

THE CORPORATION OF THE CITY OF IQALUIT

ALL TERRAIN VEHICLE BY-LAW

BY-LAW # 557

WHEREAS the City Council of the corporation of the City of Iqaluit deem it appropriate and necessary to repeal By-Law No. 206 and amendment 373;

AND WHEREAS the Cities, Towns and Villages Act R.S.N.W.T., 1988, c.C-8 section 172.(3); All Terrain Vehicles Act A-3 provides for the passage of By-Laws regulating for the control, use and operation of All-Terrain Vehicles on highways and other areas within the City of Iqaluit, Nunavut, subject to the All-Terrain Vehicles Act;

NOW THEREFORE PURSUANT to the Cities, Towns and Villages Act, the All-Terrain Vehicles Act and notwithstanding any By-Laws, sections thereof, resolutions or prior enactments;

THE COUNCIL OF THE CORPORATION OF THE CITY OF IQALUIT in session duly assembled enacts as follows:

SHORT TITLE

1. This By-Law shall be known as “**ALL-TERRAIN VEHICLE BY-LAW**”
2. **SEVERABILITY**; if any provision of this By-Law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this By-Law or any documents which may form part of this By-Law or an application thereof to any persons or circumstances is declared invalid, the remaining provisions and the application of such provisions shall not be effected thereby but shall remain in full force.

PART I **INTERPRETATION**

3. In this By-Law
 - (1) “ADULT” means a person of 16 years of age or over
 - (2) “ALL-TERRAIN VEHICLE” means a motorized vehicle that runs on wheels, tracks, skis or air cushions and is designed for cross country travel on land, water, snow, marsh, and swamp or on other natural terrain and without limiting, the foregoing will include:
 - (a) an amphibious vehicle
 - (b) a snow vehicle
 - (c) a motorized vehicle mounted on 3, 4, 5 or 6 wheels
 - (d) a pedal bike with motor attachment
 - (e) a motorcycle that has a piston displacement of 75 cubic centimetres or less
 - (f) any other vehicle prescribed to be included.
 - (3) “COUNCIL” means the council of the City of Iqaluit.
 - (4) “DRIVER” means a person who drives or is in actual physical control of the all terrain vehicle
 - (5) “HIGHWAY” means a highway as defined by the Highway Traffic Act.
 - (6) “INSURANCE” means motor vehicle liability insurance.
 - (7) “LICENSE PLATE” means a license plate issued pursuant to the All-Terrain Vehicle Act or the City of Iqaluit All-Terrain Vehicle By-Law.
 - (8) “MUNICIPALITY” means for the purpose of this by-law an area that extends no further than five hundred yards from the nearest Highway.
 - (9) “TRAILER” means a vehicle, qamutik or sleigh towed by another

(10) “OFFICER” means a By-Law Officer of the City of Iqaluit or a member of the Royal Canadian Mounted Police

(11) “OWNER” means a person in whose name an All-Terrain Vehicle is required to be registered and licensed pursuant to the All-Terrain Vehicles Act and includes any person renting or leasing an All-Terrain Vehicle and having the exclusive use thereof.

(12) “REGISTRATION CERTIFICATE” means a registration certificate for a snow vehicle issued pursuant to this By-Law.

(13) “REGISTRATION NUMBER PLATE” means an identification number plate for a snow vehicle issued pursuant to this By-Law.

(14) “SAFETY HELMET” means a rigid helmet of a prescribed type in accordance with the All-Terrain Vehicles Act.

(15) “LAND” means for the purpose of this by-law, the area that extends beyond five hundred yards from the nearest highway

4. Save as herein otherwise provided, the terms and expressions in this By-Law have the same meaning as in the Interpretation Act, the All-Terrain Vehicles Act and the Cities, Towns and Villages Act.

PART II **REGISTRATION**

5. (1) All-Terrain Vehicles shall be registered under the All-Terrain Vehicle Act with the exception of Motorized Snow Vehicles, which shall be registered with the City of Iqaluit. A person shall not drive an All-Terrain Vehicle unless there is an affixed registration plate.

(2) A person shall not drive, cause, allow or permit to be driven, an All-Terrain Vehicle, unless that Vehicle is registered in accordance with section 5 (1) of this By-Law and a valid insurance policy is carried on the vehicle.

(3) An application to register a snowmobile with the City of Iqaluit shall be made on a prescribed form in accordance with schedule “A” of this By-Law.

(4) A transfer of ownership shall be treated as a new application for registration and identification.

PART III **EQUIPMENT**

- 6 (1) A person shall not drive, operate, or otherwise move a vehicle between sunset and sunrise unless the vehicle is equipped with and there is effective operation of head and tail lamps.

