

CITY OF PRINCE ALBERT BYLAW NO. 30 OF 2020

A Bylaw of The City of Prince Albert to regulate, control and prohibit the operation of motorized vehicles on public property within the City of Prince Albert

WHEREAS the Council of The City of Prince Albert deems it necessary to provide the safety, health and welfare of people by regulating, controlling and prohibiting the operation of motorized vehicles on all City parks, trails and public places.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as the "Prohibition of Motor Vehicles in Public Places Bylaw".

Purpose

2. The purpose of this Bylaw is to promote the safety, health and welfare of people by prohibiting the operation of motorized vehicles on all City parks, trails and public places.

Definitions

3. In this Bylaw:
 - (a) "all terrain vehicle" means a self-propelled vehicle that:
 - (i) is designed primarily for the movement of people or goods on unprepared surfaces; and,

- (ii) has wheels in contact with the ground;
- and includes:
 - (iii) a restricted use motorcycle;
 - (iv) a mini-bike; and,
 - (v) an all terrain cycle.
- (b) "City" means the City of Prince Albert.
- (c) "Director of Public Works" means the person appointed as the department head for the City's Department of Public Works, or his designate.
- (d) "highway" means highway as defined by *The Traffic Safety Act*.
- (e) "motor vehicle" or "motorized vehicle" means motor vehicle as defined by *The Traffic Safety Act* which shall specifically include but not be limited to motorcycles, all terrain vehicles and snowmobiles.
- (f) "Peace Officer" means:
 - (i) a sworn member of a police force in Saskatchewan;
 - (ii) a person or class of persons designated pursuant to subclause 2(1)(z)(ii) of *The Traffic Safety Act* as traffic officers; or,
 - (iii) any person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer for the enforcement of this Act.
- (g) "public place" means all or any part of City owned or private property that is open to the public or to which the public is customarily admitted or invited, and includes all or any part of a street, sidewalk, improved walkway, park, municipal reserve, environment reserve, buffer strip, parking lot, or the Rotary Trail.
- (h) "public service vehicles" means any vehicle employed by the City for purposes of maintenance, police and emergency services.
- (i) "snowmobile" means snowmobile as defined by *The Snowmobile Act*.
- (j) "street" means street as defined by *The Cities Act*.

Prohibition of Motorized Vehicles

4. Except for those motor vehicles lawfully authorized to operate on a street or travelled portion of a highway within the City of Prince Albert, no person shall operate a motorized vehicle anywhere within the corporate limits of the City of Prince Albert.

Exemptions

5. The following motor vehicles are exempt from the provisions of this Bylaw:
 - (a) a wheelchair used by a person who requires the device for mobility by reason of a physical disability;
 - (b) an ambulance;
 - (c) a public service vehicle;
 - (d) a snowmobile or all terrain vehicle operated by a peace officer in the administration of this Bylaw;
 - (e) an all terrain vehicle operated solely for the purpose of clearing snow in a residential area as may be approved by the Director of Public Works;
 - (f) such other motor vehicle operated for the purpose of snow clearing and removal or for the purpose of street repair and maintenance, as may be approved by the Director of Public Works;
 - (g) such other motor vehicles as may be exempted by City Council.

Penalties

6.
 - (1) Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$2,000.
 - (2) When a Peace Officer issues a summary ticket for a violation of this Bylaw, that Peace Officer may enter on the ticket the amount of \$100 which, if paid within the time prescribed, will be accepted as a guilty plea to the offence.
 - (3) Any person who is in default of payment of a fine imposed pursuant to this section may be liable to a term of imprisonment not exceeding ninety (90) days.

Vehicle Impoundment

7. (1) A peace officer may, without warrant, seize any motor vehicle that he, on reasonable and probable grounds, believes is:
- (a) being operated in contravention of this Bylaw; and,
 - (b) the operation of the motor vehicle constitutes or may constitute a hazard to persons who are or might reasonably be expected to be in the area;
- and may retain it in his possession or store it in a suitable place.
- (2) The owner of a motor vehicle that has been seized pursuant to subsection (1) or his agent may obtain the release of the vehicle if he:
- (a) obtains the written consent of the Chief of Police or his designate to do so;
 - (b) pays the expenses of the seizure and the retention or storage of the all terrain vehicle; and,
 - (c) pays the cost of any prescribed examination or test.
- (3) The expenses and costs mentioned in subsection (2) constitute a lien on the motor vehicle seized and, if the owner of the motor vehicle cannot after reasonable inquiry be found or if he fails to pay the expenses within 14 days after the day on which a notice requiring him to do so has been served on him, the vehicle may be sold for the purpose of recovering the expenses.
- (4) Where a motor vehicle is to be sold pursuant to subsection (3), the proceeds of the sale shall be applied against the impounding charges and the balance remaining shall form part of the general funds of the City.

Severability

8. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.

Repeal of Bylaws

9. Bylaw No. 11 of 2007 and all applicable amendments and subsequent amending

Bylaws are hereby repealed, including but not necessarily limited to Bylaw No. 32 of 2007.

Notwithstanding the repeal, every fine outstanding pursuant to Bylaw No. 11 of 2007 as amended shall remain in force as if made pursuant to this Bylaw and may be dealt with as if made pursuant to their Bylaw.


Coming into Force

10. This bylaw shall come into force and take effect on, from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 13th DAY OF October , AD 2020.

READ A SECOND TIME THIS 13th DAY OF October , AD 2020.

READ A THIRD TIME AND PASSED THIS 13th DAY OF October , AD 2020.



MAYOR



CITY CLERK