

**THE RURAL MUNICIPALITY OF ALEXANDER**

**BY-LAW NO. 16/08**

**BEING A BY-LAW TO REGULATE THE OPERATION OF ALL TERRAIN  
VEHICLES IN THE RURAL MUNICIPALITY OF ALEXANDER**

WHEREAS Section 232(1)(g) AND 236 (1) of The Municipal Act, S.M. 1996 C.58 provides authority for the Municipality to pass by-law respecting the operation of all terrain vehicles on public or private property;

AND WHEREAS Section 46 of The Off-Road Vehicles Act authorizes the Rural Municipality of Alexander to make rules by By-Law supplementary to or in addition to, but not contrary to any other provision of the said Act or regulations made thereunder prescribing the periods of the day, or of the year, during which designated all terrain vehicles shall not be operated, prescribing areas in which the operation of designated all terrain vehicles shall be permitted or prohibited and fixing penalties for violations of By-Laws passed under that Section;

AND WHEREAS Section 45 of The Off Road Vehicles Act authorizes a traffic authority of a municipal road to make By-Laws supplementary to or in addition to, but not contrary to any provision of that Act or regulations made thereunder permitting or prohibiting the operation of designated all terrain vehicles across a roadway and shoulder at any place or at a designated place along the highway or on any portion thereof and prohibiting the operation of designated all terrain vehicles upon a designated right of way or a specified portion thereof;

AND WHEREAS the Rural Municipality of Alexander is a traffic authority;

AND WHEREAS the Rural Municipality of Alexander deems it expedient to enact a By-Law regulating the operation of all terrain vehicles in the Rural Municipality of Alexander as follows;

1. DEFINITIONS:

- “R.M.” means the Rural Municipality of Alexander.
- “Municipal Road” means any place or way, including any structure forming part thereof which, or any part of which, the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefore, and includes all the space between the boundary lines thereof, and includes any area designated or intended and primarily used for the parking of vehicles and the necessary passage ways thereon;
- “Owner” includes a person, in possession of an all terrain vehicle under a contract providing that the ownership, title, and property therein is to vest in the person at a subsequent time upon payment of the whole or part of the price or the performance of any other condition;
- “Playground” means an area owned by the R.M. which is primarily intended for outdoor recreation use by children;
- “Private Property” does not include unoccupied R.M. property;
- “Sidewalk” means “footpath”, whether improved or not that is intended primarily for use by pedestrians but does not include a sidewalk located on private property;

2. Except in Accordance with this By-Law: No person shall operate an all terrain vehicle upon any land within the territorial boundaries of the R.M. including without limiting the generality of the foregoing, public reserves, park areas, road allowances, public parking lots, playgrounds, pool areas and recreation areas but excluding private property with the express consent of the owner or other person having lawful possession or control of the property.
3. No person shall operate an all terrain vehicle at a speed greater than is reasonable and prudent, or in a manner that is not reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
4. No person shall operate an all terrain vehicle in the R.M. of Alexander within 30 metres of a dwelling between the hours of 11:00 p.m. and 7:00 a.m. unless the dwelling is located on the operator's own property or property under the operator's control or as an invited guest.
5. No person shall operate an all terrain vehicle in a careless manner or without due care and attention, or without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property.
6. No person under the age of 14 years shall operate an all terrain vehicle unless supervised and accompanied by and at all times within clear view of the person's parent or a person who has attained the age of 18 years and authorized by the parent and on property owned by either the owner of the ATV or parent of the child.
7. An owner of an all terrain vehicle shall not permit a person under the age of 14 years to operate an all terrain vehicle, of which he or she is the owner, on a municipal road, road allowance, public reserve, park area, public parking lot, playground, pool area, recreation area, or private property other than the owner's.

8. **PENALTY:**

- (a) Any person who contravenes, disobeys, or violates, or refuses, omits, neglects or fails to observe, obey or comply with any provision on this By-Law is guilty of an offense punishable on summary conviction and is liable on conviction to a fine not exceeding \$1,000.00 for each offense together with costs of prosecution and in default of payment of such fine and costs is liable to imprisonment for a period not exceeding six (6) months.
- (b) Where an offense, consisting of a violation of any provision of this By-law is committed by means of operation of an all terrain vehicle, the owner of the all terrain vehicle may be charged with the commission of the offense and, if the Judge or Justice before whom the charge is tried, is satisfied that the offense was committed, the owner is guilty of the offense and is liable on summary conviction to the penalty herein provided for that offense unless the owner satisfied the Judge or Justice that at the time of the violation, the all terrain vehicle was in the possession of a person other than the owner or an immediate family member without the consent of the owner.

