

# VILLAGE OF CLIVE

## BY-LAW #462-04

### SKATEBOARD BY-LAW

BEING A BY-LAW OF THE VILLAGE OF CLIVE, PROVINCE OF ALBERTA, TO REGULATE THE USE OF SKATEBOARDS IN SPECIFIC AREAS WITHIN THE VILLAGE OF CLIVE.

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WHEREAS the **Municipal Government Act, R.S.A, 2000, c.M-26, Section 7**, authorizes Council to pass a by-law regulating people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS the **Traffic Safety Act** allows the Council of a municipality to make bylaws governing the use of highways and for the impounding of skateboards;

AND WHEREAS the Village of Clive wishes to regulate and restrict the use of skateboards to minimize nuisances and to provide for the safety, health and welfare of the residents of the community and for the protection of people and property on or near public places;

THEREFORE the Municipal Council of the Village of Clive, in the Province of Alberta, duly assembled, enacts the following:

This By-law may be cited as the “**Skateboard By-law**”.

#### SECTION I:

#### DEFINITIONS:

In this by-law, the following definitions shall apply:

<b>By-law Ticket</b>	means a ticket in a form prescribed by the Village Municipal Administrator, allowing for voluntary payment of a fine amount established by this By-law;
<b>Council</b>	means the Council of the Village of Clive;
<b>Highway</b>	means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes: <ul style="list-style-type: none"><li>(i) a sidewalk, including a boulevard adjacent to the sidewalk,</li><li>(ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and</li><li>(iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway;</li></ul>
<b>Peace Officer</b>	means a member of the RCMP, a Special Constable, a By-law Enforcement Officer and any other person duly authorized by Council to enforce the provisions of this by-law;

<b>Restricted Area</b>	means any area identified in Schedule “A” to this by-law”.
<b>Traffic Control Device</b>	means any sign, signal, marking or device placed, marked or erected for the purpose of regulating, warning or guiding traffic;
<b>Violation Ticket</b>	means a violation ticket as defined in the Provincial Offences Procedure Act.

**SECTION II:****OFFENCES:**

1. No person shall operate a skateboard in any Restricted Area.
2. No person shall operate a skateboard in or on any public building or place of business.
3. No person shall leave a skateboard unattended so as to create a hazard upon any highway in the Village.
4. No person shall willfully remove, throw down, deface or alter, damage or destroy, climb or interfere with any street furniture, public structures, trees, signs protection systems or traffic control devices while using a skateboard.

**SECTION III:****PENALTIES AND AUTHORITY OF PEACE OFFICERS:**

1. Any person who contravenes any of the provisions of this By-law is guilty of an offence and is liable upon conviction to the penalties provided in **Schedule “B”** to this By-law.
2. A Peace Officer is authorized and empowered to issue a **By-law Ticket** to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-law.
3. A **By-law Ticket** may be issued to any person who contravenes any provision of this By-law and may be served upon such person:
  - a) personally;
  - b) by mailing a copy to such person at their last known address; or
  - c) by leaving it for such person at their residence with a person on the premises who appears to be at least 18 years of age.
4. Where a **By-law Ticket** is issued pursuant to this By-law, the person to whom the **By-law Ticket** is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the **By-law Ticket**.
5. If a **Violation Ticket** is issued in respect of an offence, the Violation Ticket may:
  - a) specify the fine amount established by the By-law for the offence; or
  - b) require a person to appear in court without the alternative of making a voluntary payment.
6. A person who is issued a **Violation Ticket** which contains a specified penalty, may make a voluntary payment equal to the specified fine.

**SECTION IV - SEVERABILTY**

11. Should any part of this By-law be found to be invalid, then such part shall be regarded as being severable from the rest of the By-law and the By-law remaining after such severance shall be effective and enforceable.

12. This By-law shall take effect on the day of the final passing thereof.

**READ** a first time this 22<sup>nd</sup> day of March , 2004.

**READ** a second time this 13<sup>th</sup> day of April , 2004.

**READ** a third time & passed this 26<sup>th</sup> day of April , 2004.

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Mayor

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Municipal Administrator

**VILLAGE OF CLIVE**

**By-law #462-04**

**Skateboard By-law**

**SCHEDULE “A”**

- a) East and West side of 50<sup>th</sup> Street between 52<sup>nd</sup> Avenue and 49<sup>th</sup> Avenue.
- b) 52<sup>nd</sup> Ave. West of Main Street to the school. This shall include the sidewalk running North and South in front of the school and the pavement and steps on the West side of the Clive Community Hall.

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**PENALTIES**

**SCHEDULE "B"**

SECTION	PARTICULARS	PENALTY OFFENCE(S)		
		First	Second	Third
1. II(2)	Riding a skateboard in a restricted area outlined on <b>Schedule "A"</b> .	<b>\$ 60.00</b>	<b>\$ 90.00</b>	<b>\$120.00</b>
2. II (3)	Riding a skateboard in or on any public building or place of business in a restricted area.	<b>\$ 60.00</b>	<b>\$ 90.00</b>	<b>\$120.00</b>
3. II (4)	Leaving a skateboard unattended so as to create a hazard upon any sidewalk or highway in the Village.	<b>\$ 60.00</b>	<b>\$ 90.00</b>	<b>\$120.00</b>
4. II (5)	Removal, damage, destroy or interfere with any street furniture, public structures, trees, sidewalks, protection systems or traffic control devices while using a skateboard or bicycle.	<b>\$100.00</b>	<b>\$200.00</b>	<b>\$300.00</b>