

Bylaw No. 669-21

THE OFF-ROAD VEHICLE BYLAW

Adopted by Town of White City Council on January 10, 2022

Introduced and read a first time on January 10, 2022.

Read a second time on January 10, 2022.

Read a third time on January 10, 2022.

BYLAW NO. 669-21

A BYLAW TO REGULATE THE USE OF OFF-ROAD VEHICLES WITHIN THE TOWN OF WHITE CITY

Under the authority granted by subsection 8(1)(f) of *The Municipalities Act*, SS 2005, c M-36.1, the Town of White City in the Province of Saskatchewan, by and with the advice and consent of the Town of White City Council, enacts as follows:

Title

- 1 This bylaw shall be referred to as *The Off-Road Vehicle Bylaw*.

Interpretation

- 2 In this bylaw,
 - (1) **all-terrain vehicle and/or ATV** means an all-terrain vehicle as defined by *The All Terrain Vehicle Act*;
 - (2) **off-road vehicle** means any ATF as defined by *The All Terrain Vehicle Act* and any snowmobile as defined by *The Snowmobile Act*;
 - (3) **snowmobile** means a snowmobile as defined by *The Snowmobile Act*;
 - (4) **street** mean any street, or lane, within the Town of White City and includes a public highway within the Town of White City;
 - (5) **untraveled portion of the street** means the furthest right-hand portion of the street;
 - (6) **town** means the Town of White City, it's employees, or it's duly authorized representatives; and
 - (7) **town manager** means the administrator of the municipality appointed pursuant to *The Municipalities Act*.
- 3 Terms used in this bylaw and not defined in this section have the meanings ascribed to them as in:
 - (1) *The Snowmobile Act*;
 - (2) *The All Terrain Vehicles Act*;
 - (3) *The Municipalities Act*; and
 - (4) *The Traffic Safety Act*.

Operation of Off-Road Vehicles

- 4 Any person operating off-road vehicles within the town is responsible to adhere to provincial legislation in addition to the provisions set out in this bylaw.
- 5 No person shall operate an off-road vehicle on the travelled portion of the any street in the town except to cross a street when travelling from private property to the corporate limits of the town or when travelling on the furthest right-hand portion of the street.

- 6 Off-Road Vehicles shall only be operated on the untraveled portion, the furthest right-hand portion, of the street, other than provincial highways, for the purpose of travelling from private property to the corporate limits of the town and return by the most direct route from the private property.
- 7 No off-road vehicles shall be operated at any time on town land, public reserve land, parks, buffer strips, walkways and crown owned land.
- 8 No off-road vehicles shall be operated on private owned land that has been posted as disallowing the operation of off-road vehicles.
- 9 No person shall operate an off-road vehicle within the town unless the operator holds a valid driver's license.
 - (1) Youth under the age of twelve (12) are not permitted to operate off-road vehicles on any street, the untraveled portion of the street, town land, public reserve land, parks, buffer strips, walkways or crown owned land.
 - (2) Notwithstanding Section 8, youth between the ages of twelve (12) and fifteen (15) shall only be permitted to operate an all-terrain vehicle within the town if they have successfully completed an approved ATV safety course or are directly supervised by an adult over the age of eighteen (18) with a valid driver's license.
 - (3) Notwithstanding Section 8, operators at least 16 years of age who do not hold a valid driver's licence shall only be permitted to operate an all-terrain vehicle within the town if they have successfully completed an approved ATV safety course and carry proof of completion while operating an all-terrain vehicle.
- 10 No person shall operate an off-road vehicle within the town between 2300 hrs and 0700 hrs.
- 11 No person shall operate an off-road vehicle within the town at a speed in excess of 20km/hour.
- 12 No person shall create an excessive or unusual noise in the operation of an off-road vehicle within the town whether the noise is caused by the mechanical state or the manner in which the vehicle is operated and whether or not it is stationary or moving at the time the noise is created.
- 13 Operation of off-road vehicles shall be permitted off the untraveled portion of the road in the town as follows:
 - (1) for the purpose of conducting municipal business when operated by a municipal employee or designate;
 - (2) for the purpose of special occasions during times, dates and locations where a permit has been issued by council; and
 - (3) for use during a declaration of a local emergency within the town.

Enforcement and Penalties

- 14 Any Royal Canadian Mounted Police officer or duly appointed peace officer shall be authorized to operate an off-road vehicle outside the designated areas of the town for enforcement purposes.

15 Any person who contravenes any provision of this bylaw is liable to a fine:

- (1) for the first offence, a fine of no more than \$200.00;
- (2) for the second offence, a fine of no more than \$350.00; and
- (3) for the third and subsequent offences, a fine of no more than \$500.00.

16 Members of the Royal Canadian Mounted Police and any peace officer appointed pursuant to *The Traffic Safety Act* or the town's Bylaw Enforcement Officer/Designated Agent are hereby authorized and empowered to remove, impound or store any off-road vehicle that does not comply to the regulation within this bylaw.

- (1) Impounding fees shall be \$150.00 for first impounding fee, plus incidental costs and \$300.00 for second instance involving the same off-road vehicle.
- (2) Impounding fees shall be in addition to any fine.

17 The owner of an off-road vehicle is liable for any contravention of any provision of this bylaw in connection with the operation of the off-road vehicle unless proved that at the time of the offence the off-road vehicle was not being operated by the owner nor any other person with the owner's consent.

Severability

- 18 This bylaw shall not be construed to hold the Town of White City or its agents responsible or liable for any damage to persons or property through the unlawful operation of off-road vehicles.
- 19 If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced the municipal governing body to pass the remainder of this Bylaw. The part, section, sentence, clause, phrase, or other portion of this Bylaw is to be deemed a separate, distinct and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.

Coming into Force

- 20 Bylaw No. 152-93 and Bylaw No. 554-11, and all subsequent amendments, are hereby repealed.
- 21 This Bylaw shall come into force on the day of adoption by the Town of White City Council.

SEAL

Mayor

Town Manager