

RESORT VILLAGE OF FORT SAN

BYLAW NO. 07-04

A Bylaw to provide for the moving or removal of any vehicle, trailer, ice fishing shack or other structure that is unlawfully parked, placed, left or kept on any village road, or village owned property.

The Council of the Resort Village of Fort San in the Province of Saskatchewan enacts as follows:

1. In this Bylaw, unless the context otherwise requires, the expression, word or phase:
 - (a) Bylaw Enforcement Officer shall mean the individual appoint by village bylaw to be the villages bylaw enforcement officer.
 - (b) Village shall mean the Resort Village of Fort San.
 - (c) Village owned property includes buffer strips, environmental reserves, village reserves and public reserves.
 - (d) Person includes a corporation or a partnership, and women as well as men.
 - (e) Police Office means a member of the Fort QuAppelle Detachment of the Royal Canadian Mounted Police
 - (f) Vehicle means a vehicle as described in The Highway Traffic Act
2. Duration of Parking

No vehicle shall be parked on any village road or village owned property for an uninterrupted period of time longer than forty-eight (48) hours.
3. Maximum Parking - 48 Hours

Any vehicle parked for an uninterrupted period of time longer than forty-eight (48) hours on any village road may be hauled away at the expense of the owner thereof.
4. Unattached Trailer or Semi-Trailer, Ice Fishing Shack or Other Structure

No person shall leave a trailer or semi trailer which is unattached from the vehicle used for moving same, ice fishing shack, or other structure on a village road or village owned property, provided that this provision shall not apply to equipment owned or operated by the Village or contracted by the Village during the construction of capital works or maintenance projects.
5. Parking of Unlicensed Vehicles

No vehicle shall be parked on a village road or village owned property unless it is displaying license plates for the current year.
6. No Immobilized Vehicles on Village Road

No person shall leave any vehicle unattended for more than three (3) hours on any village road if the vehicle has been place on a jack or jacks and one or more wheels have been removed from it or part of the vehicle has been raised.
7. Vehicle Repairs

Vehicle repairs including changing of tires shall not be made on any village road unless in the case of emergency repair.

8. Leave Any Vehicle, Thrown Glass

- (a) No person shall, either himself, herself, or through another person, leave any vehicle or anything that might directly or indirectly encumber, obstruct, injure, or foul any village road or village owned property.
- (b) No person shall throw glass or debris on any village road or village owned property.

9. Traffic Not To Be Obstructed

No person shall operate a vehicle or allow a vehicle to remain upon any village road so as to be an unreasonable obstruction to the traffic thereon. Where the obstruction is unavoidable due to mechanical failure, the operator will not be in breach of this Section provided he promptly takes measures to clear the faulty vehicle from the village road.

10. Removal of Vehicles

A police officer or the bylaw enforcement officer may, without warrant, seize any vehicle, trailer, ice fishing shack or other structure that, in his or her opinion, is unlawfully parked, placed, left, or kept on any village road or village owned property.

11. A police officer, bylaw enforcement officer or any person authorized by the police officer or bylaw enforcement officer may move or remove or cause to be moved or removed any vehicle, trailer, ice fishing shack or other structure that is unlawfully parked, placed, left or kept on any village road or village owned property.

12. Any vehicle, trailer ice fishing shack or other structure removed pursuant to sections 10 & 11:

- (a) Shall be impounded and stored at a site designated by the seizing officer, at the cost of the owner for a period of thirty (30) days after the date of removal of the vehicle, trailer, ice fishing shack or other structure unless the cost of removal, impoundment, and storage and any outstanding fines are sooner paid.
- (b) May be released to the owner on payment of the cost of removal, impoundment, and storage and any other outstanding fines within thirty (30) days after the date of the removal of the vehicle, trailer, ice fishing shack or other structure. The following fees shall be applicable:
 - (i) Towing Charge - as charged by the individual/company removing the vehicle, trailer, ice fishing shack or other structure.
 - (ii) Storage Charge - Five (\$5.00) Dollars per day.

13. If the vehicle is not redeemed within thirty (30) days, pursuant to clause 12(b);

- (a) The vehicle, trailer, ice fishing shack or other structure shall be dealt with as lost or unclaimed personal property.
- (b) The Village shall have the right to recover from the owner of the vehicle, trailer, ice fishing shack, or other structure the cost of removal, impoundment, and storage, any outstanding fines, and the actual cost of advertising, by:
 - (i) action in a court of competent jurisdiction.
 - (ii) sale of the vehicle, trailer, ice fishing shack or other structure at a public auction or by private sale, or
 - (iii) in lieu of costs released as salvage to the individual/company impounding the said vehicle, trailer, ice fishing shack or other structure.



14. The expenses mentioned in Subsection 12(b) are a lien upon the vehicle seized and if the owner of the vehicle, trailer, ice fishing shack or other structure cannot be found after advertising in the local newspaper for 2 consecutive weeks or if he or she fails to pay the expenses within fourteen (14) days after the day on which a notice requiring him/her to do so has been served on him/her or sent to him/her by registered mail, the vehicle, trailer, ice fishing shack or other structure may be disposed of as described in Subsection 13(b) for the purpose of recovering the expenses.
15. Any person convicted of a breach of the provision of this Bylaw shall forfeit and pay at the discretion of the convicting Judge of the Magistrates Court or Justice of the Peace having jurisdiction in the Resort Village of Fort San, a penalty not less than Fifty (\$50.00) Dollars and not more than Five (\$500.00) Dollars and upon default of payment thereof, the person convicted may be committed to a jail or to the Provincial Correctional Centre, or to a public lockup for any time determined by the Judge of the Magistrates Court or the Justice of the Peace, not exceeding thirty (30) days, unless the penalty and costs including the cost of committal and of the conveyance of the person convicted to the said jail, Provincial correctional Centre, or lock-up are sooner paid.
16. The Mayor may:
- (a) Seize, without warrant, any vehicle, trailer, ice fishing shack or other structure that, in his or her opinion, is parked or left on a village road at a place or in any manner that:
 - (i) Constitutes a hazard to other users of the road or road allowance; or
 - (ii) Unduly interferes with construction, maintenance or snow removal operations; and
 - (b) Have the vehicle seized pursuant to clause (a) moved to a suitable place where it no longer constitutes a hazard or interferes with construction, maintenance or snow removal operations.

(S E A L)



Mayor

[Handwritten Signature]

Clerk

[Handwritten Signature]

Certified a True Copy of
Bylaw No. 07-04 passed by
the Council of the Resort
Village of Fort San on the
5th day of November, 2007



Clerk

[Handwritten Signature]