

# BYLAW NO. 02/23

## A BYLAW OF THE RESORT VILLAGE OF KIVIMAA – MOONLIGHT BAY TO REGULATE THE OPERATION OF GOLF CARTS

THE COUNCIL OF THE RESORT VILLAGE OF KIVIMAA – MOONLIGHT BAY, IN THE PROVINCE OF SASKATCHEWAN, ENACTS AS FOLLOWS:

TITLE:

1. This bylaw shall be known as "the Golf Cart Bylaw No. 02/23.

PURPOSE:

2. The purpose of the Bylaw is to regulate the operation of Golf Carts pursuant to section 113.1 of The Traffic Safety Act and The Registration Exemption and Reciprocity Regulations (2014).

DEFINITIONS:

3. For this bylaw, the following terms and words shall have the following meaning:
  - a) "Act" shall mean The Traffic Safety Act,
  - b) "golf cart" means a commercially manufactured, self-propelled vehicle that:
    - Is originally designed to be used on a golf course for the movement of people and goods on unprepared surfaces and roadways;
    - Has four wheels in contact with the ground;
    - Cannot be operated at a speed greater than 24 km/h on level ground;
    - Has an unladen weight of less than 590 kilograms;
    - Must be equipped as defined in *The Registration Exemption and Reciprocity Regulations, 2014*But does not include:
    - All-terrain vehicles, as defined in *The All Terrain Vehicles Act*; or
    - a low speed vehicle as defined in *the Motor Vehicle Safety Regulations, C.R.C., c.i038*;
    - A snow mobile as defined in *The Snowmobile Act*; or
    - An agricultural implement or special mobile machine as defined in *The Traffic Safety Act*; or,
    - Any vehicle that is required to be registered pursuant to *The Traffic Safety Act*.
  - c) "driver's license" means a driver's license issued pursuant to *The Traffic Safety Act*,
  - d) "highway" means highway as defined in *The Traffic Safety Act*,
  - e) "municipality" means The Resort Village of Kivimaa – Moonlight Bay,
  - f) "municipal land" shall include but not be limited to:
    - The traveled and untraveled portion of all streets, roads, lanes, and highways in the municipality, except provincial highways,
    - all municipal reserves,
    - all publicly owned parking lots,

- the grounds of all municipal owned buildings, and
- all other lands owned or operated by the municipality.

PROVISIONS:

4. It shall be lawful to operate a golf cart on municipal land and roadways within the Municipality of the Resort Village of Kivimaa – Moonlight Bay, except where prohibited in this Bylaw.

PROHIBITIONS:

5. It shall be unlawful to operate a golf cart on any roadways with a posted speed greater than 30 kms/hr, within the Municipality of the Resort Village of Kivimaa – Moonlight Bay.
6. All operators of a Golf Cart must possess as a minimum a valid class 7 (learner) or higher driver's license;
7. No person shall operate a golf cart on any designated walking or trail, or on any area that is ditched or designed to provide drainage unless such operation is permitted by posted signage.
8. No person shall operate a golf cart on any Municipal Reserve, Park, Green Space, Cemetery, or Playground unless such operation is permitted by posted signage.
9. No person shall operate a golf cart:
  - a) Without exercising due care and attention,
  - b) Without reasonable consideration for other persons in the area or who might reasonably be expected to be in the area,
  - c) At a speed greater than is reasonable and safe in the circumstances and in any case, at a speed greater than 30 km/h,
  - d) With more seated passengers than the design of the golf cart can safely handle, and in no event while a passenger is standing in or upon the cart.
  - e) With a person being towed on any type of equipment attached to the golf cart,
  - f) When winter driving conditions, snow and/or ice are present in the Municipality.
  - g) While under the influence of alcohol or cannabis as outlined by the Criminal Code.
  - h) At night, which is defined as ½ hour after sunset to ½ hour prior to sunrise.

