

## **SNOW VEHICLE REGULATIONS**

## **PUBLISHED BY AUTHORITY**

Under and by virtue of the powers conferred by subsection 414 (2) (s) of the *Municipalities Act*, the Town Council of the Town of Happy Valley-Goose Bay has been pleased to make the following Regulations.

**Dated** at the Town of Happy Valley-Goose Bay, in the Province of Newfoundland and Labrador, this 28<sup>th</sup> day of October 2003.

### **Mayor**

#### 1. **Short Title**

These regulations may be cited as the Snow Vehicle Regulations of the Town of Happy Valley-Goose Bay.

#### 2. **Definitions**

In these regulations:

- (a) **“Act”** means the *Municipalities Act, 1999*, SN 1999, C. M-24 (as amended);
- (b) **“Council”** means the Town Council of the Town of Happy Valley-Goose Bay constituted under the provisions of the Act;
- (c) **“Town”** means the Town of Happy Valley-Goose Bay as defined by Order-in-Council dated the 15<sup>th</sup> day of March A.D. 1955 or any amendments thereto made or continued under the *Act*;
- (d) **“Highway”** shall include any way under the control of the Town of Happy Valley-Goose Bay to which the public has access, and bridges over which a highway passes, and also include every place under the control of the Town of Happy Valley-Goose Bay to which the public has access as a parking place for motor vehicles;
- (e) **“Snow Vehicle”** means any vehicle which is driven by a track and skis and is made for off road use;
- (f) **“Muffler”** means noise reducing equipment which shall be kept in good working condition and which shall prevent excessive or unusual noise and shall not be modified 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;
- (g) **“Municipality”** has the same meaning as Town; and
- (h) **“Officer”** means any person appointed by Council to police these regulations.

#### 3. **Equipment**

All snow vehicles must be registered and insured in accordance with the *Motorized Snow Vehicles and All Terrain Vehicles Act* and the Motorized Snow Vehicle and All Terrain Vehicle Regulations and be equipped with the following:

- (a) A proper muffler designed by the manufacturer for use on such vehicle; and
  - (i) A person shall not alter or modify an approved snow vehicle muffler in any manner that results in an increased noise level when the vehicle is in operation;
  - (ii) Any cost incurred to obtain a professional opinion on whether a muffler has been altered or modified in contravention of Section 3 a(i) shall be borne by the operator of the snow vehicle when the muffler is found to be altered or modified; and

(iii) Notwithstanding subsection 3 (a), an operator may replace a defective muffler with a substitute provided the substitute meets the specifications and design criteria of the manufacturer of the original muffler.

- (b) a head lamp;
- (c) a tail lamp; and
- (d) an adequate and efficient braking system maintained in a good working order.

#### 4. **Prohibited Operations**

- (a) A person shall not operate a snow vehicle without due care and attention or without reasonable consideration for other persons or property.
- (b) A person shall not operate a snow vehicle within the Municipality:
  - (i) in any area designated as a park or playground;
  - (ii) on any sidewalk or designated ski path;
  - (iii) on private property without the express permission of the owner or occupant of that property;
  - (iv) on the property of any hospital, health centre or senior citizen's home;
  - (v) within fifteen (15) metres of the airport terminal buildings or the ends and sides of airport runways or ramps; and
  - (vi) on any other area where signs prohibit the use and operation of a snow vehicle.
- (c) A person shall not operate a snow vehicle in such a manner as to:
  - (i) constitute a nuisance or create annoyance to residents or other persons;
  - (ii) be hazardous to himself/herself or to other persons or property; and
  - (iii) drive, harass, chase, run over, injure or kill any wildlife or domestic animal(s);
- (d) A person shall not use a snow vehicle to carry more persons at one time than the number for which it is designed and equipped;
- (e) A person shall not operate a snow vehicle after sunset or at anytime when fog or other atmospheric conditions reduce visibility, unless the Vehicle is equipped as follows:
  - (i) with a headlight at the front that projects a white light for a distance of at least sixty (60) metres; and
  - (ii) with a tail light at the rear that shows a red light visible at a distance of at least sixty (60) metres behind the vehicle; and
- (f) A person shall not tow any sleigh, trailer or other object whatsoever behind a snow vehicle on any highway within the Municipality in such a manner as to be hazardous to himself/herself or other persons or property.

