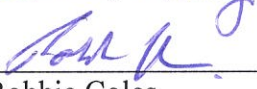
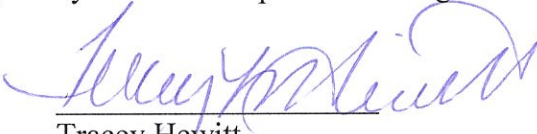


**TOWN OF CORMACK
OFF-ROAD VEHICLES REGULATIONS**

Pursuant to section 15(1) of the *Off-Road Vehicles Act*, SNL 2021 c O-5.1, and section 414 (2) (S) of the *Municipalities Act 1999* and all other power enabling it the Town of Cormack hereby passes and enacts the following regulations adopted by Council at a public meeting held on the 2 the day of Aug, 2022.



Robbie Coles
Mayor



Tracey Hewitt
Town Clerk

Short Title

1. These Regulations may be cited as the Off-Road Vehicles Regulations.

Definitions

2. In these Regulations:
 - (a) "Act" means the *Off-Road Vehicles Act*, SNL 2021, c O-5.1, as amended from time to time.
 - (b) "Approved Area" means:
 - (i) forested lands underlain by mineral soil,
 - (ii) a trail constructed under a licence issued under the *Lands Act*, SNL 1991 c-36.
 - (iii) beaches unless otherwise prohibited by the Minister,
 - (iv) abandoned railway corridors, highways abandoned under the *Works, Services and Transportation Act*, SNL 1995, c W-12, forest access roads as defined in the *Forestry Act*, RSNL 1990, c F-23, roads constructed under a licence issued under the *Lands Act*, SNL 1991 c-36, and any other road constructed for the purpose of providing vehicular access to resources including forestry, agriculture, hydroelectric, recreation, mining, industrial and similar developments,
 - (v) privately owned lands less than 10 hectares,

- (vi) working farms,
 - (vii) any lands when snow-covered and frozen below the ground surface, and
 - (viii) other lands prescribed in Regulations made under the Act.
- (c) "Council" means the Town Council of the Town of Cormack.
- (d) "Designated Route" means any Highway within the boundaries of the Town except a Provincial Highway.
- (e) "Disability-Related Modification" means a modification that is certified, in writing, by either the manufacturer of the Off-Road Vehicle or a dealership authorized by the manufacturer of the Off-Road Vehicle.
- (f) "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 Motor Vehicles and includes all the space between the boundary lines of the place or way, but shall not include roads not normally maintained for the passage of Motor Vehicles, roads not normally frequented by Motor Vehicles, or any Approved Areas
- (g) "Highway Traffic Act" means the *Highway Traffic Act, RSNL 1990, c H-3, as amended*.
- (h) "Minister" means the minister appointed under the *Executive Council Act, SNL 1995, c E-16.1* to administer the Act.
- (i) "Motor Vehicle" means a motor vehicle registered under the *Highway Traffic Act*.
- (j) "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 vehicle;
 - (iii) a mini-bike, dirt-bike and trail-bike;
 - (iv) a side by side;
 - (v) a miniature vehicle such as a dune or sport buggy;
 - (vi) an off-road maintenance machine; and

- (vii) an amphibious vehicle,

but does not include agricultural equipment, infrastructure equipment or a garden lawnmower, lawn tractor or golf cart.
- (k) "Provincial Highway" means provincial Route 401 and such other Highway in the Town the management and control of which is vested in the Minister responsible for the Highway Traffic Act.
- (l) "Regulations" means these Off-Road Vehicle Regulations.
- (m) "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 tracks.
- (n) "Supervision" means when, at all times when the operator is using the Off-Road Vehicle, the person supervising is able to:
 - (i) See the operator and may be seen by the operator; and
 - (ii) Provide immediate direction to the operator.
- (o) "Town" means the Town of Cormack.

Licensing Requirements

3. All Off-Road Vehicles operated in the Town must be registered and insured in accordance with the Act, as amended, and any regulations enacted thereunder. Such registration and insurance must be valid and in full force and effect at the time of operation.

Permitted Operations

4. Off-Road Vehicles are permitted to be operated in the manner prescribed by these Regulations on any Designated Route or Approved Area within the boundaries of the Town unless otherwise restricted by these Regulations.

Prohibited Operations

5. A person shall not operate an Off-Road Vehicle:

- (a) 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 Off-Road Vehicle;
 - (b) Without due care and attention or without reasonable consideration for persons or property;
 - (c) Without having completed the training approved by the Registrar where the Act requires that the person complete training;
 - (d) In any area designated as a park or playground;
 - (e) On a public pathway;
 - (f) On a sidewalk or designated walking and/or bicycling path;
 - (g) On private property without the express permission of the owner or occupant of the property;
 - (h) On property owned or occupied by a hospital, health centre, school or senior citizens' home;
 - (i) In any area where signs prohibit the use and operation of Off-Road Vehicles; or
 - (j) While under the influence of intoxicating liquor, narcotics, or habit-forming drugs
6. A person shall not operate an Off-Road Vehicle in such a manner as to:
- (a) Constitute a nuisance or create annoyance to residents or other persons;
 - (b) Be hazardous to himself/herself or to other persons or property; or
 - (c) Drive, harass, chase, run over, injure or kill any wildlife or domestic animal(s).
7. A person shall not operate a Side By Side unless the person is able to sit with the seatbelt fastened and:
- (a) Is able to sit with both feet flat on the floor; or
 - (b) The Side By Side is equipped with an approved Disability-Related Modification.

