



Hamlet of Cambridge Bay By-Laws

By-Law Name:	All Terrain Vehicle By-Law
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By-Law Number:	235
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Description

A By-Law of the Hamlet of Cambridge Bay in the Nunavut Territory to amend By-Law 152 of the Hamlet of Cambridge Bay pursuant to the provisions of all the 1991, All Terrain Vehicles Act, R.S.N.W.T., 1985 (1), C,4,S,5, Motor Vehicles Act, R.S.N.W.T., CS-16, and the Summary Convictions Procedures Act, S.N.W.T., 1988, CS-15

By-Law

Whereas, By-Law 43 provides for All Terrain Vehicles and requires amending.

Now therefore, the Hamlet of Cambridge Bay, at a duly assembled meeting, enacts as follows:

1. **Short Title**

This By-Law may be cited as the All Terrain Vehicle By-Law.

2. **Definitions**

In This By-Law

(a) "All Terrain Vehicle" means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination thereof and is of a kind predominantly used in the Territories for cross-country travel or on land water, snow, ice, marsh or swamp land or on other natural terrain, and, without the generality of foregoing, includes:

- (i) an amphibious Vehicle,
- (ii) a snow vehicle,
- (iii) a motorcycle with the motor that has a piston displacement of seventy-five cubic centimeters or less,
- (iv) A motorized vehicle mounted on three or more wheels,
- (v) A pedal bicycle with motor attachment, and
- (vi) Any other vehicle [prescribed to be included but does not include any vehicle that weighs more than 900 kilograms or any other vehicle prescribed as an exception.

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- (b) “Hamlet” means the incorporated Hamlet of Cambridge Bay.
 - (c) “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.
 - (d) “Road” means any place or way, including any structure forming part there of, that the public is ordinarily entitled or permitted to use for the passage of a vehicle, with or without fee or charge therefore, and includes all the area between the boundary lines of any right of way or land taken, acquired or used therefore, and includes:
 - (i) a privately owned area, other then the driveway of a private dwelling, that is designed and intended and primarily used for the parking of vehicle, and necessary passageways therein, and
 - (ii) a publicly owned area designed and intended to be used exclusively for parking of vehicles and necessary passageways therein.
 - (e) “Night” means the period between a half-hour after sunset and one hour before sunrise.
 - (f) “Officer” means a member of the Royal Canadian Mounted Police or a Municipal Enforcement Officer appointed by the Hamlet Council to enforce its By-Laws.
 - (g) “Owner” means the person in whose name an All-Terrain Vehicle is or is required to be registered.
 - (h) “Senior Administrative Officer” means the Senior Administrative Officer of the Hamlet.
 - (i) “Snowmobile” means a motorized vehicle that is designed or intended to be driven primarily upon the snow or ice or both.
 - (j) “Special All-Terrain Vehicle” means an All-Terrain Vehicle which operates on three or four wheels or small motorcycles with two wheels equipped with an engine size of 75 cc or less
3. Where words and expressions used in this By-Law are defined in Section 2 of the Vehicle Act, their definition in that section applies to this by-Law.

EQUIPMENT

- 4. No person shall operate an All-Terrain Vehicle unless it is equipped with a muffler that prevents unreasonable noise in the operation of the engine of the All-Terrain Vehicle [decipal reader].
- 5. (1) No person shall operate an All-Terrain Vehicle unless the All-Terrain Vehicle is equipped with lights in accordance with this section.

(2) Requirements as to visibility of lights in terms of distance from All-Terrain Vehicles shall mean that the lights are clearly visible under normal night conditions from the distance stated in this part.

(3) An All-Terrain Vehicle shall be equipped with the following lights:

(a) At least one headlight at the front of All-Terrain Vehicle, which will illuminate a non-reflective, object at a distance of at least 100 meters in front of the All-Terrain Vehicle.

(b) At least one tail light that shows red light visible at a distance of at least 150 meters behind the All-Terrain Vehicle.

6. (1) Every All-Terrain Vehicle, when operating within that Hamlet, shall be equipped with at least one breaking system.

