



## **TOWN OF MASSEY DRIVE**

### **OFF-ROAD VEHICLES BY-LAW**

Pursuant to the authority conferred by section 8(1)(h) and section 10 of the Town and Local Service Districts Act (TLSDA), section 15 of the Newfoundland and Labrador Off Road Vehicles Act, 2021, Town of Massey Drive has adopted, through resolution of the Town Council on the 10<sup>TH</sup> day, of May, 2025, the Recreational Vehicles By-Law.

Town of Massey Drive recognizes the value of outdoor recreation and the importance of safely operating recreational vehicles such as all-terrain vehicles (ATVs), off road vehicles, motorized snow vehicles and motorized water craft. The purpose of the Off-Road Vehicles By-Law is to promote, manage, regulate and enforce the safe and respectful operation of recreational vehicles within the Town of Massey Drive for both the users and the public.

The Town of Massey Drive's Town Councillor's Code of Conduct, Conflict of Interest and Workplace Harassment policies and procedures shall apply to all members of Council, staff and the general public.

#### **1.1 POWERS AND DUTY**

- 1.1. The Massey Drive Town Council shall permit the operation of all-terrain vehicles on highways within the Town and as regulated by the Town's Off Road Vehicles By-law.
- 1.2. The Massey Drive Town Council shall promote and regulate the safe and respectful operation of recreational vehicles within the Town and ensure user and passenger compliance of this Off-Road Vehicles By-law.
- 1.3. The Town of Massey Drive Off-Road Vehicles By-Law shall apply within the boundaries of the Town.

#### **2.0 DELEGATION AND ENFORCEMENT**

- 2.1 The Council will delegate the day-to-day administration of the Off-Road Vehicles By-Law to the Town Manager/Clerk.
- 2.2 Utilizing municipal enforcement capacity or engagement of the police and/or other relevant authorities will be at the discretion of the Town Manager/Clerk.

- 2.3 This By-law may be enforced by the Town Manager, a person designated by Council to enforce by-laws, appropriate government officials, the Royal Newfoundland Constabulary(RNC) and/or the Royal Canadian Mounted Police (RCMP).

### 3.0 DEFINITIONS

- 3.1 All-terrain vehicle refers to an off-road motorized vehicle such as side by sides and quads with four or more wheels or tracks and handlebars or steering wheel for steering the off-road vehicle.
- 3.2 Designated route means any highway approved by Council for all-terrain vehicle usage.
- 3.3 Enforcement officer refers to a peace officer as defined by the Off-Road Vehicles Act.
- 3.4 Highway refers to any public highways, streets, roads, roadways or road reserves, owned or maintained under the jurisdiction of the Town of Massey Drive.
- 3.5 Motorized snow vehicle refers to 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.
- 3.6 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:
- 3.6.1 A motorized snow vehicle;
  - 3.6.2 An all-terrain vehicle;
  - 3.6.3 A mini-bike, dirt bike and trail bike;
  - 3.6.4 A miniature vehicle such as a dune or sports buggy;
  - 3.6.5 An off-road maintenance machine; and
  - 3.6.6 An amphibious vehicle,
- But does not include agriculture equipment, infrastructure equipment or garden lawnmower, lawn tractor or golf cart.
- 3.7 Public pathway means any pathway or trail owned or maintained under the jurisdiction of the Town of Massey Drive.
- 3.8 Side by side vehicle means an off-road vehicle, other than a dune buggy, that is designed by the manufacturer to have: side by side seating for the operator and at least one passenger; a steering wheel; and, either four or more wheels or have tracks.

### 4.0 DESIGNATED ROUTES AND TIMES OF OPERATION

- 4.1 All-terrain vehicles are permitted to be operated on any highway in the Town of Massey Drive unless otherwise restricted by these By-laws and in the manner as set forth in these by-laws.

4.2 No person shall operate an all-terrain vehicle on any highway in the Town of Massey Drive before May 1<sup>st</sup> or after December 31<sup>st</sup> of each year.

4.2.1 These dates may be subject to change at the discretion of Council by way of a Resolution of Council.

#### 5.0 LICENSING REQUIREMENTS

5.1 All all-terrain vehicles operated in the Town of Massey Drive must be registered and insured in accordance with relevant and current provincial legislation and regulations. Such registration and insurance must be valid and in full force and effect at the time of operation.

#### 6.0 MOTORIZED SNOW VEHICLES

6.1 Motorized snow vehicles (snowmobiles) are not permitted to be used on any highway within the Town of Massey Drive.

#### 7.0 OFF-ROAD VEHICLE

7.1 A person shall not operate an off-road vehicle on a highway in the town of Massey Drive except as permitted by the Town of Massey Drive Off-Road Vehicles By-Law.

