

**BY-LAW GOVERNING THE USE OF ATV's
INSIDE THE BOUNDARY
OF
THE TOWN OF HERMITAGE-SANDYVILLE, NL**

Pursuant to powers conferred by Section 414(2)(s) of the Municipalities Act 1999, The Town of Hermitage-Sandyville has made the following regulations.

1. These regulations may be cited as the Town of Hermitage-Sandyville All-Terrain Vehicles Regulations, 2017. These regulations will give owners/operators of All Terrain Vehicles, the privilege to travel on roads inside the town's boundary.
2. In these regulations:
 - a. "all –terrain vehicle means a wheeled or tracked motorized vehicle designed or adapted for off road use;
 - b. "council" means the council governing the Town of Hermitage-Sandyville, NL.
 - c. "highway" means a highway as defined by the *Highway Traffic Act*; and includes a way that has been considered a highway under section 2015 of that Act;
 - d. "motor vehicle" means a motor vehicle registered under the *Highway Traffic Act*;
 - e. "owner" means
 - (i) The person who holds the legal title to a vehicle or all-terrain vehicle but, in the case of a vehicle which is subject of a mortgage, the mortgager if the mortgagor is entitled to possession of the vehicle,

(ii) In the case of a vehicle or an all-terrain which is registered under this Act, the person in whose name it is registered,

- h. “peace officer” means a peace officer as defined by the *Highway Traffic Act* and includes person or class of persons designated in the regulations as a peace officer for the purposes of these regulations;
- j. “vehicle” means a device in, upon or by which a person or thing may be transported or drawn upon a highway

Prohibition on driving unregistered vehicles

- 3. (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) The registrar may, upon payment of the fee prescribed by the minister, register a vehicle by issuing a numbered permit describing the vehicle, together with a numbered plate or, and the registrar shall keep the name of the owner, his or her address, permit number and plate in a suitable file or index and that file or index shall indicate each registration which has been suspended or cancelled.
- (c) A person shall not drive a vehicle unless there is affixed to and clearly exposed on the vehicle the numbered plate issued under subsection 3(b)

Number plates to be kept clean

- 4. When a vehicle is being driven, the driver shall keep the numbered plate on it free of mud, dust and other obstructing material, and the driver shall ensure that the view of the plate shall not be obscured or obstructed by a part of the vehicle or equipment or attachment on the vehicle or by the load carried on the vehicle.

Driving on a road

- (a) The driver of an all-terrain vehicle shall at all times yield the right of way to drivers of all classes of motor vehicles on a highway.
- (b) It shall be the duty of an owner of an all-terrain vehicle, who
- (i) drives an all –terrain vehicle on a highway when under the age of 19; or
 - (ii) knowingly permits a person under the age of 19 to drive an all-terrain vehicle on a highway, to acquire the insurance referred to in subsection (1), and upon the request of a Peace Officer to produce true and proper evidence that the driver or all –terrain vehicle is insured in the manner provided in the regulations.
- (c) No person will operate an All Terrain Vehicle within the town:
- (i) without due care and attention;
 - (ii) without reasonable consideration for other persons or property
 - (iii) while under the influence of intoxicating liquor, narcotics or habit forming drugs;
 - (iv) which has defective headlights, or headlights which are not in operation after sundown;
 - (v) at a speed greater than the posted speed limits;
 - (vi) in such a manner as to constitute a danger or hazard to the operators or passengers of other vehicles being operated within the same area;
 - (vii) where persons are engaged in any outdoor recreational activity, so as to create a hazard to or endanger these persons or property;
 - (viii) without wearing a helmet and having it properly fastened;

- (ix) without having the ATV insured with an insurance company licensed to do business in Newfoundland and Labrador;
 - (x) without operating the ATV on the right side of the road;
 - (xi) with having brake lights and tail lights that are in operation
- (d) All all-terrain vehicles operating inside the town boundary 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. No person shall equip an all terrain 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.
- (e) While driving ATV's on the road inside the boundary of the town the operator must obey all the rules of the highway act governing the use of other motor vehicles on the roads of this province as well as the provincial All Terrain Vehicle safety regulations.

Enforcement

5. Where a peace officer has reasonable and probable grounds to believe that any all-terrain vehicle has been used in contravention of these regulations, he may fine the operator of the ATV, he may even seize and detain the ATV.

Adoption

6. These regulation were adopted and passed by Council on the tenth day of April , 2017.

Mayor – Stephen Crewe

Town Clerk/Manager – Josephine Rideout Simms