(2) The brakes of an All-Terrain Vehicle shall be maintained in a good working order and shall be adjusted as to prevent the All-Terrain Vehicle from swerving, pulling to one side or otherwise affecting the operator's control of the All-Terrain Vehicle when the brakes are applied.

MAXIMUM RATE OF SPEED

9. No person shall operate an All-Terrain Vehicle on any road within the immediate build-up area of the Hamlet within the Hamlet Boundary at a greater speed than 40 kilometers per hour unless otherwise posted.

OPERATION

10. Drivers of All-Terrain Vehicles shall operate the All-Terrain Vehicle with due care and attention.

11. No person shall operate an All-Terrain Vehicle on private property within the Hamlet without the prior consent of the owner of such private property.

12. No person shall operate an All-Terrain Vehicle within the Hamlet:

(a) where signs posted by the Hamlet prohibit such operation;

(b) in any manner that may cause actual damage to that road by any reason whatsoever.

13. No person shall operate an All-Terrain Vehicle on a road within the Hamlet abreast of any vehicle except when the All-Terrain Vehicle is overtaking or being overtaken by another vehicle.

14. No person shall carry any other person or object on an All-Terrain Vehicle in the Hamlet in such a manner as to obstruct or interfere with;
 - (a) the operation of the All-Terrain Vehicle.
 - (b) the view of the driver of the All-Terrain Vehicle.
15. No person shall operate an All-Terrain Vehicle within the Hamlet that is mechanically unfit or is unsafe condition as to endanger the driver or any other person or property.
16. No person shall operate or ride a Special All-Terrain Vehicle on a road unless
 - (a) the person is wearing a prescribed helmet; and
 - (b) the helmet is securely fastened by a chin strap.
17. No person shall operate or ride on an All-Terrain Vehicle on a road where there are more than two persons on the vehicle.
18. Where an infant is within an amauti or other device designed for carrying infants that is worn by the driver or passenger on an All-Terrain Vehicle, the infant is not a person for the purposes of sections 16 and 17.
19. For the purposes of this By-Law, Officers are exempt from all sections while during the performance of their duties.

RULES OF THE ROAD

20. The provisions, as outlined in the Motor Vehicles Act, Part IV Rules of the Road shall apply to All-Terrain Vehicles driven on any road within the Municipality Boundaries of the Hamlet.

REGISTRATION AND LICENSING

21. No person shall operate an All-Terrain Vehicle within the Hamlet unless such All-Terrain Vehicle has been properly registered.
22. No person shall drive any All-Terrain Vehicle on any road within the Hamlet unless that person has a valid operator's license issued under the Vehicles Act of Nunavut or having attained at the age of 14 years for a snow vehicle, obtained an operating permit from the hamlet after passing the prescribed examination attached to Bylaw 18, Schedule "b".
23. Nothing in Section 21 releases a driver, owner or other person in charge of al All-Terrain Vehicle within the Hamlet from the obligation to comply with Section 24 of this Bylaw.

INSURANCE

24. Every owner of an All-Terrain Vehicle in the Hamlet shall take out and maintain a policy or motor vehicle liability insurance for an amount of no less than One Hundred Thousand dollars for bodily injury to or resulting from any one accident.
25. (1) Where a policy of insurance referred to in Section 24 expires or is cancelled, the owner of the A.T.V. in respect of which the policy of insurance was issued shall immediately deliver the number plate for such A.T.V. to the Senior Administrative Officer.

(2) The number plate delivered to the Senior Administrative Officer pursuant to Section (1) shall not be returned to the owner until satisfactory evidence of the Insurance coverage in accordance with Section 26, of this Bylaw is provided to the Senior Administrative Officer.
26. No person shall operate an A.T.V. within the Hamlet unless there is a policy of insurance in force for that A.T.V. in accordance with Section 24 of this Bylaw.
27. Every person operating an All-Terrain Vehicle in the Hamlet shall produce, when requested to do so by an officer, evidence that there is a policy of insurance in force for the All-Terrain Vehicle in accordance with the Section 26 of this Bylaw.

