

DISTRICT OF CHETWYND

BYLAW NO. 882, 2008

A bylaw to regulate the operation of all terrain vehicles within the District of Chetwynd

WHEREAS pursuant to section 4 (4) of the *Motor Vehicle (All Terrain) Act*, Council is authorized to regulate, govern or prohibit the operation of all terrain vehicles within the District of Chetwynd;

NOW THEREFORE the Council of the District of Chetwynd in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the “District of Chetwynd All Terrain Vehicle Regulation Bylaw No. 882, 2008”.

2. DEFINITIONS

“**All Terrain Vehicle**” has the meaning assigned to it under the *Motor Vehicle (All Terrain) Act*, and includes a snowmobile as defined in the *Snowmobile Regulation 65/72* under the *Motor Vehicle (All Terrain) Act*;

“**Bylaw Enforcement Officer**” means the person appointed by the Council to enforce municipal bylaws;

“**Council**” means the Council of the District of Chetwynd;

“**District**” means the area comprised within the boundaries of the District of Chetwynd;

“**Enforcement Officer**” means a peace officer or a Bylaw Enforcement Officer;

“**Operator**” means a person who uses or operates or is in actual physical control of an all terrain vehicle;

“**Owner**” means a person, other than a lien holder, having property in or title to an all terrain vehicle;

“**Owner’s Certificate**” has the meaning assigned in the *Snowmobile Regulation 65/72* under the *Motor Vehicle (All Terrain) Act*;

“**Public lands**” means lands owned by the District of Chetwynd and Crown lands;

“**Rental Dealer’s Certificate**” has the meaning assigned in the *Snowmobile Regulation 65/72* under the *Motor Vehicle (All Terrain) Act*;

3. APPLICATION

The bylaw applies to All Terrain Vehicles operating within the District of Chetwynd.

4. REGULATIONS

- 4.1** A person must not operate or authorize or permit another person to operate an all terrain vehicle unless he or she holds a certificate or registration for that all terrain vehicle in the form required under the *Motor Vehicle (All Terrain) Act* and unless the prescribed identification is displayed on the machine as set out in the *Motor Vehicle (All Terrain) Act*.
- 4.2** No person shall operate or authorize or permit another person to operate an all terrain vehicle on any public land without written permission of the owner of the land.
- 4.3** The Council may by resolution designate, either temporarily or permanently and upon such terms and conditions as the resolution may specify, any area or areas within the District as being permitted areas for all terrain vehicle operations.
- 4.4** No person shall operate an all terrain vehicle in contravention of any other bylaws of the District.
- 4.5** No person shall operate or authorize or permit another person to operate an all terrain vehicle:
- (a) in any area designated as a park or playground;
 - (b) on any sidewalk, or designated ski path;
 - (c) on private property without express permission of the owner or occupant of the property;
 - (d) on any public or government road, without a permit granted by the RCMP;
 - (e) on school property; or
 - (f) on any other area where signs prohibit the use and operation of all terrain vehicles.

5. EXEMPTIONS FROM REGULATIONS

- 5.1** This bylaw does not apply to police, fire, ambulance, search and rescue or other emergency vehicles, and the Bylaw Enforcement Officer while performing his/her duties in enforcing this and other district bylaws.
- 5.2** This bylaw does not apply to municipal staff, or other persons authorized by the District, while in the performance of their duties to maintain or perform other work on municipal facilities.

6. ENFORCEMENT

The provisions of this bylaw will be enforced by the Bylaw Enforcement Officer and may include the removal, detention or impoundment of any all terrain vehicle which is in contravention of this bylaw.

7. OFFENCES AND PENALTIES

Every person who violates a provision of this bylaw, or who suffers or permits any act or things to be done in contravention of, or in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provisions of this bylaw, is guilty of an offence against this bylaw and is liable on summary conviction to a penalty of not more than \$10,000.00.

8. SEVERABILITY

If any section or lesser portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the bylaw.

9. REPEAL

“All-Terrain Vehicle Regulations Bylaw No. 345, 1984” is hereby repealed.

Read a first time this	15 th	day of	July,	2008
Read a second time this	15 th	day of	July,	2008
Read a third time this	16 th	day of	September,	2008
Adopted by Council this	7 th	day of	October,	2008

Mayor

Director of Corporate Administration