A by-law of the Municipal Corporation of the Hamlet of Clyde River in Nunavut Territory for the control, use and operation of all-terrain vehicles on roadways and other areas within the Hamlet, pursuant to the provisions of the All-Terrain Vehicles Act, the Motor Vehicles Act and the Hamlets Act;

WHEREAS it is desirable to regulate the operation of All-Terrain Vehicles within the Hamlet;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF CLYDE RIVER, at a duly assembled meeting enacts as follows:

#### **SHORT TITLE**

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

#### INTERPRETATION

- 2. In this by-law:
  - a) "Accident"

means an accident involving an All-Terrain Vehicle on or adjacent to a roadway that results in:

- the injury or death of a person; or
- ii. total damages to all property involved in the accident appear to be one thousand dollars (\$1000.00) or more;
- b) "All-Terrain Vehicle (ATV)"

means a motorized vehicle that runs on wheels or tracks and is designed for cross-country travel on land, water, snow, ice, marsh, swamp or on other terrain and, without limiting the generality of this definition, includes:

- i. an amphibious vehicle;
- ii. a snowmobile;
- iii. a motorized vehicle mounted on three (3) wheels;
- iv. a pedal bicycle with motor attachment; and
- any other vehicle prescribed to be included, but does not include any vehicle that weighs more than nine hundred kilograms (900 kg), a special ATV or any other vehicle prescribed as an exception to the definition;
- c) "Amphibious Vehicle"
- an ATV adapted for use on land and water;

d) "Council"

means the Council of the Hamlet;

e) "Driver"

means a person who operates an ATV or, where the ATV is not in motion, the person who is in actual physical control of the ATV;

f) "Emergency Vehicle"

#### means

- a motor vehicle that is used for emergency purposes, carries rescue or first aid equipment and has markings on the outside of the vehicle indicating that it is used for emergency purposes; or
- ii. a motor vehicle that is operated by a member of a fire

By-Law T	itle: All-Terrain Vehicle (AT	V) By-Law Number: 67
		department in the performance of his/her duties and has markings on the outside of the vehicle indicating that it is used by a fire department;
g)	"Enforcement Vehicle"	means a motor vehicle operated by a person authorized to enforce an Act of the Territory or an Act of Canada or the by- laws of the Hamlet;
h)	"Hamlet"	means the Hamlet of Clyde River in Nunavut Territory;
i)	"Helmet"	means a motorcycle helmet;
j)	"Motor Vehicle"	means a vehicle propelled or driven by a mechanism other than muscular power (including a trailer), but does not include:
		<ul><li>i. ATVs; or</li><li>ii. a mechanically propelled wheelchair;</li></ul>
k)	"Municipality"	means the geographic area of jurisdiction of the Hamlet of Clyde River;
I)	"Officer"	means a person appointed as a By-Law Officer for the Hamlet and a person who ex officio is a motor vehicle Officer under the provisions of the <i>Motor Vehicles Act</i> ;
m)	"Owner"	means the person or corporation who has legal title to the ATV;
n)	'Play Vehicle"	means a bicycle, toboggan, skis, ice skates, skateboard, sled, coaster, roller skates, snowboard and any other item similar in nature;
o)	"Public Place"	means any area to which the public has access as of right;
p)	"Quiet Time"	means the hours between twelve (12:00) am and six (6:00) am;
q)	"Roadway"	means the part of a road that is improved, designed or ordinarily used for the passage of vehicles;
r)	"SAO"	means the Senior Administrative Officer of the Hamlet;
s)	"Schedule"	means a Schedule attached to and forming part of this by- law;
t)	"Snowmobile"	means a motorized vehicle that runs on tracks, skis or any combination thereof, weighs less than nine hundred kilograms (900 kg) and is designed to be driven primarily on snow, ice or both;
u)	"Special ATV"	means an ATV that operates on three (3) or four (4) wheels; and
v)	"Vehicle"	means any vehicle designed to travel on land that is drawn or driven by any kind of power and includes an ATV.

## **EQUIPMENT**

3. No person shall operate (or permit the operation of) on a roadway an ATV that is in such condition that the operation of the ATV is likely to endanger the safety of the driver, passenger or public.

