

# Resort Village of Etters Beach

## Bylaw 20/2001

### A BYLAW TO REGULATE THE OPERATION, PARKING OF VEHICLES AND THE USE OF THE HIGHWAYS

The Council of the Resort Village of Etters Beach in the Province of Saskatchewan enacts as follows:

#### 1. INTERPRETATION

- (a) "clerk" means the administrator of the municipality;
- (b) "curb" means the lateral boundaries of a roadway, whether or not marked by curbing;
- (c) "highway" means a road, parkway, driveway, square or place designated and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area and does not include a provincial highway within the municipality as designated pursuant to the provisions of The Highways and Transportation Act, 1979;
- (d) "justice" means a justice of the peace as per The Interpretation Act, 1995;
- (e) "municipality" means the Resort Village of Etters Beach;
- (f) "parking" has the meaning ascribed thereto by The Highway Traffic Act;
- (g) "place of public assembly" means public assembly halls;
- (h) "power turn" means to manoeuvre a vehicle in such a manner to cause part of the vehicle to depart from its ordinary line of progress by the sudden use of acceleration and/or braking;
- (i) "special constable" means the Royal Canadian Mounted Police or a person appointed to enforce municipal bylaws;
- (j) "speed zone" means any portion of a highway within the Town of Govan, as designated herein, and identified by a sign erected and maintained at each end thereof, indicating the maximum speed applicable thereto;
- (k) "vehicle" means a vehicle, trailer or semi-trailer or a motor vehicle as ascribed to by The Highway Traffic Act.

2. **SCOPE**

- (1) "STOP" STREETS: highways listed in Appendix 1
- (2) "YIELD" STREETS: highways listed in Appendix 2

3. **INFRACTIONS**

(a) "STOP" STREETS

The provisions of The Highway Traffic Act shall apply to all traffic approaching and facing a "stop" sign erected and maintained in accordance with the provisions of subsection 4(a).

(b) "YIELD" STREETS

The provisions of The Highway Traffic Act shall apply to all traffic approaching and facing a "yield" sign erected and maintained in accordance with the provisions of subsection 4(b).

(c) MISCELLANEOUS SIGNS

- (1) No person shall, except where authorized by resolution of Council, or when duly authorized by law, erect upon or immediately adjacent to any highway, any sign market, signal or light or any advertising sign or device.
- (2) No person shall deface, damage, destroy or remove any sign or marker erected pursuant to this bylaw.

(d) PARKING

- (1) Except as otherwise provided herein, the parking of vehicles is permitted on all highways with the municipality.
- (2)
  - (i) Subject to the provisions of subclause 3(d)(2)(ii), no person shall park a vehicle in any lane, or in any street so as to obstruct the entrance to any lane or to a driveway or approach leading to private premises;
  - (ii) Notwithstanding the provisions of subclause 3(d)(2)(i), a vehicle may be parked in any lane for the purpose of taking on or discharging cargo, provided no such vehicle shall be so parked for a period exceeding thirty (30) minutes at one time, unless written permission has first been obtained from the clerk or a special constable of the municipality for an extension of such time limit.
- (3) No person shall park a vehicle within five (5) metres of any street intersection.
- (4) No person shall park a vehicle on any highway at one place for any period of time exceeding twenty-four (24) consecutive hours.

(5) No person shall park any vehicle in any private parking place or an any private property unless he is the owner, occupant, licensee or permittee of the parking place or private property, except with the consent of such owner, occupant, licensee or permittee.

- (6) (i) Subject to subclause 3(d)(6)(ii), no person shall park any vehicle designated for carrying or intended for the carrying of oil, gasoline, or other inflammable, combustible or explosive material, within 30 meters from any building in the municipality used or intended for use, in whole or in part, as a place of dwelling, a hotel or place of public assembly.
- (ii) Nothing in subclause 3(d)(6)(i) shall be deemed to restrict the parking of any such vehicle for such period of time as may be necessary to take on or discharge cargo.

(e) POWER TURNS

The operator of a vehicle shall not execute "power turns" on any highway in the municipality.

