

BYLAW NO. 9/2005

A BYLAW TO REGULATE AND CONTROL THE OPERATION OF SNOWMOBILES WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF REGINA BEACH

The Council of the Town of Regina Beach in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be known and may be cited as “The Snowmobile Bylaw”.
2. In this bylaw:
 - (a) “Highway” means a public highway as defined in the Highway Traffic Act, R.S.S., Chapter H-3.1, within the corporate boundaries of the Town of Regina Beach, and includes an alley or lane.
 - (b) “Operator” means a person who uses or operates, or is in actual physical control of a snowmobile.
 - (c) “Owner” includes a person who is in possession of a snowmobile under a contract by which he may become the owner of a snowmobile upon full compliance with the terms of the contract.
 - (d) “Public Place” means any place to which the public has access as of right or by invitation, expressed or implied, and without restricting the generality of the foregoing, includes South Shore School Grounds, Lions Park and all other public reserves.
 - (e) “Snowmobile” means a snowmobile as defined by The Snowmobiles Act R.S.S., Chapter S-52.
 - (f) “Town” means the Town of Regina Beach.
3. Subject to the provisions of this Bylaw, it shall be lawful to operate a licensed snowmobile on any highway or portion of a highway within the corporate limits of the Town.
4. The posted speed limits of the Town shall be obeyed at all times.
5. (a) No person shall operate a snowmobile:
 - (i) on the driven portion of Highway 54 south of Fifth Avenue, except for the purpose of crossing the said highway by the most direct route. Any snowmobile entering onto a public highway shall do so from an established highway approach after coming to a full stop prior to crossing.
 - (ii) in the following public places as set out in shaded areas in Schedule 1, attached to and forming part of this bylaw:
 - (a) South Shore School grounds, Block X Plan No. 90R54203 and Public Reserve PR8, Plan No. 86R56124
 - (b) Public Reserve R6, Plan No. 69R22968
 - (c) Public Reserve R5, Plan No. FR1381
 - (d) Public Reserve R4, Plan No. FR1381
 - (e) Public Reserves R1 and B2-, Plan No. 75R46249
 - (f) Lions Park, Lots 2-15, Block 1, Plan No. CA477
 - (g) Public Reserve R, Plan No. CA477
 - (h) Public Reserve R1, Plan No. P2375

- (iii) on any Town sidewalk;
 - (iv) except between the hours of 7:00 a.m. and 12:00 midnight.
- 6. All applicable sections of The Snowmobile Act shall apply to operation of snowmobiles within the Town limits.
- 7. All snowmobile operators must follow the rules of the road as set out in *The Highway Traffic Act*.
- 8. A person who contravenes this bylaw is guilty of an offense and liable on summary conviction:
 - (a) For the first offense, a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars \$500.00.
 - (b) For a second and any subsequent offense, a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars \$1,000.00.
 - (c) Where damage is done to property by an unlawful act under this Bylaw, the presiding Justice of the Magistrate's Court or the Justice of the Peace may adjudge payment of all damages occasioned by the unlawful act and the same shall be applied for the reparation and reconstruction of the property damaged or destroyed.
 - (d) The costs of any legal action in the recovery of fines shall also be recoverable by the Town from the person who has been found guilty of an offence.
- 9.
 - (a) In addition to, and notwithstanding any penalties provided herein, any member of the Royal Canadian Mounted Police, any Peace Officer appointed pursuant to The Highway Traffic Act or the Town's Bylaw Enforcement Officer may seize a snowmobile, of a repeat offender, for a period not exceeding ten (10) days.
 - (b) When a snowmobile has been seized pursuant to Section 6(a), it shall be held for the period specified and shall only be released upon full payment of the following costs:
 - (i) the actual cost of removal with a minimum charge of thirty-five dollars (\$35.00);
 - (ii) the cost of storage at a rate of five dollars (\$5.00) per day to a maximum of one hundred dollars (\$100.00).
 - (c) If the costs of removal, impounding or storage are not paid within the period of thirty (30) days from seizure, the Town shall have the right to recover same from the owner of the snowmobile by:
 - (i) legal action in a Court of competent jurisdiction, or
 - (ii) sale of the impounded snowmobile by public tender on publication of a notice designating time and place of sale at least ten (10) days prior to the sale, in a newspaper published and circulating in the Town and on the sending of such notice, by registered mail, to the owner at the address appearing on the last registration of the snowmobile.
 - (d) The costs of any legal action, as stated in Section 6(c)(i), shall also be recoverable by the Town from the owner of the snowmobile.

10. The provisions of this bylaw shall not apply to:
 - (a) a member of the Royal Canadian Mounted Police, Conservation Officer, Auxiliary Police Officer or Bylaw Enforcement Officer while exercising his duties as an officer of the law.
 - (b) the use of snowmobiles during a declaration of a local emergency with the Town of Regina Beach.
11. Bylaw Nos. 2/94 and 4/97 are hereby repealed.
12. This bylaw shall come into force and take effect upon approval of The Highway Traffic Board.

MAYOR

TOWN ADMINISTRATOR