

## CITY OF YELLOWKNIFE

## BY-LAW NO. 3722

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

PURSUANT TO SECTION 5 of the All Terrain Vehicles Act, R.S.N.W.T., 1988, c.A-3; Part XII of the Motor Vehicles Act., R.S.N.W.T., 1988, c. M-16 and Sections 70, 75, 76, 104, 119, 171, 172, 173, 176, and 183 of the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c. C-8 respectively;

WHEREAS the Council of the Municipal Corporation of the City of Yellowknife deems it to be in the public interest to enact a by-law to control the use and operation of snowmobiles on highways and other areas within the municipality;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL 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 "Snowmobile By-law".

## DEFINITIONS

2. In this by-law;

"accident"	means an accident on or adjacent to a highway and other areas within the municipality involving a snowmobile that results in: <ol style="list-style-type: none"> <li>a) the injury or death of a person; or</li> <li>b) damages to all property involved in the accident that appear to be \$1000.00 or more in total.</li> </ol>
"City"	means the Municipal Corporation of the City of Yellowknife;
"council"	means the Council of the City;
"dealer"	means a person, company, or corporation, licenced by the City pursuant to the Business Licence By-law to buy, sell, rent or lease new and used snowmobiles or other classes of all-terrain vehicles;
"driver"	means a person who operates a snowmobile or, where the snowmobile is not in motion, the person who is in actual physical control of the snowmobile;
"driver's licence"	means a driver's licence or interim driver's licence issued under Part II of the <i>Motor Vehicles Act</i> , R.S.N.W.T., 1988, c. M-16 and the Driver's Licence Regulations made pursuant to Section 349 of the <i>Motor Vehicles Act</i> ;
"helmet"	means a rigid safety helmet bearing one or more of the following certification labels: CSA D-230; DOT 218 or SNELL M90.

"highway"	means a highway as defined in the <i>Motor Vehicles Act</i> ;
"insurance"	means public liability coverage that insures at least to the limits required by Section 144 of the <i>Insurance Act</i> , R.S.N.W.T., 1988, C. I-4;
"insurance card"	means a card issued under the <i>Insurance Act</i> that evidences the issue, renewal or continuation of a motor vehicle liability policy insuring the owner of a motor vehicle in respect of the ownership, use or operation of that vehicle;
"licence plate"	means the licence plate issued under this By-law;
"officer"	means a person who is appointed in accordance with the <i>Cities, Towns and Villages Act</i> as a By-law Officer to enforce the by-laws of the City of Yellowknife and any Peace Officer who is entitled by law to enforce the By-laws of the City of Yellowknife;
"owner"	means the person in whose name a snowmobile is or is required to be licenced under this By-law and includes a dealer;
"prohibited area"	means an area of the City where the use of snowmobiles is forbidden;
"Registrar"	means the Manager of the Municipal Enforcement Division of the City insofar as the licencing and registration of snowmobiles is concerned;
"registration application"	means an application to register a snowmobile as prescribed by this By-law;
"registration certificate"	means a registration certificate for a snowmobile issued under the authority of this By-law;
"restricted area"	means areas of the City zoned pursuant to the Zoning By-law as "O" - Open Space or "PR" - Parks and Recreation where snowmobile use is limited to specific portions of an area so zoned;
"Senior Administrative Officer"	means the Senior Administrative Officer of the City appointed by pursuant to Section 43 of the <i>Cities, Towns, and Villages Act</i> , or his delegate;
"snowmobile"	means a motorized vehicle that runs on tracks or skis or a combination thereof, weighs less than 900 kg and is designed to be primarily driven on snow, ice or both;
"traffic control device"	means a sign, signal, light, line marking or device placed or erected under a by-law made under subsection 346(1) of the <i>Motor Vehicles Act</i> , R.S.N.W.T., 1988, c. M-16; and
"vehicle"	means a snowmobile.

