

THE CORPORATION OF THE
TOWN OF FORT SMITH
BY-LAW # 630

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH IN THE NORTHWEST TERRITORIES, TO REGULATE THE USE, CONTROL AND OPERATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS, OFF HIGHWAYS AND AREAS WITHIN THE MUNICIPALITY OF FORT SMITH, PASSED PURSUANT TO THE PROVISIONS OF THE ALL-TERRAIN VEHICLES ACT, R.S.N.W.T., 1988, Ch. A-3, the CITIES, TOWNS AND VILLAGES ACT, R.S.N.W.T., 1988, Ch. C-8, the INTERPRETATION ACT, R.S.N.W.T., 1988, Ch. I-8, and the MOTOR VEHICLES ACT, R.S.N.W.T., 1988, Ch. M-16.

AS Council wishes to regulate and control the use and operation of All-Terrain Vehicles in an orderly manner consistent with the increasing number of these vehicles within the Municipality, and;

AS the All-Terrain Vehicles Act empowers Council to regulate the use and operation of All-Terrain Vehicles within the Municipality.

NOW THEREFORE, the Council of the Corporation of the Town of Fort Smith in the Northwest Territories, at a duly assembled meeting enacts as follows:

SHORT TITLE

1. This By-Law shall be cited at the All-Terrain Vehicles By-Law.

INTERPRETATION

2. In this By-Law, save as herein otherwise specified, the terms and expressions used shall have the same meaning as in the Interpretation Act, the All-Terrain Vehicles Act, the Motor Vehicles Act, and the Cities, Towns and Villages Act.
 - a) **"ACCOMPANIED BY"** means either seated on the All-Terrain Vehicle behind the driver or following directly behind on another All-Terrain Vehicle.
 - b) **"ALL - TERRAIN VEHICLE"** means a motorized vehicle that runs on wheels, tracks, skis, air cushions or any combination thereof and is of a kind designed for cross-country travel on land, water, snow, ice, marsh, or swampland or on other natural terrain, and without limiting the generality of this definition includes the following:
 - i) **"Amphibious Vehicle"** means a vehicle adapted for use on land and or water.
 - ii) **"Snowmobile"** means a motorized vehicle that is designed or intended to be used or driven on snow, ice or both.

- 2 b) iii) **"Minibike"** means a motorcycle with a motor that has a piston displacement of seventy-five (75) cubic centimeters or less, and, for the purposes of this By-Law, includes a motorized vehicle mounted on three, four and/or six wheels.
- iii) **"Mo-ped"** means a pedal bicycle with a motor attachment.
- iv) any other vehicle prescribed to be included; but does not include any vehicle that weighs more than 900 kilograms or any other vehicle prescribed as an exemption to this definition.
- c) **"DRIVER"** means a person who drives or who is in actual control of an All-Terrain Vehicle.
- d) **"DRIVER'S LICENSE"** means a license issued pursuant to the Motor Vehicles Act.
- e) **"HELMET"** means a rigid safety helmet, C.S.A. approved with a chin strap attached and which will provide maximum protection to the head of the wearer.
- f) **"HIGHWAY"** means and includes any common or public road, street, avenue, parkway, square, bridge, viaduct, trestle or other passageway designed and intended for, or used by the general public including ditches or road allowances for the passage of vehicles, snowmobiles or both, and a trail on a frozen lake, river or other body of water, water course or land when such trail is maintained or kept open at public expense.
- g) **"INSURANCE LIABILITY CARD"** shall be in the same form as a motor vehicle liability card as required under Section 38 of the Motor Vehicles Act.
- h) **"JUVENILE"** means a person who has not yet reached the age of sixteen (16) years but excludes, for the purpose of this By-law, a person who has reached the age of fifteen (15) years and who has in his/her possession a valid Class 7 learner's license issued under the Motor Vehicles Act.
- i) **"NIGHT"** means the time period between one half hour after sunset and one half hour before sunrise.
- j) **"OFFICER"** means any person who is appointed as or who is an ex-officio Officer for the purposes of the Motor Vehicles Act and/or the All-Terrain Vehicles Act or who is appointed as a By-Law Enforcement Officer by Council.
- k) **"OWNER"** means the owner of the All-Terrain Vehicle and includes a person renting an All-Terrain Vehicle or having the exclusive use thereof under a lease or other agreement or transaction.
- l) **"SENIOR ADMINISTRATIVE OFFICER"** means the Senior Administrative Officer of the Town of Fort Smith.
- m) **"SIDEWALK"** means that part of a Highway adjacent to a curb or side of a roadway that is improved in such a manner as to clearly indicate it is for the use of pedestrians.
- n) **"TRAPPER"** means a person who is the owner of a specific trapline and who is actively engaged in trapping within that area and/or a person authorized by the owner of the trapline to work in that area.

