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CHARTER COMMUNITY OF K'ASHO GOT'INE, NT.

BY-LAW # 018-2001

Being a By-law of the Municipal Corporation of the Charter Community of K'asho Got'ine in the Northwest Territories for the control, use and operation of all-terrain vehicles on highways and other areas within the Charter Community, pursuant to the provisions of the All-terrain Vehicles Act, R.S.N.W.T. , 1988, c.c., ss. 5 to 7; the Motor Vehicles Act, R.S.N.W.T., 1988, c. M-16, s. 347; and the Charter Communities Act, R.S.N.W.T., 1988, C-4, s. 177.

AS it is desirable to regulate the operation of All-terrain vehicles within the Charter Community,

NOW THEREFORE, THE COUNCIL OF THE CHARTER COMMUNITY OF K'ASHO GOT'INE, at a duly assembled meeting, enacts as follows:

1. SHORT TITLE

This By-law may be cited as the "ATV By-law."

2. INTERPRETATION

Save as herein otherwise provided, the terms and expressions in this By-law have the same meaning as in the All-Terrain Vehicles Act, the Interpretation Act, the Motor Vehicles Act, the Summary Conviction Procedures Act, and the Charter Communities Act respectively.

- (a) "All-Terrain Vehicle" means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination thereof and is designed for cross-country travel on land, water, snow, ice, marsh or swamp, or on any other natural terrain, and without limiting the generality of the foregoing includes:
 - (i) an amphibious vehicle;
 - (ii) a snow machine;
 - (iii) a motorcycle with a motor that has a piston displacement of seventy-five (75) cubic centimetres or less;
 - (iv) a pedal bicycle with a motor attachment: and
 - (v) any other vehicle prescribed to be included but does not include any vehicle that weighs more than nine hundred (900) kilograms, or any other vehicle prescribed as an exception hereto.
- (b) "Council" means the Council of the Charter Community of K'asho Got'ine.
- (c) "Highway" means a highway as defined in the Motor Vehicles Act within the Charter Community.

- (d) **“Juvenile”** means a person less than sixteen (16) years of age, unless such person shall have reached the age of fifteen (15) years and has obtained a valid learner’s licence under Part II of the Motor Vehicles Act.
- (e) **“Designated Area”** means areas specifically constructed and/or used for the operation of parking motor vehicles.
- (f) **“Motor vehicle”** means a vehicle propelled or driven by power other than muscular power and includes a trailer, but does not include:
 - (i) an aircraft, marine vehicle or all-terrain vehicle,
 - (ii) a device that runs or is designed to run exclusively on rails, or
 - (iii) a mechanically propelled wheelchair.
- (g) **“Helmet”** means an article of protective headgear of a type designed for use by the operator of a motorcycle or of an All-Terrain Vehicle; and being of a type that is C.S.A. approved.
- (h) **“Municipality”** means the geographic area of jurisdiction of the Charter Community of K’asho Got’ine.
- (i) **“Peace Officer”** means a person appointed as a By-law Officer for the Charter Community and a person who is “Ex-officio” an Officer under the provisions of the Motor Vehicle Act.
- (j) **“Owner”** means the owner of the All-Terrain vehicle and includes any person renting an All-Terrain vehicle or having the exclusive use thereof under a lease or otherwise.
- (k) **“Licensing Authority”** means the Charter Community or a contractor or agent duly authorized to be in charge of issuing ATV registrations and licenses.
- (l) **“Play Vehicle”** means a bicycle, toboggan, skis, ice skates, skateboard, sled, coaster, roller blades, snowboard, and any other item similar in nature.
- (m) **“Quiet-time”** means the hours between 11:00 p.m. and 7:00 a.m. as established by the Noise By-law.
- (n) **“Public Place”** means any area to which the public has access as of right or by invitation, express or implied.
- (o) **“Roadway”** means the part of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder of a highway.
- (p) **“SAO”** means the Senior Administrative Officer of the Charter Community.
- (q) **“Schedule”** means a schedule attached to and forming part of this By-law.
- (r) **“Special All-Terrain Vehicle”** means an all-terrain vehicle that operates on three (3) or four (4) wheels.
- (s) **“Driver”** means a person who operates or is in physical control of an All-Terrain Vehicle.
- (t) **“Snow Vehicle”** means a motorized vehicle that runs on wheels, tracks, air cushions or any combination thereof and is of a kind predominantly used for cross-country travel on snow or ice and includes a motor toboggan.
- (u) **“Minibike”** means a motorcycle with a motor that has a piston displacement of seventy-five (75) cubic centimetres or less, or a pedal bicycle with a motor attachment.

