

# THE RESORT VILLAGE OF SUNSET COVE

## BYLAW No 86/2014

### A BYLAW TO REGULATE THE USE OF HEAVY VEHICLES.

The Council of the Resort Village of Sunset Cove, in the Province of Saskatchewan, enacts as follows:

1. **PURPOSE:** The Purpose of this bylaw, is to regulate the use and parking of heavy vehicles within the Resort Village of Sunset Cove. This bylaw exists to protect the amenity of residential areas and to assist with the protection of the Municipality's assets. Vehicles over 4500 kilograms generally have a larger motor and therefore have the potential to cause detriment to residents through noise and the smell of fumes. Local roads generally are not constructed to sustain the heavy weights of these vehicles.

#### 2. INTERPRETATION

(a) "Administrator" means the clerk/administrator of the municipality;

(b) "Highway" means a road, parkway, driveway, square or place designated and intended for use by or used by the general public for the passage of vehicles.

(c) "Municipality" means The Resort Village of Sunset Cove:

(d) "Designated Officer" means the Administrator, a member of the Royal Canadian Mounted Police, Sheriff, Bylaw Enforcement Officer, Special Constable appointed pursuant to the Saskatchewan Police Act, 1990, or any other person appointed to enforce municipal bylaws

(e) "Heavy vehicle" is:

- i. any vehicle with a gross vehicle weight of more than forty-five hundred (4,500) kilograms, or
- ii. any vehicle with more than two axles, or
- iii. any vehicle while carrying a load exceeds a gross vehicle weight of 4500 kilograms, or
- iv. a vehicle, with a trailer, exceeding a total length of 12 meters and exceeding fifty-five hundred (5500) kilograms (in combined weight of vehicle, trailer and load), or
- v. a semi-tractor unit (either a power unit or a semi-trailer)

This includes, but is not limited to tandem axle trucks, tow trucks, wreckers, septic trucks, tanker trucks, gravel trucks, commercial delivery trucks, welding trucks, and/or highway tractors (with or without trailers).

(f) The provisions of this Bylaw do not apply to the following:

- i. Public Utility Vehicles, including but not limited to SaskPower and SaskEnergy vehicles, while engaged in work within the Municipality.
- ii. Contractors hired by Municipality, including but not limited to, snow removal equipment, road repair vehicles and machinery, tree trimming vehicles; garbage trucks, while operated in accordance to their ordinary course of business.

- iii. Emergency vehicles such as police vehicles, fire trucks, ambulances.
- iv. School buses while transporting, loading or unloading passengers during the ordinary course of business.
- v. Recreational vehicles (travel trailers, motorhomes, and fifth wheel trailers).
- vi. Delivery trucks delivering or picking up goods or articles from customers within the municipality, between the hours of 7:00 am to 9:00 pm. No person shall park or permit to be parked a delivery truck in excess of 4500 kilograms with the municipality for a period of time longer than is reasonably necessary to load or unload the vehicle.
- vii. Service vehicles (including but not limited to septic trucks, water delivery trucks, tow trucks) responding to a call for service from customers within the Municipality, between the hours of 7:00 am to 9:00 pm.
- viii. Vehicles used for the moving of buildings, if the required permits have been previously obtained by the movers.
- ix. Vehicles hired for construction or excavating work on a resident's home or property, once all required permits have been issued. These vehicles can remain within the municipality for a maximum of 90 days in any calendar year unless an extension is granted by subsection 2(f)(xi).
- x. Any vehicle needed for the immediate protection of life or property within the municipality.
- xi. Any vehicle approved by resolution from the council of the Resort Village of Sunset Cove. These approvals shall be in effect for maximum of 90 days from the date of the resolution but may be extended by subsequent resolutions

### 3. REGULATIONS

- i. No person shall operate a heavy vehicle on any highway within the Municipality
- ii. No person shall park or abandon a heavy vehicle on any public or private property within the Municipality.
- iii. No person shall leave a heavy vehicle in an unsafe location or condition while in accordance with section 2(f).
- iv. A Peace Officer can enforce this bylaw. A Peace Officer is hereby authorized and empowered to issue a Violation Notice to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- v. Service of the Violation Notice is sufficient if the violation notice is:
  - a. Served personally
  - b. Attached to the vehicle in respect of which the offense is alleged to have occurred, in which case the violation notice need not specify the name of the person alleged to have committed the offense if the vehicle is described on the violation notice by license plate number.

#### 4. PENALTIES

Any person who contravenes any of the provisions of this bylaw is guilty of an offense or liable on summary conviction to the penalties listed below:

1 <sup>st</sup> Offence	\$150.00
2 <sup>nd</sup> or Subsequent Offence	\$300.00
Each day that a breach of the Bylaw has occurred may be considered a separate offence.	
Vehicle is subject to seizure at the owners expense after a third offence has occurred within any calendar year	

(2) A violator of any of the subsections of this bylaw, as set out in sections 2 and 3, upon being served with any notice of violation, may, voluntarily pay the Clerk by mail or in person, and upon payment as so provided, that person shall not be liable to prosecution of the offense.

#### 5. IMPOUNDING

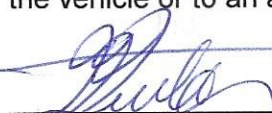
(a) Any Designated Officer may remove or cause to be removed any heavy vehicle that is unlawfully placed, left or kept on any street or lane, public parking place, or other public place or on municipally-owned property, or on privately owned property within the municipality and to impound or store such vehicle.

(b) Where a vehicle has been impounded or stored after it has been removed under Section 6(a), it may be retained at a place designated by council for a period of thirty (30) days from date of removal unless the cost of removal, impounding and storage are sooner paid. Upon payment of the full costs herein, the vehicle may be released to the owner thereof.

(c) If the costs of removal, impounding and storage are not paid within the period of thirty days as specified in subsection (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 upon 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 by registered mail to the owner at the address appearing in the last registration of the vehicle or to an address provided by the owner.

  
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Signed "Tom Fulcher" Mayor

  
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Signed "Barb Griffin" Administrator

A certified true copy of  
Bylaw 86/2014 adopted by  
Resolution of Council on

April 11/2015

  
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Administrator