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**RECREATIONAL VEHICLE BY-LAW
PUBLISHED BY AUTHORITY**

Pursuant to the authority conferred by the Towns and Local Service Districts Act, Chapter T-6.2, Section 8(1)(h) and pursuant to the provision of section 15 of the Off-Road Vehicles Act, SNL 2021, the Town of Conception Bay South has made the following By-law.

**DARRIN BENT
MAYOR**

TITLE

- 1) This By-law may be cited as the Town of Conception Bay South Recreational Vehicle By-law.

DEFINITIONS

- 2) In this By-law:
 - a) "all-terrain vehicle" means a side by side and any other off-road vehicle that has:
 - (i) either 3 or more wheels or has tracks,
 - (ii) a seat designed to be straddled by the operator of the off-road vehicle, and
 - (iii) handlebars for steering the off-road vehicle;
 - b) "Council" means Town of Conception Bay South Council;
 - c) "Designated Route" means any highway or managed trail approved by Council for all-terrain vehicle use and set out in Schedule A;
 - d) "Enforcement Manager" means the manager of Enforcement;
 - e) "Enforcement Officer" means a By-law enforcement officer as defined by the Towns and Local Service Districts Act, c T-6.2, or a peace officer as defined by the Highway Traffic Act, RSNL 1990 Chapter H-3 and the Off-Road Vehicles Act, SNL 2021;
 - f) "Highway" means any public highways, streets, roads or roadways, public pathways, assumed and maintained under the ownership and jurisdiction of the

Town of Conception Bay South;

- g) "Highway Traffic Act" means the Newfoundland and Labrador Highway Traffic Act RSNL 1990 Chapter H-3 as amended;
- h) "Managed trail" means an off-road vehicle trail constructed, maintained or operated by a managed trail operator.
- i) "Managed trail operator" means an organization approved by the Minister under subsection 36 (1) of the Off-Roads Vehicle Act, SNL 2021, to construct, maintain or operate a managed trail";
- j) "Motorized snow vehicle" means a tracked vehicle, commonly known as a snowmobile, where the driver sits astride a seat and which is designed for operation over snow covered land and ice;
- k) "Off Road Vehicle" means a wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain including
 - (i) a motorized snow vehicle,
 - (ii) an all-terrain vehicles,
 - (iii) a mini-bike, dirt-bike and trail-bike,
 - (iv) a miniature vehicle such as a dune or sport buggy,
 - (v) an off road maintenance machine, and
 - (vi) an amphibious vehicle,
- l) "Off-Road Vehicles Act" means the Newfoundland and Labrador Off-Road Vehicles Act, SNL 2021;
- m) "Public pathway" means any pathway or trail assumed under the ownership of the Town of Conception Bay South or maintained under the jurisdiction of the Town of Conception Bay South.
- n) "Side by Side" means an off-road vehicle, other than a dune buggy, that is designed by the manufacturer to have:
 - (i) side by side seating for the operator and at least one passenger,
 - (ii) a steering wheel, and
 - (iii) either 4 or more wheels or have tracks;
- o) "Town" means Town of Conception Bay South;

DESIGNATED ROUTES

- 3) All-terrain vehicles, as defined by this By-law, are permitted to be used on any highway or managed trail set out in Schedule A provided that they are operated in the manner as set forth in this By-law.
- 4) Operation on provincial roadways within the Town's municipal boundaries shall be in the manner described by Section 14 of the Off-Road Vehicles Act and only to access the designated routes or managed trails as set forth in Schedule A.

PROHIBITED ROUTES

- 5) Except as set out in Schedule A, no person shall use or permit to be used, an all-terrain vehicle on a highway or managed trail within the Town.
- 6) A person shall not operate an all-terrain vehicle, off-road vehicle or other recreational vehicle on a sidewalk or other designated walking and/or bicycling path.

SPECIAL EVENTS

- 7) For a special event to be held within the Town, Council may grant permission to allow all-terrain vehicles to operate on all or specific highways temporarily to support the event. All other prescriptions of this By-law shall apply.

SNOWMOBILES

- 8) No person shall use or permit to be used a motorized snow vehicle on any highway within the Town.

RULES OF OPERATION

- 9) No person shall operate an all-terrain vehicle upon a Town highway unless:
 - a) that person travels upon the designated route as outlined in Section 3 of this By-law;
 - b) the vehicle and its driver operate in accordance to the Off-Road Vehicles Act in that the all-terrain vehicle is to be operated on the shoulder of the highway and yields to motor vehicle traffic and pedestrians and persons riding bicycles on a highway;
 - c) An all-terrain vehicle may operate on the highway in the same direction, staying to the right, as traffic using the same side of the highway if:
 - (i) There is no shoulder;
 - (ii) The shoulder is obstructed;
 - (iii) They are preparing to make a left turn across the highway;