**PART I - LICENCING AND INSURANCE**



3. No person shall operate a snowmobile on a highway or other area within the City unless:
  - (a) the licence plates issued to the person named on the registration certificate for the snowmobile are attached to the snowmobile; and
  - (b) the validation stickers issued with the registration certificate are firmly attached to the licence plate.
4. (1) The Registrar may:
  - (a) approve the form of the registration certificate, licence plate and validation sticker, registration application and notices for use under this part;
  - (b) authorize an employee of the City or a person who has entered into a contract with the City to perform any or all of the duties of the Registrar on behalf of and in accordance with the instructions of the Registrar; and
  - (c) establish a system of temporary registration to facilitate dealers who allow their customers to test drive snowmobiles or rent snowmobiles on a short term basis.
- (2) Every registration certificate, licence plate, validation sticker application and notice for use under this part must be in a form approved by the Registrar.
5. The owner of a snowmobile may apply to the Registrar to have a registration certificate, licence plates or validation stickers issued for that vehicle.
6. (1) The Registrar shall not issue a registration certificate to an owner of a snowmobile unless:
  - (a) the owner completes a registration application which contains:
    - (i) a postal code and residential address or, if the owner is a corporation, a postal address and an address setting out the location of the owner's place of business; and
    - (ii) the make, model, colour and serial number of the snowmobile.
  - (b) the Registrar is satisfied the applicant is the owner of the snowmobile;
  - (c) the Registrar is satisfied that there is no judgment of a court in this jurisdiction for damages against the owner arising out of a traffic accident
    - (i) of which there is no insurance available for payment of the damages; and
    - (ii) that has not been satisfied within thirty (30) days of the judgment becoming final;
  - (d) the Registrar is satisfied that there are no outstanding fines payable by the owner for violations of the provisions of this By-law;
  - (e) the owner submits an insurance card or written proof satisfactory to the Registrar that the owner has obtained a motor vehicle liability policy that complies with the Insurance Act for the vehicle; and
  - (f) the owner submits the fee prescribed in Schedule "A" of this By-law.



- (2) Where the owner applies and meets the requirements of this By-law for a registration certificate, licence plate or validation sticker, the Registrar shall issue it.
  - (3) The Registrar may suspend the registration certificate of an owner who has been required to pay a fine for contravening this By-law where the time allowed for payment of the fine has passed and the fine is outstanding.
  - (4) Where the Registrar suspends a registration certificate of an owner under subsection (3), the Registrar shall send a notice to the owner advising of the suspension and the reason therefor.
7. A registration certificate expires on the earliest of the following days:
    - (a) the day specified by the Registrar on the certificate;
    - (b) the day that a person, other than the person named on the certificate or the executor or administrator of the estate of that person, becomes the owner of the snowmobile described on the certificate; or
    - (c) 60 days after the death of the person named on the certificate or, where the person is a corporation, 90 days after its dissolution.
  8. Where a registration certificate expires under subsection 7(b) and the person named on the expired certificate transferred ownership of the snowmobile by a voluntary act, the person named on the expired certificate shall, within 10 days of the expiration of the certificate, notify the Registrar of the transfer of ownership.
  9. Where a registration certificate expires under subsection 7(b) and the new owner acquired ownership of the snowmobile by operation of law or without the voluntary act of the person named on the expired certificate, the new owner shall within 10 days of the expiration of the certificate, notify the Registrar of the transfer of ownership.
  10. Where a registration certificate for a snowmobile expires under subsection 7(c), the executor or administrator of the estate of the person named on the expired certificate or, where the person named on the expired certificate is a corporation, the person having legal authority over the assets of the dissolved corporation shall within 10 days of the expiration of the certificate, notify the Registrar of the death or dissolution of the person named on the certificate.
  11. The Registrar shall not issue licence plates or validation stickers to an owner of a snowmobile unless the owner has applied for and is entitled to receive a registration certificate for the vehicle.
  12. No person shall operate a snowmobile on a highway or other areas within the City unless there is a motor vehicle liability policy that is in force for the vehicle and which evidences a contract which insures at least to the limits required by section 144 of the *Insurance Act*.

## PART II - DRIVER ELIGIBILITY

13. a) No person under twelve years of age shall operate a snowmobile within the City.
- b) No person between twelve and sixteen years of age shall operate a snowmobile within the City unless that person is under the immediate supervision and control of a person eighteen years of age or older who holds a valid Driver's Licence.



