

CITY OF SELKIRK

BY-LAW NO. 5036

BEING A BY-LAW OF THE CITY OF SELKIRK TO REGULATE THE USE OF PLAY VEHICLES ON CITY-OWNED PROPERTY IN THE CITY OF SELKIRK.

WHEREAS Section 232 of the Municipal Act S.M. 1966, c.58 - Cap. M225 gives a Municipality the authority to regulate activities within the Municipality;

AND WHEREAS the Council of the City of Selkirk deems it necessary to control the use of Play Vehicles, as defined hereafter, on City property;

NOW THEREFORE Council of the City of Selkirk, duly assembled, enacts as follows:

1. In this By-Law, the following definitions shall apply:
 - a) "Peace Officer" means
 - i) any member of the Royal Canadian Mounted Police force and any other police officer, police constable, constable, City By-Law Enforcement Officer or other person employed for the preservation and maintenance of the public peace and;
 - ii) any person lawfully authorized to direct or regulate traffic, or to enforce the Highway Traffic Act or Traffic By-Laws or regulations, by making arrests for violation thereof or otherwise.
 - b) "Play Vehicle" means a device propelled by human muscular power such as a skateboard, in-line skates, scooters and similar devices. For the purpose of this by-law, bicycles and tricycles shall not be included in the definition of Play Vehicle.
 - c) "City-owned property" means any property which is owned by the City of Selkirk.
2. No person shall use or operate a Play Vehicle on the City-owned properties set out in Schedule "A" to this By-law or any amended Schedule "A" as determined by Council of the City of Selkirk by resolution from time to time, it being the intent of this By-law that Council of the City of Selkirk be entitled, by resolution, to add or delete City owned properties from the attached Schedule "A". Notwithstanding the foregoing, for a person to be guilty of an offence hereunder, the property in question shall also have been posted with a sign placed thereon on behalf of the City notifying the public that the use of Play Vehicles thereon is prohibited by City by-law.
3. Any person violating the provisions of this by-law or any person who fails to observe, obey or comply with the provisions of same, is guilty of an offence hereunder. Any person guilty of an offence pursuant to this By-Law shall be subject to the following penalties:
 - a) for a first offence, the Play Vehicle in question shall be impounded, and will be returned to the person from whom it was impounded upon payment of a fine of ten (\$10.00) dollars;

- b) for a second offence, the Play Vehicle in question shall be impounded, and will be returned to the person from whom it was impounded upon payment of a fine of fifty (\$50.00) dollars;
 - c) for a third offence, the Play Vehicle in question shall be permanently impounded and become the property of the City of Selkirk and disposed of as determined by resolution of Council of the City of Selkirk.
4. Any Play Vehicle impounded pursuant to this By-Law which is not recovered by its owner by payment of the fine set out in Clause 3 herein within 30 days of the date of issuance of the offence notice therefor shall become the property of the City of Selkirk and subject to disposition as determined by Resolution of Council.
5. THAT By-Law No. 4881 be hereby repealed.

DONE AND PASSED by Council of the City of Selkirk in open session at the Civic Offices, Selkirk, Manitoba, this 21st day of July A.D. 2003.

Original signed by D. Bell

Mayor

Original signed by John Livingstone

Director of Finance & Legislation

READ A FIRST TIME this 9th day of June, A.D., 2003.

READ A SECOND TIME this 21st day of July, A.D., 2003.

READ A THIRD TIME this 21st day of July, A.D., 2003.