ACCIDENTS

28. When an accident involving an All-Terrain Vehicle occurred within the Hamlet, the Driver or the 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 name and address;
 - (c) remain at the scene of the accident until he has completed with subsection (a) and (b) except as may be reasonably necessary for the purposes of obtaining medical or other assistance;
 - (d) Report the accident to an Office immediately;
 - (e) Within 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; and
 - (iii) a written description of the accident in such form as the Officer may direct.

PARKING

29. No person shall stop, park or leave an All-Terrain Vehicle;
- (a) in contravention of the provisions of any By-Law of the Hamlet, or
 - (b) so as to obstruct the free passage of traffic on a road within the Hamlet.
30. No person shall leave an All-Terrain Vehicle to stand unattended within the Hamlet without first taking such action as may be reasonably necessary in circumstances to prevent the All-Terrain Vehicle from moving or being set in motion.

ENFORCEMENT

31. (1) An Officer may inspect any All-Terrain Vehicle operated within the Hamlet to check the A.T.V. and the equipment thereon for the compliance with the provisions of this By-Law.
- (2) Every person in charge of an All-Terrain Vehicle operated within the hamlet shall, on demand of an Officer, permit the Officer to inspect such an All-Terrain Vehicle and the equipment thereon.
32. (1) Where any driver whose identity is unknown to the Officer contravenes any provisions of this By-Law, the owner of the All-Terrain Vehicle which the driver is driving shall, at the request of the Senior Administrative Officer or an Officer, within 24 hours of the request, supply the Senior Administrative Officer or the Officer with the name and address of the person in charge of the All-Terrain Vehicle at the time of the contravention.
- (2) Every owner who refuses, fails, neglects or is unable to supply the name and Address of the person in charge of the All-Terrain Vehicle within 24 hours after being so requested is liable to the penalty prescribed for the offence of the driver.
- (3) In any prosecution under this section, it is a defense if the owner proves that the All-Terrain Vehicle was being operated at the time of the contravention without his knowledge or consent, either expressed or implied.

FALSE STATEMENT

33. No person shall knowingly make a false statement in any application or other document required by this By-Law.

PENALTIES

34. Every person who contravenes the provisions of this by-Law respecting the speed of All-Terrain Vehicles if found guilty of an offence, is liable, upon summary conviction; (Ticket)
- (a) for the first offence, to a fine of \$50.00 and in default, one day in jail.

- (b) for the second offence, to a fine of \$100.00 and in default, two days in jail.
 - (c) for each subsequent offence, to a fine of \$100.00 or to imprisonment for a term not exceeding 30 days or both and in default of payment, a fine of three days in jail.
35. Every person who contravenes Section 28, 29 and 30 of this By-Law, is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to a term of imprisonment not exceeding one month or to both such fine is imprisonment
36. The penalties provided for in Section 35 and 36 of this By-Law shall not be less than and not limited to \$50.00 for each offence.
37. This By-law hereby repeals By-Law #152

This By-Law shall come into effect on the 25th day of May, 2000, upon receiving Third and Final Reading and otherwise meeting the requirements of Section 57 of the Cities, Town and Villages Act R.S.N.W.T. 1988 c.C-8.

Date of First Reading	(Day) 23	(Month) 03	(Year) 2009
Date of Second Reading	(Day) 27	(Month) 04	(Year) 2009
_____ Mayor			
_____ Senior Administrative Officer			
Date of Third Reading and Passed	(Day) 25	(Month) 05	(Year) 2009
_____ Mayor			
_____ Senior Administrative Officer			



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BY-LAW No. 235 – Schedule A

All-Terrain Vehicles

Fee Schedule

<u>Registration of Motorized Snow Machines.....</u>	<u>\$35.00</u>
<u>All-Terrain Vehicle Operating Permit.....</u>	<u>\$20.00</u>
<u>All-Terrain Vehicle Exam Fee.....</u>	<u>\$10.00</u>
<u>Elder License & Registration fee.....</u>	<u>\$1.00</u>