

Office Consolidation

CITY OF WHITEHORSE

BYLAW 2012-21

A bylaw to regulate the control, operation and use of All-Terrain Vehicles in the City of Whitehorse

WHEREAS section 265(a) of the *Municipal Act* RSY 2002 Chapter 154 (the “Act”) provides that council may pass bylaws for the safety, health, and welfare of people and the protection of persons and property;

WHEREAS section 265(i) of the *Act* provides that council may, subject to the *Motor Vehicles Act*, pass bylaws for the use of motor vehicles or other vehicles, on or off highways, and the regulation of traffic;

WHEREAS section 265(o) of the *Act* provides that council may pass bylaws for vegetation and activities in relation to it;

WHEREAS section 266(a) of the *Act* provides that, without restricting section 265, a council may in a bylaw passed under this division regulate, control, or prohibit;

WHEREAS section 124(1)(a) and (b) of the *Motor Vehicles Act* RSY 2002 Chapter 13 (the “MVA”) provides that, with respect to highways subject to its direction, control and management, a municipality may by bylaw prescribe a maximum speed in excess of, or less than, 50 kilometres per hour for all or part of a highway;

WHEREAS section 126(1)(b) and (c) of the *MVA* provides that a municipality may, with respect to highways under its direction, control and management, make bylaws controlling and regulating the use of all highways, sidewalks, and other public places and delegating to the chief constable or municipal manager any powers in connection therewith including delegating to the municipal manager the power to prescribe where traffic control devices are to be located which shall be deemed to be made by bylaw of the municipality and that records of all such locations shall be kept and be open to public inspection during normal business hours;

WHEREAS section 126(2)(i) and (m) of the *MVA* provides that, without limiting the generality of subsection (1), a municipality may make bylaws under and for the purposes of subsection (1) prohibiting a class or classes of motor vehicles from using wholly or partially for a certain period, or periods, a highway in the municipality and restricting the use of a highway in whole or in part to a particular class of vehicle;

WHEREAS section 126(4) of the *MVA* provides that a municipality may make bylaws prohibiting, controlling and regulating the use of vehicles, including vehicles operated exclusively off-highway, on land that is not a highway; and

WHEREAS section 249(2) of the *MVA* provides that a municipality may by bylaw confer on an officer or employee of the municipality the powers of a peace officer under any of sections 36, 50, 86, 106, 114, 130, 133-136, 181, 203, 217, 230, and 232 of the *MVA*.

Office Consolidation of ATV Bylaw 2012-21

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**All-Terrain Vehicle Bylaw**".

DEFINITIONS

2. Whenever the singular, masculine or feminine is used in this bylaw it shall be considered as if plural, feminine or masculine has been used where the context of the bylaw so requires.

3. In this bylaw:

"ATV" means a motorized wheeled vehicle designed and manufactured for off-road travel including, but not limited to, three wheelers, four wheelers, six wheelers, amphibious machines, off road or hybrid two wheeled vehicles but excludes, at all times, automobiles;

"ATV DEALERSHIP" means a business which is licensed under the City's Business License Bylaw #99-04 to sell, service or rent ATVs;

"ATV SAFETY COURSE" means a City-approved test and course taught by a City-approved course facilitator relating to this bylaw and the Trail Plan;

"ATV SAFETY AND TRAIL USE EXAMINATION" means the City-approved on-line test, the contents of which shall include questions relating to this bylaw and the Trail Plan;

"AUTOMOBILE" means a motorized four wheeled vehicle designed and manufactured for transporting passengers primarily on roads including, but not limited to, cars, trucks and vans;

"BOULEVARD" means the land fronting or along the side of residential property between the property line and the curb, and does not include a proper and lawful vehicular crossing such as a driveway;

"CAMPGROUND" means the area of land known as the Robert Service Campground in the City of Whitehorse;

"CEMETERY" means an area of land that is set aside for the burial of human bodies or ashes;

"CERTIFICATE OF REGISTRATION" means a certificate issued under section 45 of the *Motor Vehicle Act* or any future amended provisions dealing with the registration of ATVs; (*Bylaw 2015-09 passed 2015-02-23*)

"CITY" means the City of Whitehorse;

