

## BYLAW NO. 10 - 2020

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

### SHORT TITLE

This Bylaw shall be referred to as “*The ATV 2020 Bylaw*”

### PURPOSE AND DEFINITION

#### PURPOSE

1. The purpose of this Bylaw is to provide for responsible, legal all-terrain vehicle use within the District of Lakeland No. 521 by;
  - a) regulating the operation of all terrain vehicles within the municipality pursuant to *The All Terrain Vehicles Act*.
  - b) establishing an Inter-Jurisdictional All Terrain Vehicle Use Agreement with other jurisdictions;
  - c) provide for reasonable opportunities for family sport and recreational activities relating to responsible all terrain vehicle uses within the municipality.
  - d) establishing a dedicated fund to help improve multi-use trail systems within the community.

#### DEFINITIONS

2. For the purpose of this Bylaw, the following terms and words shall have the following meanings:
  - a) “**administrator**” – shall mean the Administrator of the District of Lakeland No. 521.
  - b) “**act**” shall mean *The All Terrain Vehicles Act*.
  - c) “**all-terrain vehicle**” means a self-propelled vehicle that:
    - i) is designed primarily for the movement of people or goods on prepared surfaces; and
    - ii) has wheels in contact with the ground;and includes:
    - iii) a restricted use motorcycle;
    - iv) a mini-bike; and
    - v) an all terrain cycle;

but does not include:

- vi) a golf cart;
  - vii) a snowmobile as defined in *The Snowmobile Act*;
  - viii) an agricultural implement or special mobile machine as defined in *The Traffic Safety Act*; or
  - ix) any vehicle that is required to be registered pursuant to *The Traffic Safety Act*.
- d) “**ATV**” shall have the same meaning as all terrain vehicle.
- e) “**authorized person**” means a person who is in charge of a vehicle with the express or implied consent of the owner of the vehicle.
- f) “**Crown land**” means any land, other than a highway, owned by Her Majesty the Queen in the right of Saskatchewan.
- g) “**driver’s license**” means a driver’s license issued pursuant to *The Traffic Safety Act*.
- h) “**council**” – shall mean the Council of The District of Lakeland No. 521.
- i) “**designated officer**” shall mean a person who has been assigned duties to administer and or enforce all or part of this bylaw.
- j) “**highway**” means highway as defined in *The Traffic Safety Act*;
- k) “**issuing authority**” shall mean a jurisdiction, person or agency to which the municipality has an agreement with for the administration and issuance of a plate under this bylaw.
- l) “**immediate family**” of a person means the spouse, parent, step-parent, guardian, child, step-child, brother, sister or step-brother or step-sister of the person.
- m) “**municipality**” shall mean The District of Lakeland.
- n) “**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 and managed parking lots;
  - iv) grounds of all municipal owned buildings;
  - v) all other lands owned, operated, or under the care of the municipality.
- o) “**owner**” shall mean the person identified on the application form for an all terrain vehicle plate as the owner.

- p) “**peace officer**” means a peace officer as defined in *The Summary Offences Procedure Act, 1990*.
- q) “**plate**” – shall mean the individually numbered placard issued by a designated officer under this bylaw, to an owner, to be firmly affixed on an all terrain vehicle.
- r) “**provincial highway**” means a provincial highway as defined in *The Highways and Transportation Act*.
- s) “**unauthorized person**” means a person who is in charge of a vehicle without the express or implied consent of the owner of the vehicle.

