

**TOWN OF INUVIK
BY-LAW #2707/TR/23**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO REGULATE THE CONTROL, USE AND OPERATION OF ALL-TERRAIN VEHICLES WITHIN THE TOWN OF INUVIK

PURSUANT TO the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, the *Motor Vehicles Act*, R.S.N.W.T. 1988, c.M-16 and the *All-terrain Vehicles Act*, R.S.N.W.T. 1988 c.A-3 as amended;

AND WHEREAS it is deemed desirable to provide rules for the licensing of all-terrain vehicles within the Town of Inuvik;

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

1.0 SHORT TITLE

1.1 This by-law may be cited as the **“All-Terrain Vehicles By-law”**.

2.0 INTERPRETATION

2.1 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.

- 1) **“All-Terrain Vehicle” or “ATV”** means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination thereof and if of a kind predominantly used in the Northwest 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; and
 - (iv) any other vehicle prescribed to be included but does not include any vehicle that weighs more than nine hundred (900) kilograms, a motor assisted cycle as defined in this by-law, or any other vehicle prescribed as an exception hereto.
- 2) **“Council”** means the Council of the Municipal Corporation of the Town of Inuvik.
- 3) **“Designated Area”** means areas specifically constructed and/or used for the operation or parking of motor vehicles.
- 4) **“Elder”** means a person of fifty (50) years of age or older.
- 5) **“Helmet”** means a rigid safety helmet which:
 - (i) has a hard smooth outer shell lined with protective padding material, or fill with other emergency absorption material and shall be strongly attached to a strap designed to be fastened under the chin of the wearer;
 - (ii) is undamaged from use or misuse; and
 - (iii) conforms with the Canadian Standards Association Standard D 230 Safety Helmets for Motorcycle Riders as amended;
- 6) **“Highway”** means any place or way including any structure within the Town or forming part thereof that the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all areas between the boundary lines of any right-of-way or land taken, acquired, or used therefor, and includes:
 - (i) a privately owned area, other than the driveway of a private dwelling, that is designed and intended and primarily used for the parking of vehicles, and necessary passageways therein;

- (ii) a publicly owned area designed and intended to be used exclusively for parking of vehicles, and the necessary passageways therein; and
 - (iii) a trail on a frozen lake, river, or other body of water or watercourse when such a trail is maintained or kept open at public expenses;
- 7) **“Licensing Authority”** means the Town, or a contractor or agent duly authorized to be in charge of issuing ATV registrations and licences.
- 8) **“Motor Assisted Cycle”** means a device:
- (i) to which pedals or hand cranks are attached that will allow for the cycle to be propelled by human power; and
 - (ii) to which is attached a motor that has an output not exceeding 500 watts with a maximum speed of 32km/h on level ground without pedalling.
- 9) **“Peace Officer”** means any By-law Enforcement Officer of the Town of Inuvik, or any RCMP officer.
- 10) **“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.
- 11) **“Senior Administrative Officer”** means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik.
- 12) **“Special All-Terrain Vehicle”** means an all-terrain vehicle that operates on three (3) or four (4) wheels.
- 13) **“Supervision”** or **“Supervising”** means the act of watching a person or activity and making certain that everything is done correctly and safely.
- 14) **“Town”** means the Municipal Corporation of the Town of Inuvik.

3.0 PUBLIC LIABILITY INSURANCE

- 3.1 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 Insurance and Property Damage Insurance.
- 3.2 Every insurer who issues a policy of insurance described in section 3.1 shall issue to each person named as an insured in the policy, an insurance card.
- 3.3 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 section 3.1.
- 3.4 Any person operating an all-terrain vehicle within the Town shall carry with them the insurance card in respect of that all-terrain vehicle, or in failing to do so, shall produce said insurance card within a twenty-four (24) hour period upon the request of a Peace Officer.

