

## **Motorized Snow Vehicles and All Terrain Vehicles Regulations**

Pursuant to the authority conferred by the Motorized Snow Vehicles and All Terrain Vehicles Act RSNL 1990 Chapter M-20 Section 10 and the Municipalities Act, 1999, Chapter M-24, Section 414, the Town of Grand Falls-Windsor has made the following regulations.

## **Motorized Snow Vehicles and All Terrain Vehicles Regulations**

1. These regulations may be cited as the Town of Grand Falls-Windsor Motorized Snow Vehicles and All Terrain Vehicles Regulations.
2. In these Regulations, unless the context otherwise requires:
  - (a) "Act" means the Motorized Snow Vehicles and All Terrain Vehicles Act RSNL 1990 Chapter M-20 Section 10, and amendments.
  - (b) "Council" means the Town Council of the Town of Grand Falls-Windsor.
  - (c) "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 and includes all the space between the boundary lines of the place or way.
  - (d) "Owner" means as defined in the Motorized Snow Vehicles and all Terrain Vehicles Act.
  - (e) "Peace Officer" means as defined in the Motorized Snow Vehicles and All Terrain Vehicles Act.
  - (f) "Public Area" means any park, play area, public walkway, easement, right-of-way, playground or recreational area owned, controlled or managed by the Town of Grand Falls-Windsor
  - (g) "Registrar" means the Registrar of Motor Vehicles appointed under the Highway Traffic Act
  - (h) "Regulations" means Motorized Snow Vehicles and All-Terrain Vehicles Regulations under the Motorized Snow Vehicles and All-Terrain Vehicles Act.

- (i) "Town" means the Town of Grand Falls-Windsor.
  - (j) "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 four wheel drive or low pressure tire powered vehicle, low pressure tire motorcycles and related two wheel vehicles, snowmobiles, amphibious machines, ground effect or air-cushioned vehicles, but does not include a motor vehicle as defined by Highway Traffic Act.
3. A person shall not drive, operate, or otherwise move a vehicle upon a highway or any public area within the Town, except in accordance with the regulations, unless by reason of storm or blizzard the highway is incapable of being used by motor vehicle.
- 4(1)(a) A person under the age of 13 years shall not drive a motorized snow vehicle within the Town, unless the person is accompanied and supervised by another person who is 19 years of age or older.
- 4(1)(b) No one shall cause or permit a person under the age of 13 years to drive a motorized snow vehicle within the Town, unless the person is accompanied and supervised by another person who is 19 years of age or older.
- 4(2)(a) A person under the age of 16 years shall not operate an all terrain vehicle within the Town, except in accordance with the Regulations.
- 4(2)(b) No one shall cause or permit a person under the age of 16 years to operate an all terrain vehicle within the Town, unless the person is accompanied and supervised by another person who is 19 years of age or older.
- 4(2)(c) For the purposes of this section an operator of a vehicle is accompanied and supervised when the other person has visual and voice communication with the operator.
- 5(a) A person shall not drive, cause, allow or permit to be driven a vehicle unless that vehicle is registered, and insurance requirements, as required by the Act and the regulations, are complied with.
- 5(b) A person shall not drive a vehicle unless there is affixed to and clearly exposed on that vehicle, in a conspicuous position, numbered plates or decals, issued in accordance to the Act or Regulations.
- 5(c) Where the ownership of a vehicle that is required to be registered under Act, passes from the owner to another owner, whether by act of the owner or by operation of law, notification of the change in ownership shall be made to the registrar in the manner and within the time prescribed by the Regulations.

