

BYLAW NO. T-2

A BYLAW RESPECTING ALL-TERRAIN VEHICLES

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS FOLLOWS:

1. INTERPRETATION

1.01 In this bylaw,

"council" means the Mayor and Councillors of the Town of St. Stephen,

"municipality" means the Town of St. Stephen,

"peace officer" means a member of the RCMP Detachment of the Town of St. Stephen,

"all-terrain vehicle" means any motor vehicle designed or adapted for off-road use and, without limiting the generality of the foregoing, includes dirt bikes, dune buggies, motorized snow vehicles and amphibious machines but does not include any vehicle which is designed for use and is being used in agriculture, forestry, mining or construction, any vehicle registered under the *Motor Vehicle Act* or any vehicle exempted from this Act by regulation,

"motorized snow vehicle" means a self-propelled vehicle designed to be driven exclusively on snow or ice,

"owner", in relation to 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 returns title to, or any other security interest in, the all-terrain vehicle,

"highway" means the entire width between the boundary lines of every street, road, lane, alley, park, parking lot, drive-in theatre, school yard, picnic site, beach, winter road across ice or 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 the bridges thereon,

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"roadway" means that portion of any road, street, lane, or alley designed, improved or ordinarily used for vehicular travel by the general public,

"operate", in relation to an all-terrain vehicle, includes the acts of driving, stopping, parking, pushing or towing the vehicle or leaving the vehicle standing,

"private land" means land, including any water on the surface of the land, but not including Crown lands and municipal land.

1.02 No person shall operate an all-terrain vehicle within the Town of St. Stephen except on private land that is either owned by the owner or operator of the vehicle or on which permission to operate the vehicle has been granted by the property owner.

1.03 Every peace officer may, without being liable for trespass, enter and stop upon and pass through private land or municipal land whenever necessary for the proper performance of the peace officers duties under the *All-Terrain Vehicle Act*.

2. EXEMPTION

2.01 Notwithstanding subsection 1.02, a person may operate an all-terrain vehicle on a highway,

(a) when it is not practical to operate a conventional motor vehicle on a highway due to weather or other conditions and as a result of a state of emergency being declared by the governmental authority having jurisdiction to make such declaration,

(b) when such person is engaged in the erection, repair, maintenance or inspection of electric power or telecommunication wires or cables which have been or are being erected under, along or upon the highway, to the extent necessary for the purposes of such work,

(c) used exclusively in connection with a special all-terrain vehicle event of limited duration conducted in accordance with a pre-arranged schedule and with permission granted by the Council of the Town of St. Stephen.

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3. GENERAL

3.01 In connection with section 2, no person shall operate an all-terrain vehicle without due care and attention or without reasonable consideration for persons and property.

3.02 No person shall drive an all-terrain vehicle or be an occupant of such a vehicle unless such person or persons is properly wearing a helmet that complies with the standards prescribed by the regulations under the *Motor Vehicle Act*.

4. PENALTY PROVISION

A person who violates any provision of this bylaw commits an offence and is liable to a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00).

5. REPEAL PROVISION

5.01 Bylaw No. 87-8, A Bylaw To Regulate All-Terrain Vehicles, passed by Town Council on April 21, 1987, and amendments thereto, is hereby repealed.

5.02 Bylaw No. 87-8, A Bylaw To Regulate All Terrain Vehicles, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read a first time this 16th day of February, 2004

Read a second time this 15th day of March 2004

Read a third time and passed this 19th day of April, 2004


W. Robert Brown, Mayor


Brenda Knight, Town Clerk