RULES OF OPERATION:

10. Every owner of a golf cart operated on municipal land shall carry a minimum of \$200,000 in liability insurance. They must also provide proof of insurance at the request of a peace officer.
11. Every owner of a golf cart operated on municipal land shall report any and all collisions involving the golf cart to the Resort Village of Kivimaa – Moonlight Bay office within seventy-two hours of an incident, providing full particulars of the collision including the time, date, and location, as well as the names, drivers license and vehicle registration of all parties involved. The Resort Village will inform SGI of any collision reported and if injuries or fatalities occurred.
12. Every operator of a golf cart shall:
  - a) When approaching an oncoming vehicle, pass the vehicle on the right,
  - b) Yield the right of way to vehicles approaching from their right,
  - c) When overtaking another vehicle, pass that vehicle on the left,

- d) Yield the right of way to all pedestrians that are approaching so close as to present a hazard,
- e) Except when overtaking another vehicle, maintain a safe following distance behind any other vehicle,
- f) Signal their intentions to turn abruptly by using signal lights if the golf cart is equipped or hand signals as described in The Act,
- g) On being requested or signaled to do so by a peace officer using an emergency device or emergency light or a visible hand signal, immediately stop the golf cart.
- h) Adhere to provisions of the Act.

#### EQUIPMENT:

- 13. All Golf carts shall be equipped with a rear-view mirror that provides the operator with an unobstructed view of overtaking vehicles.
- 14. All golf carts shall be equipped as defined in *The Registration Exemption and Reciprocity Regulations, 2014*, with a retro-reflective slow moving vehicle warning device that complies with ANSI/SAE S276 at the rear, as near to the centre as possible ensuring it is always visible.

#### REGISTRATION PLATE:

- 15. Every owner of a golf cart operating within the corporate limits of the Resort Village of Kivimaa – Moonlight Bay shall obtain a Registration Plate from the Resort Village of Kivimaa – Moonlight Bay Office and display that Registration Plate on the rear of their golf cart.

#### GENERAL PENALTIES:

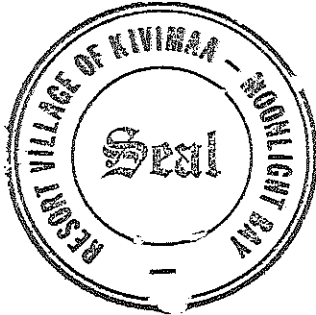
- 16. In addition to any offences and penalties under the Act, any person who contravenes any of the provisions of this Bylaw or fails to comply with any provision of this Bylaw is guilty of an offence and liable upon summary conviction:
  - a) For an offence under Section 7 of this Bylaw to a fine of not less than \$200.00 nor more than \$1,000.00; and
  - b) For the first offence under all other Sections of this Bylaw to a fine of not less than \$100.00 nor more than \$1,000.00; and
  - c) For a second and subsequent offence under Section 7 of this Bylaw to a fine of not less than \$400.00 nor more than \$1,000.00; and
  - d) For a second offence under all other Sections of this Bylaw to a fine of not less than \$200.00 nor more than \$1,000.00.

#### VOLUNTARY PAYMENT TO AVOID PROSECUTION


- 17. A person who contravenes this bylaw, upon being served with a "Notice of Violation" as prescribed by the Municipality may voluntarily pay the prescribed penalty at the Administration Office of the Municipality.
  - b) If the Municipality receives voluntary payment of the prescribed penalty within ten (10) days, excluding the date of the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
  - c) Nothing in this Section shall be construed to prevent any person from exercising the right to defend a charge for a contravention of this Bylaw.

- d) A Notice of Violation may be issued by a Bylaw Enforcement Officer or a Peace Officer.
  - e) A person to whom a Notice of Violation is being issued under this Section shall, upon request by the person issuing the Notice of Violation, provide their name, address, and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalty contained in Section 16.
18. This Bylaw shall come into force and take effect upon approval by Saskatchewan Government Insurance (SGI).


(Seal)



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

Read a third time and adopted this 21 day of August, 2023.

  
\_\_\_\_\_  
Administrator