

## **CHAPTER 10**

# **RECREATION VEHICLE REGULATIONS**

**PUBLISHED BY AUTHORITY**

The following regulations have been made by the Town Council of Happy Valley-Goose Bay, under the provisions of Section 414 Chapter S.N. 1999 of the Municipalities Act.

John Hickey, Mayor

1. Interpretations: In these regulations, unless the context otherwise requires:
  - (a) “Act” means the Municipalities Act
  - (b) “Council” means the Town Council of Happy Valley-Goose Bay.
  - (c) “Town” means the Town of Happy Valley-Goose Bay, as defined by Order in Council dated the 15th day of March 1955 or any amendments thereto made or contained under the Municipalities Act.
  - (d) “Vehicle” means all motorized vehicles designed and constructed for travel on, or immediately over, land, water, snow, ice, marsh, swampland, and 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.
  - (e) “Highway” means the entire width between the boundary lines of a highway, road, street, avenue, thoroughfare, right-of-way, parkway, driveway, lane, alley, square, place, bridge, culvert, viaduct, trestle or causeway, whether it is publicly or privately owned and whether or not it is designed or intended for use by the public, if the whole or any part of it is used by the public for the passage of vehicles and includes a trail on a frozen lake, river or other body of water or watercourse when that trail is maintained or kept open at the expense of the province or municipality:
  - (f) “UTAP Walkway” means the paved path and one(1) meter each side, linking the different areas of the Town, for the express use of walkers, joggers and pedal cyclists.
  - (g) Designated trails for the express use of walkers, joggers and pedal cyclists
2. From and after the date of the passing of these regulations, all recreation vehicles within the Town, shall be registered and licensed by the Town.
3. Two registration plates will be issued by the Council for a fee of \$10.00, and will be valid for the life of the vehicle, and/or the period the vehicle is located in the Town. These plates must be attached on the vehicles and be visible from the front and back of the vehicle.
4. The Council may appoint licensing officers, who shall keep registers of all recreation vehicles licensed by them.

5. Where a transfer of ownership of a registered recreation vehicle is made, the new owner shall, within seven (7) days, inform the Town licensing officers of the transfer.
6.
  - (a) No person shall drive, operate or otherwise move a vehicle upon any highway within the Town, unless the vehicle is insured in compliance with the Motorized Snow Vehicles and All Terrain Vehicles Act and Regulations.
  - (b) A person may drive, operate, or otherwise 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 the highway provided the vehicle is insured in compliance with the Motorized Snow Vehicles and All Terrain Vehicles Act and Regulations.
7. No person shall drive, park or place any vehicle in or upon any play area, park, playground, recreation ground, UTAP Walkway or designated walkways within the Town.
  - (a) All recreation vehicles will not be permitted to be operated in residential and commercial areas of the Town of Happy Valley-Goose Bay between the hours of 9:00 pm and 7:00 am. Vehicles will be impounded when drivers are apprehended.
8. Any person offending or violating these regulations:
  - (a) Shall be guilty of an offence, and liable on summary conviction, to a fine not exceeding one thousand dollars (\$1,000.00), or in default of payment of such penalty, to imprisonment for a period of imprisonment in accordance with Section 420 of the Municipalities Act.
  - (b) May be removed from the play area, park, playground, recreation ground, UTAP Walkway, or designated walkway, by a member of the RCMP, Municipal Enforcement Department or recreational staff, or any other person empowered to remove any such offending person.
9.
  - (a) For the purpose of subsection 10(5) of the Motorized Snow Vehicles and All Terrain Vehicles Act and Regulations and without limiting another regulation in force, a person shall not drive or operate a vehicle or motorized vehicle across a highway or knowingly permit a person under the age of 19 years to drive or operate a motorized vehicle across a highway unless there is in force in respect of the vehicle a policy of insurance covering public liability and property damage to the minimum limit prescribed by section 21 of the Automobile Insurance Act.
  - (b) When requested to do so by a peace officer, the owner or operator of a motorized vehicle shall produce proof that a policy of insurance is in force with respect to the vehicle.