4.0 OPERATOR’S LICENCE

- 4.1 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 Town of Inuvik All-Terrain Vehicle Operator’s Permit or a valid drivers’ permit issued by the Registrar of Motor Vehicles.
No person shall operate an all-terrain vehicle within the town unless;
- a) that person holds a valid drivers license of any class issued under the *Vehicles Act*; or
 - b) that person is under the immediate supervision and control of a person who holds a valid drivers license of any class issued under the *Vehicles Act*.
- 4.2 Any operators under the age of fourteen (14) years must be under the supervision of an adult who has such a permit.
- 4.3 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.**)
- 4.4 All-terrain vehicle Licence Fees are listed in the Town of Inuvik Fees and Charges Policy FM.021 as amended.
- 4.5 An all-terrain vehicle shall be equipped with the following lights:
- a) at least one (1) operating headlight, as prescribed in the manufacturer's specifications.
 - b) At least one (1) operating taillight, as prescribed in the manufacturer's specifications.
 - 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.
- 4.6 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 via a rigid draw bar, and is equipped with at least one (1) lighted taillight or reflector.
- 4.7 Every all-terrain vehicle, when operated within the town shall be equipped with at least one (1) operating braking system.
- 4.8 The operator of, and any passenger being carried or towed by an all-terrain vehicle within the town, shall at all times wear a protective CSA approved helmet when the all-terrain vehicle is in motion. Elders are exempt from this requirement. A special licence plate for hunters/trappers using their all-terrain vehicles to and from the bush will be issued and will be exempt from wearing a helmet during such use.
- 5.0 REGISTRATION OF ALL-TERRAIN VEHICLES**
- 5.1 No person shall operate an all-terrain vehicle within the town unless such vehicle has a valid licence plate attached as prescribed by the by-law.
- 5.2 Owners of all-terrain vehicles operated within the town shall obtain from the authorized licensing authority, a one (1) time licence plate for the said vehicle upon payment of the prescribed fee, and shall affix such plate in the following manner:
- (a) to the back or front of amphibious vehicles, motorcycles classed as all-terrain vehicles, pedal bicycles with a motor attachment; and
 - (b) to the left rear of snowmobiles.
- 5.3 A transfer of ownership of a new vehicle shall be treated as a new application for an ATV registration.
- 5.4 The prescribed fee shall be that amount as set by the licensing authority.
- 5.5 No person shall destroy, obliterate, or alter a licence plate on an all-terrain vehicle.
- 5.6 An application for an ATV registration shall be made on the prescribed form and forwarded to the licensing authority with the prescribed fee.
- 5.7 Upon receipt of an application referred to in section 5.6, the licensing authority shall:
- a) record the name and address of the owner of the all-terrain vehicle and a description of the all-terrain vehicle, including:

- i) the name of the manufacturer;
 - ii) the factory serial number;
 - iii) the year and model;
 - iv) the colour;
 - v) the horsepower;
 - b) record the insurance policy as described in section 3 of this by-law.
 - c) assign and issue a licence plate for the all-terrain vehicle to the registered owner of the vehicle.
- 5.8 No person shall operate an all-terrain vehicle within the town at a speed of greater than the posted speed limit.
- 5.9 No person shall operate an all-terrain vehicle within the town:
- a) on any school property, except in designated areas;
 - b) on any park or playground, except in designated areas;
 - c) on any designated ski trails;
 - d) on any sidewalk; and
 - e) on private property without permission of the owner or occupant.
- 5.10 The operator of an all-terrain vehicle shall not operate an all-terrain vehicle on the following roads within the town:
- (1) Mackenzie Road between Tununuk Place and Reliance Street; and
- 5.11 The operator of an all-terrain vehicle shall stop the all-terrain vehicle before crossing the roads indicated in section 5.10 and shall proceed to cross the roadway only when it is safe to do so by the most direct and shortest route of travel available to them.
- 5.12 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.
- 5.13 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.
- 5.14 No person shall carry passengers on an all-terrain vehicle unless the manufacturer has equipped the all-terrain vehicle for that purpose and the number of passengers do not exceed the number prescribed by the manufacturer for that equipment.
- 5.15 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.
- 5.16 No person shall operate an all-terrain vehicle within the Town unless that person and any passenger is wearing a safety helmet.

6.0 OPERATION OF MOTOR ASSISTED CYCLES

- 6.1 The operator of, and any passenger being carried or towed by a motor assisted cycle within the Town, shall at all times wear a protective CSA approved helmet when the motor assisted cycle is in motion. Elders are exempt from this requirement.

- 6.2 No person shall operate a motor assisted cycle within the town:
- a) on any school property, except in designated areas;
 - b) on any park or playground, except in designated areas;
 - c) on any designated ski trails;
 - d) on any sidewalk; and
 - e) on private property without permission of the owner or occupant.
- 6.3 The operator of a motor assisted cycle, when driving on a roadway within the town, has the duties of a motor vehicle subject to the Highway Traffic By-law.
- 6.4 Motor assisted cycles are exempt from the registration and licensing requirements of sections 5.1 through 5.7.