- 4. No person shall operate an ATV unless the ATV is equipped with:
  - a) a headlight at the front that projects a white light for a distance of one hundred meters (100 m);
  - b) a taillight and stop light at the rear that projects a red light visible for a distance of one hundred and fifty meters (150 m);
  - c) at least one (1) braking system which must be in good working order; and
  - d) a muffler device that is intended to suppress exhaust noise and prevents unreasonable noise in the operation of the engine of the ATV.
- 5. No person shall operate an ATV equipped with a muffler cut out, bypass, straight exhaust, stock, high performance, tune pipe or similar device on any highway, roadway or any area within the Municipality.
- 6. Notwithstanding Section 5, a person may operate a snowmobile equipped with a muffler cut out, bypass, straight exhaust, stock, high performance, tune pipe or other similar device on a roadway or other area within the Municipality where:
  - a) an organized club has approved a snowmobile racetrack;
  - 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 racetrack or course; or
  - d) by resolution, the Council suspends the requirement of Section 5 entirely for the duration of the Spring Carnival.
- 7. Notwithstanding Section 6.d), a Council may not suspend the requirements of Section 5 during the hours of twelve (12:00) am and six (6:00) am.
- 8. No person shall tow any sleigh, trailer, play vehicle or other similar object behind an ATV on a roadway or other area of the Hamlet unless the sleigh, trailer, play vehicle or similar object is attached to the ATV by a solid and rigid high tow bar.
- 9. Notwithstanding Section 8, a person may tow a sled or kamotik which is used for the normal food gathering of a family and has a rope, cable, chain or other type of tether to tow along behind an ATV. The tether must be shortened to properly control the sled or kamotik while being pulled within the Municipality.

### **RULES OF OPERATION**

- 10. No person shall operate an ATV without due care and attention.
- 11. No person shall operate an ATV on any roadway within the Hamlet contrary to any street signs.

y-Law Title: All-Terrain Vehicle	(ATV)	By-Law Number:	67
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- 12. 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.
- 13. No person shall operate an ATV within the Municipality:
  - a) where signs posted by the Hamlet 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.
- 14. No person shall operate an ATV on a roadway abreast of any other vehicle, except when overtaking or being overtaken by another vehicle.
- 15. No person shall operate an ATV in or on any playground area or any other area designated in Schedule 'A'.
- 16. No person shall carry an object on an ATV in such a manner as to obstruct or interfere with:
  - a) the operation of an ATV; and
  - b) the view of the driver of an ATV.
- 17. No person shall operate or ride on an ATV on a roadway where there are more than two (2) persons on the ATV unless the ATV is equipped or designed to carry more and, in this case, the capacity shall not exceed that recommended by the manufacturer.
- 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 ATV, the infant is not a person for the purposes of Section 17.
- 19. No person shall drive an ATV to the left of the center of the roadway except:
  - a) when overtaking and passing another vehicle proceeding in the same direction;
  - b) when the roadway to the right of the center of the roadway 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.
- 20. (1) No person shall operate or ride on an ATV on a roadway unless:
  - a) the person is wearing a helmet; and
  - b) the helmet is securely fastened by a chin strap.
  - (2) Notwithstanding Section 20. (1), a person operating or riding a snowmobile is not required to wear a prescribed helmet.
  - (3) No person shall operate an ATV on a roadway at a speed greater than:
    - a) the maximum speed limit that is set out by a street sign; or
    - b) thirty kilometres per hour (30 km/h) if there is no maximum speed limit set out by a street sign.

- 21. (1) Notwithstanding the provisions of Section 20, a person may apply in writing to the SAO to operate a snowmobile exceeding the maximum speed limits set out in Section 20 if participating in a race or rally organized and conducted by a snowmobile club.
  - (2) Upon receiving a written application from a snowmobile club to conduct a race or rally and exceed the maximum speed limits set out in Section 20, the SAO may, in writing, approve the application and set out the times and locations of the race or rally.
- 22. No person shall operate an ATV within the Municipality between the hours of twelve (12:00) am and six (6:00) am except in an emergency, or when traveling to and from hunting, trapping, fishing, camping, his/her place of employment or his/her principal place of residence provided that the most direct route is taken or, otherwise, when permission is provided by resolution of Council.
- 23. 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 an intersection and parallel to and as close as is practicable to the right-hand curb or edge of a two-way roadway; and
  - c) stop and remain in that position until the enforcement or emergency vehicle has passed.
- 24. No person shall operate an ATV without liability insurance.
- 25. No person shall operate an ATV without valid licence plates.
- 26. No person under the age of fourteen (14) shall operate an ATV.
- 27. Sections 24, 25 and 26 do not apply to persons operating a snowmobile.

### **PARKING**

- 28. No person shall stop, park or leave an ATV so as to:
  - a) obstruct the free passage of traffic along any roadway; or
  - b) abandon the ATV without first properly ensuring the ATV does obstruct the free passage of traffic along any roadway within the Municipality.
- 29. No person shall leave an ATV to stand unattended without first taking such action as may be necessary to prevent the ATV from being set in motion.
- 30. No person shall park or operate an ATV on private property without authority from the owner, tenant, occupant or person in charge or control of the property.

