

ATV & OFF ROAD MOTORCYCLE REGULATIONS

PUBLISHED BY AUTHORITY

The following Regulations have been made by the Town Council of Happy Valley-Goose Bay under Section 414 (2)(s) of the Municipalities Act, Chapter M-24 S.N. 1999.

Leo Abbass, Mayor

ATV & Off Road Motorcycle Regulations

Short Title

1. These regulations may be cited as the ATV & Off Road Motorcycle Regulations of the Town of Happy Valley-Goose Bay.

Definitions

2. In these regulations:
 - (a) **“Act”** means the *Municipalities Act, 1999*, SN 1999, C. M-24 (as amended);
 - (b) **“Council”** means the Town Council of the Town of Happy Valley-Goose Bay constituted under the provisions of the Act;
 - (c) **“Town”** means the Town of Happy Valley-Goose Bay as defined by Order-in-Council dated the 15th day of March A.D. 1955 or any amendments thereto made or continued under the *Act*;
 - (d) **“Highway”** shall include any highway under the control of the Town of Happy Valley-Goose Bay to which the public has access, and bridges over which a highway passes, and also include every place under the control of the Town of Happy Valley-Goose Bay to which the public has access as a parking place for motor vehicles;
 - (e) **“ATV”** means all motorized vehicles designed and constructed for travel on, or immediately over, land and/or water and/or snow and/or ice and/or marsh and/or swampland, and/or other natural terrain, including but not restricting the generality of the foregoing; four wheel drive or low pressure tire powered vehicles, low pressure tire motorcycles, and related two wheel vehicles, amphibian machines, ground effect or air cushion vehicles, but exempting motorized snow vehicles, snowmobiles and does not include a motor vehicle registered under the *Highway Traffic Act*;
 - (f) **“Muffler”** means noise reducing equipment which shall be kept in good working condition and which shall prevent excessive or unusual noise and shall not be modified with a muffler cut-off, straight exhaust, gutted muffler, Hollywood muffler, by-pass or other device which has the effect of by-passing or reducing the efficiency of that noise reducing equipment;
 - (g) **“Municipality”** has the same meaning as Town; and
 - (h) **“Officer”** means any person appointed by Council to police these regulations and any member of the Royal Canadian Mounted Police.
 - (i) **“Off Road Motorcycle”** means any two wheeled motorized vehicle that is being used off road or is not registered under the *Highway Traffic Act* ;

3. **Equipment**

All ATVs and Off Road Motorcycles must be registered and insured in accordance with the *Motorized Snow Vehicles and All Terrain Vehicles Act* and the Motorized Snow Vehicle and All Terrain Vehicle Regulations or the *Highway Traffic Act* and be equipped with the following:

(a) a proper muffler designed by the manufacturer for use on such vehicle; and

(i) A person shall not alter or modify an approved ATV, or Off Road Motorcycle muffler in any manner that results in an increased noise level when the vehicle is in operation;

(ii) Any cost incurred to obtain a professional opinion on whether a muffler has been altered or modified in contravention of Section 3 a(i) shall be borne by the operator of the ATV or Off Road Motorcycle when the muffler is found to be altered or modified; and

(iii) Notwithstanding subsection 3 (a), an operator may replace a defective muffler with a substitute provided the substitute meets the specifications and design criteria of the manufacturer of the original muffler.

(b) A head lamp;

(c) A tail lamp; and

(d) An adequate and efficient braking system maintained in a good working order

(e) Licence plates purchased from the Town at a total cost of \$10.00 which must be prominently displayed on the vehicle

4. **Prohibited Operations**

(a) A person shall not operate an ATV or Off Road Motorcycle within the Municipality without due care and attention or without reasonable consideration for other persons or property.

(b) A person shall not operate an ATV or Off Road Motorcycle within the Municipality:

(i) In any area designated as a park or playground;

(ii) On any sidewalk or designated walking and/or bicycling path;

(iii) On private property without the express permission of the owner or occupant of that property;

(iv) On the property of, or property that is occupied by, any hospital, health centre, school or senior citizens home;

(v) Within fifteen (15) metres of the airport terminal buildings or the ends and sides of airport runways or ramps; and

(vi) On any other area where signs prohibit the use and operation of an ATV or Off Road Motorcycle.

