

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Gander under the provisions of Section 247 of the **Municipalities Act**, 1990, as amended and Section 11 of the Motorized Snow Vehicles and All-Terrain Vehicles Act, 1973, as amended.

Amended and adopted by the Town Council of the Town of Gander on the 17th day of February, 1993.

MAYOR

TOWN CLERK

MOTORIZED SNOW AND ALL-TERRAIN VEHICLE REGULATIONS

1. These regulations may be cited as the Town of Gander Motorized Snow and All-Terrain Vehicle Regulations.
2. In these regulations unless the context otherwise requires:
 - a. “Council” means the Town Council of the Town of Gander;
 - b. “Highway” means the entire width between the boundary lines of a highway, road, alley, square, place, bridge, culvert, viaduct, street, avenue, thoroughfare, right-of-way, parkway, driveway, 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 motor 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 a municipality;
 - c. “Motor Vehicle” means a vehicle required to be licenced for the highway as per the Highway Traffic Act;
 - d. “Town” means the Town of gander as defined in paragraph 2 of the order-in-council dated the 24th day of September, 1957, A.D. and continued as a Town under the said Act;
 - e. “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 of low pressure tire powered vehicles 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.

3.
 - a. No person shall drive, operate or otherwise move a vehicle upon a highway except in accordance with the provisions of these regulations.
 - b. No person shall drive or operate a vehicle within the residential/commercial area of the Town of Gander.
 - c. Subject to subsection (b) a person may operate a vehicle on a designated trail as per schedule 1 to this by-law and may take the most direct route to and from the trail providing all conditions of these regulations are met.
4. No person shall drive, operate or otherwise move a vehicle at any time between sunset and sunrise unless the vehicle is equipped with and there is, in effective operation, adequate head and tail lamps.
5.
 - a. A person shall not drive, cause, allow or permit to be driven a vehicle unless that vehicle is registered according to this section , and insurance requirements, as required by this Act and the regulations, are complied with.
 - b. A person shall not drive a vehicle unless there is affixed to and clearly exposed on either side of that vehicle in a conspicuous position at or toward the front of the vehicle the numbered plates or decals.
 - c. This section does not apply to a vehicle owned by a person who does not live in the province if the vehicle:
 - i. Is registered in another jurisdiction and has attached to it valid number plates of decals issued by the proper authority in that jurisdiction; and
 - ii. Is not kept in the province for more than 30 consecutive days.
6. Where the ownership of a vehicle, which is registered under section 5, 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.

7.
 - a. When a vehicle is being driven, the driver shall keep the set of numbered plates or decals on it free of mud, dust and other obstructing material, and the driver shall ensure that the view of the plates or decals shall not be obscured or obstructed by part of the vehicle or equipment or attachment on the vehicle or by the load carried on the vehicle.
 - b. A person shall not
 - i. Deface, mutilate or alter a number plate or decal issued under this regulation;
 - ii. Use or permit the use of a defaced, mutilated or altered number plate or decal on a vehicle; or
 - iii. Knowingly use or permit the use of a number plate or decal upon a vehicle except as issued for the vehicle.

8.
 - a. Except as permitted by this regulation a person shall not drive a vehicle upon a highway unless
 - i. That person is the holder of a class of driver's licence issued under the Highway Traffic Act; and
 - ii. In the case of a person under 19 years of age, that person or the vehicle being drive is insured in the manner provided in the regulations.
 - b. 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.
 - c. It shall be the duty of an owner of a vehicle, who
 - i. Drives a vehicle on a highway when under the age of 19; or
 - ii. Knowingly permits a person under the age of 19 to drive a vehicle on a highway.

to acquire the insurance referred to in subsection (1), and upon the request of a constable to produce true and proper evidence that the driver of the vehicle is insured in the manner provided in the regulations.

9. No person shall drive, operate or otherwise move a vehicle unless such a vehicle is equipped with:
 - a. An amber reflector affixed to the front of the vehicle, or with one amber reflector affixed to each side of the vehicle, at or towards the front thereof;
 - b. At least one red reflector at the rear of the vehicle, either separate from or incorporated within the tail lamp under regulation #5.
 - c. An adequate and efficient operating braking system.
10. When a sign which has the word "STOP" inscribed thereon is erect at or near the intersection of a highway and the designated trail, the driver of the vehicle on the designated trail shall stop his vehicle before crossing the highway and shall then proceed with special care and give away to traffic on the highway.
11. 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) yards visibility in both directions along the highway.
12.
 - a.
 - i. No person under the age of 16 years shall operate an All-Terrain vehicle.
 - ii. No one shall cause or permit a person under the age of 16 years to operate a vehicle unless such a person is accompanied and supervised by another person who is 19 years of age or older.
 - b.
 - i. No person under the age of thirteen (13) years shall drive a motorized snow vehicle and
 - ii. No one shall cause or permit a person under the age of thirteen (13) years to drive a vehicle, unless such a person is accompanied by another person who is nineteen (19) years of age or older.
 - c. For the purpose of subsection (a) and (b) an operator is accompanied and supervised when the older person is riding on the same vehicle or has visual and voice communication with the operator.
13. The owner of a vehicle who:
 - a. drives or operates a vehicle on a highway when under the age of nineteen (19) years;

- b. knowingly permits a person under the age of nineteen (19) years to drive or operate a vehicle on a highway

shall insure the vehicle with an insurance company licensed to do business in Newfoundland against liability and property damage to a minimum amount of Seventy-Five Thousand (\$75,000.00) Dollars.