Office Consolidation of ATV Bylaw 2012-21

“DAMAGE” means by one’s actions, whether intentional or unintentional, public or private property has been injured, harmed or deteriorated and includes, but is not limited to, the making of ruts or displacement of vegetation from its place of growth;

“DESIGNATED OFFICER” means a member of the Royal Canadian Mounted Police or a bylaw officer employed by the City who has a duty to enforce bylaws;

“DOWNTOWN AREA” means that area of the City the boundaries of which are shown on the map attached hereto as Schedule “A”;

“DRIVE” means to operate as defined in this bylaw;

“ENVIRONMENTALLY SENSITIVE AREA” means areas determined to have high wildlife values and/or high environmental sensitivity, where protection of natural areas, wildlife habitat, and ecological values is ensured and which have been identified in the Trail Plan;

“FEE” means a fee as set out in the City’s Fees and Charges Bylaw as amended from time to time; (*Bylaw 2015-09 passed 2015-02-23*)

“GREENBELT” means an area of land generally left in a natural state which is under the ownership or control of the Crown, Commissioner of the Yukon or the City and may be used for passive or active recreation, trails, or buffers, as set out in the City’s Zoning Bylaw;

“GROUND” means the solid surface of the earth including sand, clay, soil, bog, turf, vegetation and lichen;

“HELMET” means a form of protective head gear specifically designed for motorcycle and ATV operators to be worn on the head, fastened by manufacturer’s straps and fasteners, to prevent or minimize injuries, and to provide crash and such additional protection that it was manufactured to provide;

“MANAGER OF BYLAW SERVICES” means the Manager of the City’s Bylaw Services Department or designate;

“MANAGER OF PARKS AND COMMUNITY DEVELOPMENT” means the Manager of the City’s Parks and Community Development Department or designate; (*Title amended throughout this bylaw by Bylaw 2015-09 passed 2015-02-23*)

“MILLENNIUM TRAIL” means the paved and accessible trail that is situated in the Downtown and Riverdale areas of Whitehorse connecting across the Yukon River with a pedestrian bridge;

“MOTORIZED MULTIPLE USE TRAILS” means those trails designed and designated by the City to be used by motorized vehicles including ATV’s as identified in the Trail Plan;

“MUNICIPAL MANAGER” means the City Manager or designate;

“MVA” means the *Motor Vehicles Act* and the regulations and policies passed thereunder;

Office Consolidation of ATV Bylaw 2012-21

“NIGHT” means the time period between the hours of 11:00 p.m. and 7:00 a.m.;

“NON-MOTORIZED TRAILS” means those trails designed and designated by the City to be used by pedestrians and non-motorized trail users which have been identified in the Trail Plan;

“OPEN SPACE” means a portion of land not occupied by buildings which is under the ownership or control of the Crown, Commissioner of the Yukon or the City and may be used for gardens, landscaping or passive or active recreation as set out in the City’s Zoning Bylaw;

“OPEN WATER” means a body of water including, but not limited to, a lake, pond, river or stream;

"OPERATE" means to have physical control and operation of an ATV, whether or not the ATV’s engine is running, and includes the act of driving, parking, pushing, stopping, or towing;

“OPERATOR” means the person who operates an ATV;

“OPERATOR’S LICENCE” means a driver’s licence issued under the *MVA*, or a class 7 learner’s licence under listed conditions; (*Bylaw 2015-09 passed 2015-02-23*)

"OWNER" means the registered owner, driver, or lessee of an ATV and includes any person, partnership, association or corporation that owns, possesses or has control of an ATV;

“PERMITTED AREA” means motorized multiple use trails on which ATV travel is allowed;

“PLAYGROUND” means any public outdoor area or lot in the City on which a play structure, or other similar apparatus or equipment, has been installed by the City and shall include a school playground;

“PRESCRIBED SAFETY HELMET” means a safety helmet prescribed by the *MVA* or *MVA Regulations*; (*Bylaw 2015-09 passed 2015-02-23*)

“PROHIBITED AREA” means those areas of the City that are not motorized multiple use trails and on which ATV travel is not allowed, including but not limited to:

- (1) a boulevard;
- (2) a campground;
- (3) a cemetery;
- (4) an area designated as environmentally sensitive;
- (5) the Downtown area;
- (6) the Millennium Trail;
- (7) the greenbelt;
- (8) an open space;
- (9) a playground;
- (10) a restricted roadway;

Office Consolidation of ATV Bylaw 2012-21

- (11) a roadway;
- (12) a school playground;
- (13) a ski trail;
- (14) open water;
- (15) a motorized multiple use trail which has been permanently or temporarily closed by the City; under the authority of the Trail Plan;
- (16) private property for which the operator has not received the permission of the owner; and
- (17) a non-motorized trail.

