

**RESORT VILLAGE OF KANNATA VALLEY  
SNOWMOBILE BYLAW  
BYLAW 82**

***The Council of the Resort Village of Kannata Valley in the Province of Saskatchewan enacts the following articles and provisions:***

**PURPOSE**

1. The purpose of this bylaw is to regulate the operation of snowmobiles within the municipality.

**DEFINITION OF TERMS:**

2. The following definitions and the definitions contained in the Act apply to this Bylaw

Act	the Snowmobile Act
Administrator	the person appointed by council to perform defined administrative functions.
Designated Officer	a person who has power and authority to act on behalf of the Municipality
Minister	the member of the Executive Council of Saskatchewan assigned to administer the Act
Local Authority (LA):	the Council of the Resort Village of Kannata Valley
Municipality	the Resort Village of Kannata Valley
Council	the administrative body of the Municipality comprised of a mayor and councillors
Vehicle	a device in, on or by which a person or thing is or may be transported or drawn.
Snowmobile	A vehicle as defined in the <i>Snowmobile Act</i>
Lakeshore Drive	a public highway within the municipality intended for use by the general public for the passage of vehicles and pedestrians and for parking of vehicles on the shoulders.
Road Allowance	the full width of land within which a highway or street is built (also referred to as "right of way"
Nuisance	an activity that adversely affects or may adversely affect: the safety, health or welfare of people in the neighbourhood and/or people's use and enjoyment of their property.

**SNOWMOBILE OPERATION**

3. The provisions of the *Snowmobile Act* shall apply to the operation of any snowmobile within the municipality.
4. As provided for in section 21(2)(b) of the Snowmobile Act, a snowmobile may be operated on Lakeshore Drive and on municipal property zoned MR1, MR2, MR4 and MR5 compliant with all provisions of the Snowmobile Act.
5. The operation of a snowmobile on municipal property zoned CS1 (Community Service) is restricted to entering and leaving the site via the access road for the purpose of delivering products for disposal or site maintenance.
6. No person shall operate a snowmobile on municipal property zoned ER (Environmental Reserve).
7. Except for an emergency vehicle, no person shall operate a snowmobile within the municipality at a speed greater than forty (40) km/hr.
8. No person shall operate a snowmobile within the municipality in a manner and for extended number of trips or periods of time so as to be a nuisance to property owners and guests affected by such operation.
9. No person shall propel, operate, drive or pull any snowmobile or snowmobile equipment on Lakeshore Drive that has lugs or cleats or other devices in contact with the roadway so that when transported may cause damage to the paved driving surface of the roadbed.

**ABANDONED SNOWMOBILES**

10. A snowmobile parked in contravention of the municipal Traffic Bylaw may be deemed to have been abandoned where the owner of the snowmobile cannot after reasonable inquiry be found or the owner fails to remove the snowmobile from municipal property within five days after notice to the owner requiring him or her to remove the snowmobile.

11. A person designated by the municipality may cause a snowmobile to be removed and stored in compliance with the Traffic Safety Act and the Highways and Transportation Act.

### **ENFORCEMENT AND PENALTIES**

12. A person who contravenes any of the provisions of this bylaw is guilty of an offence and liable to an action in accordance with the provisions of the municipal Penalty Bylaw. The Notice of Violation shall be on Form "1", Appendix A, attached to and forming part of this bylaw
13. A person who, upon being served with a Notice of Violation, may voluntarily pay the penalty at the municipal office within 10 days and upon payment as so provided, that person shall not be liable to prosecution of the offence.
14. A person operating a snowmobile in an unsafe manner or in excess of the maximum posted speed limit within the municipality is in violation of this bylaw and liable to a penalty or penalties imposed by The Summary Offences Procedure Act and/or other applicable legislation.
15. Notwithstanding the municipal Penalty Bylaw, a person who is guilty of an offence of operating a snowmobile on municipal property zoned as ER (Environmental Reserve) is liable on summary conviction to a fine of not less than \$100 and not more than \$1000 and in default of payment to imprisonment for a term of not more than 30 days.

### **IMPOUNDING**

16. A designated officer may remove or cause to be removed any snowmobile that is found to be unlawfully placed, left or kept on the street or public place and impound or store the snowmobile as provided for in Article 18 of this bylaw.
17. A designated officer may, when requested by the owner, occupant or licensee of a private property within the municipality remove or cause to be removed and impound or store the snowmobile as provided for in Article 18 of this bylaw any snowmobile found on or unlawfully parked on that private property.
18. A designated officer may seize and impound a snowmobile when the following condition have been met:
  - a. the owner of the snowmobile owes three or more outstanding fines to the municipality for violations under this bylaw;
  - b. the appeal period against the imposition and amount of said fines has expired;
  - c. at least two notices that the fines are outstanding were sent to the owner at least one week apart; and
  - d. a justice, having been satisfied by evidence provided by way of oath, affidavit or statutory declaration of the existence of the facts mentioned above has issued an order authorizing the removal and impoundment
19. The municipality may retain a snowmobile which has been impounded or stored until the amount of outstanding fines and the costs incurred in removing, impounding and storing the snowmobile have been paid, and upon payment of said outstanding fines and costs the snowmobile shall be released to the owner.
20. If the fines and costs are not been paid within a period of 30 days, the municipality shall have the right to recover the amount of the fine and costs from the owner of the snowmobile by legal action in a court of competent jurisdiction or by private sale or sale by public action subject to conditions of Article 17 having been met.
21. Prior to the sale of an snowmobile impounded by the municipality, the municipality shall provide notice designating the time and place of the sale at least 21 days prior to the sale by:
  - a. publishing a notice in a newspaper circulating in the municipality;
  - b. sending a copy of said notice by regular mail to the owner at the address last appearing on the snowmobile registration; and
  - c. any other means which council may consider appropriate.

22. The proceeds from such sale shall be applied firstly on the fines and costs and the balance remaining shall be paid to the owner.
23. If the proceeds from such sale are insufficient to satisfy the fines and costs, the amount of the shortfall shall be a debt due and owing from the owner and enforceable by the municipality in any manner allowed by law.

**SEVERABILITY**

24. A decision of a Court that one or more provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this Bylaw.

**FORMS**

25. The following forms included in Appendix A of this bylaw may be used in the administration of this bylaw:
  - Form 1 - Notice of Violation

**EFFECTIVE DATE**

26. THIS BYLAW comes into force and takes effect immediately after approval of The Highway Traffic Board.

Resolution R8/07, First Reading of Bylaw "Carried" at the January 22, 2007 regular council meeting  
Resolution R23/07, Second Reading of Bylaw "Carried" at the February 19, 2007 regular council meeting  
Resolution R73/07, Third Reading of Bylaw "Carried" at the April 16, 2007 regular council meeting

.....  
Mayor

seal

.....  
Administrator