



PURPOSE:

To authorize the Enforcement Unit to seize all-terrain vehicles under the Provincial Motorized Snow Vehicle and All-Terrain Vehicle Act and Regulations.

AUTHORITY:

- *Motorized Snow Vehicles and All-Terrain Vehicles Act*
- Sections, 5(1) and 19 of the Motorized Snow Vehicles and All-Terrain Vehicles Regulations made under the *Motorized Snow Vehicle and All-Terrain Vehicles Act*.

PROCEDURE:

Section 5 (1) of the Motorized Snow Vehicles and All-Terrain Vehicles Regulations (Regulations) states “a person shall not use or operate an all-terrain vehicle outside an approved area.” An approved area is defined in section 2 (c) of the Regulations.

Section 19 of the Regulations gives a peace officer authority to seize an all-terrain vehicle operated outside of an approved area. Section 2 (f) of the Regulations include municipal enforcement officers in the definition of peace officer with respect to enforcing Section 5 (1) of the Regulations.

This policy shall apply to an all-terrain vehicle as defined in section 2 (a) of the Motorized Snow Vehicles and All-Terrain Vehicles Act (Act). An all-terrain vehicle means a wheeled or tracked motorized vehicle, excluding a 2 wheeled vehicle, designed or adapted for off-road use.

The Town’s Municipal Enforcement Officers are authorized to seize all-terrain vehicles as provided for in Section 19 of the Regulations. In carrying out this duty, Municipal Enforcement Officers shall use discretion in relation to the seizure of an all-terrain vehicle so not to create a confrontation or hazardous situation for the operator, Municipal Enforcement Officer or the public.

When possible, the Conception Bay South Enforcement Unit will coordinate efforts and liaise with the Royal Newfoundland Constabulary (RNC) on enforcement action related to all-terrain vehicle usage in the Town. The Enforcement Unit shall notify the RNC of any suspected criminal activity.



Town of Conception Bay South Policy Manual

Title: Seizure of All-Terrain Vehicles
Policy Number: 057

Resolution Number: 11-299
Date Approved: July 12, 2011

Offences under the Act and Regulations will be documented by the Enforcement Unit. All evidence and information will be provided to the RNC so that a summary offence ticket can be issued. The Enforcement Unit will be available to give evidence in Court.

All-terrain vehicles seized by the Enforcement Unit will be towed to a secure storage facility by a professional towing company. The firm contracted by the Town to tow and store seized all-terrain vehicles will be responsible for any damages resulting from towing the all-terrain vehicle from the site of seizure to the secure facility or its storage at the secure facility.

All costs associated with towing and storing the seized vehicle will be the responsibility of the vehicle owner. The owner must provide the towing company proof of ownership and pay all costs before the all-terrain vehicle is released.

An all-terrain vehicle shall not be released until the matter has been settled by the Court.

REVISION HISTORY:

Revision:	Resolution #:	Change Made:	Date: