



TOWN OF KIPLING

BYLAW 8-2016

A BYLAW TO PERMIT THE OPERATION OF ALL TERRAIN VEHICLES ON THE PUBLIC HIGHWAYS WITHIN THE LIMITS OF THE TOWN OF KIPLING

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

1. In this bylaw, including this section:

- (a) “all terrain vehicle” and/or “ATV” means all terrain vehicles as defined in *The All Terrain Vehicles Act*;
- (b) “highway” means a highway as defined in *The Highway Traffic Act* and includes a road, parkway, driveway, square or place 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 primarily intended to be used for the parking of vehicles and the necessary passageways on the area;
- (c) “private land” means land other than public land as defined in *The All Terrain Vehicles Act*;
- (d) “public land” means Crown land or any land vested in the municipality, as defined in *The All Terrain Vehicles Act*;
- (e) “travelled portion” means part of a highway designed for vehicle travel including the shoulder of the road;
- (f) “untravelling portion” means part of a highway not designed for vehicle travel including the ditch and the centre median;
- (g) “vehicle” means a vehicle as defined in *The Highway Traffic Act*.

2. Persons operating an ATV on the public highways within the limits of the Town of Kipling must be using the ATV for the sole purpose of transportation to and from the outside limits of the Town of Kipling and where the ATV is stored.
3. No person shall operate an all terrain vehicle on any public land within the corporate limits of the municipality.
4. The provisions of The All Terrain Vehicles Act shall apply to the operators of vehicles referred to in sections (1), (2), (3) and (4).
5. Any person who contravenes any of the provisions of this bylaw shall be liable to the penalty imposed by Section 32 of The All-Terrain Vehicles Act.
6. 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/Authorized Agent while exercising his duties as an officer of the law;
 - (b) The use of ATVs during a declaration of a local emergency within the Town;
 - (c) Special events by the approval of Town Council;
 - (d) Utility use on personal property. (Snow removal, landscaping);
 - (e) Authorized Town personnel in the course of their duties.
7. This Bylaw shall come into force on the day of the final passing thereof.

8. Voluntary Penalty

No person shall:

- a) Fail to comply with an order made pursuant to this Bylaw;
- b) Obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
- c) Fail to comply with any other provision of this Bylaw

Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.

Such notice shall be deemed to have been served:

- a) On the expiration of twenty-four hours after it is posted, if the notice is mailed;
- b) B) On the day of actual delivery, if the notice is served personally; or
- c) On the business day following the transmission, if given by facsimile.

A Bylaw Violation Notice shall be in such form as determined in Schedule A and shall state the section of the Bylaw, which was contravened, and the amount pursuant to the Town of Kipling General Penalty, Enforcement and Voluntary Payment of Fines Bylaw shall be accepted by the Municipality in lieu of prosecution.

Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of the Bylaw.

9. Penalty Clause

Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to the Town of Kipling's General Penalty, Enforcement and Voluntary Payment of Fines Bylaw.

10. Repeal

That Bylaw 6-2005 is hereby repealed.

Mayor

C.A.O.