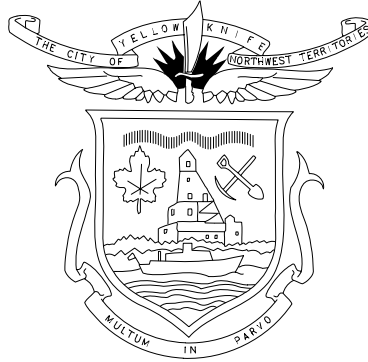


# **THE CITY OF YELLOWKNIFE**

## **NORTHWEST TERRITORIES**



## **CONSOLIDATION OF ALL-TERRAIN VEHICLES BY-LAW NO. 3054**

**Adopted July 14, 1986**

**AS AMENDED BY  
By-law No. 3072 - August 11, 1986  
By-law No. 3747 – February 28, 1994  
By-law No. 4436 – as amended**

**(This Consolidation is prepared for convenience only.  
For accurate reference, please consult the City  
Clerk's Office, City of Yellowknife)**

**CTY OF YELLOWKNIFE  
BY-LAW NO. 3054**

A BY-LAW of the Municipal Corporation of the City of Yellowknife, in the Northwest Territories, for the control, use and operation of all-terrain vehicles on highways and other areas within the City of Yellowknife;

PURSANT TO Section 5 of the *All-terrain Vehicles Act*, Sections 201, 202 and 203 of the *Vehicles Act*, Sections 154, 169, 174 and 184 of the *Municipal Act* and Section 6 of the *Summary Conviction Procedures Act*, R.O.N.W.T. 1974, C.1 (1<sup>st</sup>) 1979, c. V-2, c. M-15 and c.3 (1<sup>st</sup>) 1978, respectively;

WHEREAS it is incumbent upon the Council of the Corporation of the City of Yellowknife to control the use of recreational and off-road vehicles, to protect persons and property and to prevent and abate nuisances generally;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, enacts as follows:

**SHORT TITLE**

1. This by-law may be cited as 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 *Municipal Act*, the *All-terrain Vehicles Act*, the *Vehicles Act* and the City of Yellowknife Highway Traffic By-law No. 1850, respectively.

**Section 2 a)(viii)**

**as amended by By-law No. 3072 Aug 11/86**

**as amended by By-law No. 3747 Feb 28/94**

- 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 for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain but does not include a snowmobile as defined in the Snowmobile By-law No. 3722 or an implement of husbandry or construction machinery, and without limiting the generality of the foregoing, includes:

- i) an amphibious vehicle,

**Section 2 a)(ii)**

**as deleted by By-law No. 3747 Feb 14/94**

- iii) a motorcycle with a motor that has a piston displacement of seventy-five cubic centimeters or less,
- iv) a motorcycle that has a piston displacement of more than seventy-five cubic centimetres, and is not registered with the Registrar of Motor Vehicles of the Government of the Northwest Territories,

**Section 2 a)(v)**

**as deleted by By-law No. 3747 Feb 14/94**

- vi) a motorized vehicle mounted on three wheels,
- vii) any other vehicle prescribed to be included, and
- viii) a motor scooter;

b) "City" means the City of Yellowknife;

c) "Council" means the Council of the City;

d) "Driver" means a person who operates or is in actual physical control of an all-terrain vehicle;

e) "Driver's Licence" means a licence issued pursuant to Part Two of the *Vehicles Act*;

f) "Highway" means any place or way including any structure within the City 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 the 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 trail is maintained or kept open at public expenses;
- b) "Implement of Husbandry" means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations;
- c) "Insurance" means motor vehicle and public liability insurance;
- d) "Laneway" means a public roadway not exceeding nine (9) metres in width which provides secondary access to a lot;
- e) "Officer" means a Constable of the City or any person who is appointed as, or who is ex officio, an officer for the purpose of the *All-terrain Vehicles Act*; Section 7 thereof;
- f) "Owner" means the person in whose name an all-terrain vehicle is or is required to be licensed, under this by-law, and includes a person renting an all-terrain vehicle or having the exclusive use thereof under lease, or otherwise;
- g) "Public Place" includes any place to which the public has access as of right or by invitation, express or implied, but does not include a highway or a restricted area;
- h) " Secretary-Treasurer" means the Secretary-Treasurer of the City;
- i) "Registration Application" means a registration application for an all-terrain vehicle as prescribed by this by-law;
- j) "Registration Certificate" means a registration certificate for an all-terrain vehicle issued under the authority of this by-law;
- k) "Registration Number" means an identification number issued under the authority of this by-law;
- l) "Safety 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;
- m) "Validation Sticker" means a plate or sticker issued as evidence of registration for an all-terrain vehicle for a particular year under the authority of this by-law;

