

BYLAW No. 560-08

A BYLAW TO REGULATE AND CONTROL THE OPERATION OF ALL TERRAIN VEHICLES WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF ROSETOWN AND UPON OTHER PROPERTY OWNED BY THE TOWN OF ROSETOWN

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

1. This bylaw shall be known and may be cited as “The All Terrain Vehicle Bylaw”.
2. In this bylaw:
 - (a) “All Terrain Vehicle or ATV” means an all terrain vehicle as defined by *The All Terrain Vehicles Act*.
 - (b) “School Grounds” means Walter Aseltine School (Parcel C, Plan 60S08829) and Rosetown Central High School (Parcel G&F, Plan G810).
 - (c) “Rosetown Airport” means Parcel C, Plan 71S13447 and Parcel B, Plan 68S14633.
 - (d) “Rosetown Cemetery” means Parcel A, Plan FF1407 and Parcel B, Plan 78S23178.
 - (e) “Rosetown Nuisance Grounds” means Parcel A&B, Plan 90S33081.
 - (f) “Highway” means a public highway as defined in *The Highways and Transportation Act, 1997* within the corporate boundaries of The Town of Rosetown and includes an alley or a lane.
 - (g) “Lagoon” means Parcel A, Plan 86S39063 and Parcel A,B,C&D, Plan 62S16039.
 - (h) “Drainage Ditch” means PB1, Plan 85S09955 and all the property contained in Plans 87S22370, 66S02482 and BR2522.
 - (i) “Park Areas” means all that area in the Town of Rosetown described as Knights of Columbus Park (R3, Plan 68S07839), Kinsmen Park (R4, Plan 81S12835), Pool Park (AA, Plan 91S23481), Lovett Park (D, Plan G529), Marshall Avenue Reserve (R, Plan 61S22409 and R2, Plan 69S01547) and the Rosetown Sports Grounds (B, Plan 101497114).
 - (j) “Operator” means a person who uses or operates, or is in actual physical control of an all terrain vehicle.
 - (k) “Owner” includes a person who is in possession of an all terrain vehicle under a contract by which he/she may become the owner of the all terrain vehicle upon full compliance with the terms of the contract.
 - (l) “Town” means the Town of Rosetown.
3. (a) Subject to subsection (b) authorization is hereby granted, under the authority of The All Terrain Vehicles Act, to operate an ATV upon any street or alley in the town of

Rosetown provided that such use is restricted to moving the ATV directly from the operator's residence to Town limits and back again.

- (b) Operation of an ATV under the authority of subsection (a) is restricted to that time of day from 7:00 a.m. to 11:00 p.m. and at a speed not to exceed 20 kilometres (12.5 miles) per hour.
4. No person shall operate an all terrain vehicle on the School Grounds, Rosetown Airport, Rosetown Cemetery, Rosetown Nuisance Grounds, Lagoon, Drainage Ditch and Park Areas, whether or not marked by a sign prohibiting or restricting the operation of an all terrain vehicle;
5. a) No person shall operate an all terrain vehicle on a Provincial Highway except as follows:
- (1) any all terrain vehicle entering onto a Provincial Highway shall do so from an established public highway approach;
 - (2) any all terrain vehicle crossing a Provincial Highway shall come to a full stop prior to crossing, and;
 - (3) the all terrain vehicle shall take the most direct route across the highway.
- (b) Notwithstanding Section 5 (a) it shall be lawful to operate an all terrain vehicle on a highway during an emergency when all other vehicular traffic is unable to travel on said highway due to weather conditions.
6. Any person who contravenes any of the provisions of this Bylaw shall be guilty of an offence and liable upon summary conviction:
- (1) for the first offence to a fine of not more than \$100.00 and in default of payment of the fine the person convicted may be committed to jail or to a public lock up for any time determined by a Judge of the Provincial Court of the Justice of the Peace not exceeding thirty (30) days, unless the penalty is sooner paid.
 - (2) for a second or subsequent offence a fine of not more than \$200.00 and in default of payment of the fine the person convicted may be committed to jail or to a public lock up for any time determined by a Judge of the Provincial Court or Justice of the Peace not exceeding sixty (60) days, unless the penalty is sooner paid.
7. (a) In addition to, and notwithstanding any penalties provided herein, any member of the Royal Canadian Mounted Police, any Peace Officer appointed pursuant to The Highways and Transportation Act, 1997 or Town's Bylaw Enforcement Officer may seize an all terrain vehicle, of a repeat offender, for a period not exceeding ten (10) days.
- (b) When an all terrain vehicle has been seized pursuant to Section 6 (a), it shall be held for the period specified and shall only be released upon full payment of the following costs:
- (1) the actual cost of removal with a minimum charge of Thirty Five Dollars (\$35.00).

- (2) the cost of storage at a rate of Five dollars (\$5.00) per day to a maximum of One Hundred Dollars (\$100.00).
- (c) If the costs of removal, impounding or storage are not paid within a period of thirty (30) days from the seizure, the Town shall have the right to recover same from the owner of the all terrain vehicle by:
 - (1) legal action in a Court of competent jurisdiction, or
 - (2) by sale of the impounded all terrain vehicle by public tender on publication of a notice designating time and place of sale at least ten (10) days prior to the sale, in a newspaper published and circulating in the Town and on the sending of such notice, by registered or certified mail, to the owner at the address appearing on the last registration of the all terrain vehicle.
- (d) The costs of any legal action, as stated in section 6 (c), shall also be recoverable by the Town from the owner of the all terrain vehicle.
- 8. The owner of the all terrain vehicle is liable for a contravention of any provisions of this Bylaw in connection with the operation of the all terrain vehicle unless he/she proves that at the time of the offence the all terrain vehicle was not being operated by him/her or by any person with his/her consent.
- 9. The provisions of this bylaw shall not apply to:
 - (a) a member of the Royal Canadian Mounted Police, Conservation Officer, Auxiliary Police Officer or Bylaw Enforcement Officer while exercising his/her duties as an officer of the law.
 - (b) the use of all terrain vehicles during the declaration of an emergency within the Town of Rosetown
- 10. Unless otherwise specified in this Bylaw pertaining to the operation of all terrain vehicles shall be as contained in *The Traffic Safety Act, All Terrain Vehicle Act, All Terrain Vehicle Regulations* and any amendments thereto.

SEAL

Mayor

Administrator

Certified a true copy of Bylaw #560-08
 adopted by resolution of council on the
 17th day of November, 2008.

Mayor

SEAL

Administrator