

To: Mayor and Members of Council

July 11, 2011

Re: ATV Bylaw Amendment

Background

After much discussion and deliberation about whether Council will repeal the Bylaw that allows the operation of All Terrain Vehicles within the corporate limits of White City, it was decided that Council would amend the ATV Bylaw to require a registration of the ATV. Council agreed to give the registration process a trial period of 1 year, and revisit the subject next summer to see if the registration requirement eases some of the enforcement concerns.

The RCMP have also notified Administration that there have been 6 officers that have been trained to use ATVs during enforcement.

Discussion

Based on Council direction, Administration has prepared a Bylaw to control the operation of All Terrain Vehicles within the Town of White City. Legal Counsel is reviewing the bylaw and will provide Administration with comments.

Council was discussing the possibility of allowing the operation of ATVs in Town streets. There was some debate as to whether this is allowed or not, however Section 9 of the *All Terrain Vehicles Act* states:

“9(1) The Council of a municipality may, by bylaw, permit the operation of any all terrain vehicle or class of all terrain vehicles on the **travelled portion** of the whole or any part of the whole or any part of a highway, other than a provincial highway, in the municipality.

(2) Where the council of a municipality passes a bylaw pursuant to subsection (1), 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.”

Although the *All Terrain Vehicles Act* allows for Council to pass a bylaw to authorize ATV to operate on the travelled portion of the road, Mark Mulatz cautions Council due to the liability related to allowing ATVs on the travelled portion of the road.

The draft bylaw is attached for Council consideration.

There is no registration fees incorporated into the bylaw yet, and this is only because we have not received a price quote of what the license plates are going to cost.

The form of identification being proposed by Administration is a license plate that will be attached to the ATV, and will be approximately 4" x 10" in size. Administration is planning on having a sample to provide to Council for the meeting.

Budget Implications

None

Conclusion

The purpose of this report is to provide Council with a draft bylaw with some legal advice in regards to controlling the operation of ATVs within White City. The bylaw was amended to incorporate Council direction and to incorporate legislation changes that have occurred since the adoption of the original ATV Bylaw. Administration would like feedback from Council as to whether the Bylaw is meeting Council intentions.

Recommendation

Administration recommends Council introduce and give first reading to the bylaw.

Respectfully submitted,



Shauna Bzdel,
Town Manager

TOWN OF WHITE CITY

BYLAW NO.

A BYLAW OF THE TOWN OF WHITE CITY TO CONTROL THE OPERATION OF ALL TERRAIN VEHICLES WITHIN THE TOWN OF WHITE CITY.

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

1. This Bylaw is in addition to the current *All Terrain Vehicles Act*.
2. In this Bylaw:
 - (i) "Administrator" means the Administrator of the Town of White City.
 - (ii) "All Terrain Vehicle" has the meaning ascribed to it in the *All Terrain Vehicles Act*.
 - (iii) "Certificate of registration" means a valid certificate of registration issued for an All Terrain Vehicle pursuant to Section 3 of this Bylaw.
 - (iv) "Street" means any street, or lane within the Town of White City and includes a public highway, within the Town of White City.
3. The Administrator shall provide an owner of an All Terrain Vehicle a certificate of registration for the ATV if:
 - (i) the owner of the ATV applies on a form provided by the administrator and pays the prescribed fee;
 - (ii) provides proof of liability insurance in regards to operating and All Terrain Vehicle in the amount of a minimum of \$500,000.
4. No person shall operate or authorize or permit any other person to operate and All Terrain Vehicle unless:
 - (a) that person has obtained a certificate of registration from the Town of White City; and