“RESTRICTED ROADWAY” means those roadways where ATV travel is prohibited as identified in the list attached hereto as Schedule “B”;

"ROADWAY" means that portion of any road, street, lane or alley designed, improved or ordinarily used for vehicular travel by the general public;

“SAFE ATV CARD” means the permanent card or temporary certificate issued to a person by the City or City-approved agency upon such person satisfying the requirements of this bylaw;

“SCHOOL PLAYGROUND” means a Playground that is a part of a school and shall include the school yard;

“SIDEWALK” means that part of a Roadway ordinarily used by pedestrians;

"SKI TRAIL" means recognized and developed cross-country ski trails as identified in the list attached hereto as Schedule “C”;

“SPECIAL EVENT” means an event with ceremonies, festivities or activities, including but not limited to, parades, celebrations, rallies, races, and sports functions at which ATVs will be present;

“SPECIAL PERMIT” means the City’s written approval to operate an ATV in a prohibited area or to hold a special event, with or without conditions, by the Managers of Parks and Community Development or Bylaw Services for which a fee shall be payable as per the Fees and Charges Bylaw;

“TRAFFIC CONTROL DEVICE” means any sign, signal, marking or device placed, marked or erected under the authority of this or any city bylaw or Territorial Legislation for the purpose of regulating, warning, or guiding traffic;

“TRAIL PLAN” means the document approved by council which provides guidance for trail planning and the development of trails and trail networks;

“TRAILER” means a vehicle designed and manufactured to transport property which may be attached to or drawn by an ATV; and

“VEGETATION” means all trees, shrubs, plants, flowers, grass, and all ground cover, whether it is in its wild, natural, or landscaped state.

Office Consolidation of ATV Bylaw 2012-21

EXEMPTIONS

4. This bylaw shall not apply to a Designated Officer, an enforcement officer appointed by the Federal Government of Canada, an enforcement officer appointed by the Government of Yukon, or operators of fire, ambulance, search and rescue or other emergency vehicles who are acting in the course of their lawful duties.

DRIVER ELIGIBILITY

5. In addition to satisfying all requirements of the *MVA*, in particular to Part 13.1 relating to operating an off-road vehicle on a maintained roadway, no person shall operate an ATV in any area of the City of Whitehorse unless that person:
 - (1) holds a valid operator's license that has been issued for the operation of a motor vehicle; and
 - (2) has ensured that there is a current subsisting certificate of registration issued pursuant to the *MVA* in respect of the ATV, and that the registration plate is attached to the ATV with the current registration sticker affixed; and
 - (3) has a valid policy of public liability/property damage insurance in the minimum amount of \$200,000.00 for the operation of the ATV, for bodily injury or death of any one person, and for loss or damage to property resulting from any one accident, the specifics of which are detailed in the *MVA* in relation to off-road vehicles being operated on a maintained roadway as defined by the *MVA*, and the proof of which shall be on an insurance card; and
 - (4) has a valid Safe ATV Card unless such person is not a resident of the City and is in the City's jurisdiction for a period of less than two weeks; and
 - (5) including any passenger, is wearing a prescribed safety helmet attached firmly to his or her head.

(Section 5 amended by Bylaw 2015-09 passed 2015-02-23)

6. A Safe ATV Card shall be issued by the City or a City-approved agency to a person who has paid a fee and has successfully completed and passed:
 - (1) an ATV safety course with a mark of 80% or higher; or
 - (2) an ATV safety and trail use examination with a mark of 80% or higher.
7. A person who operates an ATV is guilty of an offence if, on demand of a Designated Officer, he or she fails to produce any of the following:
 - (1) a valid operator's license as required by this bylaw;
 - (2) a valid certificate of registration in respect of the ATV;
 - (3) a valid registration plate attached to the ATV;
 - (4) a valid insurance card in respect of the ATV; and
 - (5) a valid Safe ATV Card as required by this bylaw.