- (c) For the purpose of subsection (2), the production of a policy at a police station within 48 hours after a request is made is considered to be sufficient production of proof of a policy.
- (d) If a policy of insurance as required by this regulation is canceled or expires before the expiration of the period of registration of the vehicle, the owner shall, if he or she fails to furnish proof of financial responsibility as requested by the registrar, return to the registrar the registration certificate and licence plate of the vehicle and in the case of a vehicle in respect of which a decal has been issued, obliterate the decal.
- (e) If a person fails to return the registration certificate and licence plate or obliterate the decal as required by this regulation, the registrar may authorize a constable to secure possession of the certificate and plates or obliterate the decal.
- (f) A policy of insurance referred to in this section shall be in a form approved by the Superintendent of Insurance for the purpose of this section.
- (g) A person who
  - (a) fails to comply with subsection (a); or
  - (b) fails to produce proof in accordance with subsection (2) that a policy is in force in respect of a vehicle or motorized vehicle is guilty of an offence upon summary conviction and is liable to a fine of \$250.00 or in default of payment to imprisonment for a period of 15 days.
- (h) For the purpose of subsection (g), highway shall not include roads which are not normally maintained for the passage of highway motor vehicles and not normally frequented by those motor vehicles and shall not include the roads as private woods roads, resource roads or cottage development roads where a mixture of motor vehicles is unlikely.

## 10. APPLICATION OF AUTOMOBILE INSURANCE ACT

Section 21 of the Automobile Insurance Act shall apply whenever a policy of insurance is required by these regulations.

## 11. ENFORCEMENT:

- (a) Any person may be appointed as an officer for the purposes of enforcing this By-law.
- (b) An officer of this By-law has all the powers in relation to the enforcement of this Bylaw that an officer has in respect of vehicles.
- (c) No person shall obstruct, molest or interfere with an officer in the performance of his/her duties with respect to the enforcement of this By-law.

- (d) An officer may, at any time stop and inspect any vehicle operating within the Municipality to ascertain whether such vehicle complies with the provisions of this By-law with respect to equipment.

## 12. PENALTIES

- (a) The owner of a vehicle shall incur all penalties provided for contravention of this By-law, unless the vehicle was, at the time of the offence, taken without the owner\*s consent or permission.
- (b) Any person operating a vehicle within the Municipality, without the knowledge or expressed consent of the owner, shall incur all penalties provided for any contravention of this By-law.
- (c) Where any person under the age of 12 years is found operating a vehicle within the Municipality, he/she shall be in contravention of the provisions of this Bylaw. Penalties for any such contravention shall be assessed against the parent or guardian of the juvenile.
- (d) Any person violating any provision of this by-law is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$1,000.00 dollars or to a period of imprisonment not exceeding 3 months in default of payment of the fine.
- (e) And in accordance with the Municipalities Act Section 420.

## 13. OFFENCE AND PENALTY

- (1) A person who contravenes or fails to comply with subsections 9(b), (c) is guilty of an offence and liable on summary conviction to a fine of \$100 and in default of payment to imprisonment for a term not exceeding 15 days.
- (2) A person who contravenes or fails to comply with subsection 9(a) is guilty of an offence and liable on summary conviction
  - (a) for the first offence to a fine of \$200 and in default of payment to imprisonment for a term not exceeding 30 days;
  - (b) for a second or subsequent offence a fine of \$500 and in default of payment to imprisonment of a term not exceeding 60 days, in accordance with Section 420 of the Municipalities Act.

## 14. IMPOUNDMENT

An officer may, in the lawful exercise of his/her duties may impound any All Terrain

Vehicle which is found to be operating in violation of any section of this By-law.

15. COSTS INCURRED FOR IMPOUNDMENT
  - (a) All costs incurred for removal and storage of vehicles impounded subject to these By-laws shall be borne by the owner or operator All Terrain Vehicle.
  - (b) Where a vehicle is impounded under Section 14 of this By-law the vehicle shall not be released until all removal and storage costs, plus any penalties imposed for the offence, are paid in full.
16. These Regulations came into effect on the 28<sup>th</sup> day of August 2001 and may be cited as the Town of Happy Valley-Goose Bay (Recreational Vehicle) Regulations.
17. All previous (Recreational Vehicle) Regulations are hereby repealed.