

**HAMLET OF REPULSE BAY
BYLAW NUMBER 140**

A bylaw of the Hamlet of Repulse Bay in the Nunavut Territory for the control, use and operation of all-terrain vehicles on highways and other areas within the Hamlet, pursuant to the provisions of the **All-terrain Vehicles Act**, R.S.N.W.T., 1988, c. A-3, ss. 5 to 7; the **Motor Vehicles Act**, R.S.N.W.T., 1988, c. M-16, s. 347; and the **Hamlets Act**, R.S.N.W.T. 1988, c. H-1, s. 173.

WHEREAS it is desirable to regulate the operation of all-terrain vehicles within the municipality,

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

SHORT TITLE

1. This bylaw may be cited as the **“ATV Bylaw”**,

INTERPRETATION

2. In this bylaw:

“accident”	means an accident involving an all-terrain vehicle on or adjacent to a highway that results in: <ol style="list-style-type: none">(a) the injury or death of a person; or(b) total damages to all property involved in the accident appears to be \$1,000 or more;
“all-terrain vehicle”	means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination of wheels, tracks, skis or air cushions and is designed for cross-country travel on land, water, snow, ice, marsh, swamp or on other natural terrain and without limiting the generality of this definition includes: <ol style="list-style-type: none">(a) an amphibious vehicle,(b) a snowmobile,(c) a mini-snowmobile,(d) a motorized vehicle mounted on two, three, or more wheels,(e) a pedal bicycle with motor attachment, and(f) any other vehicle prescribed to be included, but does include any vehicle that weighs more than 900 kg, a special all terrain vehicle prescribed as an exception to this definition;
“amphibious vehicle”	means an all terrain vehicle adapted for use on land and water;
“Council”	means the Council of the Hamlet;
“driver”	means the person who operates an all-terrain vehicle or where the all-terrain vehicle is not in motion, the person who is in

actual physical control of the all-terrain vehicle;

“emergency vehicle”

means:

- (a) 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
- (b) a motor vehicle that is operated by a member of a fire department in the performance of his or her duties and has markings on the outside of the vehicle indicating that it is used by a fire department;

“enforcement vehicle”

means a motor vehicle operated by a person authorized to enforce an Act of the Territories or an Act of Canada or the bylaws of the Hamlet;

“Hamlet”

means the Hamlet of Repulse Bay in the Nunavut Territory;

“helmet”

means a helmet which meets one of the following standards:

- (a) Can 3-D230-M85 of the Canadian Standards Association
- (b) DOT FMVSS 218 of the United States Department of Transportation and has a label attached to it indicating it meets one of the standards set out in paragraphs 2 (i) and (ii);

“highway”

means a road, place, bridge or structure whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage of vehicles and includes;

- (a) a privately or publicly owned area that is designed and primarily used for the parking of vehicles other than the driveway of a private dwelling,
- (b) where a plan of survey or other instrument establishes a highway, the area between the boundary lines of the highways as shown on the plan of survey or instruments,
- (c) a sidewalk, pathway, ditch or shoulder adjacent to and on either side of the traveled portion of the road or place and the area between the side walk, pathway, ditch or shoulder and the traveled portion of the road or place, and
- (d) a road on a frozen body of water or water course or a road that can be used for only a portion of year;

“juvenile”

means a person less than 16 years of age, unless such person shall have reached the age of 15 years and has obtained a valid learner’s license under part II of the **Motor Vehicles Act**.

“motor vehicle”

means a vehicle propelled or driven by power other than muscular power and includes a trailer, but does not include:
(a) an aircraft, marine vehicle or all-terrain vehicle,

- (b) a device that runs or is designed to run exclusively on rails, or
- (c) a mechanically propelled wheelchair;

“municipality”	means the geographic area of jurisdiction of the Hamlet of Repulse Bay;
“officer”	means a person appointed as a bylaw officer for the Hamlet and a person who is a motor vehicle officer under the provisions of the <u>Motor Vehicles Act</u> ;
“owner”	means a person or corporation who has legal title to the all-terrain vehicle;
“play vehicle”	means a bicycle, toboggan, skis, ice skates, skateboard, sled, coaster, roller skates, snow board, and any other item similar in nature;
“public place”	means any area to which the public has access as of right or by invitation, express or implied;
“quiet time”	means the hours between 12:00 midnight and 6:00 a.m. as established by the Noise Control Bylaw Number 122;
“roadway”	means the part of a highway that is improved, designed or ordinarily used for the passage of vehicles, but does not include the shoulder of a highway;
“SAO”	means the Senior Administrative Officer of the Hamlet;
“Schedule”	means the schedule attached to and forming part of this bylaw;
“snowmobile”	means a motorized vehicle that runs on track or skis or any combination thereof and weighs less than 900 kilograms and is designed to be driven primarily on snow or ice or both;
“special all-terrain vehicle”	means an all-terrain vehicle that operates on two, three or four wheels;
“traffic control device”	means a sign, signal, light, line, marking or device placed or erected under a bylaw made under subsection 7(2) of the <u>All-terrain Vehicles Act</u> for the purpose of regulating, warning or guiding pedestrians or traffic; and
“vehicle”	means any vehicle designed to travel on land that is drawn, propelled or driven by any kind of power and includes an all-terrain vehicle.

