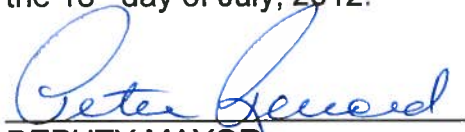




RECREATIONAL VEHICLE REGULATIONS, 2012

Adopted by the Town Council of the Town of Labrador City on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR


TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 and any other sections found enabling under the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended, the Town of Labrador City enacts the following Regulations in relation to the operation of recreational vehicles as adopted by Council on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR


TOWN CLERK

RECREATIONAL VEHICLE REGULATIONS, 2012

Title

1. Title

These Regulations may be cited as the "Town of Labrador City Recreational Vehicle Regulations, 2012":

Definitions and Application

2. Definitions

For the purpose of these Regulations unless the context otherwise requires:

- (a) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;
- (b) "Council" means the Town Council of Labrador City;
- (c) "Enforcement Authority" means Council or its authorized administrator;

- (d) "Municipal Authority" means the Town of Labrador City Council constituted or continued under the Town of Labrador City;
- (e) "Municipal Enforcement Officer" means the Municipal Enforcement Officer appointed by the Town of Labrador City;
- (f) "Owner" means any person, firm, or corporation controlling the property under consideration;
- (g) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (h) "Police Officer" means a member of the Royal Newfoundland Constabulary or a Municipal Enforcement Officer of the Town of Labrador City;
- (i) "Schedule "A" – Municipal Fees" shall mean the schedule of fees adopted by the Town of Labrador City from time to time;
- (j) "Town" means the Town of Labrador City as defined by Order-in-Council dated the 27th day of June, 1961, and any amendments thereto, according to the Municipalities Act;
- (k) "Vehicle" means but is no limited to, automobile, motorcycle, motor scooter, dirt bikes, tricycle, bicycle, all terrain vehicles, motorbus, motor truck, or tractor but shall not include motorized snow-vehicles or snowmobiles.

3. *Application*

- (a) These Regulations shall apply to all recreational vehicles, exempting motorized snow vehicles or snowmobiles within the municipal boundaries of the Town of Labrador City.
- (b) If there is a conflict between a provision of these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.

General Duties and Obligations

4. Operation

No person shall drive or park or place any vehicle in or upon any parks, play areas, municipal easements, open space areas, playgrounds or recreational grounds within the municipal boundaries of the Town.

5. Exclusions

The provisions of these Regulations shall not apply to:

- (a) Municipal vehicles engaged in municipal work;
- (b) A vehicle responding to an emergency;
- (c) Motor vehicles given the expressed permission to enter by the Town or by an employee or agent of the Town with duties pertaining to the supervision, or maintenance of the park, play area, open space area, playground or recreation ground.

Powers of Enforcement Authority and Compliance

6. Enforcement

- (a) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority.
- (b) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address.
- (c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may, serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations.
- (d) A vehicle that has been operated, parked or placed in violation of these Regulations may be removed to a place designated by the Enforcement Authority and impounded therein by a Police Officer or anyone authorized by the Enforcement Authority to enforce these Regulations.

- (e) The owner of any vehicle removed under the provisions of subsection (d) shall not be permitted to claim the vehicle and remove it from the place of impoundment until such time as all towing and administration charges levied in accordance with Schedule "A" – Municipal Fees and any expenses incurred by the Town are paid by the owner pursuant to these Regulations.
- (f) A vehicle impounded shall be held for a period up to three (3) months, during which time the Enforcement Authority shall make reasonable effort to contact the owner.
- (g) After the expiry of the period specified in subsection (f), the Enforcement Authority may dispose of the vehicle and any outstanding amount payable to the Town shall be recoverable from the proceeds of said disposal and any outstanding amount payable to the Town shall be recoverable from the owner as a civil debt.
- (h) Any person violating these Regulations shall be held liable for remediation or payment to the Town for any damages to the park, play area, easement, open space area, playground or recreation ground. Any monies due to the Town may be recovered as a civil debt and shall attach to the property as a secured claim.

7. Failure to Comply

- (a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 6(c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a civil debt owed to Council and shall attach to the property as a secured claim.
- (b) Council may delegate to an official or employee of Council the power to issue orders under this section.
- (c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

8. Right of Entry

Pursuant to Section 158 of the Act, Council or its duly authorized agents have the authority to enter a property for the purposes of inspection, enforcement and to carry out works as required under these Regulations.

9. Offence and Penalty

(a) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence;

(b) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- i. Shall be liable to penalties pursuant to Section 421.1 of the Act or,
- ii. Shall be liable on summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.

(c) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection b. shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.

(d) In addition to the penalty prescribed under subsection (b) a Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person to carry out all work in accordance with these Regulations. If that person does not carry out that order within the time prescribed by the Provincial Court judge, the judge may designate a person to carry out the order and the cost of carrying out the order shall be borne by and may be recovered as a civil debt from the person convicted and shall attach to the property as a secured claim.

10. Severability

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

Repeal of Previous Regulations

11. Repeal

All previous recreational vehicle regulations for the Town of Labrador City are hereby repealed.