9. **DETENTION OF ALL TERRAIN VEHICLES**

(1) Where a by-law enforcement officer has reason to believe that an offence has been committed by means of, or in relation to, an all terrain vehicle, he may detain the vehicle for 5 clear days but the vehicle may be released sooner if security in an amount as determined by a Justice is provided on the first offence unless otherwise ordered by the Provincial Court.

(2) Where a by-law enforcement officer has detained an all terrain vehicle he shall provide to the owner a seizure notice in the form attached as schedule "A".

(3) Where an all terrain vehicle has been detained it shall be subject to the fees and charges set out as provided herein:

- i) storage charges as set out in Highway Traffic Act of \$5.50 per day
- ii) hook-up - \$35.00
- iii) towing charges and \$1.50 per kilometre

12 **SEVERABILITY**

If any provision of this By-Law be contrary to any express provision of any applicable statute, such provision shall be read subject thereto and except as aforesaid this By-Law and all provisions thereof shall be valid and binding.

13. This By-Law may be cited as the "All Terrain Vehicles" By-Law.

14. That By-Law 09/06 be rescinded.

DONE and PASSED in Council duly assembled, this 22<sup>nd</sup> day of July A.D. 2008.

Original signed by Reeve Harbottle  
Reeve

Original signed by Margaret Bonekamp  
Chief Administrative Officer

READ A FIRST TIME this 15<sup>th</sup> day of July A.D. 2008                      Resolution No. 317/08

READ A SECOND TIME this 22<sup>nd</sup> day of July A.D. 2008                      Resolution No. 339/08

READ A THIRD TIME this 22<sup>nd</sup> day of July A.D. 2008                      Resolution No. 340/08



**SCHEDULE A**  
**NOTICE OF SEIZURE AND IMPOUNDMENT OF OFF ROAD VEHICLE**

DRIVER INFORMATION \_\_\_\_\_ DOB \_\_\_\_\_  
NAME: \_\_\_\_\_ DL# \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ PH# \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
PROVINCE \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ OTH# \_\_\_\_\_

\_\_\_\_ 1<sup>st</sup> Offence seizure 5 days Pursuant to RM of Alexander Off Road Vehicle  
BYLAW  
\_\_\_\_ 2<sup>nd</sup> Offence seizure 5 days Pursuant to RM of Alexander Off Road Vehicle  
BYLAW

VEHICLE INFORMATION \_\_\_\_\_  
VEHICLE PLATE# \_\_\_\_\_ PROV. \_\_\_\_\_  
VEHICLE YEAR \_\_\_\_\_  
MAKE \_\_\_\_\_  
MODEL \_\_\_\_\_  
YEAR \_\_\_\_\_ COLOR \_\_\_\_\_  
SERIAL# \_\_\_\_\_

OWNER INFORMATION \_\_\_\_\_  
\_\_\_\_ SAME AS ABOVE OWNER PRESENT \_\_ YES \_\_ NO  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
Ph# \_\_\_\_\_ Oth# \_\_\_\_\_

\_\_\_\_\_  
Time and Date of OFFENCE \_\_\_\_\_  
\_\_\_\_\_  
Time and Date of SEIZURE \_\_\_\_\_

The undersigned By-Law Enforcement Officer has reason to believe that the above noted driver was operating the above noted Off Road Vehicle contrary to the Rural Municipality of Alexander Off Road Vehicle By-Law and has therefore seized the Off Road Vehicle and impounded it.

The Off Road Vehicle is impounded at \_\_\_\_\_ Ph# \_\_\_\_\_  
Address \_\_\_\_\_

\_\_\_\_\_  
(By-Law Enforcement Officer) \_\_\_\_\_ (Detachment/Force)

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   1<sup>st</sup> Offence seizure 5 days Pursuant to RM of Alexander Off Road Vehicle  
BYLAW

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VEHICLE YEAR \_\_\_\_\_  
MAKE \_\_\_\_\_  
MODEL \_\_\_\_\_  
YEAR \_\_\_\_\_ COLOR \_\_\_\_\_  
SERIAL# \_\_\_\_\_

OWNER INFORMATION \_\_\_\_\_  
   SAME AS ABOVE    OWNER PRESENT    YES    NO  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_ Oth# \_\_\_\_\_  
Ph# \_\_\_\_\_

Time and Date of OFFENCE \_\_\_\_\_  
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