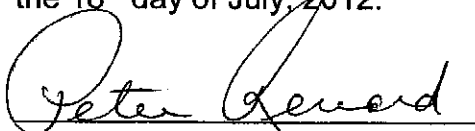


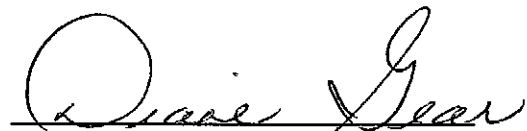


### SNOW VEHICLE REGULATIONS, 2012

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

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

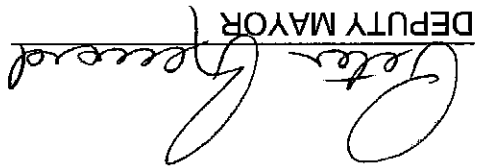
  
DEPUTY MAYOR

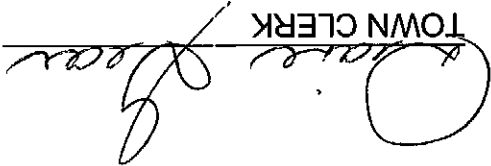
  
TOWN CLERK

**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 snow vehicles as adopted by Council on the 17<sup>th</sup> day of July, 2012 and to come into effect as of the 17<sup>th</sup> day of July, 2012.

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

  
DEPUTY MAYOR

  
TOWN CLERK

**SNOW VEHICLE REGULATIONS, 2012**

**Title**

1. **Title**  
These Regulations may be cited as the "Town of Labrador City Snow 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) "Highway" means a place or way, including a structure forming part of the place or way, designed and intended for, or used by, the public for the passage of traffic or the parking of vehicles and includes all the space between the boundary lines of the place or way and shall include all municipal streets and right-of-ways;
- (e) "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, by-pass or other device which has the effect of by-passing or reducing the efficiency of that noise reducing equipment;
- (f) "Municipal Authority" means the Town of Labrador City Council constituted or continued under the Town of Labrador City;
- (g) "Municipal Enforcement Officer" means the Municipal Enforcement Officer appointed by the Town of Labrador City;
- (h) "Owner" means any person, firm, or corporation controlling the property under consideration;
- (i) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (j) "Police Officer" means a member of the Royal Newfoundland Constabulary or a Municipal Enforcement Officer of the Town of Labrador City;
- (k) "Schedule "A" – Municipal Fees" shall mean the schedule of fees adopted by the Town of Labrador City from time to time;
- (l) "Snow Vehicle" means any vehicle which is driven by a track and skis and is made for off road use;
- (m) "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;

- (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 seniors home; and
- (v) On any other area where signs prohibit the use and operation of a snow vehicle.

(b) A person shall not operate a snow vehicle:  
 (a) A person shall not operate a snow vehicle without due care and attention and reasonable consideration for other persons or property;

**5. Prohibited Operations**

- (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;
  - (b) A head lamp;
  - (c) A tail lamp; and
  - (d) An adequate and efficient braking system maintained in a good working order.
- (a) A proper muffler designed by the manufacturer for use on such vehicle; and

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

**4. Equipment**

**General Duties and Obligations**

- (a) These Regulations shall apply to the use and operation of all snow vehicles 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.

**3. Application**

- (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 any time when fog or other atmospheric conditions reduce visibility, unless the snow 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.

**6. *Mandatory Use of Helmets***

No person shall operate or be a passenger on a motorized snow vehicle within the municipal boundaries of Labrador City unless that person is wearing a helmet that complies with Canadian Standards Association regulations or equivalent standards.

**7. *Age of Operators***

- (a) No person under the age of 13 years shall drive a motorized snow vehicle unless the person is accompanied by another person who is 19 years of age or older.
  
- (b) Operators less than 19 years of age must obtain insurance in compliance with the Motorized Snow Vehicles and All Terrain Vehicles Act and Regulations.
  
- (c) No person shall drive or park or place any snow vehicle in or upon any parks, play areas, municipal easements, open space areas, playgrounds or recreational grounds within the municipal boundaries of the Town.

## **Powers of Enforcement Authority and Compliance**

### **8. Enforcement**

- (a) Enforcement and prosecution under these Regulations may be under taken by any Police Officer or by any other person so authorized by the Enforcement Authority.
- (b) A person shall not obstruct, molest or interfere with a Police Officer or any other person authorized under subsection (a) in the performance of his/her duties with respect to the enforcement of these Regulations;
- (c) A Police 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.
- (d) 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.
- (e) 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.
- (f) A snow 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.
- (g) The owner of any snow vehicle removed under the provisions of subsection (f) shall not be permitted to claim the vehicle and remove it from the place of impoundment until such time as all removal, impound and administration charges levied in accordance with Schedule "A" – Municipal Fees, any expenses incurred by the Town pursuant to these Regulations and any penalty that may be imposed under Section 11(b) is paid in full by the owner.
- (h) A snow 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.

- (i) After the expiry of the period specified in subsection (h), the Enforcement Authority may dispose of the snow 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.

## **9. 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 8(e), 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.

## **10. 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.

## **11. 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.

**13. *Repeal*** All previous snowmobile regulations for the Town of Labrador City are hereby repealed.

### **Repeal of Previous Regulations**

**12. *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.

(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.