REGISTRATION AND LICENSING

3. a) No person shall operate an All-Terrain Vehicle within the Municipality unless the All-Terrain Vehicle has been registered and has affixed visibly on the vehicle the license plate and year numerals for the current license year.
- b) The license year for All-Terrain Vehicles is from January 1 to December 31 following.
- c) Registration shall be effective from the date of registration until December 31 following.
- d) The onus of placing the license or registration letters or numbers on an appropriate, easily visible location on the vehicle rests with the owner.

PUBLIC LIABILITY INSURANCE

4. a) Every owner of an All-Terrain Vehicle or person who operates an All-Terrain Vehicle shall:
 - i) take out and maintain in force a policy of Public Liability Insurance in respect of that All-Terrain Vehicle whether operated on a Highway or otherwise;
 - ii) ensure that the Public Liability Insurance is for an amount of not less than Fifty Thousand Dollars (\$50,000.00) for death or bodily injury of any one person and for loss or damage to property resulting in any accident.
- b) Every insurer who issues a policy of insurance as described in Section 4(a) shall issue an Insurance Liability Card to each person named as an insured in the policy.
- c) An Insurance Liability Card shall be in the same form as a motor vehicle insurance liability card.
- d) Any person operating an All-Terrain Vehicle within the Town shall at all times, carry with him/her the Insurance Liability Card and shall produce said Insurance Liability Card at the request of an Officer.
- e) The onus of proving that a vehicle is covered by insurance as required under Paragraph 4(a)(ii) shall be upon the person operating the vehicle.

5. a) No person shall operate an All-Terrain Vehicle on any Highway within the Municipality unless he/she is:
- i) the holder of a valid Class Five (5) driver's license issued under the Motor Vehicles Act;
 - ii) the holder of a valid Class Six (6) driver's license to operate a motorcycle, mo-ped, or minibike under the Motor Vehicles Act;
 - iii) the holder of a valid Class Seven (7) learner's license issued under the Motor Vehicles Act when accompanied by a holder of an appropriate Class Five (5) or appropriate Class Six (6) driver's license;
 - iv) the holder of a valid Insurance Liability Card.
- b) No person shall operate an All-Terrain Vehicle in or on the following restricted areas of the Municipality:
- i) in any area designated by Town signage as a park or a playground;
 - ii) on any sidewalk, or as designated by Town signage, or any ski paths;
 - iii) on private property without the express permission of the owner or occupant of that property;
 - iv) within fifty (50) metres of the property line of any hospital, health centre, hostel, or senior citizens home;
 - v) within one hundred (100) metres of the airport terminal buildings or the ends or sides of airport runways or ramps;
 - vi) within the area known as Axehandle Hill, with the exception of the part known as Park Drive;
 - vii) in any area designated by the Senior Administrative Officer as a restricted area and/or which a sign is posted as such.
- c) Any persons operating an All-Terrain Vehicle on a Highway within the Municipality shall travel on that portion of the road nearest the right hand shoulder, and then only in a single file, subject to restrictions under Subsection 5(a).
- d) No person shall operate an All-Terrain Vehicle on a Highway at a speed greater than the maximum speed limit set out by a traffic control device that applies to the operator of the All-Terrain Vehicle, or if there is no maximum speed limit set out by a traffic control device, then the maximum speed shall be thirty kilometres per hour (30 km/h).

- 5 e) No person shall operate an All-Terrain Vehicle in such a manner as:
- i) to constitute a nuisance or create an annoyance to the residents or other person within the Municipality;
 - ii) is likely to be dangerous to him/herself or to other person or property;
 - iii) to drive, harass, chase, run over, injure or kill any wildlife or domestic animals.
- f) No person shall use an All-Terrain Vehicle to carry more than one passenger in addition to the driver.
- g) No person shall operate an All-Terrain Vehicle within the Town during the night or at any time when fog or other atmospheric conditions reduce the degree of visibility to that existing under normal atmospheric night conditions, unless the Vehicle is equipped as follows:
- i) with a headlight at the front that projects a white light for a distance of sixty (60) metres;
 - ii) with a taillight at the rear that shows a red light visible at a distance of at least sixty (60) metres behind the vehicle.
- h) No person shall operate an All-Terrain Vehicle on any Highway within the Municipality when atmospheric conditions reduce visibility to fifty (50) metres or less.
- i) No person shall tow any sleigh, trailer or other object whatsoever behind an All-Terrain Vehicle on any Highway within the Municipality unless the Vehicle is designed and equipped by the manufacturer for the purpose of towing.
- j) No person shall tow any sleigh, trailer or other object whatsoever behind an All-Terrain Vehicle (which is designed and equipped for towing) on any Highway within the Municipality unless the sleigh, trailer or other object is connected to the towing vehicle with a rigid bar or hitch.
- k) No person shall, under night conditions, tow any sleigh, trailer or other object unless it is equipped with at least one lighted taillight or reflector.
- l) No person shall operate an All-Terrain Vehicle within the Municipality unless that vehicle is equipped with at least one efficient braking system which must be maintained in good working order.
- m) The driver of, and any passenger(s) being carried on, or towed by an All-Terrain Vehicle on any Highway within the Municipality shall wear a Helmet, as defined in Subsection 2(e) at all times when the vehicle is in motion.

