

To: Mayor and Members of Council

October 3, 2011

Re: ATV Bylaw

### **Background**

At the June 27, 2011 Council meeting, Council directed Administration to draft a bylaw which would still allow residents to operate their ATV's within the Town limits for the purpose of exiting Town, via the most direct route, but to require these ATV's to be registered with the Town.

Administration presented Council with a draft ATV Bylaw at the July 11, 2011 Council meeting. Council gave first reading to this new ATV Bylaw and requested some changes.

The Bylaw was brought back for discussion to the July 25, 2011 Council meeting, where it was tabled to the August 8, 2011 Council meeting.

At the August 8, 2011 Council meeting Council requested additional changes to the bylaw.

Administration followed the direction given by Council at the August 8<sup>th</sup> meeting and prepared the changes. The Bylaw was brought back to the September 19, 2011 Council meeting where Council gave the bylaw third reading.

### **Discussion**

Administration, in error, assumed that second reading was already given to the bylaw.

Therefore Council must amend motion 233/11 to read as follows:

THAT motion 233/11 be amended to replace "third and final reading" with "second reading".

Council will have to give third and final reading at the October 3, 2011 Council meeting.

### **Budget Implications**

None

## **Conclusion**

The Municipalities Act states 'Every proposed bylaw must have three distinct and separate readings'. Therefore Council must amend motion 233/11 to be second reading, and give third and final reading before Bylaw 554/11 will come into effect.

## **Recommendation**

Administration recommends that Council amend motion 233/11 before the minutes of the September 19, 2011 meeting are approved.

Administration recommends that Bylaw 554/11 be given third and final reading at this meeting.

Respectfully submitted,



Shauna Bzdel,  
Town Manager

## TOWN OF WHITE CITY

### BYLAW NO. 554-11

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 enacted pursuant to Section 9(1) of the *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.
  - (v) "Town" means Town of White City.
3. No person shall operate or authorize or permit any other person to operate an All Terrain Vehicle within the Town of White City unless:
  - (i) the ATV has obtained a certificate of registration under the *All Terrain Vehicles Act*, and has provided the Town Administration registration information; or
  - (ii) that person has obtained a certificate of registration from the Town of White City;
  - (iii) the identification flag is attached to the All Terrain Vehicle; and

- (iv) has completed an All Terrain Vehicle Safety Course.
4. 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 as provided in Schedule 'A' of this Bylaw;
  - (ii) provides proof of liability insurance in regards to operating and All Terrain Vehicle in the amount of a minimum of \$200,000.
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), buffer strips, walkways, and crown owned land.
  - (v) No All Terrain Vehicle shall be operated on private owned land that has been posted as disallowing the operation of All Terrain Vehicles.
6. (i) 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.

- (ii) No person shall operate an ATV at a speed in excess of 30km/hr.
- 7.
- (i) Any person who contravenes any provision of this bylaw is liable to a fine of \$200, with the exception of Section 6(a).
  - (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 the provisions of Section 6(a) 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.

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Mayor

SEAL

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Town Manager

INTRODUCED AND READ A FIRST TIME THIS 11<sup>th</sup> DAY OF June, 2011.

READ A SECOND TIME THIS      DAY OF      , 2011.

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

### **SCHEDULE 'A'**

A Certificate of Registration shall not be issued nor considered valid without payment of fees as prescribed in the following table:

Certificate of Registration – Identification Flag	\$30.00
Annual Registration	\$15.00



**SCHEDULE 'B'**

**CERTIFICATE OF REGISTRATION APPLICATION FOR ALL  
TERRAIN VEHICLES**

Name of Applicant: \_\_\_\_\_

Civic Address: \_\_\_\_\_  
\_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(if different than Civic) \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Description of ATV: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Office Use Only:

Certificate of Registration # \_\_\_\_\_

SGI Registration # \_\_\_\_\_

*Attach a copy of the proof of liability insurance to this application*