

Town of Norman Wells
By-Law No. 21-03

BEING A BY-LAW OF THE TOWN OF NORMAN WELLS TO REGULATE THE CONTROL, USE AND OPERATION OF ALL-TERRAIN VEHICLES WITHIN THE TOWN OF NORMAN WELLS.

WHEREAS pursuant to Section 5 of the All Terrain Vehicles Act, Sections 200, 201 and 203 of the Motor Vehicles Act, and Sections 182, 183 and 184 of the Cities, Towns and Villages Act, R.S.N.W.T., 1988 C.8 and subsequent amendments thereto:

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the Town of Norman Wells in Council duly assembled enacts as follows:

1. SHORT TITLE

This By-Law may be cited as the "All-Terrain Vehicles 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 Cities, Towns and Villages Act respectively.

- 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 on land, water, snow, ice, marsh or swamp land or on any other natural terrain, and without limiting the generality of the foregoing includes:
 - i) an amphibious vehicle
 - ii) a snow vehicle
 - iii) a motorcycle with a motor that has a piston displacement of seventy five (75) cubic centimetres or less:
 - iv) a pedal bicycle with 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 Town of Norman Wells.
- c. **"Designated Area"** means areas specifically constructed and/or used for the operation or parking of motor vehicles.
- d. **"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.
- e. **"Elder"** means a person fifty (50) years of age or older.
- f. **"Highway"** means a highway as defined in the Motor Vehicles Act within the Municipality.
- g. **"Licensing Authority"** means the Town or a contractor or agent duly authorized to be in charge of issuing ATV registrations and licenses.
- h. **"Peace Officer"** means any By-Law Enforcement Officer of the Town of Norman Wells, or any RCMP Officer who is "Ex-officio" an Officer for the purposes of the Motor Vehicles Act.
- i. **"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.
- j. **"Special All-Terrain Vehicle"** means an all-terrain vehicle that operates on three (3) or four (4) wheels.
- k. **"Driver"** means a person who operates or is in physical control of an All Terrain Vehicle.

- l. **"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.
- m. **"Minibike"** means a motorcycle with a motor that has a piston displacement of seventy-five cubic centimetres or less, or a pedal bicycle with motor attachment;
- n. **"Cities, Towns and Villages Act"** means the Cities, Towns and Villages Act, RSNWT, 1988, c. C-8 and its subsequent amendments and regulations.
- o. **"Motor Vehicles Act"** means the Motor Vehicles Act RSNWT, 1988, c. M-16 and its subsequent amendments and regulations.
- p. **"Night"** means the period during which the centre of the sun disc is lower than six degrees below the horizon.
- q. **"Off Road Vehicle"** means a motorized vehicle that runs on wheels, tracks, or 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.
- r. **"Town Manager"** means the Senior Administrative Officer of the Town of Norman Wells.
- s. **"Town"** means the Municipal Corporation of the Town of Norman Wells, NWT.

3. PUBLIC LIABILITY INSURANCE

- a. Every owner of an All-Terrain Vehicle who operates an All-Terrain Vehicle within the Town shall take out and maintain in force a policy of Public Liability Damage Insurance with a minimum liability insurance coverage as detailed in Section 144 of the Insurance Act R.S.N.W.T., 1988 C.8 and subsequent amendments thereto.
- b. 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.
- c. No person shall operate an All-Terrain Vehicle within the Town unless such All-Terrain Vehicle is the subject of an insurance policy described in subsection (a) of this section.
- d. Any person operating an All-Terrain Vehicle within the Town 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 (24) hour period upon the request of the Peace Officer.

4. OPERATOR'S LICENSE

- a. No person shall operate an All-Terrain Vehicle on a highway, or in any other public place within the Town, unless such person holds a valid drivers permit issued by the Registrar of Motor Vehicles or a valid drivers learners permit issued by the Registrar of Motor Vehicles.
- b. Any operators under the **age of fourteen (14)** years must be under the supervision of an adult, who has such a permit, unless that person has a valid drivers learners permit.
- c. ATV License Fees are outlined in "Schedule A" attached to and forming part of this By-Law.
- d. No all-terrain vehicle operator's permit shall be issued to a person unless that person"
 - i. Is fourteen (14) years of age or older; and
 - ii. Has successfully completed such examinations as may be set and administered from time to time by the Town for the purpose of testing knowledge of the provisions of this By-Law and territorial statutes to the operation of all-terrain vehicles (NOTE: elders are exempt from any examinations).

