

**RESORT VILLAGE OF CANDLE LAKE
BYLAW NO 7-2012**

**A BYLAW TO REGULATE THE OPERATION OF ALL TERRAIN
VEHICLES**

The Council of the Resort Village of Candle Lake in the Province of Saskatchewan enacts as follows:

TITLE:

1. This bylaw shall be known as “The ATV Bylaw”

PURPOSE:

2. The purpose of the Bylaw is to regulate the operation of all terrain vehicles pursuant to Section 11 of *The All Terrains Vehicle Act*.

DEFINITIONS:

3. For the purpose of this bylaw, the following terms and words shall have the following meaning:

a) “**Act**” shall mean *The All Terrain Vehicles Act*;

b) “**all-terrain vehicle**” and/or “**ATV**” 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*.

c) “**Crown land**” means any land, other than a highway, owned by Her Majesty the Queen in the right of Saskatchewan;

d) “**driver’s license**” means a driver’s license issued pursuant to *The Traffic Safety Act*;

e) “**highway**” means highway as defined in *The Traffic Safety Act*;

f) “**immediate family**” of a person means the spouse, parent, guardian, child, brother or sister of the person;

g) “**municipality**” shall mean The Resort Village of Candle Lake;

h) “**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.

PROHIBITIONS:

4. No person shall operate an all terrain vehicle unless he holds a subsisting driver's license.

5. No person under the age of 16 years shall operate an all terrain vehicle.

6. Sections 4 and 5 do not apply to a person:

a) while that person is operating an all terrain vehicle on private land owned or occupied by him or a member of his immediate family;

b) of the age of 12 years or more but under the age of 16 years, while the person is operating an all terrain vehicle on:

i) any public or private land;

ii) a highway for the purpose of crossing the highway by the most direct and shortest route of travel available to him; or

iii) the untraveled portion of a highway;

and the operator of the all terrain vehicle:

iv) is accompanied on the all terrain vehicle, if it is designed for the transportation of one or more passengers, by a person who holds and has held continuously for the immediately preceding 365 days a license that permits him to operate the vehicle;

v) is supervised by a person who holds and has held continuously for the immediately preceding 365 days a license that permits him to operate the all terrain vehicle; or

vi) has successfully completed a training course, approved by the Highway Traffic Board, 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; or

c) while the person is operating an all terrain vehicle:

i) that is equipped with not more than two wheels;

ii) on an enclosed race track or trail on private land; and

iii) during the course of an event carried out, promoted or sponsored by a person or organization approved by the Highway Traffic Board.

7. No person shall operate an all terrain vehicle on any designated walking or ski trail, or on any area that is ditched or designed to provide drainage.

8. No person shall operate an all terrain vehicle:

a) without 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 20 kilometers per hour;

d) with a passenger on the all terrain vehicle unless the all terrain vehicle was designed by the original manufacturer of the all terrain vehicle for the transportation of passengers;

e) with a passenger being towed on any type of equipment attached to the all terrain vehicle;

f) at night without using prescribed lights;

g) fitted with seat-belts installed by the manufacturer of the all terrain vehicle without using the seat-belts in a properly adjusted and securely fastened manner while the vehicle is in operation;

h) in a manner that is detrimental to the environment.

RULES OF OPERATION:

9. Every operator of an all terrain vehicle shall:

a) when approaching an oncoming vehicle, pass the vehicle to the right;

b) yield the right of way to vehicles approaching from his right;

c) when overtaking another vehicle, pass the 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) where circumstances warrant, signal his 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*;

g) on being requested or signaled to do so by a peace officer using an emergency device of emergency light or a visible hand signal, immediately stop the all terrain vehicle.

EQUIPMENT:

10. 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.

GENERAL PENALTY:

11. 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 and subsequent 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:

12.. a) Notwithstanding Section 11, a person who contravenes any provision of the Bylaw, upon being served, either personally or by mail with a Notice of Violation, may voluntarily pay a sum equivalent to 50% of the prescribed penalty as issued under Section 11, to the Administrator or any other designated employee of the Municipality.

b) If the municipality receives voluntary payment within fourteen (14) days of service 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 the Municipality's Administrator, Municipality's Bylaw Enforcement Officer, a Peace Officer or any other person designated by the municipality.

e) A person to whom a Notice of Violation is being issued under this Section shall, upon the request of 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 to Summary Conviction to the penalty contained in Section 11.

13. Bylaw Number 18/2007 is hereby repealed.

14. This Bylaw shall come into force on final passing thereof.

Introduced and read for a first time this 16th day of April, 2012

Read for a second time this 16th day of April, 2012.

Given third reading and passed this 16th day of April, 2012.

Mayor Toporowski

Administrator – Margo English

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