

## PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the Provisions of Section 414(2)(s) of the Municipalities Act 1999 SNL, 1999 as amended (the "Act") and pursuant to the provision of section 10 *Motorized Snow Vehicles and All-Terrain Vehicles Act* RSNL 1990 c M-20.

Adopted by the Town Council of the Town of Carbonear on the 26<sup>th</sup> day of July, 2021.

  
MAYOR

  
TOWN CLERK

## TOWN OF CARBONEAR RECREATIONAL VEHICLES REGULATIONS 2021

### Title

1. These regulations may be cited as the *Town of Carbonear Recreational Vehicles Regulation 2021*.

### Definitions

2. In these Regulations unless the context otherwise requires:
  - a. "All-terrain vehicle" means a wheeled motorized vehicle, excluding a two wheeled vehicle, designed or adapted for off-road use;
  - b. "Town" means Town of Carbonear
  - c. "Council" means Town of Carbonear Council;
  - d. "Designated Route" means any highway or public pathway approved by Council for all-terrain vehicle use and set out in Schedule A;
  - e. "Director" means the Director of Operations and Public Works;
  - f. "Enforcement Officer" means a municipal enforcement officer as defined by the *Municipalities Act* 1999 SNL 1999, c M-24, or a peace officer as defined by the *Highway Traffic Act*;
  - g. "highway" means any public highways, streets, roads or roadways, public pathways, assumed and maintained under the ownership and jurisdiction of the Town of Carbonear;
  - h. "Highway Traffic Act" means the Newfoundland and Labrador *Highway Traffic Act* RSNL 1990 Chapter H-3 as amended;
  - i. "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 now covered land and ice; such a vehicle is not permitted to be operated on Town highways;
- j. "Motorized Snow Vehicles and All-Terrain Vehicles Act" means the Newfoundland and Labrador *Motorized Snow Vehicles and All-Terrain Vehicles Act*, RSNL 1990 Chapter M-20;
  - k. "Public pathway" means any pathway or trail assumed under the ownership of the Town of Carbonear or maintained under the jurisdiction of the Town of Carbonear.

### **Designated Routes**

- 3. All-terrain vehicles, as defined by these regulations, are permitted to be used on any highway or pathway set out in Schedule A provided that they are operated in the manner as set forth in these regulations.

### **Prohibited Routes**

- 4. Except as set out in Schedule A, no person shall use or permit to be used, an all-terrain vehicle on a highway or public pathway within the Town.

### **Snowmobiles**

- 5. No person shall use or permit to be used a motorized snow vehicle on any highway within the Town.

### **Rules of Operation**

- 6. No person shall operate an all-terrain vehicle upon a Town highway unless:
  - a. that person travels upon the designated route as outlined in Section 3 of these regulations;
  - b. the vehicle and its driver operate in accordance to the *Motorized Snow Vehicles and All-Terrain Vehicles Act*;
  - c. that person is at least 16 years of age and the holder of a class of driver's license issued under the *Highway Traffic Act*;
  - d. that person or the vehicle being driven carries a liability insurance policy and proof thereof can be readily produced when requested by an enforcement officer;
  - e. the all-terrain vehicle is equipped with an exhaust system that is of the original equipment manufacturer and has not been modified to increase sound. The exhaust system must be in working order and in constant operation to prevent excessive or unusual noise;
  - f. the all-terrain vehicle shall never be operated in excess of any posted speed limit and further shall not be operated at a rate of speed greater than 40 kilometres per hour on highways or greater than 20 kilometres per hour on trails or pathways;

- g. the driver of an all-terrain vehicle at all times yields the right of way to drivers of all other classes of motor vehicles on a highway

### **Rules of the Road**

7. Unless otherwise stated in these regulations, the driver of an all-terrain vehicle shall adhere to the "rules of the road" as described in Part V of the Newfoundland *Highway Traffic Act* or any similar or successor legislation.

### **Times of Operation**

8. No person shall operate an all-terrain vehicle in accordance with this bylaw before May 15<sup>th</sup> or after November 15<sup>th</sup> of any year.
9. No person shall operate an all-terrain vehicle within the Town and upon its highways earlier than 7 am or later than one-half hour before sunset on any day.

### **Signage**

10. Council may erect Warning, Cautionary, Directional, Limiting or Prohibiting signs as to the operation of all-terrain vehicles and the operator of any vehicle who fails to obey such signs is guilty of an offence under these regulations.

### **Penalty**

11. A person who contravenes or fails to comply with these regulations is guilty of an offence and where no penalty is otherwise prescribed for such offence in the *Motorized Snow Vehicles and All-Terrain Vehicles Act* RSNL Ch. M-20, *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.

### **Exemption**

12. These regulations do not apply to vehicles owned and operated on behalf of the Council or those operated by Emergency and or Enforcement Services and other persons who are exempt by the provisions of the *Motorized Snow Vehicles and All-Terrain Vehicles Regulations* 1163/96

### **Interpretation**

13. These Regulations include the Schedules attached to them, and the Schedules are hereby declared to form part of these Regulations.
14. 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.

**Coming into Force and Repeal**

15. These regulations shall come into effect on the 26<sup>th</sup> day of July, 2021.
16. All previous Town of Carbonear Recreational Vehicle Regulations and amendments are hereby repealed.

## Schedule "A"

### Permitted All-Terrain Vehicle Routes

All-Terrain Vehicles are permitted to travel on or along the following roadways:

- Pondside Road (from Valleyview Heights to intersection of Cross Roads)
- Cross Roads
- Pike's Lane (Cross Roads to boardwalk parking area entrance next to Municipal Depot)
- Fox Farm Road
- Earle's Lane (Civic Number 45 Earle's Lane to intersection of Janes Avenue)
- Janes Avenue (from intersection of Earle's Lane to the intersection of High Road South)
- High Road South (from intersection of Janes Avenue to the intersection of Park Avenue)
- Park Avenue (Highroad South to the intersection of the Southside Rail Bed Trail)

All-Terrain Vehicles are permitted to travel on or along the following public pathways:

- Southside Rail Bed Trail