- 5(d) When a vehicle is being driven, the driver shall not knowingly use or permit the use of a number plate or decal upon a vehicle except as issued for the vehicle being driven.
- 5(e)(1) Except as permitted by the Act or Regulations, a person shall not drive a vehicle upon a highway unless that person is the holder of a class of driver's licence issued under the Highway Traffic Act;
- 5(e)(2) In the case of a person under 19 years of age, that person or the vehicle being driven is insured in the manner provided in the Regulations, and upon the request of a constable to produce true and proper evidence that the driver or vehicle is insured in the manner provided in the regulations.
- 5(f) The driver of a vehicle shall at all times yield the right of way to drivers of all classes of motor vehicles on a highway.
- 5(g) Unless otherwise prescribed in the regulations, a person under the age of 16 years shall not drive a vehicle unless accompanied by a person who is 16 years of age or older; and 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.
- 5(h)(1) No person shall drive or operate a vehicle upon a highway or any public area within the Town without due care and attention; or
- 5(h)(2) Without reasonable consideration for other persons or property; or
- 5(h)(3) While under the influence of intoxicating liquor, narcotics or habit forming drugs.
- 5(i) When a collision occurs upon a highway or any public area within the Town, the driver or other person in charge of a vehicle that is involved in the collision, shall report the collision in a manner as prescribed under the Act.
- 5(j) A person shall not drive or operate a vehicle upon a highway or any public area within the Town in a manner that constitutes danger or hazard to the operators or passengers of other vehicles being operated within the same area.
- 5(k)(1) A person shall not use or operate an all-terrain vehicle outside an approved area, as defined under the regulations.
- 5(k)(2) Subsection (1) does not apply to;
- (i) a peace officer while in pursuit of a person contravening a law of the province or of Canada; and
  - (ii) where there is a medical or public safety emergency that requires the operation of an all-terrain vehicle outside an approved area.

- 5(l) A person shall not operate a vehicle unless it is equipped with a noise muffler or other noise reducing equipment which shall be kept in good working condition and which shall prevent excessive or unusual noise, and a person shall not equip a vehicle 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.
- 5(m) A person other than the operator shall not ride on a vehicle unless the vehicle is designed and equipped by the manufacturer to carry more than one person; and the person other than the operator rides on a seat attached to the vehicle and designed to carry a passenger.
- 5(n)(1) A person shall not operate or ride as a passenger on a vehicle unless wearing a helmet that complies with the Licensing and Equipment Regulations, and that helmet is properly fastened.
- 5(n)(2) Where the vehicle is not equipped with a windshield that is of a height to afford adequate protection to the eyes, the operator shall wear a face shield, safety glasses or goggles.
- 5(n)(3) Subsections (1) and (2) do not apply to;
- (i) persons working in the forestry, mining, fishing, construction or agricultural industries where those vehicles are used for utility purposes;
  - (ii) persons required to wear protective head gear in accordance with the Occupational Health and Safety Act;
  - (iii) persons operating or riding in vehicles equipped with more than 4 wheels.
- 5(o) A person shall not drive, operate or otherwise move a vehicle between sunset and sunrise unless the vehicle is equipped with and there is in effective operation adequate head and tail lamps.
- 5(p) A person shall not drive, operate or otherwise move a vehicle unless the vehicle is equipped with an adequate and efficient operating braking system.
- 5(q) A person who fails to obey a signal or direction of a peace officer given for the purposes of the Act or these regulations is guilty of an offence.
- 5(r) A person shall not drive, cause, allow or permit to be driven a vehicle unless a valid policy of insurance is in effect for that vehicle, as required by the regulations.
- 5(s) A person shall not carry, transport or have in his or her possession a firearm while using or operating a vehicle for the purpose of retrieving Big Game, and transporting the animal from the place where it was killed.