Required Safety Equipment

8. The operator of an Off-Road Vehicle and any passengers must wear
- (a) A helmet which conforms to:

- (i) The Canadian Standards Association Standard D 230, Safety Helmets for Motorcycle Riders, as amended, and the helmet shall bear the monogram of the Canadian Standards Association Testing Laboratories;
- (ii) The United States Federal Motor Vehicle Safety Standard 218, as amended, and the helmet shall bear the DOT symbol as used by the United States Department of Transportation; or
- (iii) The United Nations Economic Commission for Europe, ECE Regulation 22 incorporating the 05 series of amendments, as amended, and the helmet shall bear the approval mark as required by that regulation,

which is properly fitted and has the fastening device secured.

- (b) A seatbelt where the Off-Road Vehicle is equipped with manufacturer installed seatbelts; and
- (c) A face shield, or safety glasses or goggles, where the Off-Road Vehicle is not equipped with a windshield that is of a height adequate to afford protection to eyes, unless:
 - (i) The Off-Road Vehicle was manufactured with a roll bar and is fully enclosed; or
 - (ii) The operator or passenger of the Off-Road Vehicle is wearing protective eye wear in accordance with the *Occupational Health and Safety Act*, RSNL 1990, c O-3.

Operation on Provincial Highway

- 9. A person shall not drive, operate or otherwise move an Off-Road Vehicle upon a Provincial Highway except in accordance with this Section 9:
 - (a) A person may drive, operate or move an Off-Road Vehicle across a Provincial Highway only at those points where the driver has not less than 150 metres visibility in both directions along the Provincial Highway;
 - (b) A person may drive along a highway to access a trail where:
 - (i) The Off-Road Vehicle is operated on the shoulder of the highway for a maximum distance of 1 kilometre and yields to Motor Vehicle traffic;
 - (ii) The Off-Road Vehicle is operated at a speed of not more than 20 kilometres per hour; and

- (c) A person may drive, operate or move an Off-Road Vehicle upon a Provincial Highway when the Provincial Highway connects the person's address (being the address listed on the person's driver's license) with the closest Designated Route or Approved Area.
- (d) A person may drive, operate or move an Off-Road Vehicle along a Provincial Highway when by reason of storm or blizzard the Highway is incapable of being used by Highway Motor Vehicles, but not so as to interfere with snow clearing or other operations being carried out on that portion of the Provincial Highway.
- (e) A person shall not drive an Off-Road Vehicle upon a Provincial Highway unless:
 - (i) The person is the holder of a class of driver's license issued under the Highway Traffic Act; or
 - (ii) If the person is under 16 years of age:
 - (A) The person has completed the training approved by the Registrar, provided that Section 22(1)(b) of the Act is in force at the time of operation; and
 - (B) The Off-Road Vehicle is operated under the Supervision of a person who:
 - (I) Is 18 years or age or older; and
 - (II) Has a valid driver's license as described in Section 9(e)(i).

Rules of Operation

- 10. An operator of an Off-Road Vehicle shall, at all times, yield the right of way to:
 - (a) Drivers of all classes of Motor Vehicles on a Highway;
 - (b) Pedestrians on a Highway; and
 - (c) Persons riding bicycles on a Highway.
- 11. Notwithstanding Section 9, a person may drive, operate or otherwise move an Off-Road Vehicle upon a Designated Route provided that:
 - (a) 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;

- (b) That person or the Off-Road Vehicle carries a liability insurance policy and proof thereof can be readily produced;
 - (c) The Off-Road Vehicle is equipped with an exhaust system that is of the original equipment manufacturer, is in working order, has not been modified to increase sound, and is operated in a manner to prevent excessive or unusual noise;
 - (d) That person or the Off-Road Vehicle does not at any time exceed any posted speed limit, and in any event, does not at any time exceed a speed greater than 40 kilometers per hour;
 - (e) That person at all times yields the right of way to drivers of all other classes of Motor Vehicles;
 - (f) That person adheres to the "rules of the road", as described in Part V of the *Highway Traffic Act*, or any similar successor legislation; and
 - (g) That person at all times complies with all other provisions of these Regulations and the Act.
12. Section 21 of the *Automobile Insurance Act*, RSNL 1990, c A-22, as amended, applies whenever a policy of insurance is required by these Regulations.

Age Prohibition

13. A person under 16 years of age shall not operate an Off-Road Vehicle in the Town unless:
- (a) The person has completed the training approved by the Registrar, provided that Section 22(1)(b) of the Act is in force at the time of operation;
 - (b) The Off-Road Vehicle is operated under the Supervision of a person who:
 - (i) Is 18 years of age or older; and
 - (ii) Has a valid driver's license as described in Section 9(e)(i); and
 - (c) The Off-Road Vehicle has an engine size which does not exceed the manufacturer's recommendation for an operator of the age and weight of the person under 16 years of age.

Signage

14. Council may erect warning, cautionary, directional, limiting or prohibiting signs as to the operation of Off-Road Vehicles, and the operator of any Off-Road Vehicle who fails to obey such signs is guilty of an offence under these Regulations.

Penalties

15. A person who contravenes or fails to comply with these Regulations is upon summary conviction guilty of an offence and is liable to a fine of not less than \$100 and not more than \$1,000 or to a term of imprisonment of not more than six months or to both the fine and the imprisonment.

Exemption

16. These Regulations do not apply to Off-Road Vehicles owned and operated by Council or those operated by emergency or enforcement services.

Coming Into Force

17. These Regulations were adopted and passed by Council at a meeting held on the ____ day of _____, 2022 and are effective as of that date.