(c) A person shall not operate an ATV or Off Road Motorcycle in such a manner as to:

(i) Constitute a nuisance or create annoyance to residents or other persons;

(ii) Be hazardous to himself/herself or to other persons or property; and

(iii) Drive, harass, chase, run over, injure or kill any wildlife or domestic animal(s);

(d) A person shall not use an ATV or Off Road Motorcycle to carry more persons at one time than the number for which it is designed and equipped;

(e) A person shall not operate an ATV or Off Road Motorcycle after sunset or at anytime when fog or other

atmospheric conditions reduce visibility, unless the ATV or Off Road Motorcycle is equipped as follows:

- (i) with a headlight at the front that projects a white light for a distance of at least sixty (60) metres; and
 - (ii) with a tail light at the rear that shows a red light visible at a distance of at least sixty (60) metres behind the vehicle; and
- (f) A person shall not operate or ride as a passenger on an ATV or Off Road Motorcycle unless wearing a helmet that is properly fastened.
 - (g) A person shall not tow any trailer or other object whatsoever behind an ATV or Off Road Motorcycle on any highway within the Municipality in such a manner as to be hazardous to himself/herself or other persons or property
 - (h) Where an Officer, duly appointed in accordance with these regulations, or any peace officer appointed in accordance with the *Highway Traffic Act*, requests that a person, by voice, light, sound or other signalling device, stop an ATV or Off Road Motorcycle, in circumstances where a reasonable person would realize that they were being requested to stop, then that person is guilty of an offence under these regulations.

5. **Operation on Highway**

- (a) A person shall not drive, operate or being the owner allow another person to operate or otherwise move an ATV or Off Road Motorcycle upon a highway except in accordance with this section;
- (b) A person may only drive on a road shoulder where that person has a valid permit for such purpose issued by the Council or the Town;
- (c) A person may drive, operate or otherwise move an ATV or Off Road Motorcycle across a highway only at those points where the operator has not less than 100 metres visibility in both directions along the highway.
- (d) Provided that the person is the holder of a valid Class 5 driver*s license under the *Highway Traffic Act* and provided the ATV or Off Road Motorcycle is insured in compliance with the *Motorized Snow Vehicles and All Terrain Vehicles Act* and Regulations;
- (e) Section 21 of the *Automobile Insurance Act* shall apply whenever a policy of insurance is required by these regulations.
- (f) This section does not apply to a motor vehicle registered in accordance with the *Highway Traffic Act* and which is being operated by a person who holds a valid Class 5 driver*s license under the *Highway Traffic Act*.

6. **Age Prohibition**

- (1) Unless otherwise prescribed in the regulations, a person under the age of 16 years shall not drive an ATV and or an Off Road Motorcycle unless accompanied by a person who
 - (a) is 19 years of age or older; and
 - (b) if, under the age of 19 years, is properly insured, or on whose behalf there is proper insurance for the operation of that vehicle in accordance with the Regulations.
 - (i) for operators 19 years of age or older insurance is not required except as required under Section 5 of these regulations or the *Highway Traffic Act*.
 - (ii) for operators under 19 years of age insurance must be obtained in compliance with the *Motorized Snow Vehicles and All terrain Vehicles Act* and Regulations or the *Highway Traffic Act*.