- (v) **“Off Road Vehicle”** means a motorized vehicle that runs on wheels, tracks, air cushions or any combination thereof, and that is of a kind predominantly used for cross-country terrain and includes amphibious vehicles, three wheelers, and every other type of All-Terrain Vehicle that is not a minibike or a snow vehicle.
- (w) **“Motor Vehicles Act”** means the Motor Vehicles Act R.S.N.W.T., 1988, c. M-16 and its subsequent amendments and regulations.
- (x) **“Charter Communities Act”** means the Charter Communities Act R.S.N.W.T., 1988, c. 4, M-16 and its subsequent amendments and regulations.
- (y) **“Traffic Control Device”** means a sign, signal, light, line marking, or device placed or erected under a By-law made under subsection 7(2) of the All-Terrain Vehicles Act for the purpose of regulating, warning or guiding pedestrians or traffic.

3. Public Liability Insurance

1. Every owner of an All-Terrain vehicle who operates an All-Terrain Vehicle within the Charter Community shall take out and maintain in force a policy of Public Liability Damage Insurance with a minimum liability insurance coverage as detailed in Section 44 of the Insurance Act R.S.N.W.T., 1988 c.8 and its subsequent amendments thereto.
2. Every insurer who issues a policy of insurance described in Subsection (1) shall issue to each person named as an insured in the policy, an insurance card.
3. No person shall operate an All-Terrain Vehicle within the Charter Community unless such All-Terrain Vehicle is the subject of an insurance policy described in subsection (a) of this section.
 1. Any person operating an All-Terrain Vehicle shall carry with him the insurance card in respect of that All-Terrain Vehicle, or in failing to do so shall produce said insurance card within twenty-four (24) hour period upon the request of a Peace Officer.

2. Operator’s License

1. Any operators under the age of sixteen (16) years must be under the supervision of an adult, unless that person has a valid drivers learners permit.
2. ATV License Fees are set out by the G.N.W.T.

3. Lights & Equipment

1. No person shall operate, or permit the operation on a highway or roadway, of an All-Terrain vehicle that is in such a condition that the operation of the All-terrain Vehicle is likely to endanger the safety of the driver, or a passenger, or the public.
2. No person shall operate an All-Terrain Vehicle unless the All-Terrain Vehicle is equipped with:
 - (a) a headlight at the front that projects a white light for a distance of one hundred (100) metres;
 - (b) a taillight and stop light at the rear that projects a red light for a distance of one hundred and fifty (150) metres;
 - (c) with at least one braking system which must be in good working order; and
 - (d) with a muffler device that is intended to suppress exhaust noise, and prevents unreasonable noise in the operation of the engine of the All-Terrain Vehicle.
3. No person shall operate an All-Terrain Vehicle equipped with a muffler cutout, bypass, straight exhaust, stock, high performance or tune pipe or similar device on any highway, roadway, or any area within the Charter Community.
4. Notwithstanding section 3 (3) a person may operate a snowmobile equipped with a muffler cutout bypass, straight exhaust, stock, high performance, or tune pipe or other similar device on a highway, roadway, or other area within the Charter Community where:
 - (a) an organized club has an approved snowmobile race track;
 - (b) written consent has been received from the Council;
 - (c) the snowmobile is being operated for the purposes of drag, track or cross-country racing, and is being operated on an approved race-track or course.
5. Notwithstanding, section 3 (4), a Council may not suspend the requirements of section 3(3) during the hours of 11:00 p.m. to 7:00 a.m.