(2) A person shall not drive, operate, or otherwise move a vehicle unless the vehicle is equipped with an adequate and effective braking system.

(3) An All-Terrain Vehicle shall be equipped with a noise muffler or other noise reducing equipment which shall be kept in good working order and which shall prevent excessive or unusual noise and a person shall not equip a vehicle with a muffler cut-off, straight exhaust, gutted muffler, Hollywood muffler, by-pass or other device which has the effect of by-passing or reducing the efficiency of that noise reducing equipment.

- (4) Every All-Terrain Vehicle shall be equipped with a rigid hitch when towing any sleigh, trailer or any other object.

PART IV **OPERATION**

7. (1) A person under the age of 14 years shall not drive an All-Terrain Vehicle unless accompanied on the All-Terrain Vehicle by an Adult.

(2) A person other than the operator shall not ride on a vehicle unless the vehicle is designed and equipped by the manufacturer to carry more than one person.

(3) A person shall not operate, ride as a passenger on a vehicle, or be towed in a trailer behind unless wearing a helmet that complies with the All-Terrain Vehicle Act and it is properly fastened.

(4) A person who operates an All-Terrain Vehicle:

(a) Without due care and attention

(b) Without reasonable consideration for other persons or property

Is guilty of an offence and liable and may, in lieu of prosecution, pay the city a voluntary penalty amount for the offence as listed in schedule B prior to the date specified on the Summary Offence Ticket.

(5) The driver of an All-Terrain Vehicle, when driving on a roadway, shall not operate the All-Terrain Vehicle abreast of any other All-Terrain Vehicle except when overtaking and passing that vehicle

(6) Drivers of All-terrain Vehicles shall follow the speed restrictions as indicated in the City of Iqaluit Highway Traffic By-Law

(7) Drivers of All-Terrain Vehicles shall obey all traffic control devices as indicated in the City of Iqaluit Highway Traffic By-Law

(8) The driver of an All-Terrain Vehicle, when driving on a roadway, shall operate the vehicle as close as practicable to the right-hand curb or edge of the roadway.

(9) The driver of an All-Terrain Vehicle shall not operate the vehicle where signs prohibit its use. No person shall operate a vehicle on any playground, school ground, park, or sidewalk

(10) The operator of an All-terrain Vehicle within the City shall stop the vehicle before crossing any highway and shall proceed only when it is safe to do so.

PART V **GENERAL PROVISIONS**

8 (1) where the owner of an All-Terrain Vehicle, which is operated within the City, is a resident outside the boundaries of the City, he shall be deemed not to be in contravention of Part II of this By-Law if the vehicle is operated within the City for not more than 30 consecutive days.

(2) Where the operator and passengers of an All-Terrain Vehicle are going to or returning directly from the land, the operator and passengers shall be deemed not to be in contravention of Part III Section 6 (4) or Part IV Section 7 (3) of this By-Law.

(3) When in the course of enforcing the provisions of this By-Law, an officer operates an All-Terrain Vehicle within the City, he shall be deemed not to be in contravention of this By-Law.

(4) Organized All-Terrain Vehicles may hold practices, rallies, or races at locations and times approved by the By-law Department, at which occasions the maximum speed limits shall not apply.

(5) Approval is required for the foregoing and shall be applied for in writing and the approval of the By-law Department shall be in writing in order to be valid.

PART VI **INSPECTION OF ALL-TERRAIN VEHICLES**

9 (1) An officer may direct a person, operating an All-Terrain Vehicle within the City, to stop and park the vehicle to determine if the person operating the vehicle and the equipment comply with the requirements of this By-Law and the All-Terrain Vehicles Act.

(2) A person operating an All-Terrain Vehicle who is directed to stop and park by an officer pursuant to subsection (1) shall comply with the direction.

(3) An officer who has directed a person operating an All-Terrain Vehicle to stop and park, may inspect the vehicle and any safety item in respect to the vehicle to determine if the vehicle and the item comply with the requirements of this By-Law and the All-Terrain Vehicles Act.

(4) The person having control of the All-Terrain Vehicle being inspected pursuant to this section and any passenger on the vehicle shall provide all reasonable assistance to the officer conducting the inspection.

(5) Where an officer has conducted an inspection pursuant to subsection (3) of this Part, believes the vehicle is in such condition that it may endanger the safety of the operator, a passenger or the public, the officer may direct the person having control of the All-Terrain Vehicle to remove it from service.

(6) A person who is directed to remove the All-Terrain Vehicle from service by an officer pursuant to Subsection (5) shall comply with the direction.

