

By-Law No. 20 - 08
A By-Law for Regulating All-Terrain Vehicles
within the Town of Saint Andrews

1. TITLE

This By-Law may be cited as the All-Terrain Vehicle By-Law.

2. DEFINITIONS

2.1. All-Terrain Vehicles or ATV:

- 2.1.1. An amphibious vehicle;
- 2.1.2. A utility vehicle;
- 2.1.3. A side-by-side, and
- 2.1.4. Any other off-road vehicle, other than a motorized snow vehicle that,
- 2.1.5. Operates or travels on two or more tires or has been adapted to operate on four tracks,
- 2.1.6. Has a seat designed to be straddled by an operator of the vehicle, and
- 2.1.7. Has handlebars for steering the vehicle.

2.2. Amphibious Vehicle: means an off-road vehicle that is designed or adapted for operation on both land and water.

2.3. By-Law Enforcement Officer: has the primary responsibility for the enforcement of by-laws or other laws with respect to matters other than building and construction.

2.4. Helmet: means a protective head covering made of hard material, such as metal, or plastic that has a chin strap that is securely fastened and has a Canadian Standards Association (CSA) Approval.

2.5. Highway: means the entire width between the boundary lines of every street, road, lane, alley, park, parking lot, schoolyard, picnic site, beach, place when any part thereof is ordinarily used by the general public for the passage or parking of motor vehicles primarily designed for use on a roadway and includes bridges.

2.6. Motorized Snow Vehicle: means a self-propelled vehicle designed to be driven exclusively on snow or ice.

2.7. Municipality: means a local government as defined in subsection 1(1) of the Local Governance Act.

2.8. Municipal Land: means land, including any water on the surface of the land, that is owned or leased by the Municipality.

2.9. Multi-Purpose All-Terrain Vehicles: means an off-road vehicle that:

- 2.9.1. Has four or more wheels, the tires of which are all in contact with the ground;
- 2.9.2. Has a steering wheel for steering control;
- 2.9.3. Has seats that are not designed to be straddled; and
- 2.9.4. Has a minimum cargo capacity of 159 kilograms.

- 2.10. Off-Road Vehicle:** means any motor vehicle designed or adapted for off-road use and, without limiting the generality of the foregoing, includes all-terrain vehicle, a dirt bike, a dune buggy, a motorized snow vehicle, or an amphibious vehicle, but does not include any vehicle which is designed for use and is being used in agriculture, forestry, mining, or construction, any vehicle under the *Motor Vehicle Act* or any vehicle exempt from this application of this By-Law.
- 2.11. Operate:** concerning an All-Terrain vehicle, includes the acts of driving, stopping, parking, pushing, or towing the vehicle or leaving the vehicle standing.
- 2.12. Owner:** concerning an All-Terrain vehicle, means the legal owner and includes a purchaser under an agreement for the sale of an All-Terrain vehicle under which the seller retains title to, or any other security interest in, the All-Terrain vehicle.
- 2.13. Peace Officer:** a member of the Royal Canadian Mounted Police, a police officer appointed pursuant to the Police Act, an All-Terrain vehicle enforcement officer, a park warden appointed under the Parks Act, a conservation officer appointed under the Fish and Wildlife Act, and a fishery officer appointed under the Fisheries Act, chapter F-14 of the Revised Statutes of Canada 1970.
- 2.14. Private Land:** means land, including any water on the surface of the land, but not including Crown Lands and municipal lands.
- 2.15. Roadway:** means that portion of any road, street, lane, or alley designed, improved, or ordinarily used for vehicular travel by the general public.
- 2.16. Side-by-Side:** means an off-road vehicle, other than a dune buggy, with side-by-side seating for the operator and at least one passenger that has a steering wheel, at least four driving wheels, and a net mass of not more than 700 kg.
- 2.17. Utility Vehicle:** means an off-road vehicle that is designed for operation over rough terrain and
- 2.17.1.** Has at least four wheels and seating for at least two persons,
 - 2.17.2.** Has an engine displacement of at most 100 cubic centimeters, and
 - 2.17.3.** Has either a rear payload of at least 159 kg or seating for at least six passengers.