- 6(a) No person shall drive or otherwise operate an all terrain vehicle, unless the vehicle is equipped with low pressure bearing tires.
- 6(b) No person shall drive or otherwise operated an all terrain vehicle that is equipped with tire chains.
7. A peace officer engaged in the execution of his/her lawful duty, or a person responding to a medical or public safety emergency, is exempt from the provisions of these Regulations.
8. Notwithstanding Regulation 3, the Council has designated areas within the Town where vehicles may be driven and these areas are more particularly marked and outlined in the diagram attached hereto and marked as Schedule "D", "A.T.V./Snowmobile Trail System" and this diagram forms part of these Regulations.
- 9(a) Where a vehicle is found to be operated in contravention of these Regulations, upon a highway or public place, within the Town, the Council or any person authorized for the purpose by the Council may impound, remove, and direct delivery of the vehicle to a place of storage, at the owner's risk and expense, to a place selected by the Council or person so authorized.
- 9(b) All costs incurred for removal and storage of a vehicle impounded under these Regulations shall be borne by the owner or the operator of the vehicle.
- 9(c) Where a vehicle is impounded under this Section, the vehicle shall be retained in the custody of the peace officer making the seizure, or shall be delivered by the peace officer into the custody of a person that the Council, or any person authorized for the purpose by the Council to be delivered, to a place of storage and shall remain there until the conclusion of the proceedings, including an appeal.
- 9(d) Prior to the return of the vehicle to its owner, the owner or operator shall incur the costs of its removal, and storage, as determined by the Council in addition to the minimum monetary penalty that may be imposed for a conviction listed with Schedule "A", of the offence charged, is paid in full.
- 9(e) Where such costs are not paid by the owner or operator, as identified in subsection (b) and (d), and after ninety (90) days of impoundment under subsection (a), a vehicle is declared abandoned and Council may dispose of the vehicle on Public Sale or Auction to satisfy such costs upon notice to the owner, including the costs, if any, of an incidental to the Public Sale or Auction;
- 9(f) Where the vehicle referred to in subsection (e) cannot be sold at the auction, it becomes the absolute property of the Council and the Council may dispose of it in any manner as the Council considers appropriate.

- 9(g) A sale under subsection (e) vests clear title to the purchase free from all encumbrances and any residual amounts received over and above the costs of its removal, storage and sale shall be paid over to the owner or to any person who satisfies the Council that he has a prior encumbrance.
- 9(h) Where a person is charged, and no convictions under that section result from the charge, the penalty paid to secure the release of a vehicle shall be reimbursed to the payer of the penalty and the vehicle shall be returned to the person from whom it was impounded without a cost for the impoundment;
- 9(i) Where a vehicle is impounded under subsection (a), a person other than a person charged with the offence, who claims that the vehicle was stolen from the owner or otherwise wrongfully taken out of his possession or out of the possession of a person entrusted by him with the care of it, may within thirty (30) days after the impoundment, and upon filing a report to the Police Force of jurisdiction, or upon demonstrating grounds of personal hardship, may apply to Council by an application as set forth in Schedule "B", for early release from impoundment.
- 9(j) Where the owner, or a person entrusted by him with the care of it, satisfies Council, in an application as set forth in Schedule "B", that a vehicle impounded under subsection (a), had been stolen, or upon demonstrating grounds of personal hardship, Council or its representative, may release the vehicle to the owner, or a person authorized by the owner to take possession of it, upon satisfying the following conditions set forth:
- (i) The vehicle is release to the owner, or a person authorized by the owner to take possession, upon production a valid drivers license, or other form of photo identification;
  - (ii) Where a vehicle is to be released to a person authorized by the owner to take possession of the vehicle, notice in writing and signed by the owner, authorizing that person to take possession of the vehicle on the owners behalf.
  - (iii) There exists a valid motor vehicle registration as required under the Act, or document establishing proof of ownership;
  - (iv) There exists proof of a valid policy of insurance, where required under the Act;
  - (v) And upon proof of payment of the costs of its removal and storage as determined by the Council;