(f) SNOWMOBILES

Under the provisions of The Snowmobile Act, it shall be lawful to operate a snowmobile between the hours of 8:00 a.m. and 11:00 p.m. on any highway within the limits of the municipality indicated in Appendix 6.

(g) SPEED

- (1) Subject to clause 3(g)(2), no person shall operate a vehicle in the municipality at a speed greater than twenty (20) kilometers per hour.
- (2) No person shall operate a vehicle at a speed greater than forty (40) kilometers per hour in the speed zones as set out in Appendix 3.

(h) U-TURNS

- (1) No person shall cause a vehicle to make a U-Turn between intersections, and at the intersection of a highway with a lane or an alley in the municipality.

(i) VEHICLES ON PUBLIC RESERVES, ETC.

- (1) No person may operate or park a vehicle on any areas designated on Appendix 4.
- (2) The provision of clause 3(1)(i) shall not apply to maintenance vehicles or vehicles using a designated parking area.

(j) BICYCLES

- (1) No person shall operate a bicycle without having at least one (1) hand on the handle bar.
- (2) No person shall operate a bicycle without wearing a CSA approved bicycle helmet.

4. **SIGNS**

(a) Council shall cause to be erected and maintained at all stop streets in Appendix 1, at a distance of approximately three (3) meters from point of intersection, an appropriate sign containing the word "Stop", so placed to face the traffic approaching the intersection.

(b) Council shall cause to be erected and maintained at all yield streets listed in Appendix 2, at a distance of approximately three (3) meters from point of intersection, an appropriate "Yield" sign, so placed to face the traffic approaching the intersection.

5. **PENALTIES**

(a) **SIGNS**

Any person who contravenes any of the provisions of clauses 3(c)(1) and 3(c)(2) of this bylaw is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of the municipality.

(b) **POWER TURNS**

Any person who contravenes any of the provisions of subsection 3 (e) of this bylaw shall be liable on summary conviction to the penalties provided in the General Penalty Bylaw of the municipality.

(c) **PARKING, U-TURNS, PUBLIC RESERVE**

A person who contravenes any of the provisions of subsection 3(d), 3(h) and 3(i) of this bylaw or fails to comply therewith or with any of this bylaw or fails to comply therewith or with any notice or order given there-under shall be guilty of an offence and upon conviction, shall be liable to penalties as provided in the General Penalty Bylaw of the municipality.

(d) **NOTICE OF VIOLATION**

(1) A violator of any of the subsections of this bylaw, upon being served with a Notice of Violation, may during the regular office hours, voluntarily pay the penalty at the municipal office, and upon payment as so provided, that person shall not be liable to prosecution of the offence.

(2) The Notice of Violation shall be in Form "1", Appendix 5, attached to and forming part of this bylaw.

(e) **BICYCLE CONTRAVENTION**

(1) The penalty for the contravention of section 3(j)(1) and 3(j)(2) is as follows:

(i) for the first (1<sup>st</sup>) infraction impounding the bicycle for seven (7) days; and

(ii) for the second (2<sup>nd</sup>) or additional infractions, impounding the bicycle for fourteen (14) days.

6. **IMPOUNDING**

(a) On the request of the owner, occupant, licensee or permittee of lands described in clause 3(d)(5), any member of the police service or any designated municipal employees may move or remove or have moved or removed; or may impound or store, any vehicle that is parked on the parking place or land contrary to this bylaw.

(b) Where a vehicle has been impounded or stored after it has been removed under clause 5(a), it may be retained for a period of thirty (30) days after the date of the removal unless the cost of removal and impoundment or storage are sooner paid. Upon payment of the full costs herein, the vehicle may be released to the owner.

(c) If the costs of removal and impoundment or storage are not paid within the period of thirty (30) days as specified in subsection 5(b), the municipality shall have the right to recover same from the owner of the vehicle by:

(1) legal action in a court of competent jurisdiction; or

(2) sale by public auction on publication of a notice designating the time and place of sale at least 14 days prior to the sale in a newspaper circulating in the municipality and on sending such notice to the owner at the address last appearing on the vehicle registration.

(d) A vehicle offered for sale by public auction under clause 5(c)(2) is to be considered lost or unclaimed personal property and if not sold at the auction, may be otherwise disposed of as the council directs.

