

TOWN OF WOLSELEY

BYLAW NO. 05-2023

A BYLAW OF THE TOWN OF WOLSELEY TO PERMIT THE OPERATION OF ALL TERRAIN VEHICLES WITHIN THE BOUNDARIES OF THE TOWN OF WOLSELEY

The Council of the Town of Wolseley in the Province of Saskatchewan enacts as follows:

1. Short Title:
 - 1.1 This Bylaw may be cited as the "All Terrain Vehicle Bylaw".

2. Purpose:
 - 2.2 The purpose of this Bylaw is to govern the regulation and control of the use of All Terrain Vehicles within the Town of Wolseley.

3. Definitions:
 - 3.1 In this Bylaw,
 - (a) "Act" means *The All Terrain Vehicles Act*.
 - (b) "Administrator" means the Chief Administrative Officer (CAO) of the Municipality appointed pursuant to Section 110 of *The Municipalities Act*.
 - (c) "Council" means the elected body of the Town of Wolseley.
 - (d) "All Terrain Vehicle" and/or "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 or tracks 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*.
 - (e) "Immediate family" of a person means the spouse, parent, guardian, child, brother or sister of the person;
 - (f) "Mini-bike" means a restricted use motorcycle that has:
 - i. a minimum seat height of less than 650 millimeters (25.59");
 - ii. a wheel rim diameter of less than 250 millimeters (9.84"); and
 - iii. a wheel base of less than 1,000 millimetres (39.37").
 - (g) "Municipality" means within the corporate limits of the Town of Wolseley.
 - (h) "Peace Officer" means:
 - i. a member of a police force in Saskatchewan;
 - ii. a person or class of persons designated pursuant to subclause 2(1)(z)(ii) of *The Traffic Safety Act* as traffic officers; or
 - iii. any person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer for the enforcement of *The All Terrain Vehicles Act*.

- (i) "Private land" means land other than public land;
- (j) "Public land" means Crown land or any land vested in a municipality;
- (k) "Restricted use motorcycle" means a vehicle that:
 - i. is not designated for highway operation;
 - ii. is equipped with special features for operation off a highway;
 - iii. complied with the Canadian Motor Vehicle Safety Standards, as amended from time to time, for that type of vehicle at time of manufacture.

4. Insurance and License Required:

- 4.1 No person under the age of 16 years shall operate an ATV.
- 4.2 No person shall operate an ATV on public land without a valid driver's license.
- 4.3 If you do not have a valid driver's license, you must be at least 12 years of age and be accompanied by someone with a driver's license (on the same ATV you're driving).
- 4.4 Other exceptions to 4.1 and 4.2 are found pursuant to Section 5 of the Act.
- 4.5 The owner of an ATV must carry a minimum of \$200,000 in 3rd-party liability insurance for loss or damages resulting from:
 - (a) ownership, use or operation of the ATV; and
 - (b) the bodily injury to or the death of any person and damage to propertybefore the ATV is driven in public areas. Proof of insurance must be provided at the time of the request of a Peace Officer, within 48-hours, or any longer period of time the Peace Officer may allow, at any time and place that may be designated by the Peace Officer making the request.
- 4.6 Both the owner and operator of the ATV are liable for any loss, damage or injury incurred when operating the ATV.

5. Operation Prohibited:

- 5.1 No person shall operate an ATV on any private land not owned or occupied by the operator or a member of the operator's immediate family without the permission of the owner or occupant of the land.
- 5.2 No person shall operate an ATV:
 - (a) without due care and attention;
 - (b) upon any property in such a manner that is dangerous to other persons or property;
 - (c) without reasonable consideration for other persons in the area or who might reasonably be expected to be in the area;
 - (d) in such a manner as to create a nuisance or undue annoyance to residents or other persons in the municipality;
 - (e) at a speed greater than is reasonable and safe in the circumstances and in any case at a speed greater than the posted limits within the municipality;
 - (f) at night without using prescribed lights;
 - (g) fitted with seat-belts installed by the manufacturer of the vehicle, without using the seat-belts in a properly adjusted and securely fastened manner while the vehicle is in operation.

6. Operation Permitted:

- 6.1 ATVs may be operated between the hours of 7:00AM and 9:30PM;
- 6.2 With exception to Section 6.1, ATVs may be operated between the hours of 8:00AM and 9:30PM on a Sunday or Statutory Holiday.
- 6.3 Under the provisions of Section 9 of *The All Terrain Vehicles Act*, ATVs may be operated on any street within the limits of the Town of Wolseley, except that portion of Sherbrooke Street between Front Street and Varennes Street. Public streets on which ATVs may operate shall only be used as the most direct route.

7. Equipment:

- 7.1 The operator of, and any passenger in or on, an ATV that is being operated shall wear a helmet and protection for the eyes of the type and in the manner prescribed.
- 7.2 Section 7.1 does not apply to the operator of, or a passenger in or on, an ATV while it is being operated on land owned or occupied by the operator or the passenger or by a member of the immediate family of either of them.

8. Offences and Penalties:

- 8.1 Every person who contravenes any provision of the Act or the regulations; or fails to comply with any provision of the Act or the regulations is guilty of an offence against the Act;
- 8.2 Every person who authorized or permits another person to operate an ATV in contravention of any provision of the Act or the regulations; or without complying with any provision of the Act or regulations is guilty of an offence against the Act.
- 8.3 Every person who contravenes the provisions of this Bylaw is guilty of an offense and liable upon summary conviction to a fine of not more than \$1,000 (one thousand dollars) and in default of payment, imprisonment for a term of not more than 30 (thirty) days.

9. Coming into Force:

This Bylaw shall come into force and take effect on the date of the final passing thereof.

10. Repeal:

Bylaw No. 11-2005 is hereby repealed.

READ A FIRST TIME this 4TH day of OCTOBER, 2023.

READ A SECOND TIME this 18TH day of OCTOBER, 2023.

READ A THIRD TIME and ADOPTED this 18TH day of OCTOBER, 2023.



A large, stylized signature in black ink, appearing to be "Candine Crochovitz", written over a horizontal line.

Mayor

A signature in blue ink, appearing to be "Candine Crochovitz", written over a horizontal line.

Administrator