcement Officer may, in addition to any other authority granted under this Bylaw, remove or cause to be removed from any highway, any Temporary Shelter that is not in compliance with this Bylaw.
4. The following new Section 705 – Seizure of Chattels is added to Part VII – PENALTIES after Section 704 – Responsibility of Owner:
 705. 1) The Director, a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer, may remove, seize, and impound, or cause the removal, seizure, or impoundment of, any chattel or other personal property that is causing an obstruction on a highway contrary to Section 607 (5) of this Bylaw.
 - 2) After the removal, seizure, or impoundment of the chattel or other personal property under Section 705 (1), a person entitled to its possession may obtain its release by contacting the Director during regular business hours, and providing

the Director with satisfactory evidence that the chattel or other personal property is the property of that person.

- 3) The Director may cause a chattel or other personal property that has been removed, seized, or impounded under Section 705 (1) of this Bylaw to be sold, by public auction, to the highest bidder if:
 - a) the person entitled to possession of the chattel or personal property has not claimed it under Section 705 (2) within thirty (30) days following its removal, seizure, or impoundment; and
 - b) it appears to the Director that the chattel has market value.
- 4) The Director shall cause a chattel removed, seized, or impounded under this Bylaw to be disposed of as garbage if:
 - a) the person entitled to possession of the chattel has not claimed it under Section 705 (2) within thirty (30) days following its removal, seizure, or impoundment; and
 - b) it appears to the Director that the chattel has no market value.
- 5) Where a chattel is sold at public auction under Section 705 (3), the proceeds of such sale shall be applied by the City as follows:
 - a) firstly, to pay the costs of the auction;
 - b) secondly, to pay all removal and storage costs incurred by the City in relation to the chattel or other personal property; and
 - c) thirdly, where any surplus remains, to pay such surplus to the person entitled if that person's identity and location are known.
- 6) Where a surplus referred to in Section 705 (5) (c) remains and the identity or location of the person entitled to it is unknown, the surplus shall be applied by the City as follows:
 - a) the surplus shall be held for one (1) year following the date of the auction; and
 - b) if the surplus has not been claimed by the person entitled within one (1) year of the date of the auction, the surplus shall be paid into the general revenue of the City and shall be absolutely forfeited to the City.

5. SEVERABILITY

If any part, section, sub-section, clause of this bylaw for any reason is held to be invalid by the decisions of a Court of competent jurisdiction, the invalid portion shall be severed and the decisions that it is invalid shall not affect the validity of the remaining portions of this bylaw.

6. ENACTMENT

Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto as amended, revised, consolidated or replaced from time to time.

7. EFFECTIVE DATE

This bylaw shall come into full force and effective upon adoption of same.

8. CITATION

This bylaw may be cited as **“City of Salmon Arm Traffic Amendment Bylaw No. 4610”**.

READ A FIRST TIME THIS 10 DAY OF OCTOBER 2023

READ A SECOND TIME THIS 10 DAY OF OCTOBER 2023

READ A THIRD TIME THIS 10 DAY OF OCTOBER 2023

ADOPTED BY COUNCIL THIS DAY OF 2023

MAYOR

CORPORATE OFFICER