

NEWFOUNDLAND AND LABRADOR
REGULATION 91/97
Provincial Parks Regulations
under the
Provincial Parks Act
(O.C. 97-510)

Amended by:

26/99

2001 c42 s45

38/04

36/05

42/06

2006 c40 s15

61/07

25/08

34/09

65/09

25/10

47/11

30/13

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Provincial Parks Regulations
under the
Provincial Parks Act
(O.C. 97-510)
(Filed July 14, 1997)

Under the authority of section 8 of the Provincial Parks Act , the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's , July 10, 1997 .

A. Faour

Deputy Clerk of the Executive Council

REGULATIONS

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Short title

1. These regulations may be cited as the Provincial Parks Regulations .

91/97 s1

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Definitions

2. In these regulations

- (a) "Act" means the Provincial Parks Act ;
- (b) "animate" means any object that possesses or is characterized by life and includes all plant and animal life;
- (c) "game" means all wild mammals, amphibians, reptiles and wild birds and includes the heads, skins and any part of those wild mammals, amphibians, reptiles and wild birds;
- (d) "hunting" includes chasing, pursuing, worrying, following after or on the trail of, or searching for or lying in wait for wildlife that is then or later captured, injured or killed, and "hunt" and "hunter" have a corresponding meaning;
- (e) "inanimate" means any object that is not living;
- (f) "officer" means an officer appointed under the Act;
- (g) "off-road vehicles" means a motorized vehicle designed for, or capable of, travel on unprepared surfaces including water, snow, ice, marsh, bog or swampland or on other natural terrain and includes:
 - (i) lower pressure tire vehicles,
 - (ii) four wheel drive vehicles,
 - (iii) all terrain vehicles and all terrain cycles,
 - (iv) personal watercrafts, including jet-skis, sea-doos and wave-runners,
 - (v) motor cycles and related two wheel motorized vehicles including dirt bikes,

- (vi) snowmobiles,
- (vii) mini bikes,
- (viii) amphibious machines,
- (ix) trail bikes, and

(x) any other means of transportation propelled by power other than by muscular power or by wind,

but does not include ordinary motorized boats;

(h) "park" means a provincial park constituted under the Act;

(i) "structure" means a constructed or fabricated object intended to be permanent or semi permanent in nature and includes a

- (i) house,
- (ii) cottage,
- (iii) cabin,
- (iv) wharf,
- (v) dock,
- (vi) boathouse,
- (vii) slipway,
- (viii) trailer,
- (ix) mobile home,
- (x) tent,
- (xi) tent platform, and
- (xii) recreational vehicle used for any purpose, including a motor vehicle; and

(j) "wild life" means wild life as defined by the Wild Life Act .

91/97 s2; 2006 c40 s15

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Prohibitions

3. (1) A person shall not, except in accordance with a permit for management or scientific purposes, remove, harm, hunt, chase, destroy or cause damage to any object whether animate or inanimate that is contained within the boundaries of a provincial park.

(2) A person shall not introduce to a provincial park a plant or animal species except in accordance with a permit for management or scientific purposes.

91/97 s3

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Exceptions to prohibition

4. (1) Notwithstanding subsection 3(1), the minister may where it is not contrary to the Fisheries Act (Canada) or the regulations made under that Act, allow fishing or angling to occur within a park.

(2) Notwithstanding subsection 3(1), the minister may allow hunting within a waterway provincial park and in accordance with permits and licences issued under the Wild Life Act or the Migratory Birds Convention Act (Canada) or regulations made under these Acts.

91/97 s4

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Hunting in the Newfoundland and Labrador T'Railway Park

5. (1) Notwithstanding subsection 3(1), hunting in accordance with the Wild Life Act and regulations made under that Act is permitted in the Newfoundland and Labrador T'Railway Provincial Park.

(2) For the purpose of this section, "hunting" includes chasing, pursuing, following after or on the trail of, or searching for wild life, but does not include the capture, injury or killing of wild life.

(3) For the purpose of this section, the Newfoundland and Labrador T'Railway Provincial Park is considered to be a public road under subsection 107(20) of the Wild Life Regulations .

(4) This section does not apply to that portion of the Newfoundland and Labrador T'Railway Provincial Park which intersects with Cheeseman Provincial Park .

91/97 s5; 2001 c42 s45

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Possession of firearms

6. (1) A person shall not in a park, except in a Waterway Park and T'Railway Park designated for hunting under subsection 4(2) and section 5 carry or have in his or her possession a rifle, shotgun, airgun or other type of gun or any other device for killing, trapping or otherwise destroying or capturing game except under a permit issued by the minister or in accordance with this section.

(2) Where a provincial highway or portion of it passes through a provincial park, or a section of a provincial park, firearms, ammunition, firearms, or other wildlife threatening devices must be sealed, or dismantled, cased or securely wrapped and tied, and kept in the transporting vehicle in a manner that is inaccessible to the vehicle occupants while they are riding in the vehicle.

(3) Subsection (2) does not apply to the Newfoundland and Labrador T'Railway Provincial Park, where the possession, transportation or carriage of the firearm, ammunition, weapon or device in the Newfoundland and Labrador T'Railway Provincial Park is for a purpose authorized and executed in accordance with section 5.

91/97 s6; 2001 c42 s45

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Consumption of alcoholic liquor

6.1 (1) In this section, "alcoholic liquor" means alcoholic liquor as defined in the Liquor Control Act.