3. REGULATIONS

- 3.1.** No person, including a driver or passenger, shall ride an All-Terrain Vehicle on Town roads or trails within the Town of Saint Andrew limits unless otherwise specified.
- 3.2.** Persons can operate an All-Terrain Vehicle on their own private property within the Town of Saint Andrews limits.

3.3. No person shall operate, cause to operate, or permit the operation of any All-Terrain Vehicle on any highway or roadway within the Town except for:

3.3.1. Loading or unloading All-Terrain Vehicles from or onto a trailer or truck and into a building or property.

3.3.2. Can operate an All-Terrain Vehicle on Town roads during the winter months from December to April for the purposes of snow ploughing private driveways.

3.4. No person shall operate All-Terrain Vehicle within the Town between the hours of 21:00 (9:00 p.m.) and 0700 (7:00 a.m.) the next day. By-Law No. 06-04 A By-Law Concerning the Regulating of Noise in the Town of Saint Andrews.

4. EXEMPTIONS

4.1. Notwithstanding Section 2 of this By-Law, the provisions of this By-Law shall not apply to:

4.1.1. Officers while engaged in their lawful duties;

4.1.2. Agents of the Town of Saint Andrews while engaged in work on behalf of the Town;

4.1.3. Federal and Provincial law enforcement officers including Fish and Wildlife Officers and Conservation Officers, while engaged in their lawful duties; and

4.1.4. Any All-Terrain vehicle being operated by the Canadian Department of National Defense.

4.2. During an emergency, disaster, or search and rescue operation within the Town, the provisions of this By-Law may be waived, suspended or varied, by the Chief Administrative Officer, or their designate.

4.3. The Chief Administrative Officer or their designate may grant permission for the operation of All-Terrain vehicles within the Town and waive any provisions contained in this By-Law for a designated time or a special event at a location sanctioned by the Town, which includes the Canada Day Parade and the Santa Claus Parade.

5. ENFORCEMENT

5.1. An operator of an All-Terrain Vehicle shall immediately, on being signaled for requested to stop by the Peace Officer or By-Law Enforcement Officer, bring his or her vehicle to a stop and furnish any information respecting the driver or the vehicle that the Peace Officer or By-Law Enforcement Officer requires and shall not start his or her vehicle until he or she is permitted to do so by the Officer.

5.2. A Peace Officer may impound any All-Terrain vehicle that has been involved in a contravention of this By-Law; and

5.3. The vehicle may be impounded at the owner's expense from the time of the offence until the charge against the operator has been resolved; however

5.3.1. Such impoundment shall only occur when, in the opinion of the Peace Officer, the offence is serious in nature, and the operator could pose a safety risk to themselves or the public if they can continue to operate the All-Terrain vehicle; or

5.3.2. The operator of the All-Terrain vehicle has been involved in a previous contravention of this By-Law within the same calendar year.

5.4. The Town of Saint Andrews By-Law Enforcement Officer can enforce all Administrative Penalties listed in Schedule "A" of this By-Law.

6. OFFENCES AND PENALTIES

6.1. Any person or corporation that contravenes this By-Law is guilty of an offence.

6.2. Any person who willfully obstructs an Officer or assaults an Officer with the intent to resist or prevent the lawful arrest or detainment of them or another person in the exercise or performance of their duties related to this By-Law is guilty of an offence.

6.3. A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than that established in Schedule "A" of this By-Law.

6.4. The penalty for a second offence, within a calendar year, shall be double the fine amount as indicated in Schedule "A" of this By-Law.

6.5. The penalty for a third and subsequent offences, within a calendar year, shall be triple the fine amount as indicated in Schedule "A" of this By-Law.

6.6. Any person who violates this By-Law is subject to the immediate seizure of the All-Terrain vehicle found in violation of this By-Law.

