

Town of Bay Roberts

Recreational Vehicle Regulations 2022

Pursuant to the powers vested in it under section 15 *An Act Respecting Off- Road Vehicles*, and under section 414(2)(s) of the *Municipalities Act 1999* SNL 1999, c M-24, as amended, and all other powers it enabling, the Town Council of the Town of Bay Roberts, in a session convened on the 10th day of May 2022, hereby passes and enacts the following regulations to begin on 20 May 2022.

Mayor

Town Clerk

Title

1. These Regulations may be cited as *The Town of Bay Roberts Recreational Vehicle Regulations 2022*.

Definitions

2. For the purpose of these regulations:
 - (a) "Act Respecting Off Road Vehicles" means the Provincial regulations coming into effect on 20 May 2022. These regulations will repeal the Motorized Snow Vehicles and All- Terrain Vehicles Act when coming into effect;
 - (b) "All-terrain vehicle" means a side by side and any other off-road vehicle that has
 - (i) four wheels,
 - (ii) a seat designed to be straddled by the operator of the off-road vehicle;
 - (iii) handlebars for steering the off-road vehicle;
 - (c) "ATV" means an All-Terrain Vehicle;
 - (d) "Council" means the Town Council of the Town of Bay Roberts;
 - (e) "Designated Route" means any Highway or Public Pathway approved by Council for use by ATVs/ Side by Side's as set out in Schedule "A" to these Regulations;
 - (f) "Director" means the Director of Protective Services;

- (g) "Enforcement Officer" means a municipal enforcement officer as defined by the *Municipalities Act 1999* SNL 1999, c M-24, as amended, or a peace officer as defined by the *Highway Traffic Act & Act Respecting Off Road Vehicles*;
- (h) "Highway" means a place or way, including a structure forming part of the place or way, designed and intended for, or used by, the public for the passage of traffic or the parking of Motor Vehicles, and includes all the space between the boundary lines of the place or way;
- (i) "Highway Traffic Act" means the Newfoundland and Labrador *Highway Traffic Act* RSNL 1990 c. H-3, as amended;
- (j) "Motor Vehicle" means a motor vehicle registered under the *Highway Traffic Act*;
- (k) "Motorized Snow Vehicle" means a tracked vehicle, commonly known as a snowmobile, where the driver sits astride a seat and which is designed for operation over snow covered land and ice;
- (l) "Off-Road Motorcycle" means any two-wheeled motorized vehicle that is being used off-road or is not registered under the *Highway Traffic Act*, and specifically includes a trail bike.
- (m) "Off-road vehicle" means a wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain including
- (i) a motorized snow vehicle,
 - (ii) an all-terrain vehicle,
 - (iii) a mini-bike, dirt-bike and trail-bike,
 - (iv) a miniature vehicle such as a dune or sport buggy,
 - (v) an off-road maintenance machine, and
 - (vi) an amphibious vehicle,
- but not including agricultural equipment, infrastructure equipment or a garden lawnmower, lawn tractor or golf cart;
- (n) "Public Pathway" means any pathway or trail assumed under the ownership of the Town of Bay Roberts or maintained under the jurisdiction of the Town of Bay Roberts;
- (o) "Side by side" means an off-road vehicle, other than a dune buggy, that is designed by the manufacturer to have
- (i) side by side seating for the operator and at least one passenger,

- (ii) a steering wheel, and
- (iii) 4 or more wheels;

(p) "Town" means the Town of Bay Roberts.

