

BYLAW NO. 08-23

TOWN OF MILESTONE

**A BYLAW RESPECTING THE OPERATION OF ALL TERRAIN VEHICLES WITHIN THE
CORPORATE LIMITS OF THE TOWN OF MILESTONE**

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

1. TITLE

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

2. DEFINITIONS

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) "Administrator" means the Administrator of the Town of Milestone.

(b) "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 dirt bikes; and
- (v) an all terrain cycle; including quads and side by sides

but does not include:

- (vi) a snowmobile as defined in *The Snowmobile Act*;
- (vii) an agricultural implement or special mobile machine as defined in *The Traffic Safety Act*; or
- (viii) any vehicle that is required to be registered pursuant to *The Traffic Safety Act*
- (ix) a golf cart

(c) "Crown land" means any land, other than a highway, owned by Her Majesty the Queen in right of Saskatchewan;

(d) "Highway" as defined in *The Traffic Safety Act* means a road, parkway, driveway, square or place designed and intended for or 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) "Operator" means a person who uses or operates, or is in actual physical control of an all terrain vehicle.

(f) "Owner" includes a person who is in possession of an all terrain vehicle under a contract by which he/she may become the owner of the all terrain vehicle upon full compliance with the terms of the contract.

(g) "Street" means any street, or lane within the Town of Milestone and includes a public highway, within the Town of Milestone.

(h) "Town" means Town of Milestone.

3. Subject to Section 4 authorization is hereby granted, under the authority of *The All Terrain Vehicles Act*, to operate an ATV upon any street or alley in the Town of Milestone provided that such use is restricted to moving the ATV directly from the operator's residence to Town limits and back again.

4. Pursuant to the provisions of Section 3 to 9 of *The All Terrain Vehicles Act*;

- a. It shall be unlawful to operate an ATV between the hours of 11:00p.m. and 7:00 a.m. in the Town of Milestone;
- b. Operation of an ATV at a speed not to exceed 20 kilometers (12.5 miles) per hour;
- c. All Terrain Vehicles may be operated on the traveled portion of the streets, other than provincial highways, in the Town, 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;
- d. No ATV shall be operated at any time on Town of Milestone parks, ball diamonds, pool grounds, school grounds, cemetery, buffer strips, walkways, drainage ditch, and crown owned land, whether or not marked by a sign prohibiting or restricting the operation of an all terrain vehicle;
- e. No ATV shall be operated on privately owned land that has been posted as disallowing the operation of ATV's; and
- f. A person must be 16 years of age and hold a valid driver's license to operate in any public area.

5. EXCEPTIONS

Youth between 12 and 15 years of age can operate an all-terrain vehicle in the Town of Milestone:

- a. if they have successfully completed an approved ATV training course, with respect to the operation of all terrain vehicles and can provide evidence of having successfully completed the course when requested;
- b. if they are accompanied on the ATV, if it is designed for the transportation of one or more passengers, by a person who has held a driver's license for the previous 365 days; and
- c. if they are directly supervised by a person who has held a driver's license for the previous 365 days.

6. (a) No person shall operate an ATV on a Provincial Highway except as follows:

- a. any ATV entering onto a Provincial Highway shall do so from an established public highway approach;
- b. any ATV crossing a Provincial Highway shall come to a full stop prior to crossing; and
- c. the ATV shall take the most direct route across the highway.

(b) Notwithstanding Section 6 (a) 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 weather conditions.

7. NOISE AND SPEED PROVISIONS

- a. Subject to Bylaw 1-84 of the Town of Milestone, no person shall create an excessive or unusual noise in the operation of an ATV within the town whether or not the noise is caused by the mechanical state of the ATV or the manner in which the ATV is operated and whether or not it is stationary or moving at the time the noise is created.
- b. No person shall operate an ATV at a speed in excess of 20km/hr.

8. OPERATION PERMITTED

Under the provision of Subsections 9(1 and 2) of *The All Terrain Vehicles Act*, the operation of ATV's shall be permitted within the corporate limits of the Town of Milestone as follows:

- a. For the purpose of conducting municipal business when operated by a municipal employee or designate, and;
- b. For the purpose of special occasions during times, dates and at locations where a permit has been issued by Council; and
- c. For use during a declaration of a local emergency with the Town.

9. ENFORCEMENT

- a. Any RCMP or duly appointed peace officer shall be authorized to operate an ATV within the corporate limits of the Town of Milestone for enforcement purposes.
- b. Any member of the Royal Canadian Mounted Police, any Peace Officer appointed pursuant to *The Traffic Safety Act* or the Town's Bylaw Enforcement Officer/Designated Agent are hereby authorized to remove and impound or store any ATV that does not comply to the regulations within this bylaw of the Town of Milestone.

10. PENALTY

Any person who contravenes any provision of this bylaw shall be guilty of an offence and liable of a fine of \$200, with the exception of Section 7(a).

- a. Any ATV being operated in breach of this bylaw, or if being operated by an unlicensed operator or if the ATV does not have adequate proof of insurance under *The All Terrain Vehicles Act* the ATV may be seized and impounded by the Town of Milestone. Impounding fees will be as follows:
 - i. \$100 for first impounding, plus incidental costs and expenses arising from the impounding; and
 - ii. \$200 for second instance involving the same ATV. Such impounding fees shall be in addition to any fine.
- b. Any person convicted of a breach of the provisions of Section 7(a) of this bylaw shall be liable for a penalty as provided in the Noise Bylaw of the Town of Milestone.
- c. When an ATV has been seized pursuant to Section 9(b), it shall be held for the period specified and shall only be released upon full payment of the following costs:
 - i. the actual cost of removal with a minimum charge of Thirty-Five Dollars (\$35.00); and
 - ii. the cost of storage at a rate of Ten Dollars (\$10.00) per day to a maximum of One Hundred Dollars (\$500.00)
- d. If the costs of removal, impounding or storage are not paid within a period of ninety (90) days from the seizure, the Town shall have the right to recover same from the owner of the ATV by:

- iii. Legal action in a Court of competent jurisdiction, or
- iv. sale of the impounded ATV by public auction.
- e. The costs of any legal action, as stated in section 10(d), shall also be recoverable by the Town from the owner of the ATV.
- f. In the event the owner is acquitted of the offence for breach of bylaw for which the ATV was impounded, the poundage fees and incidental costs paid by the owner will be refunded.
- g. The owner of the ATV is liable for a contravention of any provisions of this bylaw in connection with the operation of the ATV unless they prove that at the time of the offence the ATV was not being operated by them or by any person with their consent.
- h. Unless otherwise specified in this bylaw pertaining to the operation of ATV shall be as contained in *The Traffic Safety Act, All Terrain Vehicle Act, All Terrain Vehicle Regulations* and any amendments thereto.

11. EFFECTIVE

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

First Reading: August 3, 2023

Second Reading: August 3, 2023

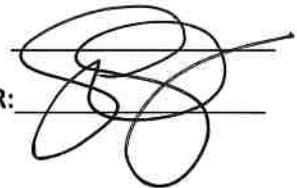
Third Reading: August 3, 2023



MAYOR:



ADMINISTRATOR:



APPENDIX A