6. No person shall tow any sleigh, trailer, play vehicle or other similar object behind an All-Terrain Vehicle on a highway or roadway, or any other area of the Charter Community unless the sleigh, trailer, play vehicle or similar object is attached to the All-terrain vehicle by a solid rigid high tow bar.
7. Notwithstanding section 3(6), a person may tow a sled or kamotik which is used for the normal food gathering of a family and is a sled or kamotik which has a rope, cable or chain or other type of tether to tow along behind an All-Terrain Vehicle, and the tether is shortened to properly control the sled or kamotik while being pulled within the Charter Community.

4. **Rules of Operation**

1. No person shall operate an All-terrain Vehicle with out due care and attention.
2. No person shall operate an All-terrain Vehicle on any roadway, or highway within the Charter Community contrary to a traffic control device.
3. No person shall operate or park an All-Terrain Vehicle on private property without authority from the owner, tenant, occupant, or person in control of the property.
4. No person shall operate an All-Terrain Vehicle within the Charter Community
 - (a) where signs posted by the Charter Community prohibit such operation during certain hours of the day, and
 - (b) in any manner that may cause actual damage to the road by any reason whatsoever.
5. No person shall operate an All-Terrain Vehicle on a highway or roadway abreast of any other vehicle.
6. No person shall operate an All-Terrain Vehicle in or on any playground area or any other area designated in Schedule "A".
7. No person shall carry an object on an All-Terrain Vehicle in such a manner as to obstruct or interfere with:
 - (a) the operation of an All-Terrain Vehicle; and
 - (b) The view of the driver of an All-Terrain Vehicle.

8. No person shall operate or ride on an All-Terrain Vehicle on a highway or roadway where there are more than two (2) persons on the All-Terrain Vehicle unless the All-terrain Vehicle is equipped or designed to carry more and, in this case, the capacity shall not exceed that recommended by the manufacturer.
9. Where an infant is within an amauti or other device designed for carrying infants that is worn by the driver or passenger an All-Terrain Vehicle, the infant is not a person for the purposes of section 4(8).
10. No person shall drive his/her All-Terrain Vehicle to the left of the centre of roadway or highway except:
 - (a) when overtaking and passing another vehicle proceeding in the same direction;
 - (b) when the roadway to the right of the centre of the roadway or highway is obstructed by a parked vehicle or other object or is closed to traffic; or
 - (c) when making a left turn at an intersection or onto a private roadway or driveway.
11. No person shall operate or ride on an All-Terrain Vehicle on a highway or roadway unless;
 - (a) the person is wearing a prescribed helmet; and
 - (b) the helmet is securely fastened by a chin strap.
12. No person shall operate an All-Terrain Vehicle on a highway or roadway at a speed greater than;
 - (a) the maximum speed limit that is set out by a traffic control device; or
 - (b) thirty (30) kilometres per hour if there is no maximum speed limit set out by a traffic control device.
13. (a) Notwithstanding the provisions of section 4(12), a person may apply in writing to the SAO, to operate a snowmobile exceeding the maximum speed limits set out in section 4(12) if participating in a race or rally organized and conducted by a snowmobile club.

- (b) Upon receiving a written application from a snowmobile club to conduct a race or rally and exceed the maximum speed limits, the SAO may, in writing approve the application, and set out the times and locations of the race or rally.
14. No person shall operate an All-Terrain Vehicle within the Charter Community between the hours of 11:00 p.m. and 7:00 a.m. except when travelling to and from hunting, trapping, fishing, camping, or his/her place of employment, to his/her principal place of residence provided that the most direct route is taken or otherwise provided by resolution of Council.
15. Upon the immediate approach of an enforcement or emergency vehicle that is emitting an audible signal by bell or siren or that has its flashing lights activated, a driver shall;
- (a) yield the right of way to the enforcement or emergency vehicle;
 - (b) immediately drive to a position clear of the intersection and parallel to and as close as is practicable to the right-hand curb or edge of a two-way roadway or highway; and
 - (c) stop and remain in that position until the enforcement or emergency vehicle has passed.

5. Parking

1. No person shall stop, park, or leave an All-Terrain Vehicle so as to;
- (a) obstruct the free passage of traffic along any roadway or highway, or
 - (b) abandon the All-terrain Vehicle without first properly ensuring the All-Terrain Vehicle does not obstruct the free passage of traffic and Municipal services along any roadway or highway within the Charter Community.
2. No person shall leave an All-Terrain Vehicle to stand unattended without first taking such action as may be necessary to prevent the All-Terrain Vehicle from being set in motion,
3. No person shall park or operate an All-Terrain Vehicle on private property without authority from the owner, tenant, occupant, or person in charge or control of the property.