EQUIPMENT

3. No person shall operate or permit the operation on a highway or roadway, of an all-terrain vehicle that is in such a condition that the operation of the all-terrain vehicle is likely to endanger the safety of the driver, a passenger or the public.
4. No person shall operate an all-terrain vehicle unless the all-terrain vehicle is equipped with:
 - (a) a headlight at the front that projects a white light for a distance of 150 metres;
 - (b) a taillight and stop light at the rear that projects a red light for a distance of 150 metres;
 - (c) with at least one braking system which must be in good working order; and
 - (d) with a muffler that is device that is intended to suppress exhaust noise and prevents unreasonable noise in the operation of the engine of the all-terrain vehicle.
5. No person shall operate an all-terrain vehicle equipped with a muffler cutout, bypass, straight exhaust, stock, high performance or 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 cutout, bypass, straight exhaust, stock, high performance or tune pipe or other similar device on any highway, roadway or other area within the municipality where:
 - (a) an organized club has approved a snowmobile race track;
 - (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 race track or course.
7. No person shall tow any sleigh, trailer, play vehicle or other similar object behind an all-terrain vehicle on a highway or roadway or other areas of the Hamlet unless the sleigh, trailer, play vehicle or similar object is attached to the all-terrain vehicle by a solid rigid high tow bar.
8. Notwithstanding section 7, a person may tow a kamotik which is used for the normal food gathering of a family and the sled or kamotik has a rope to ensure the proper control of the sled or kamotik while being pulled within the municipality.

RULES OF OPERATION

9. No person shall operate an all-terrain vehicle without due care and attention.
10. No person shall operate an all-terrain vehicle on any roadway or highway within the Hamlet contrary to a traffic control device.
11. No person shall operate an all-terrain vehicle within the municipality in any manner that may cause actual damage to the road by any reason whatsoever.
12. No person shall operate an all-terrain vehicle on a highway or roadway abreast of any other vehicle, except when overtaking or being overtaken by another vehicle.

13. No person shall operate an all-terrain vehicle in or on any playground area or any other area designated by Hamlet Council resolution.
14. No person shall carry an object on all-terrain vehicle in such a manner as to obstruct or interfere with:
 - (a) the operation of an all-terrain vehicle, and
 - (b) the view of the driver of an all-terrain vehicle.
15. No person shall operate or ride on all-terrain vehicle on a highway or roadway where there are more than two persons on the all-terrain vehicle unless the all-terrain vehicle is equipped or designed to carry more.
16. Where an infant is carried within an amauti or other device designed for carrying infants that is worn by the driver or passenger on all-terrain vehicle, the infant is not deemed a person for the purposes of section 15.
17. No person shall drive his or her all-terrain vehicle to the left of the center of the roadway or highway 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 or highway is obstructed by parked vehicles or other objects or is closed to traffic; or
 - (c) when making a left turn at an intersection or onto a private roadway or driveway.
18. No person shall operate or ride an all-terrain vehicle on a highway or roadway unless:
 - (a) the rider is wearing a prescribed helmet; and
 - (b) the helmet is securely fastened by a chin strap
 - (c) Notwithstanding subsections (a) and (b), a person operating or riding a snowmobile is not required to wear prescribed helmet.
19. No person shall operate an all-terrain vehicle on a highway or roadway at a speed greater than:
 - (a) the maximum speed limit that is set out by a traffic control device, or
 - (b) thirty kilometers per hour (30 km/h) if there is no maximum speed limit set out by a traffic control device.
20. Notwithstanding the provisions of section 19, a person may apply in writing to the SAO, to operate a snowmobile exceeding the maximum speed limits set out in section 21 if participating in a race or rally organized and conducted by a snowmobile club.
 - (a) 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 19, the SAO may, in writing, approve the application and set out the times and locations of the race or rally.
21. No person shall operate an all-terrain vehicle within the municipality between the hours of 12:00 midnight and 6:00 a.m. except when traveling to and from hunting, trapping, fishing, camping or his or her place of employment, to his or her principal place of residence provided that the most direct route is taken or otherwise provided by a resolution of Council.

22. 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.
23. No juvenile shall operate any all-terrain vehicle within the municipality;
24. (1) No person shall operate any all-terrain vehicle without valid registration;
- (2) Notwithstanding section 24(1), snowmobiles are exempted from registration requirements.
25. No person shall operate an all-terrain vehicle under the influence of alcohol or drugs.

