

BYLAW NO. 3506

A BYLAW OF THE CITY OF MEDICINE HAT for the purpose of regulating and controlling skateboarding.

WHEREAS the *Traffic Safety Act* authorizes a municipality to make bylaws governing the use of highways under its direction, control, and management and governing the impounding of skateboards;

AND WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws for municipal purposes respecting the following matters:

- (A) the safety, health and welfare of people and the protection of people and property;
- (B) people, activities and things in, on or near a public place or place that is open to the public;
- (C) nuisances; and
- (D) transport and transportation systems;

AND WHEREAS Council considers it advisable to pass a bylaw to regulate and control skateboarding in the City;

NOW THEREFORE THE MUNICIPAL CORPORATION OF MEDICINE HAT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Skateboarding Bylaw.
2. In this Bylaw,
 - (a) "Bylaw Enforcement Officer" means any person employed by the City of Medicine Hat as a police officer, bylaw enforcement officer, or special constable empowered to enforce this Bylaw.
 - (b) "City Centre" means the area of the City of Medicine Hat shown on Schedule "A" to this Bylaw.
 - (c) "Occupant" means the lessee or other person having possession of or control over lands, but does not include the owner.
 - (d) "Road" means "highway" as defined in the *Traffic Safety Act* or "road" as defined in the *Municipal Government Act*, and for greater certainty includes a sidewalk.
3. No person shall operate or use a device known as a skateboard
 - (a) on a Road in the City Centre; or

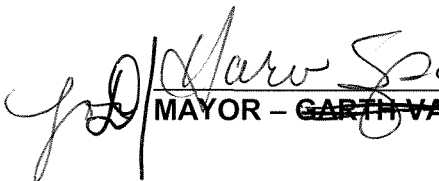

- (b) on any other property in the City Centre unless the person obtains the consent of the owner or Occupant of the property.
- 4. No person shall operate or use a device known as a skateboard
 - (a) on any Road located outside of the City Centre; or
 - (b) on any other property located outside of the City Centreif prohibited from doing so by a sign posted on the Road or property.
- 5. A Bylaw Enforcement Officer may seize and impound for a period not exceeding thirty (30) days, any skateboard used or operated in contravention of this Bylaw.
- 6. Where a skateboard has been seized and impounded by a Bylaw Enforcement Officer as provided for in this Bylaw, the owner or operator of the skateboard shall, aside from any fine or penalty to which he may be subject, be liable for all reasonable costs incidental to the seizure and impounding of the skateboard.
- 7. Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000 c. P-34.
- 8. Pursuant to Section 26(1) of the *Provincial Offences Procedure Act*, if the summons issued by a Bylaw Enforcement Officer so provides, the person named in a summons may make a voluntary payment in the specified amount set out in Schedule "B" of this Bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.
- 9. A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than the specified penalty set out in Schedule "B" of this Bylaw and not more than (\$2,000) or in default of payment to imprisonment for a period of not more than one year.
- 10. This Bylaw will come into force on July 1, 2004.

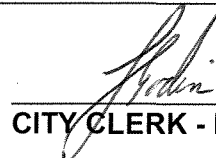
READ A FIRST TIME in open Council on May 17, 2004

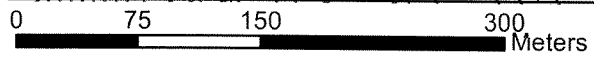
READ A SECOND TIME in open Council on June 7, 2004

READ A THIRD TIME in open Council on June 7, 2004

SIGNED AND PASSED on June 8, 2004


MAYOR - ~~GARTH VALLENYNE~~



CITY CLERK - LARRY P. GODIN



SCHEDULE "B"

SPECIFIED PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Amount</u>
3(a)	Operate or use a skateboard on a Road in the City Centre.	\$50.00
3(b)	Operate or use a skateboard on property in the City Centre unless the person obtains consent of the owner or Occupant of the property.	\$50.00
4(a)	Operate or use a skateboard on a Road outside of the City Centre when prohibited by a sign.	\$50.00
4(b)	Operate or use skateboard on property outside of the City Centre when prohibited by a sign.	\$50.00