

BYLAW NO. 07/24

A BYLAW OF THE RESORT VILLAGE OF KIVIMAA - MOONLIGHT BAY TO AUTHORIZE THE OPERATION OF ALL TERRAIN VEHICLES

THE COUNCIL OF THE RESORT VILLAGE OF KIVIMAA - MOONLIGHT BAY, IN THE PROVINCE OF SASKATCHEWAN, ENACTS AS FOLLOWS:

TITLE:

1. This bylaw shall be known as "the ATV Bylaw." This bylaw repeals Bylaw 08/01 A Bylaw of the Resort Village of Kivimaa – Moonlight Bay to Authorize the Operation of All Terrain Vehicles.

DEFINITIONS:

2. Definitions as found in *The All-Terrain Vehicles Act* apply to this bylaw. For the purpose of this bylaw, the following terms and words shall have the following meaning:
 - a) "Act" means *The All-Terrain Vehicles Act* as amended from time to time, and any successor thereto;
 - b) "All-Terrain Vehicle" and/or "ATV" means all-terrain vehicle as defined in *The All-Terrain Vehicles Act*;
 - c) "Drivers License" means a valid license issued pursuant to *The Traffic Safety Act*.
 - d) "Highway" means a road, parkway, driveway, road allowance, curb, square or place within the Municipality under the direction, control and management of the Municipality that is 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 designated by council for passageways onto or exiting from such area; and "Public Highway" mean a Provincial or Rural Municipality highway.
 - e) "Peace Officer" means a Constable or Special Constable of the Municipality and shall include a Bylaw Enforcement Officer, Community Safety officer, Enforcement and Protective Services Officer and a member of the Royal Canadian Mounted Police;
 - f) "Stop" means:
 1. When required, a complete cessation from movement, and
 2. When prohibited, any stopping, even momentarily, of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control device;
 - g) "Traffic" means the movement of pedestrians, vehicles or livestock on any highway in the Municipality.
 - h) "Traffic Sign" means any sign or marking installed for the guidance, regulation, warning, direction or prohibition of traffic.
 - i) "Vehicle" means a vehicle, trailer, semi-trailer or motor vehicles as defined by *The Traffic Safety Act*.

OPERATIONS:

3. As per *The All-Terrain Vehicles Act*, the Municipality may, by bylaw, permit the operation of any All-Terrain Vehicle, class or classes of All-Terrain Vehicles on the travelled portion of the whole or any part of a highway other than a Provincial or Rural Municipality highway, in the Municipality.

Where the council of the Municipality passes a bylaw, the council shall specify in the bylaw the Highway or part thereof where the operation of any all-terrain vehicle is permitted pursuant to the bylaw.

4. As per *The All-Terrain Vehicles Act*, the council may by bylaw, prohibit the operation of any all-terrain vehicle, class or classes of all-terrain vehicle on:
 1. The untraveled portion of the whole or part of a highway other than Provincial or Rural Municipality highway in the Municipality
 2. Any private land in the Municipality
 3. Any municipal land in the Municipality, and
 4. Any Crown land in the Municipality that is used or occupied otherwise than by the Crown.
5. Notwithstanding any other provisions of this bylaw:
 1. The use of all-terrain vehicles is permitted to be operated on any roadway within the municipality to access trails or personal properties, excluding those listed in 5(2);
 2. The use of all-terrain vehicles is prohibited to be operated on all municipal reserves, all environmental reserves and all private property unless that of the operator or with written consent of the owner;
 3. The provisions of this bylaw are not applicable to travel on Rural Municipality Road 796.
6. As per *The All-Terrain Vehicles Act*, no persons shall operate an all-terrain vehicle on any private land not owned or occupied by them or a member of their immediate family, or Crown land used or occupied otherwise than by the Crown without the permission of the owner or occupant of the land.
7. No person shall operate an all-terrain vehicle unless they hold a valid driver's license or while operating said vehicle on private land as listed in Section 6. The operator of, and any passenger in or on an all-terrain vehicle that is being operated shall wear a helmet and eye protection of the type and in the manner prescribed.

GENERAL PROVISIONS:

8. All provisions of *The All-Terrain Vehicles Act* must be adhered to by, but not limited to those persons engaging in the ownership, operation or occupancy of any all-terrain vehicle.

ENFORCEMENT:

9. When there is any question or any perceived discrepancy on a point of law regarding this bylaw as it relates to *The All-Terrain Vehicle Act*, the latter shall prevail.
10. If any section, subsection, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall 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.
11. Any contravention of this bylaw is subject to the fines and penalties as prescribed in *The All-Terrain Vehicles Act*.

GENERAL PENALTY:

12. 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:
 1. For the first offence, to a fine of not less than \$100.00 nor more than \$1,000, and
 2. For a second and subsequent offence, to a fine of not less than \$250.00 nor more than \$1000.

VOLUNTARY PAYMENT:

13. A person who contravenes any provision of the Bylaw, upon being served, either personally or by mail with a Notice of Violation, may voluntarily pay a sum equivalent to 50% of the prescribed penalty as issued under Section 12, to the Administrator or any other designated employee of the Municipality.

If the Municipality received voluntary payment with 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.

COMING INTO FORCE

11. This bylaw shall come into force and effect on the day of its final passing thereof.



[Signature]
Mayor

[Signature]
Administrator

Read a third time and adopted this 19 day of August, 2024.

[Signature]
Administrator