- 5 n) Notwithstanding anything in the Motor Vehicles Act, a person may cross a Highway or shoulder of a Highway within the Municipality in, on or with an All-Terrain Vehicle if:
- i) he/she brings the vehicle to a halt immediately before entering onto a Highway;
 - ii) he/she yields the right of way to all other traffic and/or other persons on the Highway;
 - iii) he/she crosses at a point which has a clear and uninterrupted visibility of the Highway in both directions for such distance as negates any reasonable chance of the occurrence of an accident;
 - iv) subject to Paragraph 5(n)(iii), a driver must cross by the most direct route available;
 - v) the Vehicle complies with Section 2(b) of the All-Terrain Vehicles Act.
- o) Any person operating an All-Terrain Vehicle on any Highway within the Municipality shall carry with him/her a valid driver's license or equivalent to Section 5(a) and shall produce said license at the request of an Officer.
- p) No person shall operate an All-Terrain Vehicle on any Highway within the Municipality unless the vehicle is equipped with a muffler designed by the manufacturer for use on such vehicle.
- q) No person shall alter or modify an approved All-Terrain Vehicle muffler in any manner that results in an increased noise level when the vehicle is in operation.
- r) The onus of proving the equipment has not been altered or modified as per Subsection 5(q) shall be upon the person operating the vehicle.
- s) Any costs incurred to obtain a professional opinion on whether a muffler has been altered or modified in contravention of Section 5(q) shall be borne by the operator of the vehicle.
- t) An operator may replace a defective muffler with a substitute therefore, providing the substitute meets the specifications and design criteria of the manufacturer of the original part.

ACCIDENTS

6. a) When an accident occurs on a Highway within the Municipality, the driver or other person in charge of an All-Terrain Vehicle that was directly or indirectly involved in the accident shall:
 - i) remain at the scene of the accident;
 - ii) render all reasonable assistance;
 - iii) produce in writing to any person sustaining loss or injury, to an Officer;
 - a) his/her name and address;
 - b) the number of his/her driver's license or operators license;
 - c) the name and address of the registered owner of the All-Terrain Vehicle, and;
 - d) the registration number of the All-Terrain Vehicle, and;
 - iv) produce for inspection the Motor Vehicle Liability Insurance Card issued in respect of that All-Terrain Vehicle or other proof that he/she holds a Motor Vehicle Liability Insurance Policy that is in force at the time of the accident.
- b) Notwithstanding Paragraph 6(a)(i), the driver or other person in charge of an All-Terrain Vehicle that was directly or indirectly involved in an accident may leave the scene of an accident for the purpose of obtaining assistance, but in such an event he/she shall either return to the scene of the accident or proceed directly to the nearest Police Detachment in order to report the accident.
- c) When the operator of an All-Terrain Vehicle collides with an unattended vehicle on any Highway within the Municipality, he/she shall bring the vehicle to a stop, and:
 - i) locate and notify the driver or owner of the unattended vehicle and/or leave in a conspicuous place in or on the unattended vehicle, a written notice that states:
 - a) his/her name and address;
 - b) the number of his/her driver's license, and;
 - c) the number of the certificate of registration of the All-Terrain Vehicle.
- d) When the driver of an All-Terrain Vehicle is involved in an accident that results in damage to property upon or adjacent to a Highway within the Municipality, other than a vehicle referred to in Subsection 6(a), he/she shall take reasonable steps to locate and notify the owner or person in charge of the property of the accident and of:
 - i) his/her name and address;
 - ii) the number of his/her driver's license, and;
 - iii) the number of the certificate of registration of the All-Terrain Vehicle.