(Section 7 amended by Bylaw 2015-09 passed 2015-02-23)

Office Consolidation of ATV Bylaw 2012-21

8. If a person produces an operator's license, certificate of registration in respect of an ATV, an Insurance Card and/or a Safe ATV Card that is illegible, mutilated, defaced or altered, such person, upon demand of the Designated Officer, shall produce a properly issued duplicate of such card or cards by a date determined by the Designated Officer. (*Bylaw 2015-09 passed 2015-02-23*)

EQUIPMENT

9. The *MVA Equipment Regulations* apply to ATVs operated within the City of Whitehorse, notwithstanding that the ATV is being operated on a surface other than a maintained roadway, and references to a motor vehicle or vehicle in the *Equipment Regulations* includes an ATV for the purposes of this bylaw, unless a provision specifically excepts or refers to ATVs. (*Bylaw 2015-09 passed 2015-02-23*)
10. In addition to satisfying all requirements of the MVA, no person shall tow an object while operating an ATV unless such object is a Trailer which is attached to the ATV by a rigid tow bar.
11. No person shall tow a disabled ATV, without meeting the towing requirements of this bylaw unless a person, who is capable of operating the disabled ATV, is sitting on the disabled ATV and is controlling the steering and braking at the time of the tow.
12. No ATV from which any part intended for the suppression of exhaust noises has been removed or the exhaust outlet enlarged, shall be operated within the City, and no person shall use a muffler cut out, bypass, straight exhaust or similar device upon an ATV.

PERMITTED OR EXCLUDED AREAS

13. A person may operate an ATV on a motorized multiple use trail during the time period April 1 to October 31 in each year and shall not operate an ATV on a motorized multiple use trail from November 1 to March 31 in each year.
14. A person shall not operate an ATV in a prohibited area.
15. A person may operate an ATV on private property either owned by them or with the permission of the owner of the property, and shall not operate an ATV on private property without such permission.
16. Notwithstanding any other section of this bylaw, a person may operate an ATV on a sidewalk for the purpose of clearing snow in accordance with the City's Maintenance Bylaw 2011-03 and provided that:
- (1) the ATV is equipped with a blade which has been designed and manufactured for snow removal;
 - (2) the width of the ATV and blade are not wider than the width of the sidewalk;
 - (3) the ATV operator yields the right of way of all other traffic and users of the sidewalk, including vehicles crossing sidewalks, pedestrians and dogs; and
 - (4) the speed of the ATV does not exceed 10 km/hr.

Office Consolidation of ATV Bylaw 2012-21

17. Notwithstanding any other section of this bylaw, a person may operate an ATV on a roadway for the purpose of travelling from their residence to the nearest permitted area subject to adhering to the following while on the roadway:
 - (1) the operator shall proceed by the most direct route from their residence to the nearest permitted area;
 - (2) the operator shall return to their residence by the most direct route from the nearest permitted area;
 - (3) the operator shall drive the ATV as near as practical to the right hand curb or edge of the roadway; and
 - (4) the operator shall not drive the ATV at a speed greater than 30 kilometres per hour.
 - (5) The operator shall not drive the ATV in any area described in Schedules “A” and “B” of this bylaw unless a permit or permission has been provided as outlined in this bylaw.
18. It shall be the responsibility of a person who operates an ATV to inform themselves of the location and boundaries of the prohibited areas and, at no time, shall such persons rely upon traffic control devices as the sole means of identifying such prohibited areas.
19. Notwithstanding any other section of this bylaw, a person may operate an ATV in a prohibited area if they are directed or given permission in writing to do so by the Manager of Parks and Community Development for the maintenance of property under the care and/or control of the City or for safety purposes and in the event that the situation is emergent, such as the immediate need to evacuate an injured person, written permission will not be required.

