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BYLAW NO. 1138-2023

A BYLAW OF THE TOWN OF OXBOW IN THE PROVINCE OF SASKATCHEWAN TO REGULATE THE OPERATION OF ALL TERRAIN VEHICLES

WHEREAS Section 9(1)(2) of *The All-Terrain Vehicles Act* authorizes the Council of the Town of Oxbow to enact a bylaw regulating the operating of All Terrain Vehicles within the boundaries of the Town of Oxbow; and

AND WHEREAS the Council of the Town of Oxbow deems it expedient to regulate the operation of All Terrain Vehicles within the boundaries of the Town Oxbow.

NOW THEREFORE, the Council of the Town of Oxbow in the Province of Saskatchewan enacts as follows:

1. Title

1.1 This bylaw may be cited as "The ATV Bylaw".

2. Definitions

2.1 In this Bylaw

"All terrain vehicle and /or ATV" means a self-propelled vehicle that:

- i. is designated primarily for the movement of people or goods on unprepared surfaces;
and
- ii. has wheels or tracks in contact with the ground;

and includes:

- i. a restricted use motorcycle;
- ii. a mini-bike; and
- iii. an all terrain cycle;

but does not include:

- i. a golf cart;
- ii. a snowmobile as defined in *The Snowmobile Act*;
- iii. an agricultural implement or special mobile machine as defined in *The Traffic Safety Act*;
or
- iv. any vehicle that is required to be registered pursuant to *The Traffic Safety Act*;

"Bylaw Enforcement Officer/Designated Agent" means any person appointed by the Town of Oxbow Council to enforce bylaws;

“CAO” means the Chief Administrative Officer for the Town of Oxbow;

“Crown land” means any land, other than a highway. Owned by the Crown in right of Saskatchewan;

“Driver’s license” means a driver’s license issued pursuant to *The Traffic Safety Act*;

“Highway” as defined in *The Traffic Safety Act* means road, parkway, driveway, square or place designed and intended for or used by the general public for the passage of vehicle, 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 that area;

“Peace Officer” means:

- i. a member of a police force in Saskatchewan;
- ii. a person or class of persons designated pursuant to *The Traffic Safety Act* as traffic officers; or
- iii. any person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer;

“Private land” means land other than public land;

“Provincial highway” means a provincial highway as defined in *The Highways and Transportation Act*;

“Public land” means Crown land or any land vested in a municipality;

“Travelled portion” means a part of a highway designated for vehicle traffic including the shoulder of the road;

“Town” means the Town of Oxbow.

3. General Provisions

3.1 An ATV shall be insured in accordance with *The Saskatchewan Insurance Act* and with a minimum of \$200,000 in third party liability insurance.

3.2 All drivers and passengers shall wear an approved motorcycle helmet and appropriate protective eyewear.

3.3 A person must be at least 16 years of age and hold a valid driver's license to operate on any public lands.

3.4 Youth between 12 and 15 years of age may operate an ATV within the boundaries of the Town of Oxbow:

- a) if they have successfully completed an approved ATV training course, or
- b) if they are supervised by a person who has held a driver’s license continuously for the last 365 days.

3.5 No person shall operate an ATV on any private land without the permission of the owner or

occupant of the land.

3.6 No person shall operate an ATV in an unsafe manner.

3.7 No person shall operate an ATV between the hours of 11:00 p.m. and 7:00 a.m. in the Town of Oxbow.

3.8 No person shall operate an ATV at any time on Town of Oxbow municipal reserve lands, environmental reserve lands, parks, buffer strips, walkways, or pathways.

3.9 ATVs may be operated on the travelled portion of streets, other than provincial highways, in the Town of Oxbow, for the purpose of travelling from privately owned property to the boundaries of the Town and returning by the most direct route only.

3.10 The operation of ATVs shall be permitted within the boundaries of the Town of Oxbow:
for the purpose of conducting municipal business when operated by a municipal employee or designate; and
for the purpose of special occasions where authorized by the Council or CAO; and
for use during an emergency.

4. Enforcement

4.1 Any Peace Officer, Bylaw Enforcement Officer or Designated Agent is hereby authorized to enforce this bylaw.

5. Severability

5.1 If any section, subsection, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, it will be severed and the validity of the remaining provisions of this Bylaw will not be affected.

6. Penalty

6.1 Pursuant to Section 32 of *The All-Terrain Vehicles Act*, any person who contravenes or fails to comply with any of the provisions of this bylaw, is guilty of an offence and liable on summary conviction of a penalty of:
i. a single monetary amount not exceeding \$1000; and
ii. in default of payment to imprisonment for a term of not more than 30 days.

7. Voluntary Payments

7.1 Where any Peace Officer, Bylaw Enforcement Officer or Designated Agent believes that a person has contravened any provision of this bylaw, the Peace Officer, Bylaw Enforcement Officer, or Designated Agent may serve upon such person a Bylaw Ticket or Bylaw Violation Warning (hereinafter referred to as notice) as provided by this section either personally or by mailing or leaving the same at the last known address and such service shall be adequate for the purpose of this Bylaw.

7.2 Such notice shall be deemed to have been served:

- i. On the expiration of twenty-four (24) hours after it is posted, if notice is mailed;
- ii. On the day of actual delivery if the notice is served personally; or
- iii. On the day of actual delivery if the notice is left at the last known address.

7.3 A Notice shall state the section of the Bylaw, which was contravened, and the amount, provided in Schedule "A", that will be accepted by the Town in lieu of prosecution.

7.4 Upon production of a Notice issued pursuant to the section within thirty (30) days from the issuance thereof, together with the payment of the penalty provided in Schedule "A" to the Town Office, the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect of which the notice was issued.

7.5 Where a person contravenes this bylaw two or more times within one twenty-four (24) hour period, the specified payment payable in respect of the second or subsequent contravention is double the amount shown in Schedule "A" of this Bylaw in respect to this provision.

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

8. Schedules

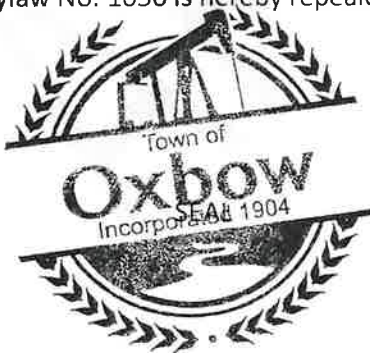
8.1 Schedule A – Voluntary Payments

9. Coming Into Force

9.1 This Bylaw comes into effect on the date on which it receives third reading and is adopted by Council.

10. Repeal of Former Bylaw

10.1 Bylaw No. 1050 is hereby repealed.



READ A FIRST TIME this 26 of June, 2023

READ A SECOND TIME this 17 of July, 2023

READ A THIRD TIME AND ADOPTED this 17 of July, 2023



Mayor



Administrator

Certified to be a true copy of Bylaw No. 1138-2023
adopted by the council of the Town of Oxbow on
the 17 day of July, 2023.



Administrator

SCHEDULE A

Bylaw No. 1138-2023

Voluntary Payments

First Offence	\$250.00
Second and Subsequent Offence	\$500.00