

TOWN OF EATONIA

BYLAW No. 6/07

A BYLAW TO REGULATE AND CONTROL THE OPERATION OF
ALL TERRAIN VEHICLES UPON CERTAIN HIGHWAY
AND OTHER AREAS WITHIN THE CORPORATE BOUNDARIES
OF THE TOWN OF EATONIA AND UPON ADJACENT TOWN PROPERTY

The Council of the Town of Eatonia, 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” means an all terrain vehicle as defined by *The All Terrain Vehicles Act*.
 - (b) “Eaton School Grounds” means Block R, Plan BB4511; Block 18, Plan EX1025; Block 18A, Plan EX 1025; and Block 21, Plan 62MJ08769.
 - (c) “Eatonia Airport” means Block Y, Plan 59MJ02570.
 - (d) “Eatonia Cemetery” means NE ¼ Section 14 Township 26 Range 25 West of the 3rd Meridian.
 - (e) “Eatonia Nuisance Grounds” means NW ¼ Section 26 Township 25 Range 25 West of the 3rd Meridian.
 - (f) “Highway” means a public highway as defined in *The Highways and Transportation Act, 1997* within the corporate boundaries of The Town of Eatonia and includes an alley or a lane.
 - (g) “Lagoon” means SE ¼ Section 15 Township 26 Range 25 West of the 3rd Meridian.
 - (h) “Mini-bike” mean a mini-bike as defined by *The All Terrain Vehicles Act*.
 - (i) “Park Areas” means all that area in the Town of Eatonia described as Melville Park, Block R2, Plan 59MJ14645 and the Eatonia Recreation Grounds, Block J, Plan CS624, which includes the playground between the swimming pool and the arena, ball diamonds, arena and swimming pool parking lots.
 - (j) “Public Place” means any place to which the public has access as of right or by invitation, express or implied and without restricting the generality of the foregoing, including the Eaton School Grounds, Melville Park, ball diamonds, parking lots of arena and swimming pool, Eatonia Cemetery and all other school grounds, parks, playgrounds and public reserves but excludes highways.
 - (k) “Operator” means a person who uses or operates, or is in actual physical control of a all terrain vehicle.
 - (l) “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 he contract.
 - (m) “Town” means the Town of Eatonia.
3. (a) Subject to the provisions of Section 4 of this Bylaw, it shall be lawful to operate an all terrain vehicle on any highway or portion of highway within the corporate limits of the Town, but only for the purpose of operating the all terrain vehicle from a point of origin within the corporate boundaries of the Town to a point outside the said corporate boundaries; provided that the corporate boundaries of the Town are entered or exited, as the cause may be at the nearest possible point of origin and the most direct and practical route possible between the point or exit and the point of origin is taken.
 - (b) No person shall operate an all terrain vehicle on a highway within the corporate limits of the Town at a speed greater the Twenty (20) kilometers per hour.

4. (a) No person shall operate an all terrain vehicle:
 - (1) on or across Main Street in the Town;
 - (2) in any public place, whether or not marked by a sign prohibiting or restricting the operation of an all terrain vehicle;
 - (3) except between the hours of 7:00 a.m. and 10:00 p.m.
- (b) Subsection 3 does not apply to the provincial highway right of way.
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. (a) Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder shall be liable to the penalties as hereinafter provided in Schedule "A". If the Town receives voluntary payment for a first offence in contravention of the Bylaw, the individual shall not be liable to further prosecution.
- (b) 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 fines of not more than \$200.00 and in d 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 Eatonia.
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* and *The All Terrain Vehicle Regulations* and any amendments thereto.

Given 3rd reading and adopted the 11th day of December 2007.

MAYOR

{SEAL}

ADMINISTRATOR

Certified a true copy of Bylaw # 6/07,
adopted by resolution of Council, this
11th day of December 2007.

Administrator

SCHEDULE "A"

FORMING PART OF BYLAW NO. 6/07

PENALTIES

REFERENCE	OFFENCE	PENALTY
Section 3 (b)	Exceed Speed Limit	\$65.00
Section 5 (a)	Any Other Offence	\$65.00