(1) The purchaser of the personal property becomes the owner of the personal property and any claim of the earlier owner is converted into a claim for the proceeds of the sale, after the charges have been deducted for hauling, storage, and other necessary expenses, including the cost of sale, that have been incurred by the municipality.

(2) If no claim is made for the proceeds within one year from the date of sale, the proceeds form part of the general funds of the municipality.

7. **IMPOUNDING - WHERE FINES UNPAID**

(a) A vehicle found on a street, public parking place, other public place or municipality-owned property, may be removed and impounded when:

(1) the owner of the vehicle owed three (3) or more outstanding fines to the municipality for parking offences;

(2) the appeal period against the imposition and amount of said fines has expired;

(3) at least two (2) notices that the fines are outstanding were sent to the owner at least one (1) week apart;


(i) a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned in clauses 7(a)(1) to (3), has issued an order authorizing the removal and impoundment.

(b) The municipality may retain the vehicle until the amount of the outstanding fines and costs incurred in removing and impounding the vehicle has been paid.

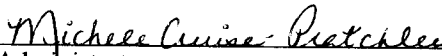
(c) The municipality may, if the fines and costs have not been paid within a period of thirty (30) days sell the vehicle at public auction on publication of a notice designating the time and place of sale at least 14 days prior to the sale in a newspaper circulating in the municipality and on sending such notice to the owner.

**8. COMING INTO FORCE**

This bylaw shall come into force and effect on the day it is approved by the Highway Traffic Board.

  
\_\_\_\_\_  
Mayor

(SEAL)

  
\_\_\_\_\_  
Administrator

Sections 158, 159, 160, 161, 161.1 and 180  
The Urban Municipality Act, 1984

## APPENDIX 1 of Bylaw No. 20/2001

### “STOP” STREETS subsection 2(a)

|   |                      |                        |
|---|----------------------|------------------------|
| 1 <sup>st</sup> Avenue  | where intersected by | 1 <sup>st</sup> Street |
| Lakeshore Drive   | where intersected by | 1 <sup>st</sup> Street |
| R. M. of Big Arm No. 250 road<br>allowance located South of<br>SW 21-26-24-W2nd | where intersected by | 1 <sup>st</sup> Avenue |

**APPENDIX 2 of Bylaw No. 20/2001**

**“YIELD” STREETS subsection 2(a)**

|                        |                      |                 |
|------------------------|----------------------|-----------------|
| 2 <sup>nd</sup> Street | where intersected by | Lakeshore Drive |
| 3 <sup>rd</sup> Street | where intersected by | Lakeshore Drive |
| 4 <sup>th</sup> Street | where intersected by | Lakeshore Drive |

