

BYLAW NO. 453/2023**A BYLAW TO PERMIT OPERATING UNREGISTERED GOLF CARTS ON HIGHWAYS WITHIN THE LIMITS OF THE TOWN OF BALGONIE**

Whereas, subject to and in accordance with Section 113.1 of *The Traffic Safety Act* and *The Registration Exemption and Reciprocity Regulations*, 2014, a Municipality is authorized to make Bylaws permitting the operation of a golf cart on any highway or any part of a highway, other than a provincial highway, within that Municipality.

The Council of the Town of Balgonie, in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

In this Bylaw, including this section:

- 1.1 **Administrator** shall mean the employee or representative of the Municipality tasked with enforcing this Bylaw, or their delegate.
- 1.2 **Council** shall mean the Council of the Municipality.
- 1.3 **Daylight Hours** shall mean half an hour before sunrise to half an hour after sunset.
- 1.4 **Designated Officer** shall mean an employee or representative of the Municipality, a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, Community Safety Officer, Development Officer, Chief Administrative Officer, or Administrator.
- 1.5 **Driver's Licence** shall mean a valid driver's licence as defined by *The Traffic Safety Act* as amended or repealed and replaced from time to time.
- 1.6 **Golf Cart** shall mean a self-propelled vehicle, as defined in *The Registration Exemption and Reciprocity Regulations*, that:
 - (a) is designed to transport passengers and their equipment in an area designated as a golf course;
 - (b) has three or more wheels;
 - (c) cannot be operated at a speed of more than 24km/h on level ground; and
 - (d) has an unladen weight of less than 590 kilograms;but does not include:
 - (e) an all terrain vehicle as defined in *The All Terrain Vehicles Act*; or
 - (f) a low-speed vehicle as defined in the *Motor Vehicle Safety Regulations, C.R.C., c.1038*.
- 1.7 **Municipality** shall mean the Town of Balgonie.
- 1.8 **Walking Path** shall mean established paths used by pedestrians, which may or may not be improved by asphalt or brick.
- 1.9 **Approved Highways** shall mean all roads as indicated on Appendix A: Map of Golf Cart Roads.
- 1.10 **Highway** shall mean highway as defined in *The Traffic Safety Act* as repealed and replaced from time to time.
- 1.11 **Provincial Highway** shall mean Provincial Highway as defined by *The Highways and Transportation Act*, 1997, repealed and replaced from time to time.

2. GENERAL REGULATIONS

- 2.1 This Bylaw may be referred to as the 'Golf Cart Bylaw'.
- 2.2 Persons shall be permitted to operate a golf cart on approved highways.
- 2.3 Pursuant to 2.2, any person operating a golf cart on an approved highway shall:

- a. operate the golf cart in accordance with the rules of the road pursuant to *The Traffic Safety Act* as amended or repealed and replaced from time to time, and other municipal bylaws;
 - b. hold a valid Class 7 or higher driver's licence;
 - c. not operate the golf cart on any highway with a posted speed over 40 km/h;
 - d. only operate the golf cart during daylight hours;
 - e. only drive on those approved highways illustrated in Appendix A: Map of Golf Cart Roads, included and forming part of this Bylaw;
 - f. the owner of the golf cart must insure themselves and every other person who, with the owner's consent, operates that golf cart, against liability imposed by law arising out of the ownership, use or operation of that golf cart and provides proof of insurance at the request of a Peace Officer or Community Safety Officer. The minimum liability requirement is \$200,000.
- 2.4 Pursuant to 2.2, golf carts on approved highways shall:
- a. meet the definition in *The Registration Exemption and Reciprocity Regulations*, 2014, as amended or repealed and replaced from time to time;
 - b. display a 'Slow-Moving' warning device as defined in Section 2(1)(kk) of *The Vehicle Equipment Regulations*, 1987, and be displayed in accordance with Section 10 of the Regulations, with one side parallel to and not less than 900 millimetres nor more than 1,500 millimeters from the ground; and
 - c. not be capable of operating at a speed of more than 24 km/h on level ground.
- 2.5 No person may operate a golf cart on a Provincial Highway except when crossing the highway using the most direct route.
- 2.6 No person may operate a golf cart on a walking path except when crossing the walking path using the most direct route.
- 2.7 The Municipality shall monitor and inform SGI of any collisions, injuries, or fatalities involving golf carts.

3. INSPECTION, ENFORCEMENT, AND PENALTIES

- 3.1 The administration and enforcement of this Bylaw is hereby delegated to the Administrator.
- 3.2 This Bylaw may be enforced by a Designated Officer.
- 3.3 Any person contravening any provision of this Bylaw shall be guilty of an offence and is liable on summary conviction to a penalty of \$100.00 plus any applicable surcharge imposed pursuant to *The Victims of Crime Act*.
- 3.4 Any golf cart operated in contravention of this Bylaw may be seized by the Municipality and:
 - a. stored by the Municipality for 7 days;
 - b. towing fees shall be \$100.00 plus all incidental costs and expenses arising from the first towing and storage, and \$200.00 plus all incidental costs and expenses arising from the second and all subsequent towing and storage; and
 - c. if the owner has not paid all towing and storage costs within 90 days, the Municipality may sell the golf cart for fees and incidental costs at public auction.
- 3.5 A person contravening any provision of this Bylaw with four or more offences shall be guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw No. 437/2022, as amended or repealed and replaced from time to time.
- 3.6 Where any person makes payment within 14 days of the offence, the fine shall be 50% of the penalty amount.

- 3.7 All disputes arising from the administration of this Bylaw shall be referred to Council, and Council shall be the final authority in all cases.

4. SEVERABILITY

- 4.1 This Bylaw shall not be construed to hold the Municipality or its agents responsible or liable for any damage to persons or property caused by the administration of the Bylaw.
- 4.2 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

5. REPEAL OF FORMER BYLAWS

- 5.1 Bylaw 451/2023 passed on the 10th day of July, 2023 is hereby repealed.

6. COMING INTO FORCE

- 6.1 This Bylaw shall come into force and take effect on the date it is approved by Saskatchewan Government Insurance.

Introduced and read a first time this 24th day of July, 2023.

Read a second time this 24th day of July, 2023.

Read a third time and passed this 24th day of July, 2023.



[Handwritten Signature]

Mayor

[Handwritten Signature]

Administrator

Certified a true copy of Bylaw No. 453/2023 passed by resolution of the Council of the Town of Balgonie on this 24th day of July, 2023.

[Handwritten Signature]
Administrator



Handwritten mark



Town of Balgonie
PO Box 310
Balgonie SK S0G 0E0

August 2, 2023

Re: **Golf Cart Bylaw - Approved**

This is to advise that subject to Section 113.1 of *The Traffic Safety Act*, Saskatchewan Government Insurance approves the Town of Balgonie Bylaw No. 453/2023, which authorizes the operation of Golf Carts on public roads within the limits of the Town of Balgonie, not including provincial highways.

Feel free to contact me if you have any questions.

Regards,

A handwritten signature in black ink that reads 'Kelly McKay'. The signature is written in a cursive, flowing style.

Kelly McKay
Manager
Vehicle Registration Policy & Permit Services
306-775-6103
kmckay@sgi.sk.ca