- 14. A person shall not operate or ride as a passenger on an ATV unless wearing a helmet that complies with the Highway Traffic (licensing and equipment) regulations, 1986 and that it is properly fastened.
- 15. No person shall drive any motor vehicle at a speed in excess of 40 km per hour on the designated trail within the limits of the Town, unless otherwise posted.
- 16. Notwithstanding any other provision of these regulations a person shall not drive a vehicle on the designated trail or in any other place within the limits of the Town:
 - a. At a speed which is greater than is reasonable and prudent under the conditions having regard to actual and potential hazard existing on the highway of other place;
 - b. Without due care and attention;
 - c. Without reasonable consideration for others persons;
 - d. In a manner that is dangerous to the public;
 - e. If he suffers from a disease of mental disability which might cause his driving of a vehicle to be a source of danger to other persons.
- 17. If a driver refuses to give his name and address or gives a false name or address to any person having reasonable grounds for requiring the same or if any other driver refuses to give his name of address to a traffic officer or a peace officer who asks for his name or address is guilty of an offence against these regulations.
- 18. Subject to these regulations, a person shall not operate a vehicle on the designated trail or any other place within the town limits unless the vehicle is registered.
- 19. Every vehicle shall be equipped with a noise muffler or other noise-reducing equipment which shall be in good working condition and which shall prevent excessive or unusual noise, and no person shall equip a vehicle with a muffler cut-off, straight exhaust, gutter muffler, hollywood muffler, by-pass or other device which has the effect of by-passing or reducing the efficiency of such noise-reducing equipment.

20. No person shall drive or operate a vehicle:
 - a. In such manner as to constitute a danger or hazard to the operators or passengers of other vehicles being operated within the same area; or
 - b. Where persons are engaged in any outdoor recreational activity, so as to create a hazard to or endanger these persons or their property.
21. The 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.
22. A Municipal Enforcement 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.
23. Any vehicle used in contravention of these regulations within the municipality may be seized and impounded.
24. No person other than the operator shall ride on a vehicle unless:
 - a.
 - i. The vehicle is designed and equipped by the manufacturer to carry more than one person; and
 - ii. The person other than the operator rides on a seat attached to the vehicle and designed to carry a passenger.
 - b. A person who operates a vehicle shall not permit another person to ride on it in violation of subsection (a).
25. A person shall not operate or ride as a passenger on a vehicle 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.
26.
 - a. When requested to do so by a Municipal Enforcement Officer the owner or operator of a vehicle shall produce proof that a policy of insurance is in force with respect to the vehicle.

- b. For the purpose of subsection (a), the production of a policy at the Municipal Enforcement Office within forty-eight (48) hours after a request is made is deemed to be sufficient production of proof of a policy.
- 27. Any person who fails to obey a signal or direction of a constable given for the purpose of these regulations is guilty of an offence.
- 28. Council may issue a permit for the use of an ATV on a highway within the Municipality, with which they have control.
- 29.
 - a. Subjects to section 21, the following must apply.
 - i. The Individual/Organization must apply in writing to Council for a permit.
 - ii. The ATV can only be used in a Parade sanctioned by Council.
 - iii. All conditions of the permit must be met.
- 30. Every person who fails to comply with or otherwise contravenes any of these regulations, is guilty of an offence and is liable on summary conviction:
 - a. Where the offence is a first offence, to a fine not exceeding \$200.00 but not less than \$50.00, and if default of payment of fine, to imprisonment for a period not exceeding three months; and
 - b. Where the offence is a second or subsequent offence, to a fine not exceeding \$500.00, but not less than \$200.00 and in default of payment of fine to imprisonment not exceeding six months.
- 31. These regulations shall come into effect on the 21st day of March, A.D., 1988.

CONDITIONS OF PERMIT

1. The ATV must be Insured.
2. The ATV must be Registered.
3. The operator must be 19 years of age or older and have a valid Drivers Licence.
4. The ATV can only be used on the Parade Route designated by Council.
5. The operator of the ATV must wear a helmet and protective glasses.
6. The ATV must comply with all equipment Regulations as prescribed under the Town of Gander 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 cannot be driven to the Parade Site.
9. The ATV cannot be driven from the Parade Site.
10. The operator of the ATV must produce a valid Drivers Licence, Registration and Insurance.
11. The operator must produce upon request, the permit to operate the ATV in the parade.
12. Any violations of this permit shall render the permit null and void.