

# TOWN OF WADENA

## BYLAW NO. 2023-02

### A BYLAW RESPECTING THE OPERATION OF ALL TERRAIN VEHICLES WITHIN THE CORPORATE LIMITS OF THE TOWN OF WADENA

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

#### TITLE

1. This bylaw shall be known and may be cited as "The ATV Bylaw".

#### DEFINITIONS

1. For the purpose of this bylaw, all the words and expressions shall have the same meaning as contained in the *All Terrain Vehicles Act* and *The Traffic Safety Act* as amended from time to time, as follows:
  - a. "All Terrain Vehicle" as described in the *All Terrain Vehicles Act* and may be amended from time to time, means a self-propelled vehicle that:
    - i. is designed primarily for the movement of people or goods on unprepared surfaces; and
    - ii. has wheels in contact with the ground; and includes:
      - a restricted use motorcycle;
      - a mini-bike; and
      - an all terrain cycle;but does not include:
      - a golf cart;
      - a snowmobile as defined in *The Snowmobile Act*;
      - an agricultural implement or special mobile machine as defined in the *Traffic Safety Act*;
      - or
      - any vehicle that is required to be registered pursuant to *The Traffic Safety Act*
  - b. "Board" means the Highway Traffic Board continued by *The Traffic Safety Act*.
  - c. "Driver's Licence" means a driver's licence issued pursuant to *The Traffic Safety Act*.
  - d. "Highway" as defined in *The Traffic Safety Act*.
  - e. "Immediate Family" of a person means the spouse, parent, guardian, child, brother or sister of the person.
  - f. "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*.

g. "Private land" means land other than public land.

h. "Provincial Highway" as defined in *The Highways and Transportation Act*.

i. "Public Land" means Crown land or any land vested in a municipality.

j. "Restrict Use Motorcycle" means a vehicle that:

- i. is not designed 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.

k. "Town" means the Town of Wadena.

## **GENERAL**

1. No person shall operate or authorize or permit any other person to operate an all terrain vehicle within the Town unless:
  - a. Every person operating an all terrain vehicle for which operation a driver's licence is required by the *All Terrain Vehicles Act* shall produce his driver's licence 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 designated by the peace officer making the request.
  - b. Every person operating an all terrain vehicle on:
    - i. a highway, whether the travelled or untravelled portion of it;
    - ii. 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 officer making the request.
2. Pursuant to the provisions of Sections 3 to 9 of the *All Terrain Vehicles Act*
  - a. It shall be unlawful to operate an all terrain vehicle between the hours of 11:00p.m. and 7:00 a.m. in the Town of Wadena.

- b. No All-Terrain Vehicle shall be operated on private owned land not owned or occupied by him or a member of his immediate family.
- c. A person must be 16 years of age and hold a valid driver's license to operate an all terrain vehicle.

#### **EXCEPTIONS**

- 1. Youth between 12 and 15 years of age can operate an all-terrain vehicle in the Town:
  - a. if they have successfully completed an approved ATV training course, and
  - b. are directly supervised by a person who has held a valid driver's license for the previous 365 days.

#### **SPEED PROVISIONS:**

- 1. No person shall operate an ATV at a speed in excess of 30 km/hr.

#### **OPERATION PERMITTED**

- 1. Under the provision of Subsections 9(1) and (2) of the *All Terrain Vehicles Act*, the operation of all terrain vehicles shall be permitted within the corporate limits of the Town of Wadena as follows:
  - a. For the purpose of conducting municipal business when operated by a municipal employee or designate;
  - b. For the purpose of travelling from privately owned property to the corporate limits of the Town and return, by the most direct route to the owner's privately owned property; and
  - c. For use during a declaration of a local emergency with the Town.

#### **ENFORCEMENT**

- 1. Any RCMP or duly appointed peace officer shall be authorized to operate an all terrain vehicle within the corporate limits of the Town for enforcement purposes.
- 2. Any member of the Royal Canadian Mounted Police, any Peace Officer appointed pursuant to the *Traffic Safety Act* are hereby authorized to remove and impound or store any all terrain vehicle that does not comply to the regulations within this bylaw.

#### **IMPOUNDMENT**

- 1. A peace officer may, without warrant, seize any all terrain vehicle that he, on reasonable and probable grounds, believes is:
  - a. being operated in contravention of the *All Terrain Vehicles Act* or the regulations or any bylaw or order made pursuant to the Act; and

- b. the operation of the all terrain vehicle constitutes or may constitute a hazard to persons who are or might reasonably be expected to be in the area; and may retain it in his possession or store it in a suitable place.
2. The owner of an all terrain vehicle that has been seized pursuant to subsection (1) or his agent may obtain the release of the vehicle if he:
  - a. obtains the written consent of the board to do so;
  - b. pays the expenses of the seizure and the retention or storage of the all terrain vehicle; and
  - c. pays the cost of any prescribed examination or test.
3. The expenses and costs mentioned in subsection (2) constitute a lien on the all terrain vehicle seized and, if the owner of the all terrain vehicle cannot after reasonable inquiry be found or if he fails to pay the expenses within 14 days after the day on which a notice requiring him to do so has been served on him, the vehicle may be sold for the purpose of recovering the expenses.
4. Where an all terrain vehicle is to be sold pursuant to subsection (3), section 158 of *The Traffic Safety Act* applies mutatis mutandis to the sale, the application of the proceeds of the sale and the disposition of any surplus moneys.

#### PENALTY

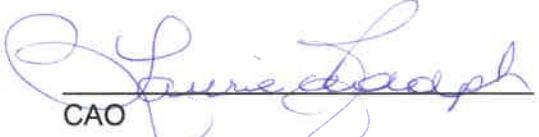
1. A person who is guilty of an offence against the *All Terrain Vehicles Act* is liable on summary conviction to a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than 30 days.

#### EFFECTIVE

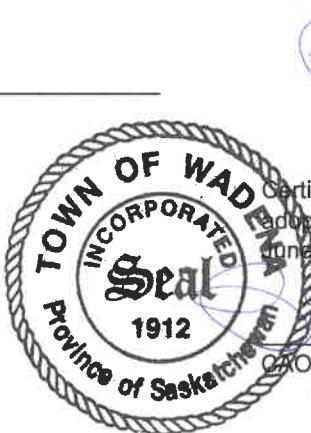
1. This Bylaw shall come into force once it is approved and given third reading by the Council of the Town of Wadena.

  
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Mayor



  
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CAO

Certified a true copy of Bylaw #2023-02  
adopted by resolution of Council on  
June 5, 2023.

  
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Laurie Joseph