



VILLAGE OF TORQUAY Bylaw No.18-02

A BYLAW TO REGULATE AND
CONTROL THE OPERATION OF ATV'S
UPON CERTAIN HIGHWAY AND
OTHER AREAS WITH THE CORPORATE
BOUNDARIES OF THE VILLAGE OF
TORQUAY
(AND UPON ADJACENT VILLAGE
PROPERTY)

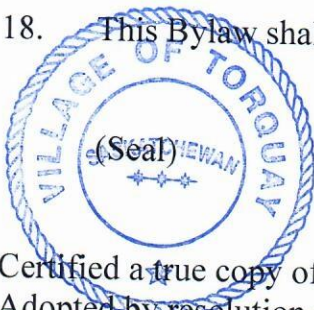
THE COUNCIL OF THE VILLAGE OF TORQUAY, IN THE PROVINCE OF
SASKATCHEWAN ENACTS AS FOLLOWS:

1. This bylaw shall be known and may be cited as "The ATV Bylaw".
2. In this bylaw, including this section:
 - (a) "all terrain vehicle" and/or "ATV" means all terrain vehicle as defined in The All Terrain Vehicles Act
 - (b) "Crown land" means Crown land as defined in The All Terrain Vehicles Act
 - (c) "highway" means a highway as defined in The Traffic Safety Act
 - (d) "private land" means land other than public land
 - (e) "public land" means public land as defined in The All Terrain Vehicles Act
 - (f) "vehicle" means a vehicle as defined in The Traffic Safety Act
3. Subject to sections 4 to 6 inclusive, it shall be lawful to operate an ATV on any travelled or un-travelled portion of a highway within the corporate limits of the Village of Torquay.
4. No person shall operate an ATV:
 - (a) on any private land without written consent of the owner; or
 - (b) any other public land that is not a highway, whether or not marked by a sign.
 - (c) outside the hours of 11:00 p.m. and 7:00 a.m..

5. No person shall operate a ATV at a speed greater than twenty (20) kilometres per hour.
6. Notwithstanding Subsection (a) it shall be lawful to operate an ATV on a highway during an emergency when all other vehicular traffic is unable to travel on said highway due to snow or weather conditions.
7. The owner of the ATV is responsible for obtaining the required insurance. As set out in the All Terrain Vehicles Act, and provide proof of insurance if requested.
8. All ATV's must be registered with the Village office (\$15 per plate, and \$20 annually for a sticker)
9. Any person who contravenes any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder shall be liable to the penalties as hereinafter. If the Village receives voluntary payment for a first offence in contravention of the Bylaw, the individual shall not be liable to further prosecution.
10. Any person who contravenes any of the provisions of this Bylaw shall be guilty of an offence and liable upon summary conviction:
 - (a) for the first offence to a fine of up to \$500.00 and in default of payment of the fine for the person convicted may be committed to jail or to a public lock up for any time determined by a Judge of the Provincial Court or Justice of the Peace not exceeding thirty (30) days, unless the penalty is sooner paid.
 - (b) for a second or subsequent offence to a fine of up to \$1,000.00 and in default of payment of the fine the person convicted may be committed to jail or to a public lock up for any time determined by a Judge of the Provincial Court or Justice of the Peace not exceeding thirty (30) days, unless the penalty is sooner paid.
11. In addition to, and notwithstanding any penalties provided herein, any member of the Royal Canadian Mounted Police, any Peace Officer appointed pursuant to The Traffic Safety Act or the Village's Bylaw Enforcement Officer may seize an ATV, of a repeat offender, for a period not exceeding ten (10) days.
12. When an ATV has been seized pursuant to Section 6(a), it shall be held for the period specified and shall only be released upon full payment of the following costs:
 - (a) the actual cost of removal with a minimum charge of Thirty Five

Dollars (\$35.00);

- (b) the cost of storage at a rate of Five Dollars (\$5.00) per day to a maximum of One Hundred Dollars (\$100.00).
13. If the costs of removal, impounding or storage are not paid within a period of thirty (30) days from seizure, the Village shall have the right to recover same from the owner of the ATV by:
- (a) legal action in a Court of competent jurisdiction, or
 - (b) by sale of the impounded ATV by public tender on publication of a notice designating time and place of sale at least ten (10) days prior to the sale, in a newspaper published and circulating in the Village and on the sending of such notice, by registered or certified mail, to the owner at the address appearing on the last registration of the ATV.
14. The costs of any legal action, as stated in Section 6(c), shall also be recoverable by the Village from the owner of the ATV.
15. The owner of the ATV is liable for a contravention of any provision of this bylaw in connection with the operation of the ATV unless he provides that at the time of the offence the ATV was not being operated by him nor by any other person with his consent.
16. The provisions of this bylaw shall not apply to:
- (a) a member of the Royal Canadian Mounted Police, Conservation Officer, Auxiliary Police Officer or Bylaw Enforcement Officer while exercising his duties as an officer of the law.
 - (b) the use of ATVs during a declaration of a local emergency within the Village.
17. Village of Torquay Bylaw No. 17-05 is hereby repealed.
18. This Bylaw shall come into force beginning January 1, 2019.



Certified a true copy of Bylaw No 18-02
Adopted by resolution of council on the
10th day of October, 2018.

Mayor/CAO

Mayor Strachan

J. Deschner
CAO Deschner