PARKING

26. No person shall stop, park or leave an all-terrain vehicle so as to:
- (a) obstruct the free passage of traffic along any roadway or highway; or
 - (b) abandon the all-terrain vehicle without first properly ensuring the all-terrain vehicle does not obstruct the free passage of traffic along any roadway or highway within the municipality.
27. No person shall leave an all-terrain vehicle to stand unattended without first taking such action as may be necessary to prevent the all-terrain vehicle from being set in motion.
28. No person shall park or operate an all-terrain vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of the property.

ACCIDENTS

29. (1) Where an accident occurs on or adjacent to a highway, each driver of an all-terrain vehicle that is directly or indirectly involved in the accident shall, if he or she is capable of doing so:
- (a) remain at the scene of the accident;
 - (b) render all reasonable assistance;
 - (c) provide in writing to anyone sustaining loss or injury and if requested by an officer, to that officer
 - (i) his or her name and address,
 - (ii) the number of his or her driver's license,
 - (iii) the name and the address of the person named in the certificate of registration for the all-terrain vehicle, and
 - (iv) the registration number.
- (2) Notwithstanding paragraph 1 (a), the driver of an all-terrain vehicle 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 (1); and

- (b) for the purpose of obtaining assistance.
 - (3) A driver who leaves the scene of an accident under paragraph 2 (b) shall, after obtaining or attempting to obtain assistance:
 - (a) return immediately to the scene of the accident and comply with paragraph(1) (b) and (c); or
 - (b) immediately make a report to a member of the Royal Canadian Mounted Police.
 - (4) Where a driver is incapable of making the report the required under Section 29 (1), any person who was a passenger on the all-terrain vehicle shall, as detailed as practicable, make the required report.
30. Subject to Section 29(2), a driver of an all-terrain vehicle that collides with an unattended vehicle or other property on or adjacent to a highway, shall bring his or her all-terrain vehicle to a stop and locate and provide the driver or owner of the unattended vehicle or the owner of the property with;
- (a) his or her name and address;
 - (b) the number of his or her driver's license; and
 - (c) the name and address of the person named in the certificate of registration he or she was driving and the number of the certificate.

TRAFFIC CONTROL SERVICES

31. The Council may, from time to time, by resolution, authorize the erection of traffic control devices, applicable only to all-terrain vehicles.

ENFORCEMENT

32. (1) An officer may direct a person operating an all-terrain vehicle on a highway or roadway to stop and park the all-terrain vehicle to determine if the person operating the all-terrain vehicle and the all-terrain vehicle and its equipment comply with this bylaw.
- (2) A person operating an all-terrain vehicle on a highway or roadway who is directed to stop and park the all-terrain vehicle by an officer under subsection (1) shall comply with the direction.
33. (1) Where a person operating an all-terrain vehicle contravenes any provisions of this bylaw and he or she is not known to the officer, the owner of the all-terrain vehicle shall, at the request of the officer, supply the name an address of the person operating the all-terrain vehicle at the time of the contravention, within 24 hours of the request.
- (2) Every owner who fails, refuses, neglects or is unable to supply the name and address of the person operating the all-terrain vehicle at the time of the contravention within 24 hours after being requested shall incur the penalty for the contravention;

- 34. Prosecution under sections 28, 29, 32 and 33, it shall be a defense should the owner be able to prove that the all-terrain vehicle was being operated at the time of the contravention without the owner's consent, either implied or expressed;
- 35. No person shall obstruct, molest or interfere with an officer in the performance of his or her duties with respect to the enforcement of this bylaw.
- 36. No person shall knowingly make a false statement in any application or other document required by this bylaw, or utter a false statement to an officer while in the lawful execution of his or her duties

PENALTIES

- 37. Any person who contravenes any provisions of this bylaw is guilty of an offense and is liable to the penalties prescribed in Schedule A.
- 38. Every person who contravenes a provision of this bylaw, for which no other penalty is provided in Schedule A, is guilty of an offense and is liable, on summary conviction, to a fine not exceeding \$500 or, in default of payment of the fine, to imprisonment for a term not exceeding six months, or to both.

Read a first time this 10th day of July, 2001.

Read a second time this 10th day of July, 2001.

Mayor

Senior Administrative Officer

Read a third time and finally passed this 10th day of July, 2001.

Mayor

Senior Administrative Officer

**HAMLET OF REPULSE BAY
BYLAW NUMBER 140****SCHEDULE "A"****FEES AND PENALTIES**

Excessive Speed—First Offense	\$ 25.00
Excessive Speed—Second Offense	50.00
Excessive Speed—Third/Subsequent Offense	100.00
Juvenile Operating an All-terrain Vehicle—First Offense	25.00
Juvenile Operating an All-terrain Vehicle—Second Offense	50.00
Juvenile Operating an All-terrain Vehicle—Third/Subsequent Offense	100.00
Unregistered/Expired License Plate	100.00
Excess riders on an ATV	50.00
Not Wearing Helmet—First Offense	25.00
Not Wearing Helmet—Second Offense	50.00
Not Wearing Helmet—Third/Subsequent Offense	100.00