(2) A person shall not possess or consume alcoholic liquor within Barachois Pond Provincial Park from 12:00 noon on Friday, May 20, 2011 to 12:00 noon on Monday, May 23, 2011.

(3) A person shall not possess or consume alcoholic liquor within Notre Dame Provincial Park from 12:00 noon on Friday to 12:00 noon on the immediately following Monday during the period of May 20. 2011 to June 27, 2011.

25/10 s1; 47/11 s1

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Disturbances within the park

7. (1) A person shall not act in a park in a manner that

- (a) disturbs or is likely to disturb other persons in the park;
- (b) causes inconvenience or embarrassment to those other persons; or
- (c) that is, in the opinion of an officer, noisy, offensive or objectionable.

(2) A person shall not obstruct, hinder or otherwise interfere with or wilfully furnish false information to an officer while in the discharge of his or her duties.

(3) A person who violates subsections (1) and (2) may, in addition to any other penalty prescribed by the Act or these regulations be summarily removed from the park by an officer.

91/97 s7

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Erection of structures prohibited

8. A person shall not erect a structure in a park except in those places that the minister designates for that purpose.

91/97 s8

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Operation of off-road vehicles

9. (1) A person shall not operate an off road vehicle in a provincial park except:

(a) an authorized park employee in the course of his or her duties;

(b) a person who operates a four wheel drive vehicle registered or required to be registered under the Highway Traffic Act and then only upon roadways within a provincial park designated for that use by the minister;

(c) a person who operates an off road vehicle under a written permit from the minister; or

(d) within a provincial park or area within a park designated for that use by the minister.

(2) This section does not apply to the Newfoundland and Labrador T'Railway Provincial Park.

(3) Notwithstanding subsection (1), a person may operate a snowmobile in the Main River Waterway Provincial Park .

91/97 s9; 2001 c42 s45; 65/09 s1

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Vehicle operation in Newfoundland and Labrador T'Railway Provincial Park

10. A person shall not operate a motor vehicle or four wheel drive vehicle, except an off-road vehicle, in the Newfoundland and Labrador T'Railway Provincial Park unless

(a) that person is an authorized park employee in the course of his or her duties;

(b) the motor vehicle or four wheel drive is lawfully being operated on a provincial highway that intersects the park;

(c) the motor vehicle or four wheel drive vehicle is lawfully being operated on a roadway or other highway that has been designated by the minister for that purpose;

(d) the motor vehicle or four wheel drive vehicle is operated in an area of the park designated by the minister for that purpose; or

(e) that person operates a motor vehicle under the authority of a written permit from the minister.

91/97 s10; 26/99 s1; 2001 c42 s45

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Off-road vehicles in Newfoundland and Labrador T'Railway Provincial Park

11. (1) Off-road vehicles are permitted for use in the Newfoundland and Labrador T'Railway Provincial Park unless otherwise prohibited by the minister.

(2) Subsection (1) does not include four wheel drive vehicles.

(3) The requirement for a sticker, marker or permit under section 7.1 of the Motorized Snow Vehicles and All-terrain Vehicles Regulations applies to the use of a motorized snow vehicle on a managed trail in the Newfoundland and Labrador T'Railway Provincial Park.

(4) In this section

(a) "managed trail" means managed trail as defined in the Motorized Snow Vehicles and All-terrain Vehicles Act ; and

(b) "motorized snow vehicle" means motorized snow vehicle as defined in the Motorized Snow Vehicles and All-terrain Vehicles Act .

91/97 s11; 2001 c42 s45; 30/13 s1

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Driving restrictions

12. The minister may designate vehicle speed limits and require off-road and motor vehicle operators to adhere to restrictions to ensure safe movement through the Newfoundland and Labrador T'Railway Provincial Park.

91/97 s12; 2001 c42 s45

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Right-of-way

13. A person shall not obstruct the right-of-way of the Newfoundland and Labrador T'Railway Provincial Park with any object or structure.

91/97 s13; 2001 c42 s45

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Legal interests

14. (1) In the case of the Newfoundland and Labrador T'Railway Provincial Park, the minister may where he or she believes it to be consistent with the law and policy relating to crown land and not to be contrary to the public interest confirm any legal interest that was granted by Canadian National Railway, granted by the Crown or acquired by adverse possession against Canadian National Railways or the Crown by issuance of a permit, licence or confirmation in a form acceptable to him or her.

(2) Where an interest confirmed under subsection (1) conflicts with these regulations the interest shall prevail over the regulations to the extent of the inconsistency.

91/97 s14; 2001 c42 s45

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Entry permit required

15. A person or corporation pursuing a commercial enterprise shall not enter the Main River Waterway Provincial Park without first obtaining a permit to enter from the minister.

65/09 s2

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Use of aircraft

16. (1) A person shall not land an aircraft in or take off in an aircraft from a provincial park unless he or she had first obtained a permit to do so from the minister.

(2) Subsection (1) does not apply where the health or safety of a person requires that an aircraft land in or take off from a provincial park without a permit to do so first having been obtained from the minister.

65/09 s2

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Scientific research

17. (1) A person shall not conduct scientific research in a provincial park unless he or she has obtained a permit to do so from the minister.

(2) Permits may be obtained from the minister upon submission of a written request fully outlining and detailing the research project, and subject to the terms and conditions that the minister may determine.

65/09 s2

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