10. Notwithstanding the Summary Proceedings Act, any person who violates any of the provisions of the Town of Grand Falls-Windsor Motorized Snow Vehicles and All Terrain Vehicles Regulations, shall be guilty of an offence and shall be liable on summary conviction to a fine or not more than the maximum and not less than the minimum amount as prescribed for the offence in Schedule "A" to these Regulations and appearing in that Schedule opposite the number or letter or both of the Regulations, subsection or paragraph.
11. SPECIAL USE PERMITS - Council may issue a permit for the use of an ATV or UTV on a highway within the Municipality, with which they have control, and subject to the following conditions:
- (i) The Individual/Organization must apply in writing to Council for an ATV/UTV Special Use Permit.
  - (ii) Only four wheeled off road vehicles commonly referred to as ATV's or UTV's are permitted.
  - (iii) The ATV/UTV can only be used in a Parade sanctioned by Council.
  - (iv) All conditions of the permit must be met.
  - (v) Council retains the right to refuse or revoke any Special Use Permits applied for, or issued.



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Michael Pinsent  
Town Manager/Clerk

Approved by Council at Meeting #447  
On June 16, 2015.

**SCHEDULE "A"****Schedule of Fines**

<u>Regulation</u>		<u>Amount of Fine</u>		
		<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>Subseq.</u>
3	Operate on Highway or public area	\$100	\$150	\$225
4(1)(b)	Allow Person under 13 to Operate Motorized Snow Vehicle	\$100	\$150	\$225
4(2)(a)	Operate ATV under 16	\$100	\$150	\$225
4(2)(b)	Allow Person under 16 to Operate ATV	\$100	\$150	\$225
5(a)	Drive or Permit Operation of Unregistered Vehicle	\$100	\$150	\$225
5(b)	Operate Vehicle without Plates attached	\$100	\$150	\$225
5(c)	Fail to Transfer Ownership	\$100	\$150	\$225
5(d)	Use Plate Other than Issued	\$100	\$150	\$225
5(e)(1)	Operate Vehicle on Highway without Driver License	\$100	\$150	\$225
5(e)(2)	Operate Vehicle on Highway under 19 Without Insurance	\$100	\$150	\$225
5(f)	Fail to Yield Right of Way to Motor Vehicles on Highway	\$100	\$150	\$225
5(g)	Operate Vehicle without Being Properly Accompanied	\$100	\$150	\$225
5(h)(1)	Operate Vehicle without Due Care and Attention	\$100	\$150	\$225
5(h)(2)	Operate Vehicle without Reasonable Consideration	\$100	\$150	\$225
5(h)(3)	Operate Vehicle While Under Influence	\$100	\$150	\$225
5(i)	Fail to Report Accident	\$100	\$150	\$225
5(j)	Operate vehicle in Dangerous or Hazardous Manner	\$100	\$150	\$225
5(k)(1)	Operate Outside Approved Area	\$200	\$300	\$500
5(l)	Operate vehicle without muffler	\$100	\$150	\$225
5(m)	Operator Permitting Passenger	\$100	\$150	\$225
5(n)(1)	Operate or Ride vehicle without a Helmet	\$100	\$150	\$225
5(n)(2)	Operate vehicle without shield, glasses, or goggles	\$100	\$150	\$225
5(o)	Operate vehicle without Adequate Lamps	\$100	\$150	\$225
5(p)	Inadequate Braking system on vehicle	\$100	\$150	\$225
5(q)	Fail to Obey Direction of Peace Officer	\$100	\$150	\$225
5(r)	No Insurance on vehicle	\$250	\$350	\$500
5(s)	Carry Firearm on ATV while retrieving Big Game	\$100	\$150	\$225
6(a)	Operate ATV without low pressure tires	\$100	\$150	\$225
6(b)	Operate ATV equipped with chains	\$100	\$150	\$225



**SCHEDULE "B"**

**Vehicle Impoundment – Early Release Request Form**

DATE:  MEO File Number:

NAME:

ADDRESS:

PHONE:  CELL:

D.L. NUMBER

VEHICLE DESCRIPTION:

YEAR:   
 MODEL:   
 LIC #:

MAKE:   
 VIN:   
 COLOR:

Applicants relationship to alleged offender?