GENERAL OPERATING RULES

20. Any ATV being operated anywhere within the City of Whitehorse shall comply with the requirements in PART 13.1 of the *MVA* respecting the operation of off-road vehicles on a maintained roadway, notwithstanding that the ATV is being operated on a surface other than a maintained roadway. (*Bylaw 2015-09 passed 2015-02-23*)
21. The operator of an ATV shall drive with due care and attention and in accordance with all traffic control devices and this bylaw.
22. Upon approaching, meeting or passing a person or domestic animal such as a pedestrian, cyclist, skier, dog, or horse, the operator of an ATV shall reduce their speed to no greater than 15 kilometres per hour and shall drive the ATV as far away as practicable from such person or animal, while staying on the trail, so as to permit the safe passing of the ATV.
23. At no time shall a person operate an ATV at a speed:
 - (1) greater than is reasonable and safe in the circumstances, including reasonable consideration for other persons and property; or

Office Consolidation of ATV Bylaw 2012-21

- (2) greater than 50 kilometres per hour unless otherwise posted by a traffic control device or otherwise provided by this bylaw.
- 24. Notwithstanding any other section of this bylaw, a person may, while operating an ATV in a permitted area, cross a roadway, sidewalk or restricted roadway if such person:
 - (1) brings the ATV to a complete stop before crossing;
 - (2) has a clear view of traffic for a sufficient distance to cross in safety;
 - (3) yields the right-of-way to pedestrians and other traffic before crossing; and
 - (4) crosses at an angle of 90 degrees to the direction of the roadway, sidewalk or restricted roadway.
- 25. The operator of an ATV shall at all times yield the right of way to pedestrians.
- 26. Once a person stops an ATV before crossing a sidewalk situated immediately adjacent to a roadway or restricted roadway, such person shall be deemed to have stopped the ATV before crossing the roadway or restricted roadway.
- 27. No person shall operate an ATV within 500 meters of a residence at night unless such operation is for the limited purpose of loading or unloading an ATV.

OBSTRUCTING AND DAMAGING TRAILS OR OTHER AREAS

- 28. At no time shall a person while operating an ATV cause damage to any area and, where such damage has occurred, in addition to any other penalty or fine imposed for a breach of this bylaw, such person shall be liable for the costs to repair the damage.
- 29. No person shall place or cause to be placed in, on or surrounding a motorized multiple-use trail any object including but not limited to rocks, trees, chain, rope, wood, or metal which may in the opinion of the Designated Officer create a hazard for trail users, and in addition to any other penalty or fine imposed for a breach of this bylaw, such person shall be liable for the costs to remove the obstruction.

TRAFFIC CONTROL DEVICES

- 30. The Municipal Manager may prescribe where traffic control devices are to be located and installed, including traffic control devices restricting the speed of ATVs, and wherever such a location is so prescribed, it shall be deemed to have been done under the authority of this bylaw.
- 31. A record of traffic control devices and their locations shall be kept at the City and shall be open for public inspection during normal City business hours.
- 32. No person shall erect or maintain a device or structure that in the opinion of a Designated Officer interferes with the effectiveness of a traffic control device.

Office Consolidation of ATV Bylaw 2012-21

SPECIAL PERMITS

33. No person, organization, association or club shall hold a special event in any area of the City without first obtaining a special permit, the application for which shall be made in writing to the Manager of Parks and Community Development or Manager of Bylaw Services no later than 30 days prior to the special event and has paid the prescribed fee.
34. No owner, lessee, or employee of a ATV dealership shall operate, or permit the operation of, an ATV in the downtown area without first obtaining a special permit, the application for which shall be made in writing to the Manager of Bylaw Services.
35. Notwithstanding any other provision of this bylaw, the Manager of Parks and Community Development or the Manager of Bylaw Services may issue special permits and may impose such conditions or restrictions deemed necessary or required to ensure that the provisions of this bylaw are met.
36. The person to whom a special permit has been issued shall comply with the special permit, including any conditions or restrictions imposed therein.
37. Any breach of a special permit, including its conditions or restrictions, by someone other than the person to whom the special permit was issued shall be deemed to have been committed by the person who was issued the special permit.

ENFORCEMENT

38. Every person operating an ATV shall, immediately when signalled or requested by a Designated Officer:
 - (1) bring the ATV to a stop;
 - (2) furnish any information respecting the ATV and themselves as requested by the Designated Officer;
 - (3) remain stopped until such time as the Designated Officer permits them to leave; and
 - (4) comply with any request or direction of the Designated Officer.