7.0 PEACE OFFICERS

- 7.1 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.
- 7.2 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.
- 7.3 Any Peace Officer may:
- (a) stop an operator of an all-terrain motor vehicle or motor assisted cycle;
 - (b) inspect the vehicle; and
 - (c) request to be shown identification, registration and liability insurance.
- 7.4 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.
- 7.5 The provisions of the Highway Traffic By-law apply to the operation of all-terrain vehicles and motor assisted cycles within the town.
- 7.6 The provisions of this by-law shall not apply to Peace Officers acting in the course of their duties.
- 7.7 The provisions of this by-law, with the exceptions of sections 5.2 through to 5.8 inclusive, shall apply to the operation of special all-terrain vehicles within the municipality.

8.0 ENFORCEMENT PROVISIONS

- 8.1 The owner of an all-terrain vehicle or motor assisted cycle shall incur the penalties provided for any contravention of this by-law. If at the time of contravention, the all-terrain vehicle or the motor assisted cycle was in the possession of some other person without the owner's consent, then the operator of the all-terrain vehicle or the motor assisted cycle (not being the owner thereof) shall also incur the penalties provided for any such contravention.
- 8.2 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 Procedures Act*.
- 8.3 The notice in the form of a traffic ticket shall be deemed to be sufficiently served:

- (a) if served personally on the accused;
- (b) if mailed to the address of the registered owner of the all-terrain vehicle concerned, or the person concerned; or
- (c) if attached to and left upon the all-terrain vehicle or the motor assisted cycle in respect of which the offense is alleged to have been committed.

8.4 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 attached to and forming part of this by-law.

8.5 Except as otherwise provided in this by-law, every person who violates or fails to comply with the provision of this by-law is guilty of an offense and is liable, upon summary conviction, for each offense, to a fine not exceeding two thousand dollars (\$2,000.00).

8.6 Any person who has received notice in the form of a traffic ticket in conformance with the *Summary Conviction Procedures Act*, may pay to the Town the voluntary penalty specified therein in lieu of prosecution for any breach of this by-law.

8.7 Failing to make voluntary payment before the time expires, as indicated on the traffic ticket, the person convicted of the offense appearing in the said notice shall be subject to a fine not less than the voluntary payment originating on the said notice and court costs.

8.8 A person who is guilty of an offense under this by-law is liable, on summary conviction(s) to imprisonment for a term not exceeding eighteen (18) months in default of payment of fine.

9.0 SEIZURE OF ALL-TERRAIN VEHICLES AND MOTOR ASSISTED CYCLES

9.1 A Peace Officer who finds a person operating an all-terrain vehicle or a motor assisted cycle on a highway within the town, in contravention of this by-law or the Highway Traffic By-law, may seize the all-terrain vehicle or the motor assisted cycle in accordance with the following sections of the *Motor Vehicles Act*:

- (1) Sections 276 through 284 inclusive;
- (2) Section 294; and
- (3) Sections 300 through 302 inclusive.

10.0 SEVERABILITY

10.1 If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

11.0 CONFLICT WITH ANY OTHER BY-LAW

11.1 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

12.0 REPEALS

12.1 By-law #2669/TR/19 and any previous All-terrain Vehicle By-laws in effect are hereby repealed.

13.0 EFFECT

13.1 This by-law shall come into effect upon the day of its final passage.

READ A FIRST TIME THIS 8th DAY OF February, 2023 A.D.

READ A SECOND TIME THIS 8th DAY OF February, 2023 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF February, 2023 A.D.



MAYOR



SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the Cities, Towns and Villages Act and the by-laws of the Town of Inuvik.



SENIOR ADMINISTRATIVE OFFICER

SCHEDULE A

SPECIFIED PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY
3.3	Operating an uninsured ATV	\$200.00
3.4	Failure to provide proof of insurance	\$100.00
4.1	Operating an ATV without a valid current and subsisting Operator's Licence or ATV Operator's Permit	\$100.00
4.5	Operating an ATV without proper lighting/reflectors	\$75.00
4.6		
4.7	Operating an ATV without brakes	\$100.00
4.8	Failure to wear a helmet while operating/riding on an ATV or a motor assisted cycle	\$125.00
5.1	Failure to attach licence plates	\$75.00
5.2	Operating an unregistered ATV	\$100.00
5.8	Operating an ATV in excess of the posted speed	
	- up to 15 km/h in excess	\$75.00
	- 16 km/h up to and including 30 km/h in excess	\$100.00
	- 31 km/h up to and including 50 km/h in excess	\$125.00
5.9	Operating an ATV or a motor assisted cycle in a prohibited area	\$250.00
5.10		
5.12		
5.14	Carrying more passengers than ATV is designed for	\$150.00
5.15	Parent/Guardian allowing person under fourteen (14) years of age to operate an ATV	\$100.00
7.4	Obstruction of Peace Officer	\$300.00