

RURAL MUNICIPALITY OF MERVIN #499

BYLAW #2023-07

A BYLAW OF THE RURAL MUNICIPALITY OF MERVIN #499 TO REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES

The Council of the Rural Municipality of Mervin #499, in the Province of Saskatchewan, enacts as follows:

1. TITLE

This bylaw shall be referred to as the "*ATV Bylaw*".

PART I – PURPOSE AND DEFINITION

2. PURPOSE

The purpose of this bylaw is to regulate all-terrain vehicle use on municipal highways and roads within the R.M. of Mervin #499.

3. DEFINITIONS

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 meanings:

- a) "**Act**" means *The All-Terrain Vehicles Act* as amended from time to time, and any successor thereto;
- b) "**Administrator**" means the Chief Administrative Officer of the Municipality;
- c) "**All-terrain vehicle**" and/or "**ATV**" means all-terrain vehicle as defined in *The All-Terrain Vehicles Act*; and for the purpose of this bylaw, includes golf carts, scooters, etc;
- d) "**Chief Administrative Officer**" means the Chief Administrative Officer (CAO) of the Municipality;
- e) "**Council**" means the council of the Rural Municipality of Mervin #499;
- f) "**Designated Officer**" means a person appointed by the Municipality to enforce this bylaw and shall include a Bylaw Enforcement Officer, the Administrator and a Community Safety Officer;
- g) "**Drivers license**" means a valid license issued pursuant to *The Traffic Safety Act*;
- h) "**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**" means a provincial highway;
- i) "**Municipality**" means the Rural Municipality of Mervin #499;
- j) "**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;



- k) **"Stop"** means:
 - a. when required, a complete cessation from movement; and
 - b. 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.
- l) **"Traffic"** means the movement of pedestrians, vehicles or livestock on any highway in the Municipality;
- m) **"Traffic sign"** means any sign or marking installed for the guidance, regulation, warning, direction or prohibition of traffic;
- n) **"Vehicle"** means a vehicle, trailer, semi-trailer or motor vehicle as defined by *The Traffic Safety Act*.

All schedules to this Bylaw are hereunto attached and are part of this Bylaw.

PART II – OPERATIONS

- 4. 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 vehicle on the travelled portion of the whole or any part of a highway, other than a provincial 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.

- 5. 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:
 - a. the untraveled portion of the whole or part of a highway other than provincial highway, in the Municipality;
 - b. any private land in the Municipality, including, in the case of a rural municipality, any private land in a hamlet or organized hamlet;
 - c. any municipal land in the Municipality; and
 - d. any Crown land in the Municipality that is used or occupied otherwise than by the Crown.
- 6. Notwithstanding any other provisions of this bylaw:
 - a. the use of all-terrain vehicles is permitted to be operated on:
 - i. any highway/roadway within the municipality to access trails or personal properties, excluding those listed in 6(b);
 - b. the use of all-terrain vehicles is prohibited to be operated on:
 - i. all municipal reserves;
 - ii. all environmental reserves;
 - iii. all private property, unless that of the operator or with written consent of the owner;
 - c. the provisions of this bylaw are not applicable to travel on the following provincial highways:
 - i. Highway 26;
 - ii. Highway 303;

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iii. Highway 3.

7. 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.

PART III – 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.

PART IV – 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*. See the RM of Mervin #499's Fines and Penalties Policy in Appendix A.

PART V – COMING INTO FORCE

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




Reeve


Administrator

Certified a true copy of
Bylaw No. 2023-07 adopted by
resolution of Council this 11th
day of April, 2023.

Gordon Spencer
Reeve

Brenda Oll
Administrator