- c) No person shall operate a snowmobile on a highway in the City unless that person has been issued a Driver's Licence and the Driver's Licence is valid.

**PART III - EQUIPMENT**

- 14. No person shall operate a snowmobile on a highway or other area of the City unless the snowmobile is equipped with:
  - (a) a headlight at the front which projects a white light for a distance of 100 m; and
  - (b) a tail light and a stop light at the rear which shows a red light visible at a distance of at least 150 m behind the snowmobile; and
  - (c) at least one braking system, which must be maintained in good working order.
- 15. No person shall operate a snowmobile on a highway or other area of the City unless the snowmobile is equipped with a muffler or device intended to suppress engine noises.
- 16. No person shall operate a snowmobile equipped with a muffler cut out, bypass, straight exhaust or similar device on a highway or other area of the City.
- 17. No person shall tow any sleigh, trailer or other object whatsoever behind a snowmobile on a highway or other area of the City unless the sleigh, trailer or other object is attached to the snowmobile by a rigid tow bar.

**PART IV - GENERAL**

- 18. The provisions of this By-law shall not apply to officers acting in the course of their lawful duties.
- 19. Save as herein otherwise provided, the provisions of the Highway Traffic By-law apply mutatis mutandis to the operation of snowmobiles within the City.
- 20. No person shall operate or ride on a snowmobile or sleigh towed by a snowmobile unless the person is wearing a helmet.
- 21. No person shall operate a snowmobile on a sidewalk.
- 22. No person shall operate a snowmobile without due care and attention.
- 23. No person shall drive a snowmobile across a highway or footpath unless the movement can be made in safety.
- 24. No person shall operate a snowmobile on a highway within the City contrary to a traffic control device.
- 25. No person shall park a snowmobile on a highway within the City contrary to a traffic control device.
- 26. No person shall park a snowmobile on private property without authority from the owner, tenant, occupant or person in charge or control of the private property.
- 27. (1) No person shall operate a snowmobile on a highway or other area of the City at a speed greater than:
  - (a) the posted speed; or



- (b) thirty (30) kilometres per hour if not otherwise posted.
  - (2) Notwithstanding the foregoing, organized snowmobile clubs may hold races or rallies at locations and times approved by the Senior Administrative Officer, on which occasions the maximum speed limits shall not apply on the race course.
  - (3) Approvals required by subsection 27(2) shall be applied for in writing no later than two weeks prior to the scheduled event, and the approval of the Senior Administrative Officer shall be in writing in order to be valid.
28. The provisions of Parts I, II and III of this By-law shall not apply to persons not ordinarily residing in the City who are visiting for the purpose of participating in an organized competition, authorized pursuant to subsections 27(2) and (3) of this By-law.
29. A driver of a snowmobile shall not use the snowmobile to carry more persons at one time than the number for which it is designed and equipped.
30. No person shall drive a snowmobile upon private property within the City without having obtained the consent of the property owner or occupant.
31. No driver shall leave a snowmobile unattended with the motor running.
32. A driver of a snowmobile shall keep the snowmobile to the right side of the highway as close to the curb or edge of the highway as possible.
33. No person shall drive a snowmobile in or on:
- (a) any school playground;
  - (b) any playground area;
  - (c) any park or recreational facility;
  - (d) any cemetery;
  - (e) any area as set out in Schedule "B" and "C" attached to and forming part of this By-law;
  - (f) any other area designated by Council from time to time to be a prohibited or restricted area; and
  - (g) any area where signs prohibit the use of motorized vehicles.

#### PART V - ACCIDENTS

34. Each Driver of a snowmobile involved in an accident occurring on or adjacent to a highway shall comply with the provisions of Part V of the *Motor Vehicle Act*.
35. (1) Where an accident occurs on other areas within the City, each driver of a snowmobile 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 any one 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 licence issued under the *Motor Vehicles Act* or under the laws of a jurisdiction other than the Territories or, if the driver is between twelve and sixteen years of age, the name of the supervising driver;