- 6 e) Subject to Subsection 6(f), a driver involved in an accident shall immediately make a written report, in the prescribed form, to the R.C.M.P. Detachment, when the accident results:
- i) in injury or death to a person;
 - ii) in property damage to an apparent extent of One Thousand Dollars (\$1,000.00) or more.
- f) Where a driver is incapable of making the report, that person shall make the report required to be made by the driver.
- g) Where no report has been made under Subsection 6(e) or 6(f) and the driver or the occupant is not the owner of the All-Terrain Vehicle, the owner shall forthwith, after learning of the accident, make the report.
- h) Where the driver is alone, the owner, and incapable of making the report required by Subsection 6(e), he/she shall make the report immediately after becoming capable of making it.
7. a) The Town of Fort Smith By-Law Officer, under the supervision of the Senior Administrative Office, shall enforce the provisions of this By-Law. Members of the R.C.M.P. are ex-officio Officers for the purposes of enforcement of this By-Law.
- b) 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.
- c) An Officer may, at any time, stop and inspect any All-Terrain Vehicle operating on any Highway within the Municipality to ascertain whether such vehicle complies with the provisions of this By-Law with respect to the licensing, registration, insurance and equipment of the vehicle.
8. a) Every person who contravenes a provision of this By-Law for which no other penalty is provided for set out in Appendix "A" of this By-Law, is guilty of an offence and is liable upon Summary Conviction:
- i) for the first offence, to a fine not less than Fifty Dollars (\$50.00) and not to exceed One Hundred Dollars (\$100.00).
 - ii) for the second offence, to a fine not less than Seventy - Five Dollars (\$75.00) and not to exceed Two Hundred Dollars (\$200.00).
 - iii) for the third and subsequent offence, to a fine of not less than One Hundred Dollars (\$100.00) and not to exceed Five Hundred Dollars (\$500.00); or

In default of payment, to imprisonment for a term not to exceed thirty (30) days.
- b) i) Any Officer who, on reasonable and probable grounds, believes that an offence mentioned in Sections 3, 4, 5, or 6 of 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.

- 8 b) ii) Subject to Subparagraph 8(b) (i), all costs for the removal, care and storage of the All-Terrain Vehicle are the responsibility of the owner and are a lien upon the All-Terrain Vehicle that may be enforced in the manner provided for by the Garageman's Lien Act.
- c) The owner of an All-Terrain Vehicle may be charged with an offence and subjected to the penalties provided for any contravention of this By-Law by an operator of the vehicle unless, at the time of the contravention, the All-Terrain Vehicle was in the possession of the operator without the owner's permission or consent.
- d) Where an offence under this By-Law is in respect to a section thereof passed pursuant to the All-Terrain Vehicles Act, the provisions of the Summary Convictions Procedures Act shall apply **MUTATIS MUTANDIS**.

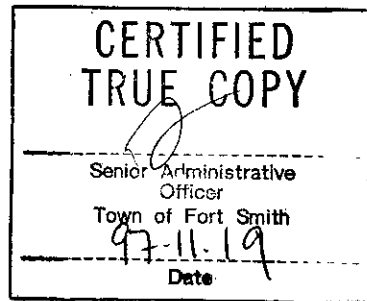
REPEAL

9. By-Law #610 is hereby repealed.

READ A FIRST TIME THIS 21st DAY OF October, 1997, A.D.
READ A SECOND TIME THIS 21st DAY OF October, 1997, A.D.
READ A THIRD TIME THIS 18th DAY OF November, 1997, A.D.

P. Martielus
MAYOR

[Signature]
SENIOR ADMINISTRATIVE OFFICER



CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW #630
APPENDIX "A"

<u>OFFENCE</u>	<u>SECTION</u>	<u>FINE</u>
Operating an unregistered and uninsured A.T.V.	3, 4	\$300.00
Operating an unregistered A.T.V.	3	\$100.00
Operating an uninsured A.T.V.	4	\$200.00
Failure to produce required documents	3, 4	\$ 50.00
Operating an A.T.V. in a prohibited area	5(b)	\$ 75.00
Operating an A.T.V. without proper lighting	5(g)	\$ 50.00
Carrying more passengers than A.T.V. is equipped for	5(f)	\$ 75.00
Towing passengers without a rigid tow bar	5(j)	\$ 75.00
Operate an A.T.V. without due care and attention	5(e)	\$ 75.00
Operate an A.T.V. on a sidewalk	5(b)(ii)	\$ 50.00
Operate an A.T.V. without a helmet	5(m)	\$ 50.00
Passenger on an A.T.V. without a helmet	5(m)	\$ 50.00
Operate an A.T.V. without brakes	5(l)	\$100.00
Obstructing, molesting or interfering with an Officer	7(b)	\$400.00