5. LIGHTS AND EQUIPMENT

An All-Terrain vehicle shall be equipped with the following lights and equipment:

- a. At least one (1) operating head light, as prescribed in the manufacturer's specifications affixed to the front of the All-Terrain Vehicle and projecting a white light which will illuminate a non-reflecting object at a distance of at least 100 metres to the front of the All-Terrain Vehicle.
- b. At least one (1) operating tail light, as prescribed in the manufacturer's Specifications affixed to the rear of the All-Terrain Vehicle and showing a red light visible at a distance of at least 150 metres behind the All-Terrain Vehicle.
- c. No person shall operate an All-Terrain Vehicle on a highway, or other public place within the Town, unless it is equipped with at least one (1) operating red brake light affixed to the rear of the All-Terrain Vehicle.
- d. No All-Terrain Vehicle from which any part intended for the suppression of exhaust noise has been removed, is defective or, the exhaust outlet enlarged shall be operated within the Town and no person shall use a muffler cut out bypass, straight exhaust or similar device upon an All-Terrain Vehicle.
- e. No person shall tow any sleigh, trailer, or other object whatsoever behind an "All-Terrain Vehicle, unless it is securely attached to the All-Terrain Vehicle, and is equipped with at least one lighted taillight or reflective material.
- f. No person shall operate an All-Terrain Vehicle within the Town that is mechanically unfit or in an unsafe condition as to endanger the driver or any other person, or property.
- g. The operator of and any passenger being carried or towed by an All-Terrain Vehicle within the Town as defined in Schedule B shall at all times wear a protective CSA approved helmet when the All-Terrain Vehicle is in motion. A special permit will be issued for hunters/trappers using their vehicles to and from the bush and will be exempt from wearing a helmet during such use. NOTE: elders are exempt from helmet use.

6. REGISTRATION OF ALL-TERRAIN VEHICLE

No person shall operate an All-Terrain Vehicle on a highway within the Town unless such Vehicle has affixed thereto a valid license plate prescribed by the By-Law.

- a. Owners of All-Terrain Vehicles operated within the Town shall obtain from the authorised licensing authority, a one (1) time license plate for the said vehicle upon payment of the prescribed fee, and shall affix such plate to the back or front of amphibious vehicles, motorcycles classed as All-Terrain Vehicles, pedal bicycles with a motor attachment or as may other be required by the Licensing Authority.
- b. This license plate is NOT transferable between vehicles or owners.
- c. A transfer of ownership or a new vehicle shall be treated as a new application for an ATV Registration.
- d. The prescribed fee shall be that amount as set by the licensing authority.
- e. No person shall destroy, obliterate or alter a license plate on an All-Terrain Vehicle.
- f. An application for an ATV Registration shall be made on the prescribed form, and forwarded to the licensing authority with the prescribed fee.
- g. Upon receipt of an application referred to in Section (f) the Licensing Authority shall:

- i) Record the name and address of the owner of the All-Terrain Vehicle and A description of the All-Terrain Vehicle including:
 - a) The name of the manufacturer;
 - b) The factory or serial number;
 - c) The year and model;
 - d) The colour; and
 - e) The horsepower.
- ii) Record the insurance policy as described in Section 3 of this By-Law.
- iii) Assign and issue a license plate for the All-Terrain Vehicle, to the registered owner of the vehicle.

