

TOWN OF BIGGAR

BYLAW NO. 02-635

A BYLAW TO REGULATE AND CONTROL THE OPERATION OF SNOWMOBILES UPON CERTAIN HIGHWAY AND OTHER AREAS WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF BIGGAR AND UPON ADJACENT TOWN PROPERTY

THE COUNCIL of the Town of Biggar, in the Province of Saskatchewan, enact as follows:

SHORT TITLE

1. This bylaw may be cited as The Snowmobile Bylaw.

INTERPRETATION

2. In this Bylaw:
 - (1) “Biggar Central School 2000 Grounds” means Parcel B Plan G167.
 - (2) “Buckingham Park” means Lots 1-40 Block 12 Plan D4770.
 - (3) “Highway” means a public highway as defined in The Highways and Transportation Act, R.S.S., Chapter H-3, within the corporate boundaries of the Town of Biggar, and includes an alley or lane.
 - (4) “Operator” means a person who uses or operates, or is in actual physical control of a snowmobile.
 - (5) “Owner” includes a person who is in possession of a snowmobile under a contract by which he may become the owner of the snowmobile upon full compliance with the terms of the contract.
 - (6) “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, includes the Recreation Complex, Biggar Central School 2000 Grounds, St. Gabriel’s Separate School Grounds, Wastewater Holding Ponds, Buckingham Park, Queen Elizabeth Park.
 - (7) “Queen Elizabeth Park” means Lots 1-20 Block 24 Plan G167.

- (8) "Recreation Complex" means Parcel C Plan G167.
- (9) "Snowmobile" means a snowmobile as defined by The Snowmobiles Act R.S.S., Chapter S-52.
- (10) "St. Gabriel's Separate School Grounds" means the East 258 feet of Parcel A Plan G167.
- (11) "Town" means the Town of Biggar.
- (12) "Wastewater Holding Ponds" means the South East One Quarter of Section 31-35-14-W3M, legal subdivisions 11 and 12 of the South West One Quarter of Section 32-35-14-W3M, legal subdivisions 13, 14 and 15 of the North Half of Section 29-35-14-W3M.

AUTHORIZATION TO OPERATE ON HIGHWAYS

- 3. (1) 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 Town, but only for the purpose of operating the snowmobile from a point of origin within the corporate boundaries of the Town to a point outside the said corporate boundaries; provided that the corporate boundaries of the Town are entered or exited, as the case may be at the nearest possible point to the point of the origin and that the most direct and practical route possible between the points of entry or exit and the point of origin is taken.
- (2) No person shall operate a snowmobile on a highway within the corporate limits of the Town at a speed greater than twenty (20) kilometres per hour.
- 4. (1) No person shall operate a snowmobile:
 - (a) on Provincial Highways No. 4 and 14 except for the purpose of crossing the said highways by the most direct and shortest route of travel available to him.
 - (b) on or across Main Street in the Town;
 - (c) in any public place, whether or not marked by a sign prohibiting or restricting the operation of snowmobiles;
 - (d) except between the hours of 7:00 a.m. and 11:00 p.m.

OFFENCE AND PENALTIES

5. (1) Every person who contravenes any provision 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 Town receives voluntary payment for a first offence in contravention of the Bylaw, the individual shall not be liable to further prosecution.
- (2) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - (a) for the first offence to a fine of not more than \$100.00 and in default of payment to imprisonment for a term of not more than thirty (30) days, unless the penalty is sooner paid.
 - (b) For a second or subsequent offence to a fine of not more than \$200.00 and in default of payment to imprisonment for a term of not more than sixty (60) days, unless the penalty is sooner paid.

SEIZURE OF SNOWMOBILES

6. (1) 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.
- (2) When a snowmobile has been seized pursuant to Section 6 (1), it shall be held for the period specified and shall only be released upon full payment of the following costs:
 - (a) the actual cost of removal with a minimum charge of Thirty Five Dollars (\$35.00).
 - (b) the cost of storage at a rate of Five Dollars (\$5.00) per day to a maximum of One Hundred Dollars (\$100.00).

- (3) If the costs of removal, impounding or storage are not paid within a period of thirty (30) days from seizure, the Town shall have the right to recover same from the owner of the snowmobile by:
 - (a) legal action in a Court of competent jurisdiction, or
 - (b) 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 Town and on the sending of such notice, by registered or certified mail, to the owner at the address appearing on the last registration of the snowmobile.
- (4) The costs of any legal action, as stated in Section 6 (3), shall also be recoverable by the Town from the owner of the snowmobile.

SNOWMOBILE OPERATOR LIABLE

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 proves that at the time of the offence the snowmobile was not being operated by him nor by any other person with his consent.

NON-APPLICATION

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 duties as an officer of the law.
 - (b) the use of snowmobiles during a declaration of a local emergency within the Town of Biggar.

SNOWMOBILE OPERATION

9. Unless otherwise specified in this Bylaw, the operation of snowmobiles shall be as contained in The Snowmobile Act, Chapter S-52, and any amendments thereto.

EFFECTIVE DATE

10. This Bylaw shall come into force and take effect when approved by the Highway Traffic Board of Saskatchewan.

READINGS

READ a first time this 15th day of January, A.D., 2002.

READ a second time this 15th day of January, A.D., 2002.

READ a third time and adopted this 15th day of January, A.D., 2002.

MAYOR

(SEAL)

TOWN ADMINISTRATOR

SCHEDULE "A"

FORMING PART OF BYLAW 01-627

PENALTIES

REFERENCE	OFFENCE	PENALTY
Section 3 (2)	Exceed Speed Limit	\$65.00
Section 5 (1)	Any other offence	\$65.00