- (iii) the name and address of the person named in the registration certificate the snowmobile he or she was driving and the number of the certificate or permit; and
    - (d) produce for inspection to anyone sustaining loss or injury and, if requested by an officer, to that officer, the document evidencing a motor vehicle liability policy or financial responsibility that is required pursuant to Section 12 of this By-law.
  - (2) Notwithstanding paragraph (1)(a), the driver of a snowmobile 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 subsection (1); or
    - (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 paragraphs (1)(b), (c) and (d); or
    - (b) immediately make a report in writing that contains the information described in paragraph (1)(c) and produce for inspection the document referred to in paragraph (1)(d) to an officer.
  - (4) Where a driver is not capable of meeting the requirements of subsection (1) at the time of the accident and is not the person named in the registration certificate for the snowmobile, the person named in the certificate, on learning of the accident, without delay:
    - (a) make a report in writing that sets out:
      - (i) his or her name and address;
      - (ii) the number of his or her registration certificate; and
      - (iii) the name and address of the person driving the snowmobile at the time of the accident; and
    - (b) produce for inspection the document referred to in paragraph (1)(d), to an officer.
  - (5) Where a driver is not capable of meeting the requirements of subsection (1) at the time of the accident and is the person named in the registration certificate for the snowmobile, the driver shall, after becoming capable of so doing, without delay:
    - (a) make a report in writing that contains the information described in paragraph (1)(c); and
    - (b) produce for inspection the document referred to in paragraph (1)(d), to an officer.
36. (1) The driver of each snowmobile involved in an accident shall immediately make a written report to an officer that sets out the circumstances of the accident and a description of how the accident occurred.
- (2) Where a driver is incapable of making the report referred to in subsection (1) and there is another rider of the snowmobile capable of making the report, that rider shall make the report.



- (3) Where the driver of a snowmobile involved in an accident:
- (a) is alone at the time of the accident; and
  - (b) is incapable of making the report required by subsection (1) at the time of the accident,
- the driver shall make the report immediately after becoming capable of making it.
37. An officer who has investigated an accident shall immediately forward to the Registrar a written report setting out full particulars of the accident including:
- (a) the names and addresses of the drivers involved;
  - (b) a description of the snowmobiles; and
  - (c) the extent of the personal injuries or property damage.
38. An insurance company that receives a claim under a motor vehicle liability policy in respect of an accident involving a snowmobile that occurred in the City shall immediately notify the Registrar of the name and address of the person making the claim.
39. The provisions of Part VI of the *Motor Vehicles Act* apply to the owners and drivers of a snowmobile.

#### PART VI - ENFORCEMENT

40. Upon the approach of an enforcement or emergency vehicle that is emitting an audible signal or that has flashing lights activated, a driver of a snowmobile 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 practicable to the right hand curb or edge of the highway; and
  - (c) stop and remain in that position until the enforcement or emergency vehicle has passed.
41. An officer while engaged in the lawful execution of his duties may require a driver of a snowmobile within the City to stop for the purpose of:
- (a) determining whether the driver is in possession of a valid driver's licence as required by the provisions of this By-law;
  - (b) determining whether a driver between twelve and sixteen years of age is under the immediate supervision and control of a person eighteen years of age or older who holds a valid Driver's Licence;
  - (c) determining whether the snowmobile is registered as required by the provisions of this By-law; and
  - (d) determining whether the snowmobile is insured as required by the provisions of this By-law.
42. A driver of a snowmobile shall comply with the lawful instructions or directions given by an officer.