## ATV OPERATION

- 3. No person shall operate an all terrain vehicle unless they hold a subsisting driver licence appropriate for the operation of an all terrain vehicle.
- 4. Notwithstanding section 3 a person who is at least 14 years of age, and under 17 years of age may operate an ATV within the municipality provided that:
  - a) the operator of the ATV is accompanied on the ATV, if it is designated for the transportation of two or more passengers, by a person who holds and has held continuously for the immediate 365 days a licence that permits them to operate the ATV;
  - b) is under the direct supervision by a person who holds and has held continuously for the immediately preceding 365 days a licence that permits them to operate an ATV; or
  - c) has successfully completed a training course consistent with the requirements of the Act with respect to the operation of all terrain vehicles and provides evidence of having successfully completed the course to a peace officer making a request for that evidence; and
  - d) the ATV is not operated on any travelled portion of any highway, unless it is for the sole purpose of crossing the highway by the most direct and shortest route of travel available.
- 5. Section 3 and does not apply to a person who is operating an all terrain vehicle on private land owned or occupied by them or a member of their immediate family.
- 6. No person shall operate an ATV on any;
  - a) private land not owned or occupied by them or a member of their immediate family; or
  - b) Crown land used or occupied otherwise than by the Crown;

without the permission of the owner or occupant of the land.

## **PLATE REQUIRED**

7. On application at an issuing authority for a plate the applicant shall apply in the form as required by the municipality.
8. An application shall be required for each ATV to receive a plate.
9. The application form for a plate shall include;
  - a) Name and permanent mailing address of the applicant.
  - b) The make, model, colour and vehicle identification number of the ATV.
  - c) Option for any endorsement authorization for operation of an ATV from other jurisdictions.
  - d) Acknowledgement of responsibility.
10. A plate to operate an ATV under this bylaw shall be issued provided that;
  - a) The application for a plate has been submitted to a designated officer from an issuing authority.
  - b) The application form is completed in full.
  - c) That at the time of applying the fee, as required by this bylaw, is paid in full.
  - d) That a copy of financial responsibility as required by Section 14 of the Act is provided.
  - e) All requirements of the designated officer are met.
11. A designated officer shall ensure the identity of the owner, along with proof of ownership is established prior to processing the application.
12. A plate issued for an ATV shall be firmly affixed to the rear of the ATV and be unobstructed and easily visible.
13. No person shall operate an ATV for which a plate is issued for that ATV unless such plate is attached to the ATV as required in Section 12.
14. A plate is non-transferable and shall be surrendered to the issuing authority where it was received when the ATV is no longer owned by the owner whom applied for the plate, if a plate will not be renewed or on request by a designated officer.
15. A designated officer may cancel any plate for violation of this bylaw, or the Act. Should any plate be canceled the designated officer shall send a letter to the owner stating that the plate is canceled and provide the reasons why it was canceled.
16.
  - a) No person shall alter or deface any plate.
  - b) No person to whom a plate is issued shall allow the plate to be defaced, or allow anything to be attached to the plate without the authorization of a designated officer.

17. If a plate is lost or stolen it shall be reported immediately to a designated officer.
18. No person shall operate an ATV on municipal land that is not registered with the municipality.
19. The fee required for the issuance of a plate, the renewal of the plate prior to expiration, the renewal of the plate after expiration, or the cost of a replacement plate shall be as identified in Schedule "A"
20. All plates expire on April 30.

### **RULES OF THE ROAD**

21. It is desirable that any person operating their ATV shall operate that ATV with the spirit and intent of this bylaw be traveling from their property or an originating legal point of operation, directly to a legal point of operation as permitted in the Act.
22. Every person operating an ATV on municipal land shall take the most direct route from one legal point of operation to another.
23. Every operator of an ATV shall at all times;
  - a) obey the direction of a flag person or peace officer.
  - b) while operating an ATV on the traveled portion of a highway not operate at a speed greater than 20 km/hr.
  - c) not stop improperly on any highway.
  - d) ensure financial responsibility of the ATV is in place in the amount as required by this bylaw.
  - e) where circumstances warrant, signal their intentions to turn abruptly by using signal lights, if the vehicle is equipped with them, or hand signals as described in *The Traffic Safety Act*
24. No person operating an ATV shall;
  - a) fail to obey a stop sign.
  - b) fail to stop for a peace officer when signaled or directed to do so.
  - c) drive without due care and attention.
  - d) drive without reasonable consideration for others.
  - e) drive in any contest of speed.