6.7. Any person who violates any provision of this By-Law is guilty of an offence and liable to the penalties associated with the *Provincial Offences Procedures Act*, S.N.B 1987.

6.8. Should any person convicted of a violation of any provision of this By-Law dealt in payment of the fine ordered by the convicting judge, then the payment of said fine may be enforced pursuant to the provisions of the *Provincial Offences Procedures Act*, Statutes of New Brunswick.

7. ADMINISTRATIVE PENALTIES

- 7.1. An Administrative Penalties ticket or provincial violation ticket may be issued concerning an offence, and the municipal Administrative Penalty ticket or provincial violation ticket must specify the fine amount established by this By-Law for the offence.
- 7.2. The person receiving the Administrative Penalties ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence.
- 7.3. A provincial violation ticket must be paid before the date specified on the ticket.
- 7.4. An Administrative Penalty ticket must be paid within thirty (30) days of the date it was issued.
- 7.5. If an Administrative Penalty ticket has been issued, a person may, before the required date, request that a provincial violation ticket be issued in place of an Administrative Penalties ticket to allow that person to attend court concerning the offense.
- 7.6. If a provincial violation ticket is issued concerning an offence:
 - 7.6.1. The provincial violation ticket may specify the fine amount established by this By-Law for the offence.
 - 7.6.2. The provincial violation ticket may require a person to appear in court without the alternative of making a voluntary payment.
- 7.7. If a provincial violation ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offences, or
- 7.8. If a provincial ticket specifies a fine amount, a person or their agent may appear in court on the required date and elect to enter a plea concerning the offence.

8. EFFECTIVE

- 8.1. This By-Law shall come into full force and effect immediately upon the date of its final passing:

Read for the First Time this day of , 20__

Read for the Second Time this day of , 20__

Read for the Third and Final Time this day of , 20__

Mayor Doug Naish

Paul Nopper Clerk – Senior Administrator

SCHEDULE "A"
ADMINISTRATIVE PENALTIES AND FINES

Description	Fine Amount
Failure to wear a helmet	\$250
Failing to stop when signaled or requested by an Officer	\$250
Operate Off Highway Vehicle where prohibited	\$500
Operate Off Highway Vehicle between 2100 and 0700 hours	\$500
Obstructing an Officer	\$1,000

1. Second Offence within a calendar year: Double Fine Amount
2. Third and subsequent offence within a calendar year: Triple Fine Amount
3. Any person who violates this By-Law is subject to the immediate seizure of the All-Terrain vehicle found in violation of this By-Law.
4. Any person who violates any provision of this By-Law is guilty of an offence and liable to the penalties associated with the *Provincial Offences Procedures Act*, S.N.B 1987.
5. Should any person convicted of a violation of any provision of this By-Law dealt in payment of the fine ordered by the convicting judge, then the payment of said fine may be enforced pursuant to the provisions of the *Provincial Offences Procedures Act*, Statues of New Brunswick.
6. A person to whom a penalty notice is delivered may pay the Administrative Penalty on or before a charge pertaining to the offence has been laid in Provincial Courts as follows:
 - (a) In person at the Town of Saint Andrews Office, 212 Water Street, Saint Andrews, New Brunswick
Cash, money order or bank draft payable to the Town of Saint Andrews; or
 - (b) By mail to: Town of Saint Andrews, 212 Water Street, Saint Andrews, New Brunswick, E5B 1 B4 by money order of bank draft payable to the Town of Saint Andrews; or
 - (c) Electronically by Credit Card on the Town of Saint Andrews website www.townofstandrews.ca
7. A person who pays the Administrative Penalty shall be deemed to have contravened the provision of the By-Law in respect if which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative Penalty.

8. If the Administrative Penalty is not paid in accordance in accordance with Section 7 of this By-Law, the person charged with the offence is liable on summary conviction to a fine of not less than two thousand, five hundred dollars (\$2,500.00).

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