#### 5. **Operation on Highway**

- (a) A person shall not drive, operate or otherwise move a snow vehicle upon a highway except in accordance with this section;

- (b) A person may drive on a road shoulder when no other trail or means of movement is possible at a speed not to exceed 15 km per hour for the purpose of accessing the nearest possible trail provided that the person is the holder of a valid Class 5 driver's license issued under the *Highway Traffic Act* and provided the snow vehicle is insured and registered in compliance with the *Motorized Snow Vehicles and All Terrain Vehicles Act* and Regulations;
- (c) A person may drive, operate or otherwise move a snow vehicle across a highway only at those points where the operator has not less than 100 metres visibility in both directions along the highway provided that the person is the holder of a valid Class 5 driver's license under the *Highway Traffic Act* and provided the snow vehicle is insured in compliance with the *Motorized Snow Vehicles and All Terrain Vehicles Act* and Regulations;
- (d) Section 21 of the *Automobile Insurance Act* shall apply whenever a policy of insurance is required by these regulations.

#### 6. **Age of Operators**

- (a) The age limit for the operation of a snow vehicle is as follows:
  - (i) **under the age of 13** the operator must be supervised by a person who is at least 19 years of age or older. Supervised means having visual and voice communication with the operator.
  - (ii) for operators 19 years of age or older insurance is not required except as required under Section 5.
  - (iii) for operators under 19 years of age insurance must be obtained in compliance with the *Motorized Snow Vehicles and All Terrain Vehicles Act* and Regulations.

#### 7. **Enforcement**

- (a) Any person may be appointed by the Town as an officer for the purposes of enforcing these regulations;
- (b) An officer so appointed, and any peace officer appointed under the *Highway Traffic Act*, shall have all the powers in relation to the enforcement of these regulations that an officer has in respect of vehicles under the *Highway Traffic Act*;
- (c) A person shall not obstruct, molest or interfere with an officer in the performance of his/her duties with respect to the enforcement of these regulations;
- (d) An officer may, at any time, stop and inspect any snow vehicle operating within the Municipality to ascertain whether the driver of such vehicle or the vehicle operation complies with the provisions of these regulations; and

#### 8 **Impoundment**

- (a) An officer may, in the lawful exercise of his/her duties, impound a snow vehicle used in the commission of an offence contrary to these regulations;
- (b) Subject to this section, all costs incurred for removal and storage of a snow vehicle impounded shall be borne by the owner or the operator of the snow vehicle;

- (c) Where a snow vehicle is impounded under this Section the snow vehicle shall not be released until all removal and storage costs plus any penalty that may be imposed for a conviction under Section 9 (d) of the offence charged is paid in full;
- (d) Where a conviction under Section 9 (d) is not found, the penalty paid to secure the release of a snow vehicle shall be reimbursed to the payer of the penalty and the snow vehicle shall be redelivered to the person from whom it was impounded without a cost for the impoundment;
- (e) Where a snow vehicle is impounded under subsection (a) a person other than a person convicted of the offence who claims that the snow vehicle was stolen may, within 30 days after the impoundment, apply by written notice to a Provincial Court judge for an order under subsection (i);
- (f) The Provincial Court judge to whom an application is made under subsection (f) shall fix a day not less than 10 days after the date of filing of the application for the hearing of it;
- (g) The applicant shall serve a notice of the application and of the hearing upon the council at least 5 days before the day fixed for the hearing;
- (h) Where, upon the hearing of an application, it is made to appear to the satisfaction of a Provincial Court judge that the impounded snow vehicle was stolen from the applicant, the applicant is entitled to an order that the snow vehicle be redelivered to the applicant;
- (i) Section 14 of the Small Claims Act with respect to an appeal to the Trial Division shall, with the necessary changes, apply to an order made under subsection (i);
- (j) After 6 months of impoundment under subsection (a), a snow vehicle is declared abandoned and shall be disposed of by either public tender or public auction, either of which is advertised in at least two editions of the major newspaper serving the Town; and
- (k) No claim or action lies against an officer, a peace officer, or the Town under this section.

9 **Penalties**

- (a) A person who contravenes or fails to comply with these regulations is upon summary conviction guilty of an offence and is liable:
  - (i) for a first offence to a fine of not less than **\$500.00** or, in default of payment, to either imprisonment or community service for a term of not more than 30 days; and
  - (ii) for a subsequent offence a fine of not less than **\$1,000.00**, or in default of payment to either imprisonment or community service for a term of not more than 60 days;
- (b) The Town may act in accordance with section 420 of the *Municipalities Act, 1999*, in the recovery of fines under this section.
- (c) The owner of a snow vehicle shall incur all penalties imposed for contravention of these regulations, unless the vehicle was, at the time of the offence, taken without the owner's knowledge or expressed consent;
- (d) The operator of a snow vehicle within the Municipality, without the knowledge or expressed consent of the owner, shall incur all penalties imposed for any contravention of these regulations;

(e) The penalty for an offence under these regulations where the offender is under 13 years of age shall be assessed against the parent or guardian of that offender;

10. These regulations replace the regulations under the Motorized Snow Vehicles and All Terrain Vehicles Act.

These regulations come into force on the 28<sup>th</sup> day of October 2003.