**Subsection s)**  
**as amended by By-law No. 3747 Feb 28/94**

- n) "Special all-terrain vehicle" means an all-terrain vehicle that operates on three or four wheels.

**Section 2.1**  
**as amended by By-law No. 3747 Feb 28/94**

2.1 Save as herein provided, the provisions of this by-law apply to special all-terrain vehicles with the exception of those matters governed by Part III of the ATV Act, R.S.N.W.T., 1988, c.A-3 as amended.

**APPLICATION**

**Section 3**  
**as amended by By-law No. 3072 Aug 11/86**

- 3. a) No person shall operate an all-terrain vehicle in any area set out in Schedule "A" attached to and forming part of this By-law.
  - b) No person shall operate an all-terrain vehicle, with the exception of those described in paragraphs 2(a) (ii), (iii) and (vi), in any area set out in Schedule "B" attached to and forming part of this By-law.
4. No person shall operate an all-terrain vehicle in the authorized areas of the City unless the all-terrain vehicle is

registered with the City.

5. No person operating an all-terrain vehicle in the authorized areas within the City shall do so unless there is in force a policy of motor vehicle insurance with a minimum \$500,000.00 public liability insurance on the all-terrain vehicle.
6. No person shall operate an all-terrain vehicle within the City unless;
  - a) that person holds a valid driver's licence 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 driver's licence of any class issued under the *Vehicles Act*.
7. No person shall operate a registered all-terrain vehicle in the authorized areas of the City unless the all-terrain vehicle displays the number issued by the City for that registration.
8. The registration period for the purposes of this by-law shall be from the 1st day of October of the current year to the 30th day of September of the year next following.

**Section 9**

**repealed by By-law No. 4436 Feb 12/07**

9. Repealed.
10. Every person operating an all-terrain vehicle shall produce, when requested to do so by an Officer, evidence that there is in force with respect to that vehicle a policy of insurance as required by this by-law.

**Section 11**

**as amended by By-law No. 3072 Aug 11/86**

11. a) No person shall operate an all-terrain vehicle as defined in paragraphs 2 a)(i), (ii), (iv), (v) and (vii) within the City unless the all-terrain vehicle is equipped with:
  - i) a headlight on the front which projects a white light to the front, and

- ii) a light on the rear which projects a red light to the rear.
- b) No person shall operate an all-terrain vehicle as defined in paragraphs 2(a)(iii), (vi) and (viii) in any area listed in Schedule "B" unless the all-terrain vehicle is equipped with:
  - i) one headlight on the front which projects a white light;
  - ii) one tail light and stoplight on the rear which projects a red light;
  - iii) turn signals;
  - iv) a rear view mirror; and
  - v) an alarm bell, gong or horn that is in good working order.
- 12. 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.
- 13. No person shall use an all-terrain vehicle to tow passengers unless there is a rigid draw bar joining the towed conveyance to the all-terrain vehicle.
- 14. No person shall operate an all-terrain vehicle without due care and attention.
- 15. No person shall operate an all-terrain vehicle on a sidewalk.
- 16. No person shall operate an all-terrain vehicle abreast of another vehicle except when overtaking and passing another vehicle.
- 17. No person shall operate an all-terrain vehicle within the City unless that person and any passenger is wearing a safety helmet.
- 18. No person shall operate an all-terrain vehicle on a highway unless the all-terrain vehicle is equipped with a braking system in good working order.

19. No person shall operate an all-terrain vehicle on a highway or cross a highway unless the movement can be made in safety.
20. Every operator of an all-terrain vehicle shall comply with the lawful instructions or directions given by an Officer.