Prohibited Vehicles

3. No Motorized Snow Vehicles or Off-Road Motorcycles are to be operated on any highway within the Town.

Rules of Operation

4. All ATVs & Side by Sides that are operated in the Town must be operated, registered and insured in accordance with the *Act Respecting Off Road Vehicles* along with *The Highway Traffic Act*. In addition to the Provincial Regulations mentioned above, The Municipality has put the following regulations in place;
5. A person shall not operate a Off Road Vehicle:
 - (a) Outside of the designated routes found in Schedule A;
 - (b) On a sidewalk or designated walking and/or bicycling path;
 - (c) In any area where signs prohibit the use and operation of a Off Road Vehicle;
 - (d) In such a manner as to constitute a nuisance or create annoyance to residents or other persons;
 - (e) With a modified exhaust system that is not of the original equipment manufacturer, is in working order. The exhaust shall not have been modified to increase sound, and is operated in a manner to prevent excessive or unusual noise;
 - (f) At any time in excess of 40 kilometers per hour;
 - (g) Equip with Tracks on the highway
6. Persons operating an ATV/ Side by Side;

- (a) Shall adhere to the “rules of the road”, as described in Part V of the *Highway Traffic Act*, or any similar successor legislation. This means that ATV/ Side by side Operators are to drive with traffic along the designated routes and not along the edges of the roadway.
- (b) Shall only be permitted to travel along the Towns designated approved Highways while following the Times of Operation listed below in Schedule A.
- (c) Shall follow *The Act Respecting Off Road Vehicles* along with *The Town of Bay Roberts Recreational Vehicle Regulations 2022* & *The Highway Traffic Act*. Failure to follow these regulations will result in summary conviction.

Times of Operation

- 7. ATV's & Side by Side's are only permitted to operate on selected highways listed in Schedule A between 0700 – 2200 hours daily

Signage

- 8. Council may erect warning, cautionary, directional, limiting or prohibiting signs as to the operation of Off-Road Vehicles, and the operator who fails to obey such signs is guilty of an offence under these Regulations.

Enforcement

- 9. Enforcement of these regulations may be taken summarily by a Municipal Enforcement Officer, Director of Protective Services, Town employee, Royal Canadian Mounted Police Officer and Royal Newfoundland Constabulary Constable specially authorized for such purpose and or by any other individual duly appointed as an agent representing the Town for such purpose.
 - (a) Any offence under these regulations may be prosecuted by means of a summary offence issued under these regulations pursuant to the provisions of The Act Respecting Off Road Vehicles, Highway Traffic Act RSNL 1990 Ch. H-3 or any other Provincial Statutes or Regulations, is liable on summary conviction to a fine or to a period of imprisonment or both in accordance with Section 419 of the Municipalities Act 1999 SNL, 1999 as amended.
- 10. A person who contravenes or fails to comply with these Regulations is upon summary conviction guilty of an offence and is liable:
 - (a) A fine outlined in Schedule “B” of these Regulations, or a term of imprisonment of not more than one month or to both the fine and the imprisonment;