6. Accidents

1. Where an accident involving an All-Terrain Vehicle occurs within the Charter Community the driver or other person in charge of such All-Terrain Vehicle shall:
 - (a) render all reasonable assistance to any person injured in or as a result of such accident;
 - (b) produce in writing to any person sustaining loss or injury and to any Officer, his/her name and address;
 - (c) remain at the scene of the accident until he/she has complied with subsections (a) and (b) except as may be reasonably necessary for the purpose of obtaining medical or other assistance;
 - (d) report the accident to an Officer immediately;
 - (e) within twenty-four (24) hours of the accident, produce to an Officer:
 - i) a valid operator's license, if required by this By-law
 - ii) the name and address of the Owner of the All-Terrain Vehicle involved in the accident;
 - iii) details of the insurance required by Section 3 of this By-law; and
 - iv) a written description of the accident in such form as the Officer may direct.

7. Peace Officers

1. Any Peace Officer may:
 - (a) Stop an operator of an All-Terrain or motor Vehicle;
 - (b) Inspect the vehicle
 - (c) request to be shown identification, registration, and liability insurance; and
 - (d) notwithstanding subsection (a) of this section an officer may allow the person operating the All-Terrain Vehicle up to twenty-four (24) hours in which to provide the Officer with those things required by subparagraph (c) of subsection 1 of this section.

2. Council may appoint such persons upon such terms, as it requires by By-law and resolution to be Peace Officers to enforce and carry out the provisions of this By-law.
3. Every member of the Royal Canadian Mounted Police is an ex-officio Peace Officer for the purpose of enforcing and carrying out the provisions of this By-law.
4. No person shall obstruct, molest, or interfere with a Peace Officer in the performance of his/her duties with respect to the enforcement of this By-law.
5. The provisions of this By-law shall not apply to Peace Officers acting in the course of their duties.
6. The provisions of this By-law shall apply to the operation of All-Terrain Vehicles within the Charter Community boundaries.

8. **Enforcement**

1. An officer may direct a person operating an All-terrain Vehicle on a highway or roadway to stop and park the All-terrain Vehicle to determine if the person operating the All-Terrain Vehicle and the All-Terrain Vehicle and its equipment are in compliance with this By-law.
2. A person operating an All-Terrain Vehicle on a highway or roadway who is directed to stop and park the All-Terrain Vehicle by an Officer under Section 7 shall comply with the direction.
3. Where a person operating an All-Terrain Vehicle contravenes any provisions of this By-law and he/she is not known to the Officer, the owner of the All-Terrain Vehicle shall, at the request of the Officer, supply the name and address of the person operating the All-Terrain Vehicle at the time of the contravention, within twenty-four (24) hours of the request.
4. Every owner who fails, refuses, neglects or is unable to supply the name and address of the person operating the All-Terrain Vehicle at the time of the contravention, within twenty-four (24) hours after being requested shall incur the penalty for the contravention.
5. No person shall knowingly make a false statement in any application or other document required by this By-law, or utter a false statement to Officer while in the lawful execution of his/her duties.

6. In any prosecution under this By-law it is a defence if the owner is able to prove that the All-Terrain Vehicle was being operated at the time of the contravention without the owner's consent, either implied or expressed.
7. The notice in form of a traffic ticket shall be deemed sufficiently served:
 - (a) If served personally on the accused; and
 - (b) If attached to or left upon the All-Terrain Vehicle in respect of which offence is alleged to have been committed.
9. The notice of form may state that the sum, if applicable, of any voluntary payment, which may be made in respect of any breach of this By-law as, may be provided in Schedule "B" of this By-law.

10. Seizure of All-Terrain Vehicle

1. A Peace Officer who finds a person operating an All-Terrain Vehicle on a highway or roadway within the Charter Community, in contravention of this By-law, may seize the All-Terrain Vehicle in accordance with the following sections of the Motor Vehicles Act:
 - (a) Sections 276 to 284 inclusive;
 - (b) Section 294; and
 - (c) Sections 300 through 302 (1), (2), (3) (a) (b), (4) inclusive.

