
PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Bay Roberts under the provisions of section 414, subsection (2) (jj) (IV) of the Municipalities Act, 1999 as amended, and Section 10 subsection (2) of the Motorized Snow Vehicles and All-Terrain Vehicles Act, 1973, as amended.

Amended and adopted by the Town Council of the Town of Bay Roberts on the

11th day of April, 2006

Glenn Littlejohn
Mayor

Edwin Fradsham
Town Manager

MOTORIZED SNOW AND ALL-TERRAIN VEHICLE REGULATIONS

Short Title

1. These regulations may be cited as the Town of Bay Roberts Motorized Snow and All-Terrain Vehicle Regulations.

Definitions

2. In these regulations unless the context otherwise requires:
 - (a) “Council” means the Town Council of the Town of Bay Roberts;
 - (b) “Act” means the *Motorized Snow Vehicles and All-Terrain Vehicles Act*, 1973, as amended 1973;
 - (c) “Peace Officer ” means a member of the Royal Canadian Mounted Police, or a Municipal Enforcement Officer, appointed by Council under Section 179 of the Municipalities Act, 1999 as amended;
 - (d) “Vehicle” means a 2, 3 or 4 wheeled type vehicle, commonly known as a trail bike or all terrain vehicle, and a tracked vehicle, commonly known as a snowmobile, designed and constructed for travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, **but does not include a motor vehicle.**
 - (e) “Motor Vehicle” means a motor vehicle registered under the Highway Traffic Act.
 - (f) “All-Terrain Vehicle” or “ATV” means a wheeled or tracked motorized vehicle designed or adapted for off-road use;

- (g) “Municipality” means the area in which the council exercises jurisdiction.
- (h) “Highway” means the entire width between the boundary lines of the highway, road, avenue, lane, thoroughfare, causeway, bridge, street, cul-de-sac, place including the shoulder.

Purpose

- 3. The purpose of these regulations is to prohibit and/or restrict the use of all vehicles except motor vehicles, unpowered bicycles, tricycles and toy carts within the municipality except in such areas or under such conditions as may be designated by council.

Driving Restrictions

- 4.(1) No person shall drive, operate or otherwise move a vehicle upon a highway in the municipality except in accordance with the provisions of these regulations.
- (2) No person shall drive or permit to be driven a vehicle in the residential/commercial area within the municipality other `
- (3) No person shall drive or permit to be driven a vehicle in the designated Heritage Area including the Heritage Walking Trail, Goose Pond Walking Trail or any recreation or park facility in the municipality.

Exemption

- 5. Notwithstanding **Regulation 4 (2)**, a peace officer may use or cause to be used a vehicle in a prohibited area where such intended use is to;
 - (a) enforce these regulations, or
 - (b) perform an emergency service.

Designated Areas

- 6.(1) Notwithstanding regulation 4, Council may designate areas or trails within the municipality where vehicles may be driven and such areas shall be defined and listed.
- (2) Where the designated trail crosses the highway, the driver of the vehicle must stop the vehicle before crossing the highway and shall then proceed with special care and give way to traffic on the highway.
- (3) A person may drive, operate or move a vehicle across a highway only at such points where the operator has not less than one hundred (100) meters visibility in both directions along a highway

Public and Personal Safety

7. Notwithstanding any other provision of these regulations, a person shall not drive a vehicle on a designated trail or in permitted areas within the municipality:
- (a) at a speed greater than is reasonable and prudent under the conditions having regard to actual and potential hazards;
 - (b) without reasonable consideration for other persons;
 - (c) without due care and attention;
 - (d) in a manner dangerous to the public;
 - (e) which creates excessive noise;
 - (f) under the influence of intoxicating substances.
 - (g) where persons are engaged in skiing, skating, tobogganing or engaged in another outdoor recreational activity so as to create a hazard to or endanger these persons or their property.

Erection of Signs

8. Council may cause to have erected warning, cautionary, directional, limiting or prohibiting signs respecting the operation of vehicles and the operator of any vehicle who fails to obey such signs is guilty of an offence under these regulations.

Permits

9. Council may issue a permit, for a designated purpose, to an individual or organization for the use of an ATV(s) on a highway within the municipality subject to the following conditions:
- (a) the individual or organization must apply in writing to council for a permit;
 - (b) all conditions of the permit must be met. See **Appendix A**.

Registration/ Insurance

10. In accordance with the **Act**, no person shall drive, cause to be driven, or move a vehicle which crosses a highway within the municipality:
- (a) unless the vehicle is registered;
 - (b) without a numbered identification plate or decal;
 - (c) unless the vehicle is insured.

Fines and Penalties

11. Any person who fails to obey a signal or direction from a peace officer and /or fails to comply with or otherwise contravenes any of these regulations is guilty of an offence and is liable on summary conviction to the fines and penalties as prescribed under the **Act**.

Violation Ticket

12. For the contravention of any of these regulations, a complaint may be laid and a summons issued by means of a violation ticket under the terms and conditions as prescribed by the Motorized Snow Vehicles and All-Terrain Vehicles Act, 1973 as amended.

Impoundment of Vehicle

13. Any vehicle used in contravention of these regulations within the municipality may be seized and impounded.

Repeal

14. All previous All-Terrain Vehicle Regulations adopted by Council are hereby repealed.
15. These regulations were adopted by resolution of Council at a meeting on the 11th of April, 2006 and shall come into effect on the 12th day of April, 2006.