43. A driver of a snowmobile when signalled or directed to stop by an officer shall:
- (a) bring the snowmobile to a complete stop;
  - (b) furnish any information respecting the snowmobile that the officer requires; and
  - (c) remain stopped until such time as the officer directs otherwise.
44. An officer may seize a snowmobile and cause it to be removed from its location to a place of storage which the officer considers appropriate where:
- (a) the driver fails to produce:
    - (i) a valid drivers licence, or if being a driver between twelve and sixteen years of age, the name of the supervising driver,
    - (ii) a valid registration certificate for the snowmobile, or
    - (iii) a valid insurance card for the snowmobile, when requested to do so by an officer; or
  - (b) the snowmobile is being operated in an area described in Section 33 of this By-law; or
  - (c) in any other case where the driver of a snowmobile is involved in a contravention of this By-law and the officer on reasonable and probable grounds believes it to be in the public interest to seize the snowmobile.
45. (1) The owner of a snowmobile seized under Section 44 is liable for all reasonable charges for the removal, care and storage of the snowmobile.
- (2) The reasonable charges for the care and storage of the snowmobile are a lien on the snowmobile in favour of the proprietor of the place where the snowmobile is stored, so long as the snowmobile is in the possession of the proprietor.
- (3) The proprietor of a place that has stored a snowmobile seized under Section 44 may sell the snowmobile to recover the reasonable charges for the care and storage of the snowmobile where the proprietor:
- (a) has not received payment in full for the reasonable charges for the care and storage of the snowmobile; and
  - (b) is in possession of the snowmobile.
- (4) The *Warehouse Keepers Lien Act* applies, with such modifications as the circumstances require, to the sale authorized by subsection 45(3) the application of proceeds of the sale and the disposition of any surplus monies.
46. The owner of a snowmobile is liable for any violation of this By-law in connection with the operation of the snowmobile unless it is shown to the satisfaction of the Court trying the case that:
- (a) at the time of the violation, the snowmobile was not being operated by the owner or by any other person with the owner's consent, express or implied; or
  - (b) due diligence was exercised; or



- (c) there is a reasonable mistake of fact.
- 47. (1) Where an officer finds a driver contravening this By-law, and the identity of the driver is not known to the officer, the owner of the snowmobile shall, at the request of the Registrar or an officer, within 48 hours after the request, supply the person making the request with the name and address of the driver of the snowmobile at the time of the contravention.
- (2) An owner shall be found not guilty of contravening subsection 47(1) if the owner proves that he or she did not know the name and address of the driver before the expiration of the 48 hours.

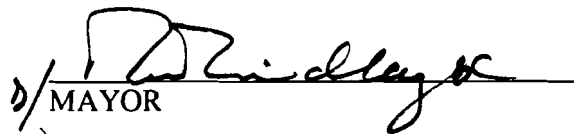
**PART VII - PENALTIES**


- 48. Any person violating any provision of this By-law is guilty of an offence and is liable upon summary conviction to a fine not exceeding five thousand (\$5,000.00) dollars.
- 49. Pursuant to Section 48 of this By-law, an officer may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act* and Regulations, to any person who violates any provision of this By-law and such person may, in lieu of prosecution, pay the City the voluntary penalty set out in Schedule "D" of this By-law for the offence, prior to the court date specified on the ticket.

**PART VIII - EFFECT**

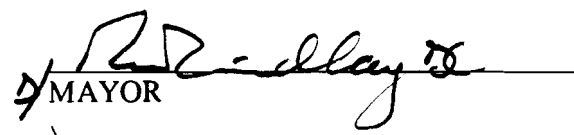
- 50. This By-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 57 of the *Cities, Towns and Villages Act*.


READ a First Time this 23 day of August, A.D., 1993.

  
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 MAYOR

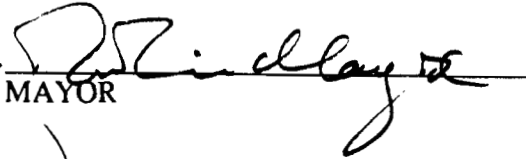
  
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 SENIOR ADMINISTRATIVE OFFICER

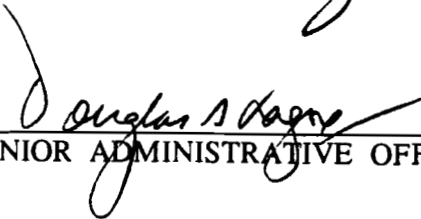
READ a Second Time this 13 day of September, A.D., 1993.

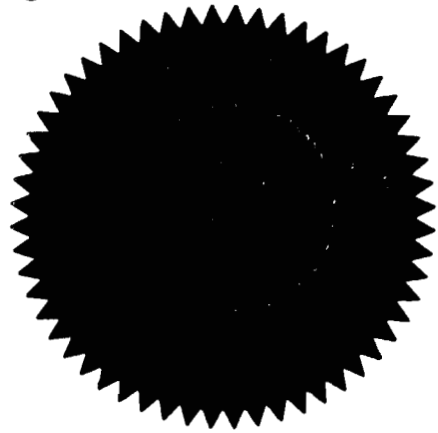
  
 \_\_\_\_\_  
 MAYOR

  
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 SENIOR ADMINISTRATIVE OFFICER

READ a Third Time and Finally Passed this 13 day of September , A.D., 1993.