- (b) the identification number plate is displayed on the front of the All Terrain Vehicle.
- 5. Pursuant to the provisions of Section 9 of the *All Terrain Vehicles Act*;
 - (i) It shall be unlawful to operate an All Terrain Vehicle between the hours of 11:00p.m. and 7:00a.m. in the Town of White City.
 - (ii) No person shall operate an All Terrain Vehicle on the travelled portion of any street in the Town except to cross a street when travelling from private property to the corporate limits of the Town of White City.
 - (iii) Subject to the foregoing, All Terrain Vehicles may be operated on the untraveled portion of the streets, other than provincial highways, in the Town, for the purpose of travelling from private owned property to the corporate limits of the Town and return, by the most direct route from the owner's privately owned property.
 - (iv) No All Terrain Vehicle shall be operated at any time on Town of White City Public Reserve land (Parks) or buffer strips and lanes.
- 6. Subject to Bylaw 224-96 of the Town of White City, no person shall create an excessive or unusual noise in the operation of an All Terrain Vehicle within the Town whether or not the noise is caused by the mechanical state of the All Terrain Vehicle or the manner in which the All Terrain Vehicle is operated and whether or not it is stationary or moving at the time the noise is created.
- 7.
 - (i) Any person who contravenes the provisions of Sections 5 of this bylaw shall be liable to the penalties provided in the All Terrain Vehicles Act, or the penalties provided in the *Summary Offences Procedure Act*, Regulations, or the Town Bylaws, or a \$200 fine if none provided.
 - (ii) Any ATV being operated in breach of this bylaw, or if being operated by an unlicensed operator or if the ATV is not licensed under the *All Terrain Vehicles Act* the ATV may be seized and impounded by the Town of White City. Impounding fees will be \$100 for first impounding, plus incidental costs and expenses arising from the impounding, and \$200 for second instance involving the same ATV. Such impounding fees shall be in addition to any fine.

In the event the owner has not paid all costs within 90 days of notice, the Town will sell the ATV for poundage and incidental costs at a public auction.

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.

- (iii) Any person convicted of a breach of a breach of the provisions of Section 6 of this bylaw shall be liable for a penalty as provided in the Noise Bylaw of the Town of White City.

8. Bylaw No. 151-93 & 472-06 are hereby repealed.

Mayor

SEAL

Town Manager

INTRODUCED AND READ A FIRST TIME THIS DAY OF ,
2011.

READ A SECOND TIME THIS DAY OF , 2011.

READ A THIRD TIME AND ADOPTED THIS DAY OF , 2011.

VILLAGE OF WHITE CITY
BYLAW NO. 151-93

A BYLAW OF THE VILLAGE OF WHITE CITY TO CONTROL THE OPERATION OF ALL TERRAIN VEHICLES WITHIN THE VILLAGE OF WHITE CITY.

THE COUNCIL OF THE VILLAGE OF WHITE CITY, IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. THIS BYLAW IS IN ADDITION TO THE CURRENT ALL TERRAIN VEHICLES ACT.
2. IN THIS BYLAW;
 - (1) "ALL TERRAIN VEHICLE" HAS THE MEANING ASCRIBED TO IT IN THE ALL TERRAIN VEHICLES ACT.
 - (11) "STREET" MEANS ANY STREET, OR LANE WITHIN THE VILLAGE OF WHITE CITY AND INCLUDES A PUBLIC HIGHWAY, WITHIN THE VILLAGE OF WHITE CITY.
3. PURSUANT TO THE PROVISIONS OF SECTION 9 OF THE ALL TERRAIN VEHICLES ACT;
 - (1) IT SHALL BE UNLAWFUL TO OPERATE AN ALL TERRAIN VEHICLE BETWEEN THE HOURS OF 11:00 P.M. AND 7:00 A.M. IN THE VILLAGE OF WHITE CITY.
 - (11) NO PERSON SHALL OPERATE AN ALL TERRAIN VEHICLE ON THE TRAVELLED PORTION OF ANY STREET IN THE VILLAGE EXCEPT TO CROSS A STREET WHEN TRAVELLING FROM PRIVATE PROPERTY TO THE CORPORATE LIMITS OF THE VILLAGE OF WHITE CITY.
 - (111) SUBJECT TO THE FOREGOING, ALL TERRAIN VEHICLES MAY BE OPERATED ON THE UNTRAVELLED PORTION OF THE STREETS, OTHER THAN PROVINCIAL HIGHWAYS, IN THE VILLAGE, FOR THE PURPOSE OF TRAVELLING FROM PRIVATE OWNED PROPERTY TO THE CORPORATE LIMITS OF THE VILLAGE AND RETURN, BY THE MOST DIRECT ROUTE FROM THE OWNER'S PRIVATELY OWNED PROPERTY.
 - (1v) NO ALL TERRAIN VEHICLE SHALL BE OPERATED AT ANY TIME ON VILLAGE OF WHITE CITY PUBLIC RESERVE LAND (PARKS) OR BUFFER STRIPS AND LANES.
4. SUBJECT TO SECTION 128 OF THE URBAN MUNICIPALITY ACT, 1984, NO PERSON SHALL CREATE AN EXCESSIVE OR UNUSUAL NOISE IN THE OPERATION OF AN ALL TERRAIN VEHICLE WITHIN THE VILLAGE WHETHER OR NOT THE NOISE IS CAUSED BY THE MECHANICAL STATE OF THE ALL TERRAIN VEHICLE OR THE MANNER IN WHICH THE ALL TERRAIN VEHICLE IS OPERATED AND WHETHER OR NOT IT IS STATIONARY OR MOVING AT THE TIME THE NOISE IS CREATED.