7. OPERATION OF ALL-TERRAIN VEHICLES

- a. **No person shall operate an All-Terrain Vehicle within the Town:**
 - i) on any school property, except in designated areas;
 - ii) on any park or playground, except in designated areas;
 - iii) on any designated ski trails;
 - iv) on any sidewalk;
 - v) on private property without permission of the owner or occupant.
 - vi) where signs posted by the Town prohibit such operation.
 - vii) in any manner that may cause actual damage to that highway or area by any reason whatsoever.
 - viii) Between the hours of 1:00 a.m. and 6:00 a.m. except to exit directly the restricted area as defined in Schedule B of this By-Law or returning directly to their normal place of residence.
- b. The operator of an All-Terrain Vehicle within the Town shall not operate an All-Terrain Vehicle in any other area or location in which the use of All-Terrain Vehicles is prohibited, as indicated by a traffic control device designating such area or location as prohibiting the use and operation of All-Terrain Vehicles.
- c. The operator of an All-Terrain vehicle, when driving on a roadway within the Town has the duties of a motor vehicle subject to the Highway Traffic By-Law.
- d. No person shall operate an ATV on a highway within the Town abreast of any other vehicle except when the ATV is overtaking or being overtaken by another Vehicle.
- e. No person shall carry any other person or object in an All-Terrain Vehicle in the Town in such a manner as to obstruct or interfere with:
 - i) the operation of the All-Terrain Vehicle; or
 - ii) the view of the driver of the All-Terrain Vehicle.
- f. Where a signal is required of a driver by Section 129 of the Vehicles ordinance, he shall give it in accordance with subsection (i) or by means of a signal light if the vehicle he is driving is so equipped.
- g. Where the driver of a vehicle on a highway gives a signal by hand, he shall give such a signal from the left side of his vehicle indicating,
 - i) A left turn, by extending his left arm and hand out horizontally, To the left from the vehicle,
 - ii) a right turn, by extending his left hand and arm out and upward from the vehicle, and
 - iii) a stop or decrease in speed, by extending his left hand and arm out and downward from the vehicle.

- h. Every person operating an All-Terrain Vehicle shall obey the command that is set out in words, or by signals on a traffic control device that applies to an All-Terrain Vehicle as defined by the Motor Vehicles Act, RSNWT, c. M-16.
- i. No person shall carry more persons on an All-Terrain Vehicle at one time than the number for which an All-Terrain Vehicle was designed and equipped in accordance with the Motor Vehicles Act.
- j. No person shall ride or allow another person to ride in a trailer type device that is being pulled by an All-Terrain Vehicle unless equipped with a fixed hitch.
- k. No Person shall operate an all-terrain vehicle within the Town at a speed of greater than the posted speed limit.
- l. A parent or guardian of a person under the age of fourteen (14) years commits an offence and is liable to a fine as set out in Schedule A attached hereto if the parent or guardian authorizes or knowingly permits the person to operate an all-terrain vehicle on a highway.

8. ACCIDENTS

Where an accident involving an All-Terrain Vehicle occurs within the Town 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 name and address;
- c. remain at the scene of the accident until he has complied with subsections 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 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.

9. PARKING

- a. No person shall stop, park, or leave an All-Terrain Vehicle as to obstruct the free passage of traffic on a highway within the Town.
- b. No person shall leave an All-Terrain Vehicle to stand unattended within the Town without first taking such action as may be reasonably necessary in the circumstances to prevent the All-Terrain Vehicle from moving or being set in motion.

10. PEACE OFFICERS

- a. Any Peace Officer may:
 - i) Stop an operator of an All-Terrain or motor Vehicle;
 - ii) Inspect the vehicle;
 - iii) Request to be shown identification, registration and liability insurance; and
 - iv) 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 (iii) of subsection (e) of this section.
- b. 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.
- c. 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.
- d. No person shall obstruct, molest or interfere with a Peace Officer in the performance of their duties with respect to the enforcement of this By-Law.
- e. The provisions of the Highway Traffic By-Law apply to the operation of All-Terrain Vehicles within the Town.
- f. The provisions of this By-Law shall not apply to Peace Officers acting in the course of their duties.
- g. The provisions of this By-Law shall apply to the operation of All-Terrain Vehicles within the Municipal boundaries.

11. SEIZURE OF ALL-TERRAIN VEHICLES

- a. A Peace Officer who finds a person operating an All-Terrain Vehicle on a highway within the Town, in contravention of this By-Law or the Highway Traffic By-Law, may seize the All-Terrain Vehicle in accordance with the following sections of the Motor Vehicles Act:
 - i) Sections 276 through 284 inclusive;
 - ii) Section 294
 - iii) Sections 300 through 302 (1), (2), (3) (a) (b), (4) inclusive.