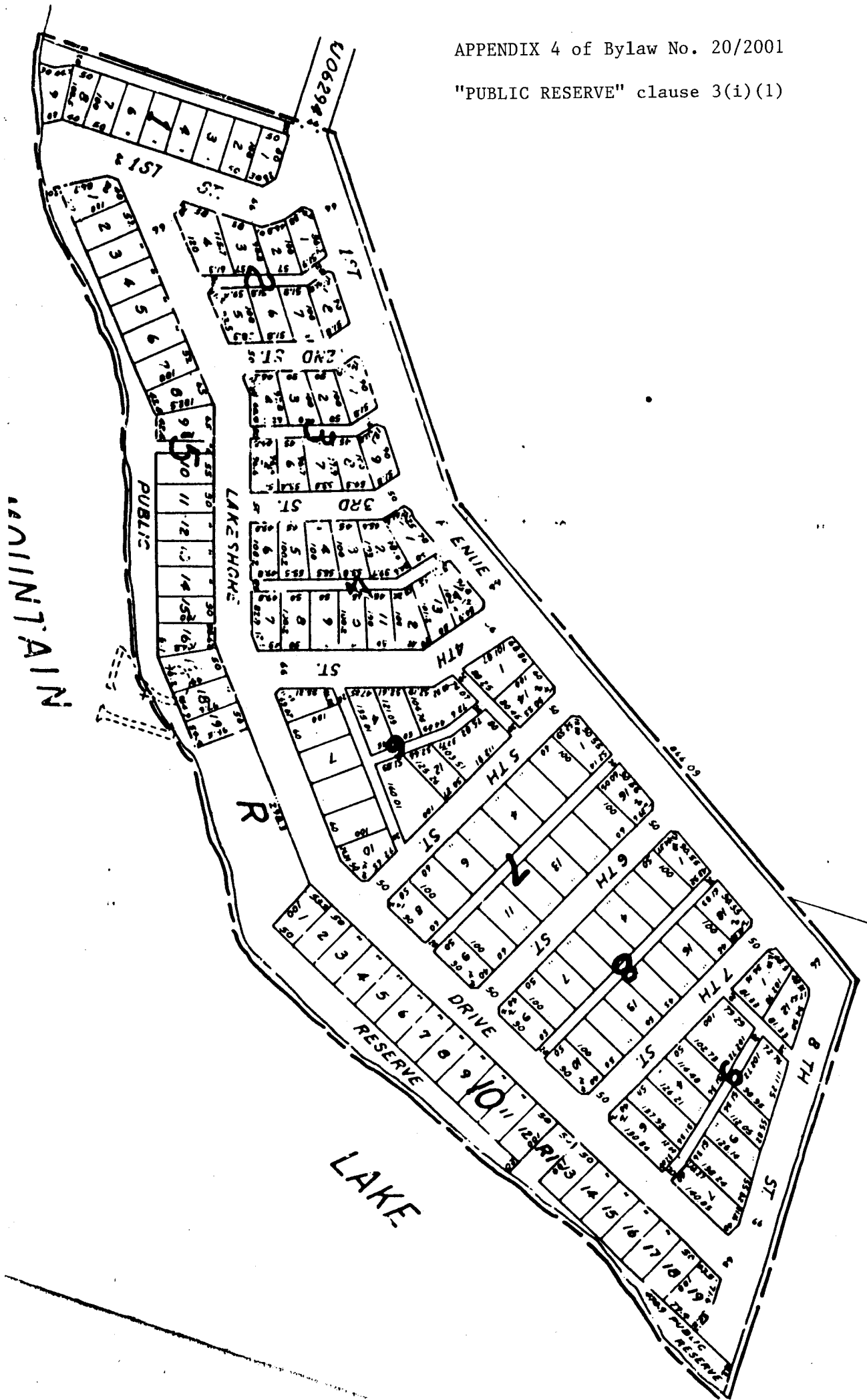


## **APPENDIX 3 of Bylaw No. 20/2001**

### **“SPEED ZONES” – ENTRY WAY clause 3(g)(2)**

| <b>Street or Avenue</b>   | <b>From</b>  | <b>To</b>              |
|---|--|------------------------|
| R. M. of Big Arm No. 250<br>road allowance located<br>South of SW 21-26-24-W2nd | R. M. of Big Arm No. 250<br>road allowance located East<br>of NE 20-26-24-W2nd | 1 <sup>st</sup> Avenue |

"PUBLIC RESERVE" clause 3(i)(1)



APPENDIX 5 of Bylaw No. 20/2001

FORM 1  
NOTICE OF VIOLATION

Resort Village of Etters Beach

Name: \_\_\_\_\_

Address: \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at / near  
\_\_\_\_\_, Saskatchewan at \_\_\_\_\_ am / pm.

Did unlawfully commit the following offence:

\_\_\_\_\_ Parking Bylaw No. \_\_\_\_\_

\_\_\_\_\_ Dog Bylaw No. \_\_\_\_\_

\_\_\_\_\_ Other Bylaw No. \_\_\_\_\_

Description of Offence: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Offence: \_\_\_\_\_