#### 8.0 MOTORIZED WATER CRAFT

8.1 Motorized water craft are not permitted to be used on any waterways or ponds within the Town of Massey Drive.

#### 9.0 RULES OF OPERATION

9.1 A person shall operate an all-terrain vehicle upon a Town of Massey Drive highway only if:

9.1.1 That person travels upon designated routes as noted in section 4.1 of these by-laws;

9.1.2 That person travels within the timeframe stated in section 4.2 of these by-laws;

9.1.3 The vehicle and its driver operate in accordance with the Motorized Snow Vehicles and All-Terrain Vehicles Act;

9.1.4 That person is at least 16 years of age and the holder of a class of driver's licence issued under the Highway Traffic Act;

9.1.5 That person or the vehicle being driven carries a valid liability insurance policy and proof thereof can be readily produced when requested by an enforcement officer.

9.1.6 The vehicle is equipped with an exhaust system that is of the original equipment manufacturer design and has not been modified to increase sound.

9.1.7 The exhaust of the vehicle is in working order and in constant operation.

9.1.8 The vehicle does not exceed any posted speed limit and further, regardless of the posted speed limit, shall never be operated at a speed exceeding 40 kilometers per hour on highways;

- 9.1.9 The driver of the vehicle must at all times yield the right of way to drivers of all other classes of vehicles on the highway;
- 9.1.10 Unless otherwise stipulated in the by-laws, the driver of an all-terrain vehicle or side by side vehicle must adhere to the rules of the road as described in the Highway Traffic Act.

#### 10.0 SIGNAGE

10.1 Council may erect warning, cautionary, directional, limiting, or prohibiting signs regarding the operation of recreational vehicles and the operator of any vehicle who fails to obey such signs is guilty of an offence under these by-laws.

#### 11.0 PROHIBITED OPERATIONS

11.1 A person shall not operate an all-terrain vehicle:

- 11.1.1 Without a plate or decal issued by the Registrar of Motor Vehicles appointed under the Highway Traffic Act affixed to and clearly visible on the recreational vehicle;
- 11.1.2 Without due care and attention or without reasonable consideration for persons(s) or property;
- 11.1.3 In any area designated as a park, playground, community garden or sports/recreation areas;
- 11.1.4 On a sidewalk or designated walking or bicycling trails or paths;
- 11.1.5 On private property without the express permission of the owner or occupant of the property;
- 11.1.6 In any area where signs prohibit the use and operation of recreational vehicles; or
- 11.1.7 While under the influence of intoxicating liquor or drugs.

11.2 A person shall not operate a recreational vehicle in such a manner as to:

- 11.2.1 Constitute a nuisance or create annoyance to residents or other person(s);
- 11.2.2 Be hazardous to himself/herself or to other person(s) or property; or
- 11.2.3 Drive, harass, chase, run over, injure or kill any wildlife or domestic animal(s).

11.3 A person shall not operate an off-road vehicle unless permitted under this Off-Road Vehicles By-Law, within 100 meters of any residence in the town other than as a pass through access to area trails, and shall not be used for continuous riding or operation.

#### 12.0 PENALTIES

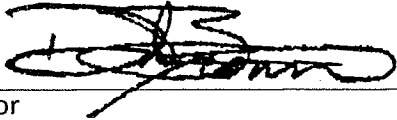
12.1 A person(s) who contravenes or fails to comply with these by-laws is guilty of an offence and where no penalty is otherwise prescribed for such offence in the Highway Traffic Act, Off Road Vehicles Act, or any other provincial statutes or regulations, is liable on summary conviction to a fine or to a period of imprisonment in accordance with section 287 of the Towns and Local Service District Act.

#### 13.0 REPEAL OF PREVIOUS RECREATIONAL VEHICLE REGULATIONS

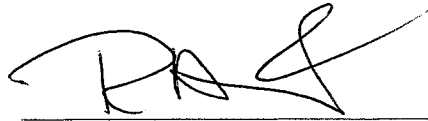
All previous Town of Massey Drive All-Terrain Vehicles regulations and amendments are repealed.

14.0 COMPLIANCE WITH OTHER ACTS AND REGULATIONS

Nothing in this By-law serves to exempt any person from any requirements by any other By-law of the Town or any statute or regulation of the Province of Newfoundland and Labrador, and as such cases where more than one By-law or statute applies the more restrictive regulation or statute shall apply.



Mayor



Town Clerk/Manager

May 10, 2025

Date

May 10, 2025

Date