12. ENFORCEMENT PROVISIONS

- a. Every person in charge or control of an All-Terrain Vehicle operated within the Town shall, on demand of an Officer, permit the Officer to inspect such All-Terrain Vehicle and the equipment thereon.
- b. 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 was driving shall, at the request of the Officer, within 24 hours of the request, supply the Officer with the name and address of the person in charge of the All-Terrain Vehicle at the time of the contravention.
- c. 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.

- d. In any prosecution under this section, it is a defence if the Owner proves that the All-Terrain Vehicle was being operated at the time of the contravention without his knowledge or consent, either express or implied.
- e. No person who owns an All-Terrain Vehicle shall permit any person under the age of fourteen (14) to operate such an All-Terrain Vehicle in contravention of this By-Law.
- f. No person who owns an All-Terrain Vehicle shall permit any other person to operate such All-Terrain Vehicle in contravention of the provisions of this By-Law.
- g. The owner of an All-Terrain Vehicle shall incur the penalties provided, for any contravention of this By-Law. If at the time of the contravention, the All-Terrain Vehicle was in the possession of some other person, then the operator of the All-Terrain Vehicle (not being the owner thereof) shall also incur the penalties provided for any such contravention.
- h. A Peace Officer who finds a person violating, or who has reasonable grounds to believe that a person has violated any provision of the By-Law, may give the person written notice of the intention to prosecute in the form of a traffic ticket as prescribed by the Summary Convictions Act.
- i. The notice in the form of a traffic ticket shall be deemed to be sufficiently served:
 - i) If served personally on the accused; and
 - ii) If attached to or left upon the All-Terrain Vehicle in respect of which the offence is alleged to have been committed.
- j. The notice or 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 "A" of this By-Law.

13. FALSE STATEMENTS

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

14. OFFENSES

- a. That any person who is guilty of an offence under this By-law is liable on summary conviction to:
- b. a fine not exceeding:
 - i. \$ 2,000.00 (two thousand dollars) for an individual, and
 - ii. imprisonment for a period not exceeding six months, in default of payment of a fine.
- c. Pursuant to Paragraph 14 (a), of this By-law, an officer may issue a Summary Offence Ticket Information in the 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 Town the voluntary penalty for the offence listed in Schedule "A", prior to the court date specified on the ticket.

15. ENACTMENT

- a. This By-Law is superseded only by the Territorial Ordinance respecting All-Terrain Vehicle.
- b. 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.
- c. Schedule "A" is attached to and form part of this By-Law.
- d. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural or feminine or one body corporate where the context so requires.
- e. This bylaw comes into force and takes effect on the date of its adoption by Council.
- f. The provisions of this By-Law shall come into full force and effect upon receiving third and final reading.

Introduced and read a first time this the 16th day of February, 2021 AD

Mayor

Senior Administrative Officer

Read a second time this the 16th day of February , 2021 AD

Mayor

Senior Administrative Officer

Read a third time and finally passed this day of , 2021 AD

Mayor

Senior Administrative Officer

Schedule "A"

1. Offences and Fines

Offence	Section	Amount
Failure to produce proof of insurance	56 a (ii)	\$200.00
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
Proper usage of brakes on unattended vehicle	221	\$100.00
Operating an unregistered ATV	16 (2)	\$100.00
Failure to attach license plates	6	\$100.00
Operating an ATV in excess of the posted speed <ul style="list-style-type: none"> - up to 15 km/h in excess - 16 km/h up to an including 30 km/h in excess - 31 km/h up to and including 50 km/h in excess 	169 (a) (b)	\$100.00 \$125.00 \$150.00
Operating an ATV on a sidewalk	233	\$250.00
Operating an ATV without a proper exhaust system	139	\$150.00
Carrying more passengers than ATV is designed for	226	\$150.00
Careless Driving	154 (1) (2)	\$500.00
Improper use of License Plates	46 (2)	\$100.00
Obstruction of Peace Officer	25	\$300.00
Failure to wear a helmet while operating/riding on an ATV	5 b	\$125.00