

TOWN OF KINISTINO

BYLAW NO. 03/14

A BYLAW TO PROVIDE FOR THE CONTROL OF  
ALL-TERRAIN VEHICLES WITHIN THE TOWN BOUNDARIES

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THE COUNCIL OF THE TOWN OF KINISTINO IN THE PROVINCE OF SASKATCHEWAN, ENACTS  
AS FOLLOWS:

1. This Bylaw shall be known and cited as "The All-terrain Vehicles Bylaw"
2. In this Bylaw:
  - (a) "all-terrain vehicle" and/or "ATV" means all-terrain vehicles as defined in *The All-terrain Vehicles Act*.
  - (b) "Crown Land" means Crown Land as defined in *The Traffic Safety Act*.
  - (c) "Highway" means a highway as defined in *The Traffic Safety Act*.
  - (d) "Public Land" means public land as defined in *The All-terrain Vehicles Act*.
  - (e) "Private Land" means land other than public land.
  - (f) "Vehicle" means a vehicle as defined in *The Traffic Safety Act*.
  - (g) "Town" means the Town of Kinistino.
3. No person shall operate an all-terrain vehicle on any Crown Land or Private Land within the corporate limits of the Town of Kinistino.
4. (a) Notwithstanding the provisions contained in Section 9, Subsection 1, of *The All-terrain Vehicles Act*, it shall be lawful for a resident to operate an all-terrain vehicle, from their place of residence or place of business to the closest point of exit and from the closest point of exit to their place of residence or place of business, in any back alley or travelled portion of any public roadway, where necessary, in the Town of Kinistino. 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 Town of Kinistino's Bylaw with respect to the Control and Regulation of Noise, an all-terrain vehicle may only be operated, within the Town limits, between the hours of eight (8:00) a.m. and ten (10:00) p.m.
5. All applicable sections of *The All-terrain Vehicles Act* and corresponding *Regulations*, and any amendments thereto, shall apply to the operation of all-terrain vehicles within the Town limits. Operators must be aware of the following restrictions under this Town bylaw as well as *The All-terrain Vehicles Act*:

*Age of operator*

4. No person under the age of 16 years shall operate an all-terrain vehicle.

*Exceptions*

5. Section 4 does not apply to a person:

(a) while that person is operating an all-terrain vehicle on private land owned or occupied by him or a member of his immediate family;

(b) of the age of 12 years or more but under the age of 16 years, while the person is operating an all-terrain vehicle 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 all-terrain vehicle;

(iv) is accompanied on the all-terrain vehicle, 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 license 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 license that permits him to operate the all-terrain vehicle; or  
(vi) has successfully completed a training course, approved by the board, with respect to the operation of all-terrain vehicles and provides evidence of having successfully completed the course to a peace officer making a request for that evidence; or

(c) while the person is operating an all-terrain vehicle:  
(i) that is equipped with not more than two wheels;  
(ii) on an enclosed race track 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.

#### *Prohibitions*

16(1) No person shall operate an all-terrain vehicle:

(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 80 kilometres per hour;  
(d) except for the purpose of crossing a highway or using a bridge or weir, at a distance of less than two metres from the travelled portion of the highway;  
(e) on the untravelled portion of a highway between one-half hour after sunset to one-half hour before sunrise except in the same direction as the vehicles travelling on the travelled portion of that side of the highway;  
(f) except for the purpose of crossing a highway, on the median of a highway if the median is less than 50 metres in width;  
(g) with a passenger unless the all-terrain vehicle was designed by the original manufacturer of the all-terrain vehicle for the transportation of passengers;  
(h) at night without using prescribed lights;  
(i) fitted with seat-belts installed by the manufacturer of the vehicle, without using the seat-belts in a properly adjusted and securely fastened manner while the vehicle is in operation.

#### *Equipment*

18(1) The operator of, and any passenger in or on, an all-terrain vehicle that is being operated shall wear a helmet and protection for the eyes of the type and in the manner prescribed.

6. All-terrain vehicle operators shall follow the rules of the road as set out in *The Traffic Safety Act* and any corresponding *Regulations*, and any and all amendments thereto. Operators must be aware of the following restrictions under this Town bylaw as well as the provincial *Traffic Safety Act*:

#### *Speeding and stunts prohibited*

214(1) No person shall:

(a) drive a vehicle on a highway in a contest of speed; or  
(b) use a vehicle to race with another vehicle on a highway.

(2) No driver shall, whether or not with the use or aid of any vehicle or other thing, perform or engage in any stunt or activity on a highway that is likely to distract, startle or interfere with other users of the highway.

7. Any all-terrain vehicles 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, or Auxiliary Police or the Bylaw Enforcement Officer, while exercising his/their 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 Kinistino; and,
  - (c) special events by the approval of the Town council; or,
  - (d) the use of all-terrain vehicles as approved by council while in the operation of snow removal or landscaping on Town-owned property or private 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 Kinistino.
  
9. No person shall operate an all-terrain vehicle at a speed greater than twenty (20) kilometers per hours in the limits of the Town of Kinistino.
  
10. No person shall operate or stop or park an all-terrain vehicle on any lane or ditch, within the Town boundaries, of which the Town uses for drainage purposes.
  
11. No section of this bylaw shall supersede or preside over, any section of *The Traffic Safety Act* and any corresponding *Regulations* or *The All-terrain Vehicles Act* or any corresponding *Regulations*.
  
12. Any person found guilty of an infraction of this Bylaw shall be liable on summary conviction to the penalties set out in *The Traffic Safety Act*, or *The All-terrain Vehicle Act* or any corresponding *Regulations*.
  
13. (a) Notwithstanding Section 12, a person who contravenes any provision of this Bylaw, upon being served, either personally or by mail with a Notice of Violation, may voluntarily pay a sum of \$50 to the Administrator or any other designated employee of the Town.  
 (b) Should the Town receive voluntary payment within fourteen (14) days of service of the Notice of Violation, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.  
 (c) A Notice of Violation may be issued by the Town Administrator, the Town's Bylaw Enforcement Officer, a Peace Officer or any other designated employee of the Town.
  
14. This Bylaw shall come into force and take effect upon final passing thereof.

Introduced and read a first time this 14<sup>th</sup> day of May, 2014  
 Read a second time this 14<sup>th</sup> day of May, 2014  
 Read a third time and adopted this 14<sup>th</sup> day of May, 2014



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 Mayor

*Rhonda Bacon*

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 Administrator

Certified to be a true copy of Bylaw No. 03/14 adopted by resolution of Council on the 14<sup>th</sup> day of May, 2014.



*Rhonda Bacon*  
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 Administrator