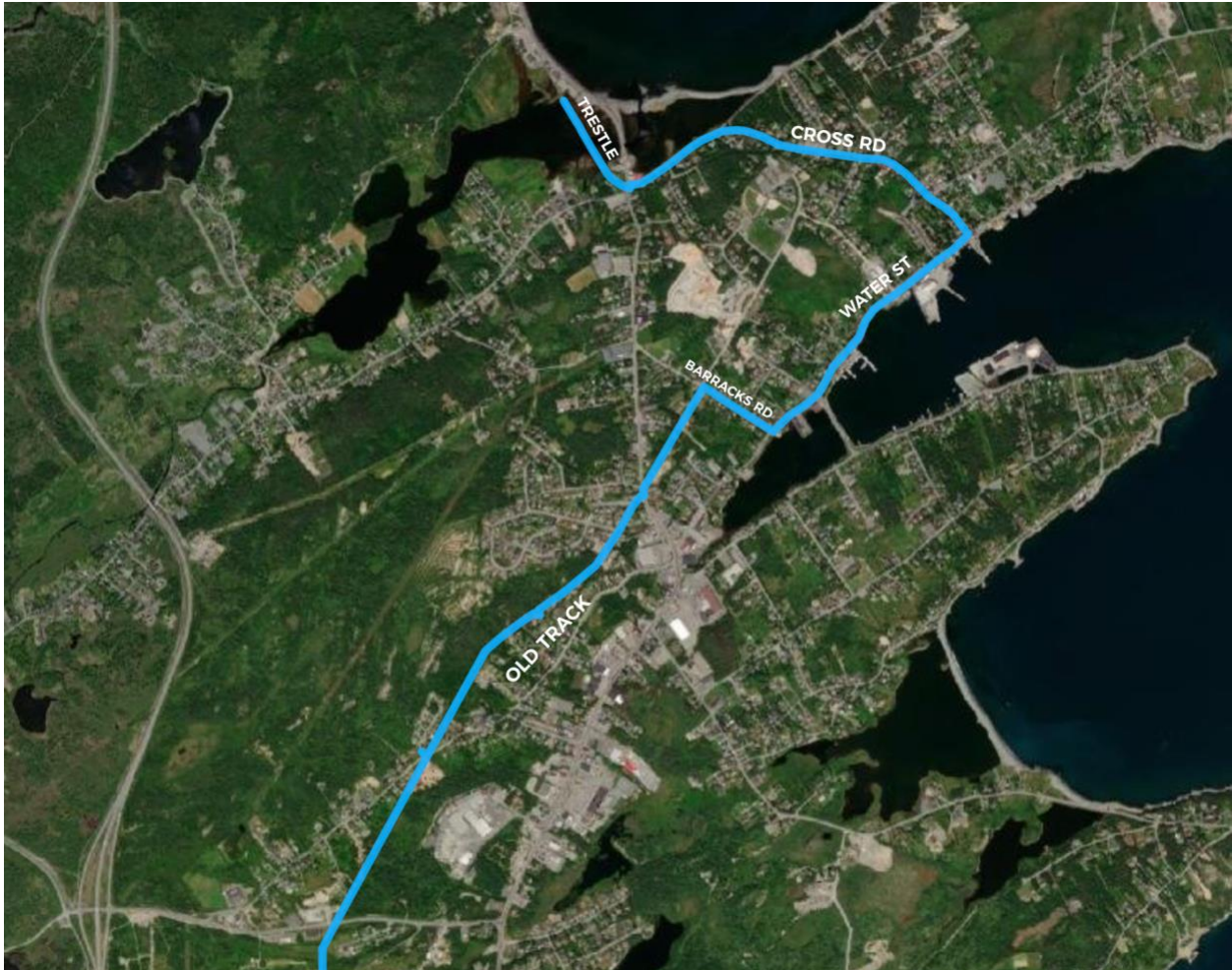
Exemption

11. These Regulations do not apply to vehicles owned and operated by Council or those operated by emergency or enforcement services, or any other persons who are exempt by the provisions of the *Act Respecting Off Road Vehicles*.
12. These Regulations include the Schedules attached to them, and the Schedules are hereby declared to form part of these Regulations.
13. If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the Regulations and it is hereby declared that the remainder of the Regulations shall be valid and shall remain in force.
14. These regulations shall come into force as of the date enacted by Council.

Schedule "A"

Designated Routes

1. Crossroad, Water Street, Barracks Road, Bay Roberts Drive
2. Daily operation from 0700- 2200 hours



Schedule "B"

Schedule of Fines

Regulation	Offence	Fine
3	Operation of non-permitted vehicle on the highway	\$250.00
5.(a)	Operating outside of the designated route not listed in Schedule A	\$100.00
5. (e)	Operating without a working exhaust system of the original equipment manufacturer	\$100.00
5. (g)	Operating at speeds which exceed 40 km/h	\$150.00
6.(a)	Failing to adhere to the "rules of the road" as described in Part V of the Newfoundland and Labrador <i>Highway Traffic Act</i> or any similar or successor legislation.	\$150.00
7	Operating before 0700 and/or after 2200	\$150.00
8.	Disobeying signs which have been erected by Council	\$150.00