

TOWN OF LUSELAND

BYLAW NO. 2024-05

A BYLAW TO REGULATE THE OPERATION OF SNOWMOBILES AND ALL

TERRAIN VEHICLES WITHIN THE SPECIFIED BOUNDRIES OF THIS BYLAW

WHEREAS, Section 11 of *The All Terrain Vehicles Act c. A-18.02* provides that Council may, by bylaw, prohibit the operation of any all terrain vehicle or class or classes of all terrain vehicles on;

- (b) any private land in the municipality, including, in the case of a rural municipality, any private land in a hamlet or organized hamlet; and
- (c) any municipal land in the municipality.

WHEREAS, Section 25 of *The Snowmobile Act c. S-52* provides that;

25(1) no person shall operate a snowmobile over the following land, whether enclosed or not, without the consent of the owner or occupier of the land;

- (a) Any privately owned land

25(3) No person, other than the owner or occupier of the land or a person who has the consent of the owner or occupier, shall erect, place or cause to be erected or placed a sign.

25(4) No person, other than the owner or occupier of the land or a person who has the consent of the owner or occupier, shall tear down, remove, damage, deface or cover a sign.

The council of the Town of Luseland in the Province of Saskatchewan enacts as follows:

1. TITLE

- a. This Bylaw may be referenced as the “Snowmobile and All Terrain Vehicle Bylaw”.

2. DEFINITIONS

For the purpose of this Bylaw the expression:

- a. “**All Terrain Vehicle**” shall have the same meaning as defined in *The All Terrain Vehicles Act*;
- b. “**Council**” means the Council of the Town of Luseland;
- c. “**Designated Officer**” means the Bylaw Officer of the Town of Luseland or anyone authorized by the Council to act and enforce municipal Bylaws;
- d. “**Driver’s License**” means a driver’s license issued pursuant to *The Traffic Safety Act.*;
- e. “**Operator**” means a person who uses or operates, or is in actual physical control of a snowmobile or all terrain vehicle;
- f. “**Owner**” includes a person who is in possession of a snowmobile or all terrain vehicle under a contract by which he/she may become the owner under full compliance with the contract;
- g. “**Person**” means a natural person, corporation, business, or association;
- h. “**Registered**” means registered pursuant to *The Traffic Safety Act.*;
- i. “**Snowmobile**” shall have the same meaning as defined in *The Snowmobile Act.*;

- j. “**Sign**” shall mean any no trespassing sign that are clearly visible in the daylight under normal conditions from the approach to each ordinary point of access to the land to which the notice applies;
- k. “**Street**” shall mean every highway, public road, street, avenue, lane, drive or public place intended for the use of vehicles;
- l. “**Town**” means the Town of Luseland
- m. “**Bell Acres Golf Club**” means the entire Bell Acres Golf Course area owned by the Town of Luseland and/or under the management and control of the Town or by designated person(s) with the Towns consent;

3. REGULATIONS

The regulations of this Bylaw is as follows:

- a. No person shall ride, drive or operate a Snowmobile on any Town owned and/or controlled by the Town and/or designated persons on property as outlined in red on “Schedule A” attached hereto and forming part of this Bylaw, whether or not marked by signage prohibiting the operation of a snowmobile.
- b. No person shall ride, drive or operate an All Terrain Vehicle on any Town owned and/or controlled by the Town and/or designated persons on property as outlined in red on “Schedule A” attached hereto and forming part of this Bylaw, whether or not marked by signage prohibiting the operation of an All Terrain Vehicle.

4. OFFENCES

Every person who:

- (a) Contravenes any provision of this Bylaw; or
- (b) Contravenes any provision of *The All Terrain Vehicle Act or The Regulations*; or
- (c) Fails to comply with any provision of this Bylaw; or
- (d) Fails to comply with any provision of *The All Terrain Vehicle Act or The Regulations*;

Is guilty of an offence against this Bylaw and *The All Terrain Vehicle Act or The Regulations*.

Every person who:

- (a) Contravenes any provision of this Bylaw; or
- (b) Contravenes any provision of *The Snowmobile or The Regulations*; or
- (c) Fails to comply with any provision of this Bylaw; or
- (d) Fails to comply with any provision of *The Snowmobile Act or The Regulations*; Is guilty of an offence against this Bylaw and *The Snowmobile Act or The Regulations*.

5. PENALTIES

A person who is guilty of an offence against any provision of *The Snowmobile Act or The Regulations*, or any order or Bylaw made under the Act is liable on summary conviction:

- (a) For the first offence to a fine of not more than \$100 and in default of payment to imprisonment for a term of not more than thirty (30) days; and
- (b) For a second or subsequent offence to a fine of not more than \$200 and in default of payment to imprisonment for a term of not more than sixty (60) days.

A person who is guilty of an offence against any provision of *The All Terrain Vehicle Act or The Regulations*, or any order or Bylaw made under the Act is liable on summary conviction:

- (a) To a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than thirty (30) days.



This Bylaw shall come into force and take effect on the date of being passed by Council.

