

**TOWN OF BALGONIE
BYLAW NO. 391/2016**

**A BYLAW TO REGULATE AND CONTROL THE OPERATION OF ATV'S
UPON CERTAIN HIGHWAYS AND OTHER AREAS WITHIN THE
CORPORATE BOUNDARIES OF THE TOWN OF BALGONIE**

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

1. This bylaw shall be known and may be cited as "The ATV Bylaw".
2. In this bylaw, including this section:
 - (a) "all terrain vehicle" and/or "ATV" means all terrain vehicle as defined in The All Terrain Vehicles Act
 - (b) "Crown Land" means Crown land as defined in The All Terrain Vehicles Act
 - (c) "highway" means a highway as defined in The Highway Traffic Act
 - (d) "private land" means land other than public land
 - (e) "public land" means public land as defined in The All Terrain Vehicles Act
 - (f) "vehicle" means a vehicle as defined in The Highway Traffic Act
3.
 - (a) Subject to sections 4 to 6 provisions and the provisions of the All Terrain Vehicle Act, it shall be lawful for ATV crossing on Provincial Highway No.46, Provincial Highway No.1, Provincial Highway No.364 and Provincial Highway No.10 or any highway, providing ATV comes to a full stop prior to crossing and the most direct route is used (established public highway approach) to cross any Provincial Highway or Highway.
 - (b) ATV's may be operated only from the place of residence or place of business to the closest point of exit, and from the closest point of exit to the place of residence or place of business.
 - (c) ATV use/operation shall be in accordance with the All Terrain Vehicles Act, unless otherwise regulated in this bylaw.
 - (d) A person must be 16 years of age and hold a valid driver's license to operate an ATV in any public area.
 - (e) Youth between the ages of 12 and 15 can operate an ATV in public areas and may cross roads/streets to the closest point of exit, (but cannot drive on roads/streets), if they have passed an approved ATV training course, or if they are supervised by someone who has held a driver's license continuously for the preceding 365 days.
4. No person shall operate an ATV:
 - (a) on any private land; or
 - (b) on any road/street or any portion thereof within town limits, except for the purpose of crossing the said roads/streets to the closest point of exit;
 - (c) any public land that is not a highway, other than ditches;
 - (d) any municipal land in the municipality; and
 - (e) outside the hours of 7:00 a.m. to 12:00 a.m.

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5. No person shall operate an ATV at a speed greater than twenty (20) kilometers per hour.
6. It shall be lawful to operate an ATV on a highway during an emergency when all other vehicular traffic is unable to travel on said highway due to snow or weather conditions.
7. No stunting or modified exhaust machines permitted.
8. Every person operating an all terrain vehicle on a highway, whether the travelled or untravelled portion of it or any public land shall produce proof of financial responsibility as required by Section 14 of the All Terrain Vehicles Act to any Peace Officer requesting that proof either at the time of the request or within 48 hours, or any longer period of time as the Peace Officer may allow, at any time and place that may be designated by the peace office making the request.
9. Every person operating an all terrain vehicle for which operation, a driver's license is required by the All Terrain Vehicles Act, shall produce his/her driver's license or receipt when requested to do so by a Peace Officer, either at the time of the request or within 48 hours after that time, at any time and place that may be designate by the Peace Officer making the request.
10. Any member of the Royal Canadian Mounted Police (R.C.M.P.), any Peace Officer appointed pursuant to the Highway Traffic Act are hereby authorized to remove and impound or store any all terrain vehicle that does not comply to impounded or stored shall be released to the owner of the vehicle on payment of the cost of removal and impounding or storage (as specified by authorized agent) within a period of 90 days after the date of removal of the all terrain vehicle.
11. If payment is not made within the 90 day period, then the authorized agent may recover the cost of removing and impounding or storing the all terrain vehicle through either a court action against the owner of the all terrain vehicle or by sale of the all terrain vehicle. All terrain vehicles impounded or stored for 90 days or more pursuant to this bylaw shall be deemed to be lost or unclaimed personal property in accordance with Section 8(2)(h)(j) of *The Municipalities Act*.
12. The cost of any legal action, shall also be recoverable by the Town from the owner of the all terrain vehicle.
13. The owner of the ATV is liable for a contravention of any provision of this bylaw in connection with the operation of the ATV, unless he can provide proof to the R.C.M.P. that at the time of the offence the ATV was not being operated by him nor by any other person with his consent.
14. The provisions of this bylaw shall not apply to:
 - (a) a member of the R.C.M.P., Conservation Officer, Auxiliary Police Officer or Bylaw Enforcement Officer/Authorized Agent, if applicable, while exercising his duties as an officer of the law.
 - (b) the use of ATV's during a declaration of a local emergency within the Town.
 - (c) special events by the approval of Town Council.
 - (d) utility use on personal property (snow removal, landscaping).

15. This Bylaw shall come into force and take effect on the date of approval being issued by the Highway Traffic Board of Saskatchewan.



F. Shauky

MAYOR

Valerie Hubbard

TOWN ADMINISTRATOR

Certified a true copy of Bylaw No. 391/2016 passed by resolution of Council of the Town of Balgonie on the 13th day of June, 2016.

Valerie Hubbard

Administrator

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