- (iv) The shoulder is not wide enough to be driven with all tires completely off the highway
- d) that person is at least 16 years of age and the holder of a class of driver's license issued under the Highway Traffic Act for the all-terrain vehicle they are operating;
 - e) that person or the vehicle being driven carries a policy of insurance that shall cover public liability and property damage to the minimum limit prescribed in Section 21 of the Automobile Insurance Act and proof thereof can be readily produced when requested by an enforcement officer;
 - f) the all-terrain vehicle is equipped with an exhaust system that is of the original equipment manufacturer and has not been modified to increase sound. The exhaust system must be in working order and in constant operation to prevent excessive or unusual noise;
 - g) the all-terrain vehicle shall be operated at a speed of not more than 20 kilometers an hour on highways or managed trail;
 - h) the vehicle and its driver operate in accordance to the Off-Road Vehicles Regulations 30/22 in that no person shall carry a passenger unless the all-terrain vehicle is designed and equipped by the manufacturer to carry passengers, the operator and all passengers shall wear a helmet and the vehicle has equipment outlined in the Off-Road Vehicles Regulations.

RULES OF THE ROAD

- 10) Unless otherwise stated in this By-law, the driver of an all-terrain vehicle shall adhere to the "rules of the road" as described in Part V of the Newfoundland Highway Traffic Act or any similar or successor legislation.

TIMES OF OPERATION

- 11) No person shall operate an all-terrain vehicle on a Highway located within the Town before May 15th or after November 15th of any year.
- 12) No person shall operate an all-terrain vehicle within the Town and upon its highways earlier than 7 am or later than one-half hour before sunset on any day.

SIGNAGE

- 13) Council may erect Warning, Cautionary, Directional, Limiting or Prohibiting signs as to the operation of all-terrain vehicles and the operator of any vehicle who fails to obey such signs is guilty of an offence under this By-law and or the Off-Road Vehicles Act.

PENALTY

- 14) A person who contravenes or fails to comply with this By-law is guilty of an offence and where no penalty is otherwise prescribed for such offence in the Off-Road

Vehicles Act, SNL 2021, the Off-Road Vehicles Regulations NL 30/22, Highway Traffic Act RSNL 1990 ch H-3 as amended, or any other Provincial Statutes or Regulations or similar or successor legislation, is liable on summary conviction to a fine in accordance with Section 290 of the Towns and Local Service Districts Act.

EXEMPTION

- 15) This By-law does not apply to vehicles owned and operated on behalf of the Council or those operated by Emergency and or Enforcement Services and other persons who are exempt by the provisions of the Off-Road Vehicles Act.

INTERPRETATION

- 16) This By-law includes the Schedules attached, and the Schedules are hereby declared to form part of this By-law.
- 17) Each section of this By-law and each separate part of each section is hereby expressly declared to be separate and, if any section, sentence, portion or part of this By-law shall be declared invalid, such invalidity shall affect only such section, sentence, portion or part so declared invalid.

COMPLIANCE WITH OTHER ACTS AND REGULATIONS

- 18) Nothing in this By-law serves to exempt any person from obtaining any License, permission, Authority or approval required by any other By-law of the Town or any statute or Regulation of the Province of Newfoundland and Labrador, and in such cases where more than one Regulation or Statute applies the more restrictive Regulation or Statute shall apply.

EFFECTIVE DATE

This By-law shall come into force on the 22nd day of January, 2025.

In witness whereof the Seal of the Town of Conception Bay South has been affixed hereto and this By-law has been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 22nd day of January, 2025.

Darrin Bent
Mayor

Brian Crawley
Chief Administrative Officer

Schedule "A"

Permitted All-Terrain Vehicle Routes

All-Terrain Vehicles are permitted to travel on or along the following roadways:

- Seal Cove Rd – (North from the pole Line that crosses Seal Cove Road near #487 and North from the intersection of Morgansville Place and Seal Cove Road).
- Garden Road – (from the intersection with Morgans Road to the intersection with Seal Cove Road)
- Anchorage Road – (from the intersection with Chute Place and with the intersection of Minerals Road).
- Chute Place

All-Terrain Vehicles are permitted to travel on or along the following Public Pathway:

Pathway at the end of Chute Place into forested land.

The pilot project is designed to permit all-terrain vehicle access from the local area to access areas such as the ATV Bypass Staging Area at 336 Seal Cove Road or the Public Pathway at the end of Chute Place.

“If any riders, or operators of All-Terrain vehicles, insofar as they fall within this Town of Conception Bay South Recreational Vehicle By-law should suffer damage, injury, or loss on a route, or pathway not regulated by the Town of Conception Bay South, the liability and responsibility of any damage, injury, or loss will be the sole responsibility of that rider or operator, and that rider, or operator agrees to release, indemnify, keep indemnified, and hold harmless the Town of Conception Bay South from any actions, proceedings, claims, demands, costs, expenses and/or damages that may incur at any time subsequent to riding, or operating on a route, or pathway not regulated by the Town of Conception Bay South.”