11. Offenses

1. That any person who is guilty of an offence under this By-law is liable on summary conviction to:
 - (a) a fine not exceeding:
 - i) one thousand dollars (\$1,000.00), and
 - ii) imprisonment for a period not exceeding six (6) months, in default of payment of a fine.

- iii) Pursuant to Section 11 (a), of this By-law, an officer may issue a Summary Offence Ticket Information in form accepted by the Summary Conviction Procedures Act, to any person who violates any provision of this By-law and such person may, in lieu of prosecution, pay the Charter Community the voluntary penalty for the offence listed in Schedule "B" prior to the court date specified on the ticket.

12. Traffic Control Devices

1. The Council may, from time to time, by resolution, authorize the erection of traffic control devices, applicable only to All-Terrain Vehicles, at locations other than those set out in the Highway Traffic By-law.

13. Enactment

1. This By-law is superseded only by the Territorial Ordinance respecting All-Terrain Vehicle.
2. The provisions of the By-law are separable and the invalidity of any part of this By-law shall not effect the rest of the By-law.
3. Schedules "A" and "B" are attached to and form part of this By-law.
4. This By-law comes into force and takes effect on the date of its adoption by Council.
5. The provisions of this By-law shall come into full force and effect upon receiving third (3rd) and final reading. Therefore, By-law No. 008-95 being the ATV By-law is hereby repealed.

Introduced and read a first (1st) time this 18th day of June, 2001 A.D.

Delphine Pierrot
Mayor/Chief

ACTING [Signature]
Senior Administrative Officer/ Band Manager

Read a second (2nd) time this 18th day of June, 2001 A.D.

Delphine Pierrot
Mayor/Chief

ACTING [Signature]
Senior Administrative Officer/Band Manager

Read a third (3rd) time and finally passed this 18th day of June, 2001 A.D.

Delphine Pierrot
Mayor/Chief

ACTING [Signature]
Senior Administrative Officer/Band Manager

**Charter Community of K'asho Got'ine, NT.
By-law # 018-2001
Schedule "A"**

Prohibited Areas For Public Use of All-Terrain Vehicles

1. Operating an All-Terrain Vehicle on a public sidewalk.
2. School Playground
3. Area identified for Airstrip
4. Any other areas designated by Resolution of Council.

Charter Community of K'asho Got'ine, NT.
By-law # 018-2001
Schedule "B" cont'd

<u>Offence</u>	<u>Section</u>	<u>Amount</u>
Improper use of Licence plates	46 (2)	\$ 100.00
Obstruction of a Peace Officer	25	\$ 250.00
Driving after hours	4 (14) By-law	\$ 100.00
Illegal Parking	5 (1) (3) By-law	\$ 100.00
Inadequate Lighting	3 (2) (a) By-law	\$ 100.00
No tail light/stop light	3 (2) (b) By-law	\$ 100.00

**Charter Community of K'asho Got'ine, NT.
By-law # 018-2001
Schedule "B"**

1. Offences and Fines

<u>Offence</u>	<u>Section</u>	<u>Amount</u>
Failure to produce proof of insurance	56 a (ii)	\$ 100.00
Driving an ATV after certificate has been cancelled	54	\$ 100.00
Inadequate Insurance	36 (1) (2) (a) (b)	\$ 200.00
Operating an ATV without proper lighting/reflectors	128 (1)	\$ 100.00
Improper usage of brakes on unattended vehicle	221	\$ 100.00
Failure to wear helmet while operating/riding on a ATV	243	\$ 100.00
Operating an unregistered ATV	16 (2)	\$ 100.00
Failure to attach license plates	6	\$ 100.00
Operating an ATV in excess of posted speed		
- up to 15/km in excess		\$ 100.00
- 16 km/h up to and including 30km/h in excess	169 (a) (b)	\$ 125.00
- 31 km/h up to and including 50 km/h in excess		
Operating an ATV on a sidewalk	233	\$ 100.00
Operating an ATV without a proper exhaust system	139	\$ 150.00
Carrying more passengers than the ATV is designed for	226	\$ 150.00
Careless driving	154 (1) (2)	\$ 500.00