- f) drive perform stunt or activity likely to startle, distract or interfere with other users of highway.
  - g) create or cause a loud or unnecessary noise.
  - h) Fail to keep to the right of the travelled portion of a highway.
  - i) Pass to the right of a vehicle.
  - j) Fail to keep to the right when being overtaken by another vehicle.
  - k) Follow too closely another vehicle.
  - l) Operate an ATV that may cause damage on any highway or trail.
25. While operating an ATV on the traveled portion of any highway:
- a) the operator shall do so on the right-hand side of the designated driving lane;
  - b) when overtaking another vehicle, pass on the left;
  - c) when in a group of two or more drive in a single line.

## **GENERAL VIOLATIONS**

- 26. No person shall operate an ATV with two or more persons, unless that ATV is designed by the manufacturer for use with two or more persons.
- 27. No person shall be a passenger on any ATV unless that ATV has been manufactured for use by two or more persons.
- 28. The cleaning, washing or servicing of an ATV at, near, or in any watercourse is strictly prohibited.
- 29. An ATV operating under this bylaw shall not haul or tow any trailer, attachment, vehicle or device.
- 30. No person to whom a plate is issued shall permit or allow the ATV to operate in violation of this bylaw.
- 31. No person shall operate an ATV on a highway prior to one hour before sunrise, nor one hour after sunset.
- 32. The operator of, and any passenger in or on, an all terrain vehicle that is being operated shall wear a helmet and protection for the eyes of the type and in the manner prescribed by the Act.

33. If any ATV is involved in the commission of an offence pursuant to this bylaw or the Act, the regulations or any other law by the person operating the ATV, the owner of the vehicle is liable for the offence unless the owner proves to the satisfaction of the court that, at the time of the offence, the ATV:
- a) was not being operated and had not been parked or left by the owner; and
  - b) was not being operated and had not been parked or left by any authorized person in charge of the vehicle.
34. If, at the time of the commission of any offence pursuant to this bylaw or the Act, the regulations or any other law by the person operating the ATV, the vehicle was not being operated and had not been parked or left by the owner or by any authorized person in charge of the vehicle, the unauthorized person in charge of the vehicle is liable for the offence unless the unauthorized person in charge of the vehicle proves to the satisfaction of the court that, at the time of the offence, the vehicle:
- a) was not being operated, and had not been parked or left by that unauthorized person in charge of the vehicle; and
  - b) was not being operated and had not been parked or left by any person in charge of the vehicle with the express or implied consent of that unauthorized person in charge of the vehicle.
35. No owner of an ATV, or any person operating an ATV, and no occupant of an ATV shall fail, when requested, to furnish any peace officer with any information that the peace officer requires in the fulfilment of the peace officer's duties pursuant to this bylaw, or the Act.
36. No person shall, in any verbal information, report or document required for the purposes of this bylaw, or the Act, make a statement false in any material particular.
37. Where there is any question or any perceived discrepancy on a point of law regarding this bylaw as it relates to the Act, the later shall prevail.

### **PROHIBITED AREAS FOR ATV OPERATION**

38. The following highways within the Municipality are hereby identified as prohibited areas for ATV operation;
- a) Bedford Street east of the intersection at Herriot Crescent.
  - b) Foster Street east of the intersection at Herriot Crescent.
  - c) Victoria Avenue from Bedford Street south to Provincial Highway (Highway 952)
  - d) Bell's Beach Drive between Bay Drive to Highway 263.
  - e) Ambrose Lane;

39. The following municipal lands are hereby identified as prohibited areas for ATV operation;
- a) Public beaches as defined in the Dock, Boat Lift and Vessel Bylaw.
  - b) Parking lots owned, operated or under the control of the municipality.
  - c) All public lands within 10 meters of Anglin Lake, Christopher Lake, Emma Lake, McPhee Lake.
40. No person shall operate an ATV in an area, or at any period of time, when a designated officer declares the suspension of ATV use in an area due to land damage, a public work or undertaking, when trail or road conditions may suffer damage, or when its in the public or environmental interest.
41. A designated officer may exempt a person, or ATV, in whole or in part from compliance with this bylaw provided;
- a) the ATV is owned or operated by a municipal, provincial or federal government and is being operated by an employee or agent of the municipal, provincial or federal government.
  - b) an ATV is being operated;
    - i) by a fire department while engaged in their execution of duty in response to an emergency;
    - ii) as an ambulance or response unit being operated by medical first responders while engaged in their execution of duty in response to an emergency;
    - iii) a peace office while engaged in the lawful execution of their duty.
  - c) it is so authorized in writing by a designated officer.

