

# **RESORT VILLAGE OF CANDLE LAKE**

## **ATV BYLAW NO 13 of 2021**

### **A BYLAW TO REGULATE THE OPERATION OF ATV'S**

The Council of the Resort Village of Candle Lake in the Province of Saskatchewan enacts as follows:

#### **TITLE:**

1. This bylaw shall be known as "The ATV Bylaw No 13 OF 2021"

#### **PURPOSE:**

2. The purpose of the Bylaw is to regulate the operation of all terrain vehicles pursuant to Section 11 of The All Terrains Vehicle Act.

#### **DEFINITIONS:**

3(1). For this bylaw, the following terms and words shall have the following meaning:

- a) "Act" shall mean The All Terrain Vehicles Act,
  - b) "all-terrain vehicle" and/or "ATV" 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:
      - iii) a 4 wheeled quad,
      - iv) a Side by Side,
      - v) an all terrain cycle,
      - vi) dirt bikes,
- but does not include:
- vii) a golf cart ,

- viii) a snowmobile as defined in The Snowmobile Act,
  - ix) an agricultural implement or special mobile machine as defined in The Traffic Safety Act; or
  - x) any vehicle that is required to be registered pursuant to The Traffic Safety Act.
- c) "Crown land" means any land, other than a highway, owned by Her Majesty the Queen in the right of Saskatchewan,
- d) "driver's license" means a driver's license issued pursuant to The Traffic Safety Act,
- e) "highway" means highway as defined in The Traffic Safety Act,
- f) "immediate family" of a person means the spouse, parent, guardian, child, brother, or sister of the person,
- g) "municipality" shall mean The Resort Village of Candle Lake,
- h) "municipal land" shall include but not be limited to:
- i) the traveled and untraveled portion of all streets, roads, lanes and highways in the municipality (except provincial highways),
  - ii) all public reserves
  - iii) all publicly owned parking lots,
  - iv) grounds of all municipal owned buildings,
  - v) all other lands owned or operated by the municipality.
- i) "permit" a numbered placard issued by the municipality to identify ATV's operating within municipal boundaries.
- j) "Supervised" is constantly capable of communicating visually or verbally with the person operating the all terrain vehicle.

#### **PROVISIONS:**

4. It shall be lawful to operate an ATV on any of the Municipal roadways of 40km/hr within theMunicipal of Resort Village of Candle Lake.

## **PROHIBITIONS:**

5. It is unlawful to operate an ATV on any Provincial Highway within the Municipal of Resort Village of Candle Lake, this includes highway 265 and highway 120.

6 All operators of an ATV must hold a valid driver's licence; or

a) Be of the age of 12 years or more having successfully completed an ATV

training Course, where the person operating an ATV is on:

(i) any public or private land,

(ii) a highway for the purpose of crossing the highway by the most direct and shortest route of travel available to him; or

(iii) the untravelled portion of a highway,

And the operator of the ATV:

(iv) is accompanied on the ATV if it is designed for the transportation of one or more passengers, by a person who holds and has held continuously for the immediately preceding 365 days a licence that permits him to operate the vehicle,

(v) is supervised by a person who holds and has held continuously for the immediately preceding 365 days a licence that permits him to operate the ATV; or

(vi) has successfully completed a training course, approved by the board, with respect to the operation of ATV and provides evidence of having successfully completed the course to a peace officer making a request for that evidence; or

b) while the person is operating an ATV:

(i) that is equipped with not more than two wheels,

(ii) on an enclosed racetrack or trail on private land; and

(iii) during the course of an event carried out, promoted or sponsored by a person or organization approved by the board.

7. No person shall operate an ATV on any designated walking or ski trail, or on any area that is ditched or designed to provide drainage.

8. No person shall operate an ATV on any Municipal Reserve, Park, Green Space, Cemetery, or Playground.

(a) except during the installation and removal of a dock and or a boat lift during dry conditions only.

9. No person shall operate an ATV:

a) without due care and attention,

b) without reasonable consideration for other persons in the area or who might reasonably be expected to be in the area,

c) at a speed greater than is reasonable and safe in the circumstances and in any case at a speed greater than 40 kilometers per hour,

d) off a roadway where up to a maximum 40km/hr roadway is available

e) with a passenger on the all terrain vehicle unless the all terrain vehicle was designed by the original manufacturer of the all terrain vehicle for the transportation of passengers,

f) with a passenger being towed on any type of equipment attached to the all terrain vehicle,

g) at night without using prescribed lights,

h) fitted with seatbelts installed by the manufacturer of the all terrain vehicle without using the seatbelts in a properly adjusted and securely fastened manner while the vehicle is in operation,

i) in a manner that is detrimental to the environment.

### **RULES OF OPERATION:**

10. Every operator of an ATV shall:

a) when approaching an oncoming vehicle, pass the vehicle to the right,

b) yield the right of way to vehicles approaching from his right,

c) when overtaking another vehicle, pass the vehicle on the left,

- d) yield the right of way to all pedestrians that are approaching so close as to present a hazard,
- e) except when overtaking another vehicle, maintain a safe following distance behind any other vehicle,
- f) where circumstances warrant, signal his intentions to turn abruptly by using signal lights if the vehicle is equipped with them or hand signals as described in The Traffic Safety Act,
- g) on being requested or signaled to do so by a peace officer using an emergency device of emergency light or a visible hand signal, immediately stop the all terrain vehicle.

**EQUIPMENT:**

11. The operator of, and any passenger in or on an ATV that is being operated shall wear a helmet and protection for the eyes of the type and in the manner prescribed.

**LICENCE PLATE:**

12(1). All ATV's operated in the Municipality of the Resort Village of Candle Lake shall display the permit purchased from the municipal office in a visible space at the rear of the ATV.

**GENERAL PENALTY:**

13. Any person who contravenes any of the provisions of this Bylaw or fails to comply with any provision of this Bylaw is guilty of an offence and liable, upon summary conviction:

- a) For an offence under Section 7 of this Bylaw to a fine of not less than \$200.00 nor more than \$1,000.00; and
- b) For the first offence under all other Sections of this Bylaw, to a fine of not less than \$100.00 nor more than \$1,000.00; and
- c) For a second and subsequent offence under Section 7 of this Bylaw to a fine of not less than \$400.00 nor more than \$1,000.00; and

d) For a second and subsequent offence under all other Sections of this Bylaw to a fine of not less than \$200.00 nor more than \$1,000.00.

**VEHICLE IMPOUNDMENT:**

14(1). a Bylaw Officer may seize any ATV that he/she, on reasonable and probable grounds believes is;

- a) being operated in contravention of the regulations of this bylaw and
- b) the operation of the ATV constitutes or may constitutes 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 in a suitable place.

15(b). The owner of an ATV that has been seized pursuant to subsection (1) or his agent may obtain the release of the vehicle if he/she:

- a) obtains the written consent of the municipality to do so
- b) pays the expenses of the seizure and the retention or storage of the ATV.

16. Bylaw Number 7/2012 is hereby repealed.

17. This Bylaw shall come into force on final passing thereof.

Introduced and read for a first time this June 11, 2021

Read for a second time this July 9, 2021

Given third reading and passed this July 9, 2021

  
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Mayor Kostyna



  
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Administrator – Heather Scott