

**VILLAGE OF NORTH PORTAL
BYLAW NO. 2010-01**

**A BYLAW TO REGULATE AND CONTROL THE OPERATION OF
SNOWMOBILES UPON CERTAIN HIGHWAY
AND OTHER AREAS WITHIN THE CORPORATE BOUNDARIES
OF THE VILLAGE OF NORTH PORTAL AND UPON ADJACENT VILLAGE PROPERTY**

The Council of the Village of North Portal, 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) "North Portal Water Treatment Plant and Acreage" means Block 6, Plan AH 831 and Lot 1, Block 6, Plan 62R19578

(b) "North Portal Cemetery" means NE ¼ Section 14 Township 26 Range 25 West of the 3rd Meridian.

(c) "Nuisance Grounds" means SW ¼ Section 01 Township 01 Range 05 West of the 2nd Meridian

(d) "Highway" means a public highway as defined in *The Highways and Transportation Act, 1997* within the corporate boundaries of the Village of North Portal and includes an alley or a lane.

(e) "Lagoon" means NW ¼ Section 01 Township 01 Range 05 West of the 2nd Meridian.

(f) "Park Areas" means all that area in the Village of North Portal described as Maxwell Park, Block 7, Plan AH831 Public Reserve

(g) "Public Place" means any place to which the public has access as of right or by invitation, express or implied and without restricting the generality of the foregoing, including Maxwell Park, North Portal Treatment Plant and Acreage, lagoon, nuisance grounds, ball diamonds, parking lots, North Portal Cemetery and all other parks, playgrounds and public reserves but excludes highways.

(h) "Operator" means a person who uses or operates, or is in actual physical control of a snowmobile.

(i) "Owner" includes a person who is in possession of a snowmobile under a contract by which he/she may become the owner of the snowmobile upon full compliance with the terms of the contract.

(j) "Snowmobile" means a snowmobile as defined by *The Snowmobile Act and The Snowmobile Regulations, 1998*.

(k) "Village" means the Village of North Portal.

3. (a) Subject to the provisions of Section 4 of this Bylaw, it shall be lawful to operate a snowmobile on any highway or portion of a highway within the corporate limits of the Village, but only for the purpose of operating the snowmobile from a point of origin within the corporate boundaries of the Village to a point outside the said corporate boundaries; provided that the corporate boundaries of the Village are entered or exited, as the case may be at the

nearest possible point to the point of origin and that the most direct and practical route possible between the point of entry or exit and the point of origin is taken.

(b) No person shall operate a snowmobile on a highway within the corporate limits of the Village at a speed greater than Twenty (20) kilometers per hour.

4. (a) No person shall operate a snowmobile:
 - (1) on or across First Street in the Village;
 - (2) in any public place, whether or not marked by a sign prohibiting or restricting the operation of snowmobiles;
 - (3) except between the hours of 7:00 a.m. and 11:00 p.m.

(b) Subsection 3 does not apply to the provincial highway right of way.

5. (a) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder shall be liable to the penalties as hereinafter provided in Schedule "A". If the Village receives voluntary payment for a first offence in contravention of the Bylaw, the individual shall not be liable to further prosecution.

(b) Any person who contravenes any of the provisions of this Bylaw shall be guilty of an offence and liable upon summary conviction:
 - (1) for the first offence to a fine of not more than \$100.00 and in default of payment of the fine the person convicted may be committed to jail or to a public lock up for any time determined by a Judge of the Provincial Court or Justice of the Peace not exceeding thirty (30) days, unless the penalty is sooner paid.
 - (2) for a second or subsequent offence to a fine of not more than \$200.00 and in default of payment of the fine the person convicted may be committed to jail or to a public lock up for any time determined by a Judge of the Provincial Court or Justice of the Peace not exceeding sixty (60) days, unless the penalty is sooner paid.

6. (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 Highways and Transportation Act, 1997* or the Village'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:
 - (1) the actual cost of removal with a minimum charge of Thirty-Five Dollars (\$35.00).
 - (2) 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 a period of thirty (30) days from seizure, the Village shall have the right to recover same from the owner of the snowmobile by:
 - (1) legal action in a Court of competent jurisdiction, or
 - (2) by 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 Village and on the sending of such notice, by register or certified 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), shall also be recoverable by the Village from the owner of the snowmobile.

7. The owner of the snowmobile is liable for a contravention of any provision of this bylaw in connection with the operation of the snowmobile unless he/she proves that at the time of the offence the snowmobile was not being operated by him/her or by any other person with his/her consent.
8. 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/her duties as an officer of the law.
 - (b) the use of snowmobiles during a declaration of a local emergency within the Village of North Portal.
9. Unless otherwise specified in this Bylaw pertaining to the operation of snowmobiles shall be as contained in *The Traffic Safety Act*, *The Snowmobile Act* and *The Snowmobile Regulations, 1998* and any amendments thereto.
10. This Bylaw shall come into force and take effect on the date of approval being issued by the Highway Traffic Board of Saskatchewan.

Given 3rd reading and adopted the ____ day of _____, 2010.

MAYOR
{SEAL}

ADMINISTRATOR

SCHEDULE "A"
FORMING PART OF BYLAW NO. 2010-01

PENALTIES

Reference	Offence	Penalty
Section 3 (b)	Exceed Speed Limit	\$65.00
Section 5 (a)	Any Other Offence	\$65.00