

All Terrain Vehicles Bylaw

A Bylaw Pursuant to The All Terrain Vehicles Act to Regulate the Use of All Terrain Vehicles and to Provide for Public Safety and Enforcement within the Municipality

District of Lakeland No. 521

BYLAW NO. 6 - 2012

A BYLAW TO PROHIBIT THE USE OF ALL TERRAIN VEHICLES PURSUANT TO SECTION 11 OF *THE ALL TERRAIN VEHICLES ACT*

The Council of the District of Lakeland No. 521 in the Province of Saskatchewan enacts as follows:

TITLE

1. This bylaw may be referred to as "*The ATV Bylaw*".

DEFINITIONS:

2. "Administrator" means the Administrator of the Municipality or in their absence the person acting on behalf of the Administrator.
3. "all terrain vehicle" or "ATV" means a self-propelled vehicle that
 - a. is designed primarily for the movement of people or goods on unprepared surfaces; and
 - b. has wheels in contact with the ground;

and includes:

- c. a restricted use motorcycle;
- d. a mini-bike; and
- e. an all terrain cycle;

but does not include:

- f. a golf cart;
 - g. a snowmobile as defined in *The Snowmobile Act*;
 - h. an agricultural implement or special mobile machine as defined in *The Traffic Safety Act*;
- or
- i. any vehicle that is required to be registered pursuant to *The Traffic Safety Act*;

4. “Crown land” means any land, other than a highway, owned by Her Majesty the Queen in right of Saskatchewan.
5. “driver’s licence” means a driver’s licence issued pursuant to *The Traffic Safety Act*.
6. “highway” means highway as defined in *The Traffic Safety Act*;
7. “Municipality” means the District of Lakeland No. 521.
8. “municipal land” shall include, but not be limited to:
 - a. The traveled and untraveled portion of all streets roads, lanes and highways in the municipality, except provincial highways.
 - b. All public reserves;
 - c. All publicly owned parking lots;
 - d. Grounds of all municipal owned buildings;
 - e. All other lands owned or operated by the municipality.
9. “Peace Officer” means the Administrator and a peace officer as defined in *The Summary Offence Procedures Act*,

INFRACTIONS:

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

EXEMPTIONS:

11. 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.

Amended by Bylaw 13-2013 – October 21, 2013

c. An all terrain vehicle where it has been approved by the Municipality.

d. An all terrain vehicle operated by an employee or agent of a provincial or federal government agency while actively engaged in their duties.

12. The exemptions in Section 11 shall not preclude the operators from complying with other applicable Municipal, Provincial or Federal Law.

PENALTIES

13. 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 \$120.00 and not more than \$5,000;
- b) For a second offence to a fine not less than \$250.00 and not more than \$5,000; and
- c) in the case of third or subsequent offence to a fine not less than \$400.00 and not more than \$5000 or 90 days in jail or both.

Notice of Violation

14. Notwithstanding Section 13 a Peace Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.

15. 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 \$75.00
- b. for a second offence, to a fine of \$150.00

16. The amount specified in clause 15 may be paid:

- a. in person, during regular office hours, to the Municipality at the Municipal Office, 48 – 1st Street South, Christopher Lake, Saskatchewan, OR
- b. by mail addressed to the District of Lakeland 521, Box 27 Christopher Lake, Saskatchewan S0J 0N0

17. If payment of the fine as provided in clause 15 is made prior to 15 days from the date they received the notice of violation, the person shall not be liable to prosecution for that offence.

18. For the purposes of Section 13, 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 years immediately preceding the commission of the alleged offence.

LIMITATION ON PROSECUTION

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

VEHICLE IMPOUNDMENT

20. 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.

21. The owner of an all terrain vehicle that has been seized pursuant to Section 20, or the owners agent, may obtain release of that vehicle if they;

- i. Provide proof of ownership;
- ii. Obtain the written consent for the release of the vehicle;
- iii. Pays the expenses of the seizure and the retention or storage of the vehicle

22. The expenses and costs mentioned in Section 20 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 14 days after the date on which the received notice requiring them to do so, may be sold to recover expenses.

23. Where an all terrain vehicle is to be sold pursuant to Section 22, 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.

24. 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.

25. Bylaw No. 2 - 2008 is hereby repealed.

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

"E.E. Christensen"

REEVE

"Dave E. Dmytruk"

ADMINISTRATOR

*Read a Third Time and Passed by
Resolution of Council on The 13th
Day of February, 2012*