You are charged with violation of Bylaw No. \_\_\_\_\_ Section No(s) \_\_\_\_\_

Penalty for the above violation: \_\_\_\_\_ may be paid voluntarily

(See note below) \_\_\_\_\_ may not be paid voluntarily

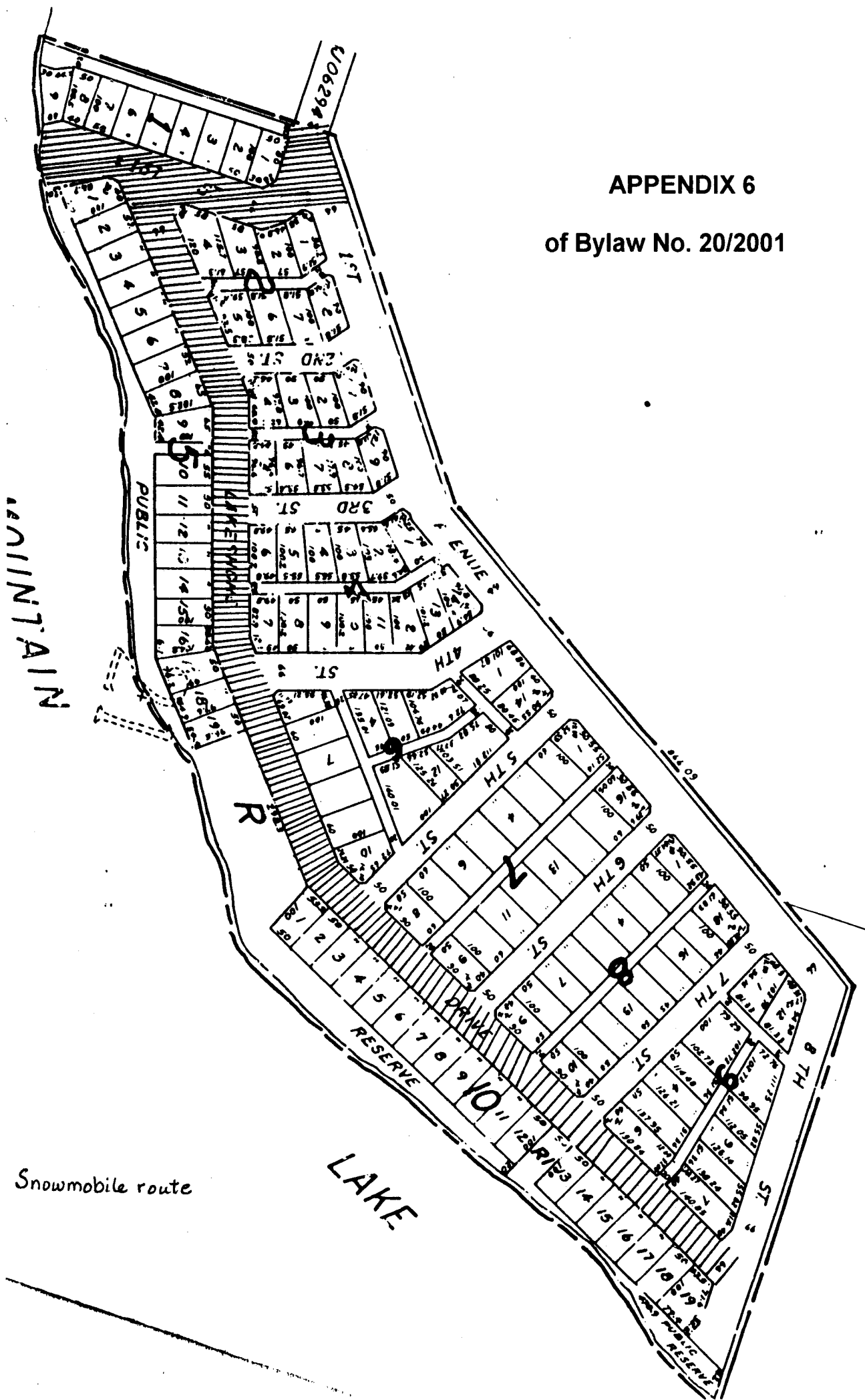
*VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE*

Where the penalty for the above violation is \$ \_\_\_\_\_ or less, you may make voluntary payment of the above penalty at the municipal office during regular office hours or by mail within \_\_\_\_\_ days from the date of service of this Notice of Violation.

If you do not make a voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, you shall be liable to the penalty provided under section \_\_\_\_\_ of the said bylaw.

APPENDIX 6

of Bylaw No. 20/2001



||||| Snowmobile route