

## Town of Birch Hills

### Bylaw 04/14

#### A BYLAW TO PROHIBIT THE USE OF ALL TERRAIN VEHICLES PURSUENT TO SECTION 11 OF *THE ALL TERRAIN VEHICLES ACT*

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The Council of the Town of Birch Hills in the Province of Saskatchewan enacts as follows:

**1. SHORT TITLE**

This bylaw may be known as “The ATV Bylaw”.

**2. DEFINITIONS**

For the purpose of this bylaw, the expression:

- a. **All-terrain vehicle** and/or **ATV** – 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:

- iii. a restricted use motorcycle;
- iv. a mini-bike; and
- v. an all terrain cycle

but does not include:

- vi. a golf cart
  - vii. a snowmobile as defined in *The Snowmobile Act*;
  - viii. an agricultural implement or special mobile machine as defined in *The Traffic Safety Act*; or
  - ix. any vehicle that is required to be registered pursuant to *The Traffic Safety Act*
- b. **Crown land** – means any land, other than a highway, owned by Her Majesty the Queen in right of Saskatchewan.
- 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* means a road, parkway, driveway, square or place designed and intended for used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area.
- e. **Municipality or Town** – means the Town of Birch Hills.
- f. **Private Land** – means Crown land or any land vested in a municipality;
- g. **Private Land** – means land other than public land.

- 3.** No person shall operate an all terrain vehicle on any Crown Land or Private Land within the corporate limits of the Town of Birch Hills.

- 4.** a. Notwithstanding the provisions contained in Section 9, Section 1 and 2 of *The All Terrain Vehicles Act* it shall be lawful for a resident to operate an all terrain vehicle, from their place of residence to the closest point of exit and from the closest point of exit to their place of residence, in any back ally or travelled portion of any public roadway, where necessary in the Town of Birch Hills. The route shall be the shortest distance from their place of residence to the exit and from the closest exit to the place of residence of the all terrain vehicle operator.
- b. Notwithstanding the Noise Bylaw for the Town of Birch Hills, an all terrain vehicle may only be operated, within the town limits, between the hours of nine (9:00) a.m. and ten (10:00) p.m.

5. All applicable sections of *The All Terrain Vehicles Act* and corresponding *Regulations* shall apply to the operation of all terrain vehicles within the Town limits.
6. All terrain vehicle operators shall follow the rules of the road as set out in *The Traffic Safety Act* and corresponding *Regulations*.
7. Any all terrain vehicle crossing a highway must:
  - a. come to a full stop prior to crossing;
  - b. take the most direct route across the highway; and,
  - c. when entering onto a highway, shall do so from an established public highway approach.
8. The provisions of this Bylaw shall not apply to:
  - a. a member of the Royal Canadian Mounted Police, Conservation Officer, Auxiliary Police or Bylaw Enforcement Officer, while exercising his or her duties as an officer of the law.
  - b. the use of all terrain vehicles during a declaration of a local emergency within the Town of Birch Hills.
  - c. special events by the approval of Town Council.
  - d. the use of all terrain vehicles is approved by council while in the operation of snow removal or landscaping on private or Town owned property, directly from the place of residence of the owner, by the most direct route and return.
  - e. A land surveyor or contractor registered in the Province of Saskatchewan in the performance of the duties of surveying land or construction work within the Town of Birch Hills.
9. No section of this Bylaw shall supersede or preside over, and section of *The Traffic Safety Act* or corresponding *Regulations* or *The All Terrain Vehicles Act* and corresponding *Regulations*.
10. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to the penalties set out in *The Traffic Safety Act*, *The All Terrain Vehicles Act* or any corresponding *Regulations*.
11. a. Notwithstanding Section 6 a Bylaw Officer/Peace Officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
  - b. The notice of violation shall require the person to pay to the municipality:
    - i. In a case of a first offence, a fine of \$100.00
    - ii. For a second offence, a fine of \$300.00
12. This bylaw shall come into force on final passing thereof.

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Mayor

\_\_\_\_\_  
Administrator

Read a third time and adopted  
this 28 day of May 2014.

Certified a true copy of  
Bylaw #04/14, adopted by  
resolution of council on the  
28 day of May 2014.

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Administrator

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Administrator