**Section 21**

**as amended by By-law No. 3072 Aug 11/86**

21. No person shall operate an all-terrain vehicle, with the exception of those all-terrain vehicles described in paragraph 2(a)(ii), (iv), and (v) of this By-law, within the City between the hours of 12:01 a.m. and 6:00 a.m.

**PENALTIES**

22. Every person who contravenes a provision of this by-law is guilty of an offence and is liable upon summary conviction:
  - a) for the first offence, to a fine not less than fifty dollars and not exceeding one hundred dollars;
  - b) for the second offence, to a fine not less than seventy-five dollars and not exceeding two hundred dollars;
  - c) for the third offence, to a fine not less than one hundred dollars and not exceeding five hundred dollars;  
orin default of payment, to imprisonment for a term not exceeding thirty days.
23.
  - a) Any Officer who on reasonable and probable grounds believes that an offence mentioned in Sections 3, 4, 5, 6, and 20 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.
  - b) Subject to subparagraph (a) 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 by the *Garageman's Lien Act*.



24. 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 consent.
25. Where an offence under this by-law is in respect to a section thereof passed pursuant to the *All-terrain Vehicle Act*, the provisions of the *Summary Conviction Procedures Act* shall apply mutatis mutandis.
26. Where a person has received a Summary Offence Ticket alleging that an offence has been committed under this by-law, that person may pay a voluntary penalty as set out in Schedule "D", prior to five o'clock in the afternoon of the date set out on the Summons portion of the Ticket as the date for appearance in Court.

**EFFECTIVE DATE**

27. This by-law shall come into effect upon receiving Third Reading.

**REPEALS**

28. By-law No. 2659 is hereby repealed.

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**PART II OF SCHEDULE "A"**

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The following designated areas are forbidden to all-terrain vehicles at any time:

- Any school grounds in the City;
- Any playground or park in the City;
- Any cemetery in the City; and
- The open space between 50A and 51A Avenue, Block 106.

The following designated areas are forbidden to all-terrain vehicles from May 1st to September 30th of any year:

- Rat Lake;
- McNiven Beach;
- Long Lake Beach;
- The area designated as the Yellowknife Golf Course, exclusive of the designated parking areas; and
- The Prince of Wales Northern Heritage Centre including the causeway across Frame Lake, but not including the designated parking areas.

The following designated areas are forbidden to all-terrain vehicles from October 1st to April 30 of any year.

- The area designated for use by the Yellowknife Ski Club, exclusive of the designated parking area.