#### **ENFORCEMENT, OFFENCES AND PENALTIES.**

42. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on Summary Conviction:
- a) In the case of an individual, to a fine of not less than \$100.00 and not more than \$10,000.00 or imprisonment for not more than one year, or both; and
  - b) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 per day or any portion thereof.
43. Where a Peace Officer issues a summary ticket for a violation of this Bylaw, the Peace Officer may enter onto the ticket the prescribed fine amount as set out in Schedule “B” of this Bylaw.



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

### **VEHICLE IMPOUNDMENT**

45. 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 or the Act;
  - 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.

46. The owner, or the owner's agent, of an all terrain vehicle that has been seized pursuant to Section 45, may obtain release of that vehicle if they;
- a) Provide proof of ownership;
  - b) Obtain the written consent for the release of the vehicle;
  - c) Pays the expenses of the seizure and the retention or storage of the vehicle.
47. The expenses and costs mentioned in Section 46 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.
48. Where an all terrain vehicle is to be sold pursuant to Section 47, the proceeds of the sale shall be applied against the seizure and impounding charges and the balance remaining, if any, shall form part of the general funds of the Municipality.

### **SEVERABILITY**

49. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by a 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.

### **COMING INTO FORCE**

50. Bylaw 6 – 2012 and Bylaw 13 – 2013 are hereby repealed.
51. This Bylaw shall come into force and take effect on the 15<sup>th</sup> day of June, 2020.

*Read a third time and passed  
the 8<sup>th</sup> day of June, 2020*

Cheryl Bauer-Hyde  
REEVE

Tammy Knuttila  
ADMINISTRATOR

## **SCHEDULE "A"**

Hereto annexed and forming part of Bylaw No 10 - 2020

### **PER SECTION 19**

- **New registration application - \$110**
- **Renewal of plate prior to expiry - \$70**
- **Renewal of plate after expiry - \$110**
- **Replacement plate \$25**

## SCHEDULE "B"

Hereto annexed and forming part of Bylaw No 10 - 2020

### PER SECTION 43

For all sections of this Bylaw the Peace Officer may use their discretion by not allowing the accused the option of making a voluntary payment and thereby compel the accused to attend court. This schedule will be used should the Peace Officer exercise the option to issue a summons to court and include a voluntary payment amount. The Peace Officer shall add any Victim of Crime Surcharge to the voluntary payment amount as may be required.

#### VOLUNTARY PENALTIES FOR NON-CONFORMITY WITH BYLAW

SECTION	OFFENCE	VOLUNTARY PAYMENT (FINE)
12	Plate not firmly affixed to ATV	\$50
18	Operate unregistered ATV on municipal land	\$300
22	Fail to take direct route	\$50
23 a)	Fail to obey direction of flag person or peace officer	\$250
23 b)	Operate ATV on highway at a speed in excess of 20 km/hr	\$200
23 e)	Fail to indicate intention to stop or turn.	\$180
24 a)	Fail to obey stop sign	\$180
24 b)	Fail to stop for a peace officer when directed	\$250
24 c)	Drive without due care and attention	\$200
24 d)	Drive without reasonable consideration for others	\$200
24 f)	Perform stunt or activity likely to startle, distract or interfere with other users of highway	\$200
24 g)	Create or cause a loud or unnecessary noise.	\$200
24 l)	Operate an ATV that may cause damage to highway or trail	\$200
28	Clean, wash or service ATV at, near, in a watercourse.	\$500
38	Operate on highway where prohibited by bylaw.	\$180
39	Operate ATV on municipal lands where prohibited.	\$250