(7) An officer who directs the removal of an All-Terrain Vehicle from service pursuant to Subsection (5) shall immediately provide the operator of the vehicle with a notice which sets out the equipment or parts that must be repaired, removed or added so that the operation of the vehicle does not endanger the safety of the operator, passenger or public.

(8) Where an officer directs the removal of an All-Terrain Vehicle pursuant to Subsection (5) the driver of the vehicle or his agent shall have the vehicle towed or otherwise removed by a means that does not require the engine to be started.

(9) No person shall operate an All-Terrain Vehicle that is subject of a notice referred to in Subsection (7) unless the repair, removal or addition of equipment or parts of the vehicle set out in notice have been completed.

PART VII
SEIZURE AND IMPOUNDMENT

10. (1) An officer, who on reasonable and probable grounds, believes that any offence referred to in this By-Law has been committed, may seize and detain any All-Terrain Vehicle in respect of which the offence has been committed until the final disposition of any proceedings that may be taken under this By-Law.

(2) An officer seizing an All-Terrain Vehicle pursuant to Subsection (1) may cause the vehicle to be removed and taken and stored in a suitable place and may cause such tests and examinations thereof to be made as he considers proper.

(3) All costs for the removal, care, and storage of the All-Terrain Vehicle are a lien upon the vehicle that may be enforced in the manner provided in the Garage men's Liens Act.

(4) The owner of the All-Terrain Vehicle may recover the vehicle by obtaining a statement of release from an officer, presenting same to whoever has custody of the vehicle and paying all required charges, if any, for removing, caring and storing the vehicle.

(5) The owner of the All-Terrain Vehicle has 30 days from the date of the seizure to give his intention as to disposal and or release of his vehicle. Failure to do so shall result in the City disposing of the vehicle as the city sees fit.

PART VIII
OFFENCES

11 (1) Except as otherwise provided in this By-Law, every person who violates or fails to comply with the provisions of this By-Law is guilty of an offence and is liable upon summary conviction for each offence, to a fine not exceeding \$ 500.00 or to imprisonment for not more than 30 days or to both such fine or imprisonment.

(2) Pursuant to the provisions of the Summary Convictions Procedures Act, an officer may issue a summary offence ticket information to any person who violates any provisions of this By-Law and such person may, in lieu of prosecution, may pay the City a voluntary penalty amount for the offence as listed in Schedule "B" prior to the date specified on the ticket.

PART IX
REPEAL

12 (1) This By-Law shall repeal By-Law number 206 and amendment 373 of the City of Iqaluit and shall come into force and take effect on the day of the final passing thereof.

PART X
SCHEDULES

13 (1) Schedules "A" and "B" are attached to this By-Law and may be changed from time to time by resolution of council.

THIS BY-LAW READ A FIRST TIME this 14 day of May 2002
by the Council of the City of Iqaluit, Nunavut.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THIS BY-LAW READ A SECOND TIME this 11th day of June
2002, by the Council of the City of Iqaluit, Nunavut.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THIS BY-LAW READ A THIRD AND FINAL TIME this this 11th day
of June 2002, by the Council of the City of Iqaluit, Nunavut.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

BY-LAW 557

1. Fees:

Registration of motorized snow machines \$ 25.00

[[Registration Form to be added]]

SCHEDULE "B"

BY-LAW 557

FINES

<u>OFFENCE</u>	<u>SECTION</u>	<u>VOLUNTARY PENALTY</u>
1. ATV not registered	5(1)	\$ 100.00
2. Failure to display valid license plate	5(1)	\$ 50.00
3. No valid insurance	5(2)	\$ 200.00
4. Speeding	7(6)	\$ 100.00- 0-16 kms over \$ 150.00 - 17-25 kms over \$ 200.00- 26-36 kms over \$ 250.00-36 kms plus over
5. Fail to obey traffic control device	7(7)	\$ 150.00
6. Ineffective head or tail lamps between sunset and sunrise	6(1)	\$ 50.00
7. Inadequate or ineffective braking system	6(2)	\$ 50.00
8. Unsuitable noise reduction equipment	6(3)	\$ 250.00
9. Ineffective hitch	6(4)	\$ 50.00
10. Unaccompanied person under 14 years of age	7(1)	\$ 50.00
11. Operator or passenger not wearing a helmet	7(3)	\$ 100.00
12. Without due care and attention	7(4a)	\$ 200.00
13. Without consideration for persons or property	7(4b)	\$ 200.00
14. Driving abreast of another vehicle	7(5)	\$ 100.00
15. Failure to drive close to right of curb	7(8)	\$ 50.00
16. Failure to obey sign prohibiting use	7(9)	\$ 150.00
17. Operating on school grounds playground, park or sidewalk	7(9)	\$ 150.00
18. Crossing highway when unsafe	7(10)	\$ 150.00