### **ACCIDENTS**

31. (1) Where an accident occurs on a roadway, each driver of an ATV that is directly or indirectly involved in the accident shall, if he/she is capable of doing so:

- a) remain at the scene of the accident;
- b) render all reasonable assistance; and
- c) provide in writing a description of anyone sustaining loss or injury and, if requested by an Officer, the following information:
  - i. his/her name and address;
  - ii. the name and address of the person named in the ATV certificate of registration; and
  - iii. the registration number.
- (2) Notwithstanding Section 31. (1) a), the driver of an ATV that is directly or indirectly involved in an accident may leave the scene of the accident:
  - a) after the driver has performed the duties imposed by Section 31. (1); and
  - b) for the purpose of obtaining assistance.
- (3) A driver who leaves the scene of an accident under Section 31. (2) b) shall, after obtaining or attempting to obtain assistance:
  - a) return immediately to the scene of the accident and comply with Sections 31. (1) b) and 31. (1) c); or
  - b) immediately make a report to a member of the Royal Canadian Mounted Police (RCMP).
- (4) Where a driver is incapable of making the report required under Section 31. (1), any person who was a passenger on the ATV, or on any object towed by the ATV, shall, as detailed as practicable, make the required report.
- 32. (1) Subject to Section 32. (2), a driver of an ATV that collides with an unattended vehicle or other property, or adjacent to a highway, shall bring his/her ATV to a stop and locate and provide the driver or owner of the unattended vehicle or the owner of the property with:
  - a) his/her name and address; and
  - b) the name and address of the person named in the certificate of registration of the ATV he/she was driving, and the number of the certificate.
  - (2) Where a driver referred to in Section 32. (1) cannot, after reasonable effort, locate the driver or owner of the unattended vehicle or the owner of the property, the driver shall leave in a conspicuous place, in or on the unattended vehicle or property, a written notice that contains the information referred to in Sections 32. (1) a) and 32. (1) b).

## **ENFORCEMENT**

- 33. An Officer may direct a person operating an ATV on a roadway to stop and park the ATV to determine if the person operating the ATV and the ATV and its equipment comply with this by-law.
- 34. A person operating an ATV on a roadway who is directed to stop and park the ATV by an Officer under Section 33. (1) shall comply with the direction.

- 35. Where a person operating an ATV contravenes any provisions of this by-law and he/she is not known to the Officer, the owner of the ATV shall, at the request of the Officer, supply the name and address of the person operating the ATV at the time of the contravention, within twenty-four (24) hours of the request.
- 36. Every owner who fails, refuses, neglects or is unable to supply the name and address of the person operating the ATV at the time of the contravention within twenty-four (24) hours after being requested shall incur the penalty for the contravention.
- 37. In any prosecution under Sections 25, 26, 33 and 34, it is a defence if the owner is able to prove that the ATV was being operated at the time of the contravention without the owner's consent, either implied or expressed.
- 38. No person shall obstruct, molest or interfere with an Officer in the performance of his/her duties with respect to the enforcement of this by-law.
- 39. 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 an Officer while in the lawful execution of his/her duties.

### **PENALTIES**

- 40. Any person who contravenes any provisions of this by-law is guilty of an offence and is liable to the penalties prescribed in Schedule 'B'.
- 41. Every person who contravenes a provision of this by-law, for which no other penalty is provided in Schedule 'B', is guilty of an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars (\$500.00) or, in default of payment of the fine, to imprisonment for a term not exceeding two (2) months.

Date of First Reading	(Day)	06	(Month)	06	(Year)	2002	
Date of Second Reading	(Day)	06	(Month)	06	(Year)	2002	
Mayor	Senior Administrative Officer						
Date of Third Reading and Passed	(Day)	01	(Month)	08	(Year)	2002	
	•		•		•		
			Senior Administrative Officer				

# SCHEDULE A PROHIBITED AREAS FOR USE OF ALL-TERRAIN VEHICLES (ATVs)

- 1. School Grounds
- 2. Baseball Diamond

# SCHEDULE B FEES AND PENALTIES

	Offence	Section	Fine
1.	Driving without Insurance	24.	\$500.00
2.	Driving without Licence Plates	25.	\$100.00
3.	Driving under the age of fourteen (14) years	26.	\$100.00
4.	Operating with a defective light	4. a) and 4. b)	\$50.00
5.	Operating with a defective brake	4. c)	\$50.00
6.	Operating during restricted hours	22.	\$50.00
7.	Speeding	20. (3)	\$100.00
8.	Operating/Riding without a Helmet	20. (1)	\$50.00
9.	Not obeying Traffic Signs/Devices	11. and 13. a)	\$50.00
10.	Leaving the scene of an accident	31. (1) a), 32. (1) and	\$300.00
11.	Refusal to provide Information or Assistance	31. (1) b), 31. (1) c), 32., 35. and 36.	\$100.00
12.	Refusal to Stop	32. (1), 33. and 34.	\$100.00
13.	Unlawful operation of Other Provisions	41.	\$50.00