- 1) Are you the person who committed the alleged offence?
- 2) Is this application being made on behalf of the alleged offender?
- 3) Are you the registered owner of the impounded vehicle?
- 4) Were you present at the time the alleged offence was committed?
- 5) Did the alleged offence occur without your knowledge and/or consent?
- 6) If stolen, has a complete report been filed with the R.C.M.P.
- 7) Will the continued impoundment cause hardship to someone other than the offender?
- 8) Is the impounded vehicle owned by a company?
- 9) Is the impounded vehicle a rental?
- 10) Does any other third party hold an interest with the impounded vehicle (ie/ lien)?

YES	NO

**NOTE:** An application cannot be made by, or on behalf of an alleged offender



**Section C - PRESENT AT TIME OF OFFENCE**

If you answered yes to question 4) please provide additional information as to why you were present at the time of the alleged offence and measures taken, if any, to attempt to prevent the alleged offence.

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**Section D - ADDITIONAL INFORMATION**

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**CONSIDERATIONS OF COUNCIL –**

- 1) Public safety if the vehicle is released early
- 2) The seriousness of the alleged offence
- 3) History of alleged offending
- 4) Likelihood that the impounded vehicle will be used in the commission of further offences
- 5) Grounds for hardship
- 6) Employment of loss of income
- 7) Business circumstances (ie/ essential part of a business required for income, etc...)
- 8) Nature of impact on any other persons
- 9) Any other consideration deemed relevant by Council

NOTE: If you are not the registered owner of the impounded vehicle, and early release is granted, you will require written authority for the registered owner in order to collect the vehicle from impound on their behalf

**APPLICANTS SIGNATURE:**

**DATE:**

**SCHEDULE "C"**

**ATV / UTV Special Use Application/Permit**

**EVENT DATE:**  **MEO File Number:**

**OPERATOR NAME:**

**ADDRESS:**

**PHONE:**  **CELL:**

**D.L. NUMBER**

**VEHICLE DESCRIPTION:**

**YEAR:**

**MAKE:**

**MODEL:**

**VIN:**

**LIC #:**

**COLOR:**

**INSURANCE POLICY #:**

**INSURANCE COMPANY:**

**REASON FOR REQUEST**

When applying the applicant must clearly describe the nature of the event, duration, and route travelled, along with any additional information that may be related to the event.

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**CONDITIONS OF PERMIT**

1. A valid copy of insurance must be supplied with this application.
2. The operator must be 19 years of age or older, and provide a copy of a valid Drivers License with this application.
3. The ATV / UTV must be Registered.
4. The ATV / UTV can only be used on the Parade Route designated by Council.
5. The operator or passenger of the ATV / UTV must wear a helmet and protective glasses.
6. The ATV / UTV must comply with all equipment Regulations as prescribed under the Town of Grand Falls-Windsor ATV Regulations.
7. No person other than the operator shall ride on an ATV unless the vehicle is designed and equipped by the manufacturer to carry more than one person.
8. The ATV / UTV cannot be driven to the Parade Site.
9. The ATV / UTV cannot be driven from the Parade Site.
10. The operator of the ATV / UTV must produce a valid Drivers License, Registration, and proof of Insurance, upon request.
11. The operator must produce upon request, the permit to operate the ATV / UTV in the parade.
12. Any violations of the Town of Grand Falls-Windsor ATV Regulations, or of this permit, shall render the permit null and void.
13. The operator of the ATV / UTV must not be under the influence of alcohol, prescription or non-prescription drugs, or any other intoxicant, at the time of operation.

**APPLICANTS SIGNATURE:**

**DATE:**

APPLICATION APPROVED: \_\_\_\_\_

APPLICATION REJECTED: \_\_\_\_\_

**REASON FOR REJECTION or SPECIAL CONDITIONS APPLIED TO PERMIT:**

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REVIEWED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**Schedule "D",**  
**"A.T.V./Snowmobile Trail System"**