  
MAYOR

  
SENIOR ADMINISTRATIVE OFFICER



**CITY OF YELLOWKNIFE**

**SCHEDULE "A"**  
**To By-law No. 3722**

Licence plates, registration and validation stickers	\$25.00
Replacement plates, validation stickers or transfer of ownership	\$15.00



# CITY OF YELLOWKNIFE

## SCHEDULE "B" To By-law No. 3722

A schedule to designate prohibited and restricted areas:

### **Prohibited areas:**

1. The Frame Lake Recreation/Tourism Trail System between Byrne Road, City Hall and the Prince of Wales Northern Heritage Center as well as the wooden stairs and wooden walkways on the north side of Frame Lake;
2. The Range Lake Trail System between Parker Recreational field and the OK Economy Store located on Lot 8, Block 560.
3. The childrens sliding area on the open space between 50A Avenue and 51A Avenue (Block 106);
4. The area near Highway 3 and the N.W.T. Power Corporation generating plant near Jackfish Lake, known as "Toboggan Hill".
5. The 'greens' of the Yellowknife Golf Club.
6. The trail system maintained by the Yellowknife Ski Club except when the snowmobile or other all-terrain vehicle is being used for authorized maintenance of the trails.

### **Restricted areas:**

All areas zoned "OS" - Open Space and "PR" - Parks and Recreation with the following exceptions:

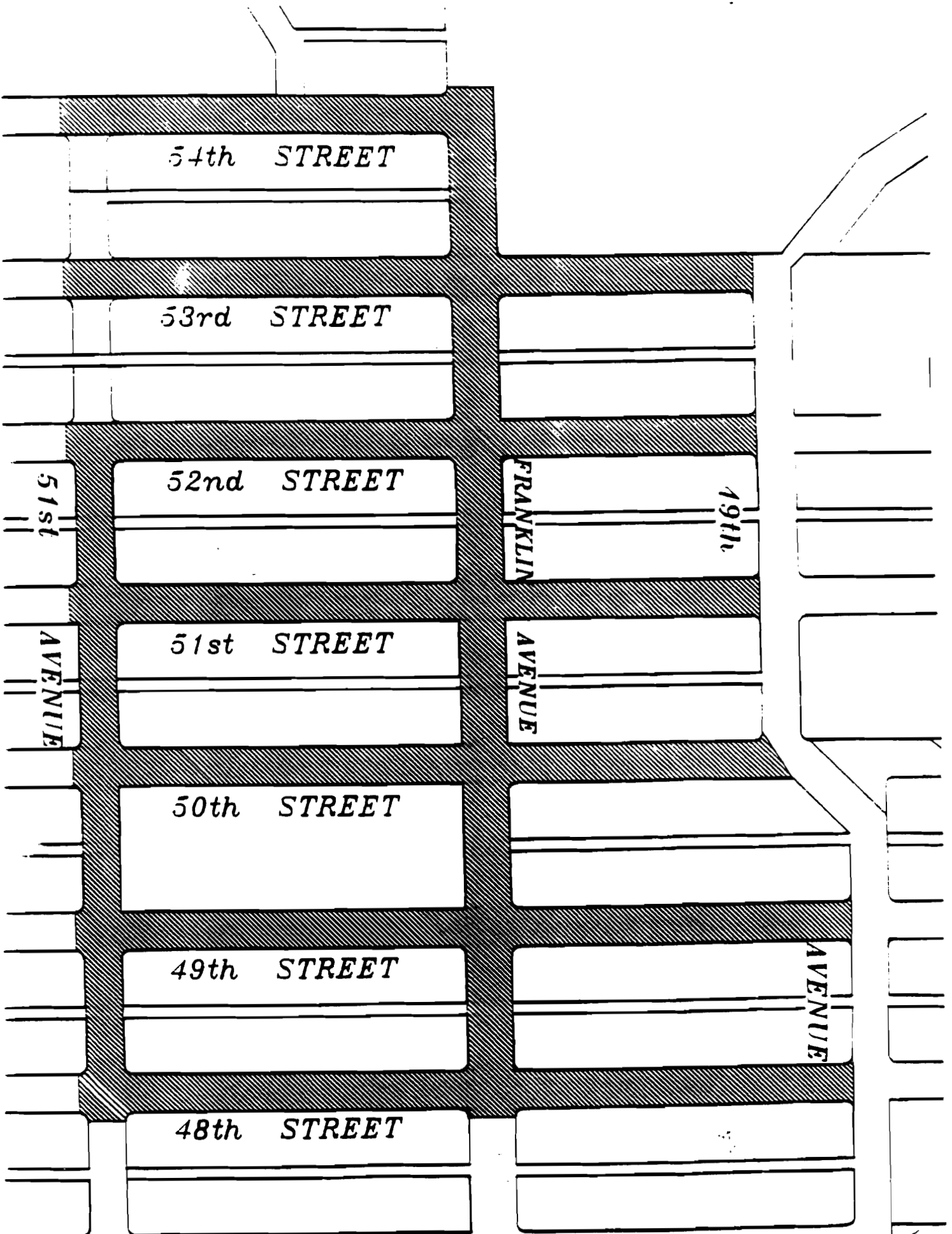
- a) streets and roads within such area;
- b) traversing from one area of the City to another area of the City where there is no other reasonable access;
- c) the Recreation Complex/McNiven Beach area being the whole of Lot 2, Block 122, Plan 2015 but not including the Wade Hamer Mini Golf Course;
- d) the area between the two ball diamonds at Fritz Theil Sports Field when snow covered and area zoned "OS" - Open Space north and northwest of Fritz Theil Sports Field, all being part of Lot 1001, Quad 85-J-8;
- e) the area between what is known as Woodyard and Great Slave Lake bounded on the westerly side by Lot 12, Block 72, zoned "PR" - Parks and Recreation; and
- f) the area zoned "OS" - Open Space, being the Back Bay waterfront (100' Federal Reserve) adjacent to Blocks 5, 6, 7 and 152 off Morrison Drive.
- g) the area bordering Taylor Road between the Nerco Mine tailings pond and Forrest Drive Trailer Park being Lot 19, Block 133, Plan 2259, zoned "L" - Limited Development.