7. **Enforcement**

- (a) Any person may be appointed by the Town as an Officer for the purposes of enforcing these regulations;
- (b) An Officer so appointed, and any peace officer appointed under the *Highway Traffic Act*, shall have all the powers in relation to the enforcement of these regulations that an officer has in respect of vehicles under the *Highway Traffic Act*;
- (c) A person shall not obstruct, molest or interfere with an Officer in the performance of his/her duties with respect to the enforcement of these regulations;
- (d) An officer may, at any time, stop and inspect any ATV or Off Road Motorcycle operating within the Municipality to ascertain whether the driver of such vehicle or the vehicle operation complies with the provisions of these regulations; and

8 **Impoundment**

- (a) An Officer may, in the lawful exercise of his/her duties, impound an ATV or Off Road Motorcycle which he or she believes, on reasonable grounds, was used in the commission of an offence contrary to these regulations;
- (b) Subject to this section, all costs incurred for removal and storage of an ATV or Off Road Motorcycle impounded shall be borne by the owner or the operator of the ATV or Off Road Motorcycle;
- (c) Where an ATV or Off Road Motorcycle is impounded under this Section the ATV or Off Road Motorcycle shall not be released for a minimum of 30 days and until all removal and storage costs plus the minimum monetary penalty that may be imposed for a conviction under Section 9 of the offence charged is paid in full;
- (d) Where a person is charged under Section 9 and no convictions under that section result from the charge, or charges, the penalty paid to secure the release of an ATV or Off Road Motorcycle shall be reimbursed to the payer of the penalty and the ATV or Off Road Motorcycle shall be redelivered to the person from whom it was impounded without a cost for the impoundment;
- (e) Where an ATV or Off Road Motorcycle is impounded under subsection (a) a person other than a person convicted of the offence who claims that the ATV or Off Road Motorcycle was stolen may, within 30 days after the impoundment, apply by written notice to a Provincial Court judge for an order under subsection (i);
- (f) The Provincial Court judge to whom an application is made under subsection (f) shall fix a day not less than 10 days after the date of filing of the application for the hearing of it;
- (g) The applicant shall serve a notice of the application and of the hearing upon the Council at least 5 days before the day fixed for the hearing;
- (h) Where, upon the hearing of an application, it is made to appear to the satisfaction of a Provincial Court Judge that the impounded ATV or Off Road Motorcycle was stolen from the applicant, the applicant is entitled to an order that the ATV or Off Road Motorcycle be redelivered to the applicant;
- (i) Section 14 of the Small Claims Act with respect to an appeal to the Trial Division shall, with the necessary changes, apply to an order made under subsection (i);
- (j) After 3 months of impoundment under subsection (a), an ATV or Off Road Motorcycle is declared abandoned and shall be disposed of by either public tender or public auction, either of which is advertised in at least two editions of the major newspaper serving the Town; and
- (k) No claim or action lies against an officer, a peace officer, or the Town under this section.

9 **Penalties**

- (a) A person who contravenes or fails to comply with one or more of these regulations is upon summary conviction guilty of one or more offences and is liable:
 - (i) for a first offence to a fine of not less than \$500.00 or, in default of payment, to either imprisonment or community service for a term of not more than 30 days; and

- (ii) for a subsequent offence a fine of not less than \$1,000.00, or in default of payment to either imprisonment or community service for a term of not more than 60 days;
- (b) The Town may act in accordance with section 420 of the *Municipalities Act, 1999*, in the recovery of fines under this section.
- (c) The owner of an ATV or Off Road Motorcycle shall incur all penalties imposed for contravention of these regulations, unless the vehicle was, at the time of the offence, taken without the owner*s knowledge or expressed consent;
- (d) The operator of an ATV or Off Road Motorcycle within the Municipality, without the knowledge or expressed consent of the owner, shall incur all penalties imposed for any contravention of these regulations;
- (e) The penalty for an offence under these regulations where the offender is under 16 years of age shall be assessed against the parent or guardian of that offender;
- (f) Where a person is convicted of a breach of section 4(h) of these regulations, then in addition to any other penalty imposed under these regulations, the ATV or Off Road Motorcycle that the person was operating at the time of the offence is forfeited to the Town.
10. These regulations replace the regulations under the Motorized Snow Vehicles and All Terrain Vehicles Act
11. These regulations were passed and adopted by Council on the 22nd day of July A.D. 2003 and may be cited as the **Town of Happy Valley-Goose ATV & Off Road Motorcycle Regulations.**