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**SCHEDULE "B"**

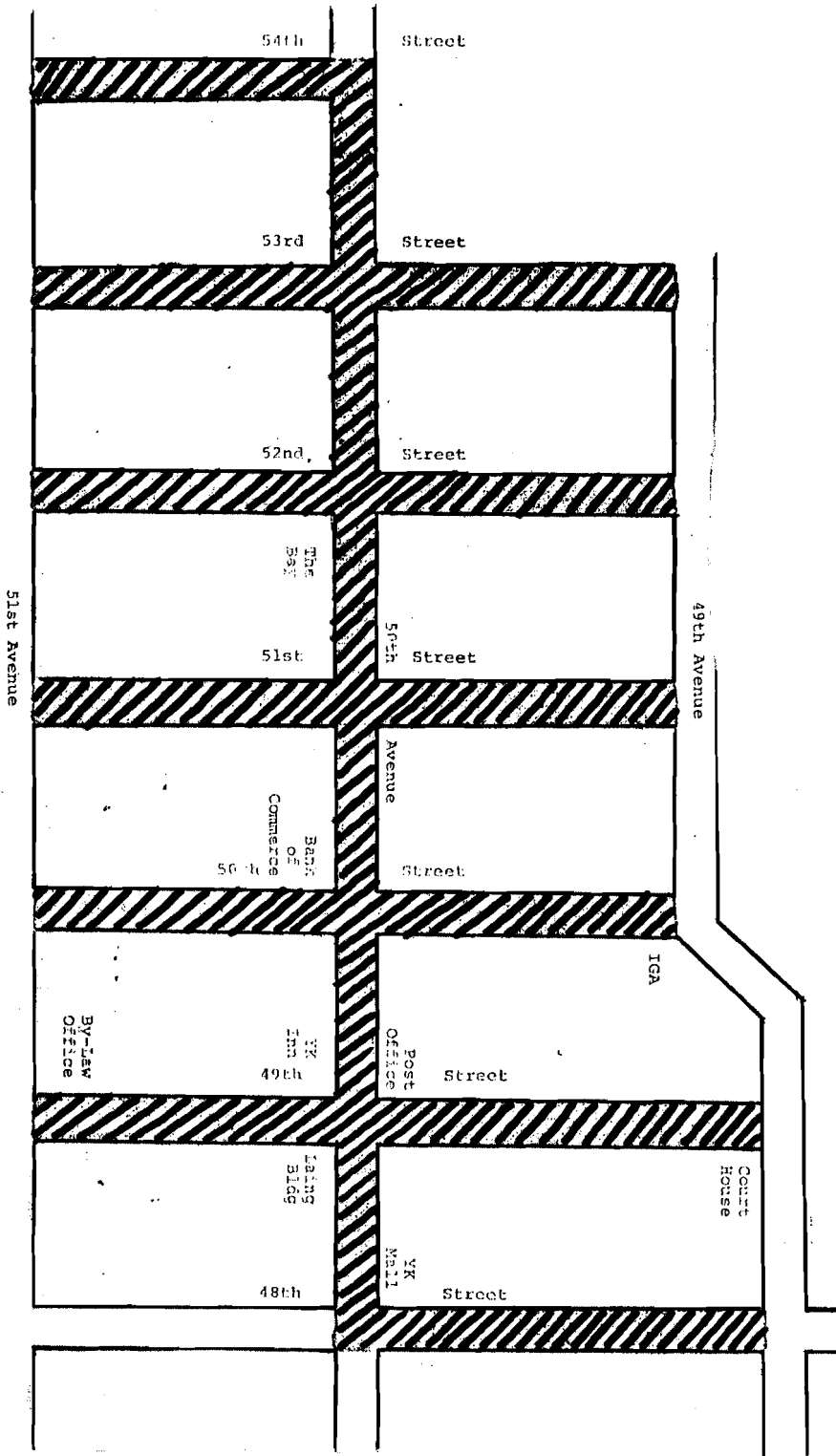
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**Schedule B  
as amended by By-law No. 3072 Aug 11/86**

(Shaded areas indicate the streets and avenues where all-terrain vehicles excluding those described in paragraphs 2 a)(iii), (vi) and (viii) are prohibited).

SCHEDULE "B"  
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(Shaded areas indicate the streets  
and avenues where snow machines  
are prohibited)



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SCHEDULE "C"

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Schedule "C"  
deleted by By-law No. 4436 Feb. 12/07

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**SCHEDULE "D"**

<u>OFFENCE</u>	<u>SECTION</u>	<u>PENALTY</u>
Operating in prohibited area	3	\$ 30.00
Operating unregistered all-terrain vehicle	4	\$ 50.00
Operating uninsured all-terrain vehicle	5	\$ 50.00
Operating all-terrain vehicle without a proper driver's licence	6	\$ 50.00
Failing to produce driver's licence, registration or proof of insurance	10	\$ 50.00
Operating all-terrain vehicle without proper lighting	11	\$ 30.00
Carrying more passengers than ATV equipped for	12	\$ 30.00
Towing passengers without a rigid draw bar	13	\$ 50.00
Operate without due care and attention	14	\$ 75.00
Operating all-terrain vehicle on a sidewalk	15	\$ 50.00
Operating all-terrain vehicle abreast of another vehicle while not in act of passing	16	\$ 50.00
Operating all-terrain vehicle without a helmet	17	\$ 50.00
Operating all-terrain vehicle without brakes	18	\$ 50.00
Failing to comply with the lawful instructions or directions of an Officer	20	\$100.00
Operating all-terrain vehicle between 12:01 a.m. and 6:00 a.m.	21	\$ 30.00

Docs #4719