5. (1) ANY PERSON WHO CONTRAVENES THE PROVISIONS OF SECTION 3 OF THIS BYLAW SHALL BE LIABLE TO THE PENALTIES PROVIDED IN THE ALL TERRAIN VEHICLES ACT, OR THE PENALTIES PROVIDED IN THE SUMMARY OFFENCES PROCEDURE ACT, REGULATIONS, OR THE VILLAGE BYLAWS, OR A \$50 FINE IF NONE PROVIDED.
- (11) ANY ATV BEING OPERATED IN BREACH OF THIS BYLAW, OR IF BEING OPERATED BY AN UNLICENSED OPERATOR OR IF THE ATV IS NOT LICENSED UNDER THE ALL TERRAIN VEHICLES ACT THE ATV MAY BE SEIZED AND IMPOUNDED BY THE VILLAGE OF WHITE CITY. IMPOUNDING FEES WILL BE \$30 FOR FIRST IMPOUNDING, PLUS INCIDENTAL COSTS AND EXPENSES ARISING FROM THE IMPOUNDING, AND \$60 FOR SECOND INSTANCE INVOLVING THE SAME ATV. SUCH IMPOUNDING FEES SHALL BE IN ADDITION TO ANY FINE.
- IN THE EVENT THE OWNER HAS NOT PAID ALL COSTS WITHIN 90 DAYS OF NOTICE THE VILLAGE WILL SELL THE ATV FOR POUNDAGE AND INCIDENTAL COSTS AT A PUBLIC AUCTION.
- 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.
- (111) ANY PERSON CONVICTED OF A BREACH OF THE PROVISIONS OF SECTION 4 OF THIS BYLAW SHALL BE LIABLE FOR A PENALTY AS PROVIDED IN THE GENERAL PENALTY BYLAW OF THE VILLAGE OF WHITE CITY.

6. BYLAW NO. 126-91 IS HEREBY REPEALED.

S E A L

L. B. O'Leary
Deputy MAYOR

D. W. W. W.
ADMINISTRATOR

INTRODUCED AND READ A FIRST TIME THIS 21ST DAY OF OCTOBER, 1993
READ A SECOND TIME THIS 21ST DAY OF OCTOBER, 1993
READ A THIRD TIME AND ADOPTED THIS 21ST DAY OF OCTOBER, 1993

CERTIFIED A TRUE COPY OF BYLAW NO. 151-93 ADOPTED AT A MEETING
DULY HELD ON OCTOBER 21ST, 1993.

L. B. O'Leary
Deputy MAYOR

D. W. W. W.
ADMINISTRATOR

TOWN OF WHITE CITY

BYLAW NO. 472-06

**A BYLAW OF THE TOWN OF WHITE CITY TO AMEND BYLAW
NO. 151-93, RESPECTING THE CONTROL, THE OPERATION OF ALL
TERRAIN VEHICLES WITHIN THE TOWN OF WHITE CITY.**

The Council of the Town of White City in the Province of Saskatchewan
enacts as follows:

1. That Bylaw No. 151-93 be amended as follows:

In Section 5 i), replace "\$50." with '200.', before the
words 'fine if none provided'

In Section 5 ii), replace "\$30." with '100.', before the words 'for
the first impounding' and replace "\$60." with '\$200.' before the
words 'for the second instance'
2. That this Bylaw comes into force upon third reading.

Mayor

(S E A L)

Administrator

INTRODUCED AND READ A FIRST TIME THIS 10th DAY OF OCTOBER, 2006.

READ A SECOND TIME THIS 10th DAY OF OCTOBER, 2006.

READ A THIRD TIME AND ADOPTED THIS 10th DAY OF OCTOBER, 2006.

Certified a true copy of Bylaw No. 472-06
adopted by resolution at a meeting duly
held on the 10th day of October, 2006.

(S E A L)

Darlene Woloshyn, Administrator