

**RESORT VILLAGE OF KANNATA VALLEY
TRAFFIC BYLAW
BYLAW # 81.3**

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 and parking of vehicles within the municipality.

DEFINITION OF TERMS:

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

Act	the Traffic Safety 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 on a highway.
Unregistered Vehicle Permit (Form 2)	a vehicle that can not to be registered under the Vehicle Administration Act a document issued by the municipality to authorize an unregistered vehicle to be operated within the boundaries of the municipality.
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"
Gross Vehicle Weight	the total weight of a vehicle or combination of vehicles calculated as the sum of the weight transmitted to the surface of a public highway.
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.

STREET NAME

3. This article to record that the name of the street (highway) within the municipality as having been changed from "Beach Avenue" to "Lakeshore Drive" on the 18th day of April 1970 by adoption of Municipal Bylaw 9/70. The name of the street within the municipality shall continue to be names "Lakeshore Drive" under this bylaw.

TRAFFIC CONTROL SIGNS

4. Council shall by resolution cause traffic control signs to be erected and maintained as deemed appropriate and in the best interests of the municipality
5. Council may by resolution cause speed control bumps to be installed on the roadbed of Lakeshore Drive at locations and for durations of time as deemed appropriate and in the best interest of the municipality.
6. 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, marker, signal or light or any advertising sign or device.
7. No person shall deface damage, destroy or remove any sign or marker erected pursuant to this bylaw.

VEHICLE OPERATION

8. The provisions of the Traffic Safety Act shall apply to the operation of Vehicles within the municipality.
9. The regulations applicable to a "secondary highway", as detailed in the Highways and Transportation Act - Vehicle Weight and Dimension Regulations shall be the criteria used to regulate vehicle weight restrictions within the municipality.

10. Except for an emergency vehicle, no person shall operate a *Vehicle* within the municipality at a speed greater than thirty (30) km/hr.
11. A *Vehicle* may not be operated on municipal property zoned ER (Environmental Reserve).
12. The operation of a *Vehicle* 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.
13. No person shall operate a *Vehicle* 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.
14. No person shall propel, operate, drive or pull any *Vehicle* or 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.
15. No person shall operate a *Vehicle* or combination of vehicle and trailer on Lakeshore Drive or on municipal property zoned MR1, MR2, MR3, MR4, MR5 and CS1 unless it is so loaded, covered or sealed as to prevent all or part of the load from dropping, leaking or otherwise escaping there from. Should any material become loose, drop, spill, or fall from the vehicle, the operator shall immediately take all reasonable precautions to safeguard traffic from the consequences thereof and shall remove such material from the highway.
16. No person shall place, throw, deposit or discard any rubbish, litter or waste material of any description from a vehicle being operated on Lakeshore Drive or on municipal property zoned MR1, MR2, MR4, and MR5.

VEHICLE PARKING

17. All vehicles parked, where permitted by this bylaw, must be registered and insured compliant with the Vehicle Administration Act.
18. Vehicles, where permitted to be parked on the shoulder of Lakeshore Drive, shall be parked parallel to the adjacent driving lane so that the tail lights are clearly visible to traffic flowing in the adjacent driving lane.
19. No person shall park a vehicle with a gross vehicle weight in excess of 5,500 kg (12,000 Lbs) on Lakeshore Drive or on municipal property zoned MR1, MR2, MR3, MR4, and MR5 except to park for a limited time of less than two hours to take on or discharge cargo.
20. No person may park a vehicle on the shoulder of Lakeshore Drive at one place for a period of time in excess of seven (7) consecutive days.
21. No person may park a vehicle on municipal property zoned MR1, MR2, MR3, MR4 & MR5 (*Municipal Reserve*) for longer than forty-eight (48) consecutive hours.
22. No person shall park a vehicle in such a manner as to obstruct the entrance to private property or park on private property without the consent of the owner or occupant of that private property.
23. No person shall park a vehicle in an area signed "No Parking" or within five (5) metres of a fire hydrant.

ABANDONED VEHICLES

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

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

ENFORCEMENT AND PENALTIES

26. 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

27. 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.

28. A person operating a vehicle 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.

29. Notwithstanding the municipal Penalty Bylaw, a person who is guilty of an offence of operating a *Vehicle* 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

30. A designated officer may remove or cause to be removed any vehicle that is found to be unlawfully placed, left or kept on the street or public place and impound or store the vehicle as provided for in Article 32 of this bylaw.

31. 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 vehicle as provided for in Article 32 of this bylaw any vehicle found on or unlawfully parked on that private property.

32. A designated officer may seize and impound a vehicle when the following condition have been met:

- a. the owner of the vehicle 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

33. The municipality may retain a vehicle which has been impounded or stored until the amount of outstanding fines and the costs incurred in removing, impounding and storing the vehicle have been paid, and upon payment of said outstanding fines and costs the vehicle shall be released to the owner.

34. 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 vehicle by legal action in a court of competent jurisdiction or by private sale or sale by public action subject to conditions of Article 39 having been met.

35. Prior to the sale of a vehicle 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 vehicle registration; and
- c. any other means which council may consider appropriate.

36. The proceeds from such sale shall be applied firstly on the fines and costs and the balance remaining shall be paid to the owner.

37. 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.

EXEPTION FOR PUBLIC WORKS

38. Section 57 of the Act and Articles 11,12,13,17 and 18 of this bylaw shall not apply to an operator who, while in possession of a Permit To Operate an Unregistered Vehicle (Form 2 Appendix A), operates an *unregistered vehicle* while travelling to or from any site within the municipality for the purpose of maintenance or construction of public works.

SEVERABILITY

39. 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

REFERENCE BYLAWS

40. Bylaw 4, 6, 9, 12, 54 and 81.2 are hereby repealed

FORMS

41. The following form is included in Appendix A of this bylaw may be used in the administration of this bylaw:

- FORM 1 - Notice of Violation
- FORM 2 – Permit to Operate Unregistered Vehicle

EFFECTIVE DATE

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

Resolution R147/11, First Reading of Bylaw 81,3 "Carried" at the November 28, 2011 regular council meeting
Resolution R148/11, Second Reading of Bylaw 81.3 "Carried" at the November 28, 2011 regular council meeting
Resolution R150/11, Third Reading of Bylaw 81.3 "Carried" at the November 28, 2011 regular council meeting

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Mayor

seal

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Administrator