CITY OF YELLOWKNIFE

SCHEDULE "C"  
To By-law No. 3722

Shaded areas indicate the streets and avenues where snowmobiles are prohibited from being driven.



**CITY OF YELLOWKNIFE**

**SCHEDULE "D"  
To By-law No. 3722**

A person who has received a summons pursuant to Section 49 in respect to an offence which is alleged under this by-law may pay the City of Yellowknife a sum calculated as follows:

<u>OFFENCE</u>	<u>SECTION</u>	<u>PENALTY</u>
No licence plates	3(a)	\$100.00
Expired plates	3(b)	100.00
No insurance	12	500.00
No drivers licence	13	100.00
Unsupervised driver between twelve and sixteen years of age	13(b)	100.00
No headlight	14(a)	75.00
No tail light or stop light	14(b)	75.00
Faulty braking system	14(c)	75.00
Faulty muffler	15	75.00
Improper muffler	16	75.00
No rigid tow bar	17	75.00
No helmet	20	75.00
Driving on sidewalk	21	75.00
Driving without due care and attention	22	100.00
Unsafe movement	23	100.00
Failing to obey traffic sign	24	50.00
Illegal parking	25	30.00
Parking on private property	26	30.00
Speeding	27(1)	
0 - 15 km over		40.00
15 - 30 km over		75.00
over 30 km		100.00
Too many riders	29	75.00
Driving on private property	30	100.00
Leaving motor running with vehicle unattended	31	100.00
Failing to stay to right side of highway	32	75.00
Driving in prohibited or restricted area	33	100.00
Failing to report an accident	36(1)	200.00
Leaving the scene of the accident	35(1)(a)	200.00
Failing to yield for emergency enforcement vehicle	40	100.00
Failing to obey instructions of Officer	43	200.00