

All-Terrain Vehicles Operation

RURAL MUNICIPALITY OF McKILLOP No. 220

BYLAW NO. 293/2015

A BYLAW OF THE RURAL MUNICIPALITY OF McKILLOP NO. 220 IN THE PROVINCE OF SASKATHCEWAN TO REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES

The Council of the Rural Municipality of McKillop No. 220 in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the *ATV Bylaw*.

DEFINITIONS

2. In this bylaw:

- a. "Administrator" means the Administrator of the Municipality or in their absence the person acting on behalf of the Administrator.
- b. "All-terrain vehicle (ATV)" means a self-propelled vehicle that
 - i. is designed primarily for the movement of people or goods on unprepared surfaces; and
 - ii. has wheels in contact with the ground;and includes:
 - i. a restricted use motorcycle;
 - ii. a mini-bike; and
 - iii. an all-terrain cycle;but does not include:
 - i. a golf cart;
 - ii. a snowmobile as defined in *The Snowmobile Act*;
 - iii. an agricultural implement or special mobile machine as defined in *The Traffic Safety Act*; or
 - iv. any vehicle that is required to be registered pursuant to *The Traffic Safety Act*.
- c. "Crown land" means any land, other than a highway, owned by Her Majesty the Queen in right of Saskatchewan.
- d. "Driver's license" means a driver's licence issued pursuant to *The Traffic Safety Act*.
- e. "Highway" means highway as defined in *The Traffic Safety Act*.
- f. "Municipality" means the Rural Municipality of McKillop No. 220.
- g. "Municipal land" shall include, but not be limited to:

- i. The traveled and untraveled portion of all streets roads, lanes and highways in the Municipality, except provincial highways.
 - ii. All public reserves;
 - iii. All publicly owned parking lots;
 - iv. Grounds of all municipal owned buildings;
 - v. All other lands owned or operated by the Municipality.
- h. "Peace Officer" means the Administrator and a peace officer as defined in *The Summary Offence Procedures Act*.

INFRACTIONS

3. No person shall drive or operate an all-terrain vehicle on:
- a. Any municipal land;
 - b. Any private land in the Municipality, without the prior consent of the landowner; and
 - c. Any Crown land in the Municipality that is used or occupied otherwise by the Crown.

EXEMPTIONS

4. The following are exempt from the provision of this Bylaw:
- a. A public service vehicle of the Municipality.
 - b. An all-terrain vehicle operated by:
 - i. a fire department while engaged by that fire department in their execution of duty;
 - ii. an ambulance while engaged by an employee in their execution of duty or;
 - iii. a Peace Officer, while engaged in the lawful execution of their duty.
 - c. An all-terrain vehicle where it has been approved by the Municipality for use by an agricultural producer in possession of a valid driver's license for use in herding livestock or travelling the most direct route between agricultural land holdings while completing agricultural operations.
 - d. An all-terrain vehicle where it has been approved by the Municipality for use by a property owner in possession of a valid driver's license operated solely for the purpose of snow clearing or civic maintenance.
 - e. An all-terrain vehicle operated by an employee or agent of a provincial or federal government agency while actively engaged in their duties.
5. Every request for approval of an all-terrain vehicle by the Municipality, as discussed in Section 4(c) and Section 4(d), shall be made using Form A and a fee of \$ 25.00 per request shall accompany Form A.
6. Approval of an all-terrain vehicle by the Municipality, as discussed in Section 4(c) and Section 4(d), shall be valid for a period of twelve (12) months from the date of approval by the Municipality.
7. The exemptions in Section 4 shall not preclude the operators from complying with other applicable Municipal, Provincial or Federal Law.

PENALTIES

8. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:
- a. For a first offence to a fine of not less than \$ 300.00 and not more than \$5,000.00;
 - b. For a second offence to a fine not less than \$ 500.00 and not more than \$5,000.00;
- and

- c. In the case of third or subsequent offence to a fine not less than \$ 1,000.00 and not more than \$ 5000.00 or 90 days in jail or both.

NOTICE OF VIOLATION

9. Notwithstanding Section 6, a Peace Officer may issue a Notice of Violation to any person committing a first or second offence under this bylaw.
10. The Notice of Violation shall require the person to pay to the Municipality:
 - a. In a case of a first offence, to a fine of \$300.00; and
 - b. For a second offence, to a fine of \$ 500.00.
11. The amount specified in Section 8 may be paid by cash or bank draft:
 - a. In person, during regular office hours, to the Municipality at the Municipal Administration Office; or
 - b. By postal mail addressed to Municipality.
12. If payment of the fine as provided in Section 9 is made prior to fifteen (15) days from the date indicated on the Notice of Violation, the person shall not be liable to prosecution for that offence.
13. For the purposes of Section 6, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence, or paid a fine under the bylaw, within two (2) years immediately preceding the commission of the alleged offence.

LIMITATION ON PROSECUTION

14. No prosecution for an offence pursuant to this bylaw is to be commenced after two (2) years from the date on which the offence is alleged to have been committed.

VEHICLE IMPOUNDMENT

15. A peace officer may, without warrant, seize any all-terrain vehicle that they believe on reasonable grounds is:
 - a. Being operated in contravention of the Bylaw; and
 - b. The operation of the all-terrain vehicle constitutes or may constitute a hazard to the operator or to persons who are or might reasonably be expected to be in the area;and may retain the all-terrain vehicle in their possession or store it in a suitable place for a period of no less than thirty (30) days.
16. The owner of an all-terrain vehicle that has been seized pursuant to Section 13, or the owner's agent, may obtain release of that vehicle at the end of the thirty (30) day impoundment upon:
 - a. Provision of proof of ownership;
 - b. Obtaining the written consent for the release of the vehicle; and
 - c. Payment of the expenses of the seizure and the retention or storage of the vehicle.
17. The expenses and costs mentioned in Section 14 constitute a lien on the all-terrain vehicle seized and, if the owner of the vehicle cannot, after reasonable inquiry, be found or if they fail to pay the expenses within fourteen (14) days after the date on which the received notice requiring them to do so, may be sold to recover expenses.
18. Where an all-terrain vehicle is to be sold pursuant to Section 15, the proceeds of the sale shall be applied against the impounding charges and the balance remaining, if any, shall form part of the general funds of the Municipality.

19. If any Part, Section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

BYLAWS TO BE REPEALED

20. Bylaw No. 217/08, adopted on April 14, 2008, and Bylaw No. 225/09, adopted on June 8, 2009, are hereby repealed.

EFFECTIVE DATE OF BYLAW

21. This bylaw shall come into force on final passing thereof.


Reeve
Administrative Financial Officer

Section 9 *The All Terrain Vehicles Act*

Subsection 47(b) *The Municipalities Act*

FORM A

RURAL MUNICIPALITY OF McKILLOP NO. 220

ALL-TERRAIN VEHICLE REGISTRATION # _____

Permission is hereby granted to

Name: _____

Address: _____

Telephone: _____ Email: _____

Legal Land Location: _____

Lot: _____ Block: _____ Plan: _____

Civic address: _____

in accordance with Clause 4(c) and/or Clause 4(d) of Bylaw 293/2015, the ATV Bylaw, to operate an all-terrain vehicle described as:

Make: _____

Model: _____

Description: _____

within the boundaries of the Rural Municipality of McKillop No. 220.

Purpose for ATV registration: _____

Registration fee: \$ 25.00

Effective date of registration: _____

Registration fee payment method: Cash

Cheque

Rural Municipality of McKillop No.220 authorized signature

Date

Pursuant to Section 6 of Bylaw 293/2015, this Registration is effective for twelve (12) months from the effective date of registration.