Read a third time and adopted this
13th day of February, 2024

Administrator



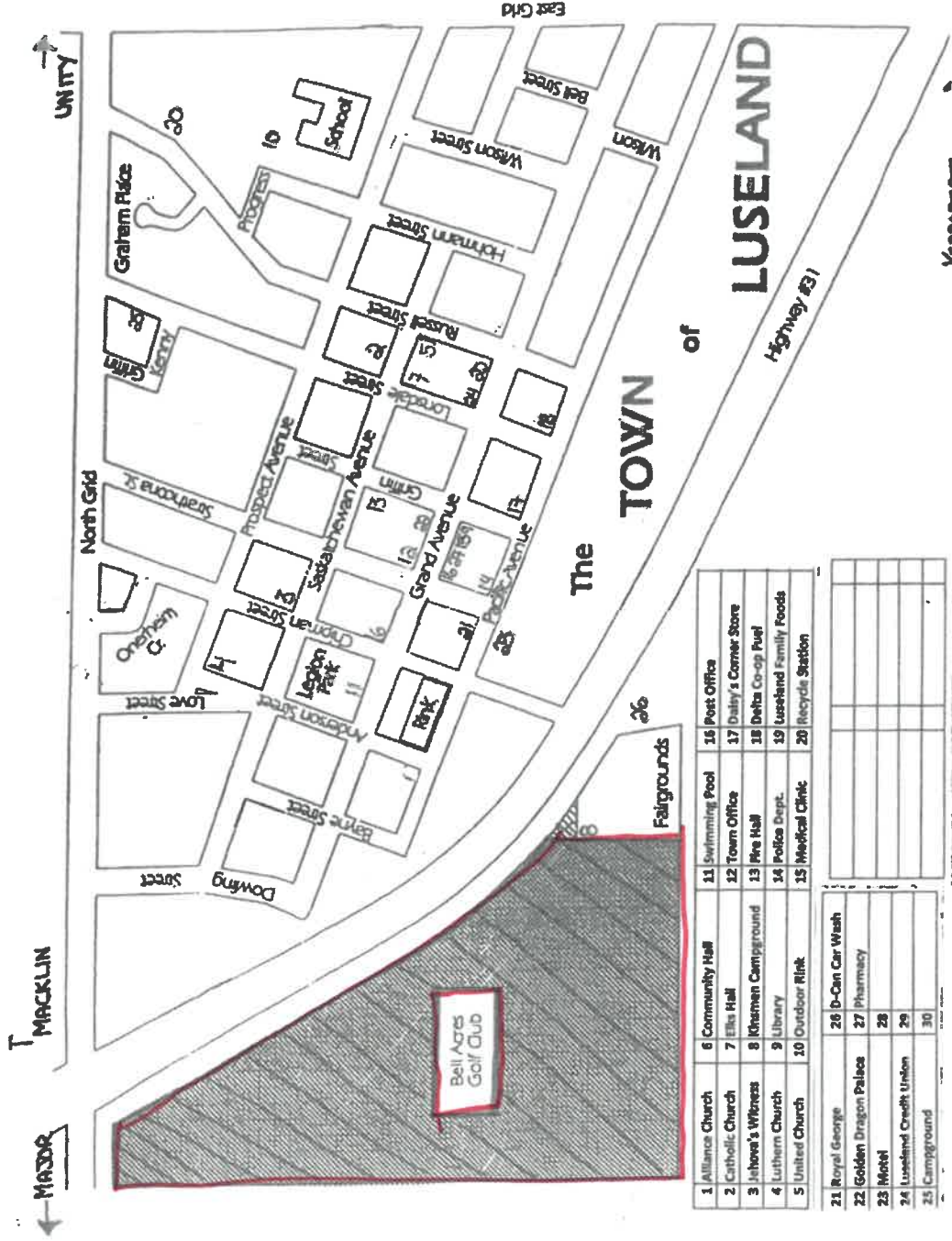
Mayor

Administrator



APPENDIX "A"
To Bylaw No. 2024-05



APPENDIX "B"
To Bylaw No. 2024-05

VOLUNTARY PAYMENTS

1. Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.
2. Such notice shall be deemed to have been served:
 - a) on the fifth day following the date of mailing;
 - b) on the day of actual delivery, if the Notice is served personally; or
 - c) on the business day following the transmission, if given by fax.
3. A Bylaw Violation Notice shall be in such form as determined in Schedule #1 and shall state the section of the Bylaw which was contravened and the amount which is provided in that will be accepted by the Municipality in lieu of prosecution.
4. Upon production of a Bylaw Violation Notice issued pursuant to this section within 20 days for the issue thereof, together with the payment of the fee to the Administrator of the Municipality, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in which the ticket was issued.
5. Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

SCHEDULE #1

BYLAW VIOLATION NOTICE

Town of Luseland
Bylaw Violation Notice

Reference No. _____

Name _____

Address _____

This official notice is issued for alleged breach of the following bylaw:

Bylaw No. _____

Section No. _____

Offence: _____

Voluntary Payment: _____

Details of Alleged Breach of Violation:

Date and time of violation: _____

Location of violation: _____

Other particulars: _____

Penalty:

Take notice that you may remit a voluntary payment to the Municipality in the amount stipulated above to avoid prosecution for this offence.

Payment may be made in person at the municipal office, by mail to:
Town of Luseland
Box 130
Luseland SK S0L 2A0

or by e-transfer to: luseland@sasktel.net

If the voluntary payment indicated above is not received by _____, a summons requiring your appearance in provincial court will be issued.

Issued this _____ day of _____, 20____ by _____

Signature of Designated Official