POWER OF A PEACE OFFICER

39. Every Designated Officer has the powers of a peace officer under any of sections 36, 50, 86, 106, 114, 130, 133-136, 181, 203, 230, and 232 of the MVA while engaged in the lawful execution of his duties under this bylaw.
40. A Designated Officer may enter upon any land in any area of the City, with a reasonable and probable purpose, to prevent the continuation of an offence under this bylaw which shall include, but not be limited to, obtaining particulars of ownership and determining the identity of the operator of an ATV.
41. A Designated Officer may seize and impound an ATV:
 - (1) if an operator fails, or refuses to produce identification or a Safe ATV Card upon being requested to do so by a Designated Officer; or

Office Consolidation of ATV Bylaw 2012-21

- (2) once a charge has been laid for a breach of this bylaw and the Designated Officer has reasonable and probable grounds to believe that there are safety concerns associated with the continuation of such breach.
- 42. Where the owner of an ATV was not the operator of the ATV, or was not present, at the time the ATV was detained, the Designated Officer shall take reasonable steps to notify the owner of such impoundment, together with the reasons for its impoundment and the place where it is impounded or stored.
- 43. An ATV that has been impounded under this bylaw shall not be released until all costs associated with the impoundment have been paid including:
 - (1) all fines; and
 - (2) all impoundment fees as prescribed in the *Fees and Charges Bylaw*.
- 44. Where an impounded ATV is not claimed within six months from the date of seizure, the Manager of Bylaw Services may direct its disposal by public auction, and where the Designated Officer has determined the value of such ATV to be less than \$500.00, the Manager of Bylaw Services may direct that it be disposed of at the City of Whitehorse Landfill or scrap yard.

COMMITTING AN OFFENCE

- 45. Every person who offends any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing which violates any of the provisions of this bylaw, shall be deemed to be guilty of an infraction of this bylaw, and shall be liable to the penalties hereby imposed.
- 46. Any person who commits an offence under this bylaw is, in addition to any other punishment, liable upon summary conviction to:
 - (1) a voluntary fine under section 20 of the *Summary Convictions Act* RSY 2002, Chapter 210, issued in respect of an offence, which shall be increased for second and subsequent offences as specified in Schedule "D" attached hereto and forming part of this bylaw; or
 - (2) a fine not exceeding ten thousand dollars (\$10,000.00) where proceedings are commenced pursuant to the summary convictions provisions of the *Criminal Code of Canada RSC 1985, c. C-46*; or
 - (3) a fine not exceeding five hundred dollars (\$500.00) where proceedings are commenced pursuant of the *Summary Convictions Act*.
- 47. The fine imposed against any person who commits an offence under this bylaw shall increase for second and subsequent offences.
- 48. Where a person is convicted of an offence under this bylaw the Judge may, in addition to any other measure imposed on the offender, order that the offender pay restitution pursuant to section 738 of the *Criminal Code of Canada*.

Office Consolidation of ATV Bylaw 2012-21

49. Where an offence is committed or continues on more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.
50. Should any person owning or occupying real property within the City refuse or neglect to pay any fees, fines or penalties that have been levied pursuant to this bylaw, the Designated Officer may inform such person in default that, if these charges are unpaid on the thirty-first day of December on the same year, they shall be added to, and form part of, the taxes payable in respect of that real property as taxes in arrears.

OWNER'S AND OPERATOR'S RESPONSIBILITY

51. Where an offence under this bylaw:
- (1) is committed by means of, or with respect to, an ATV; or
 - (2) occurs by reason of, or with respect to, the ownership, use, or operation of an ATV

the owner of the ATV may be charged with an offence and, if the Judge is satisfied that the offence was committed, the owner is guilty of the offence and is liable, on summary conviction, to the penalty herein provided for that offence, unless the owner satisfies the Judge that, at the time of the violation, the ATV was in the possession of a person without the consent of the owner, at which time such person may also be charged with, and shall incur the penalties provided for, any such contravention.

BYLAW REPEAL

52. Bylaw 370, including all amendments thereto, is hereby repealed.

COMING IN TO FORCE

53. This bylaw shall come into full force and effect upon final passage thereof.

FIRST READING: June 25, 2012
PUBLIC NOTICE: June 29 and July 6, 2012
PUBLIC INPUT: July 9, 2012
SECOND READING: July 23, 2012
AMENDMENT: July 23, 2012
AMENDMENT: August 13, 2012
THIRD READING and ADOPTION: August 13, 2012

ORIGINAL BYLAW SIGNED BY:

"Bev Buckway"

Bev Buckway, Mayor

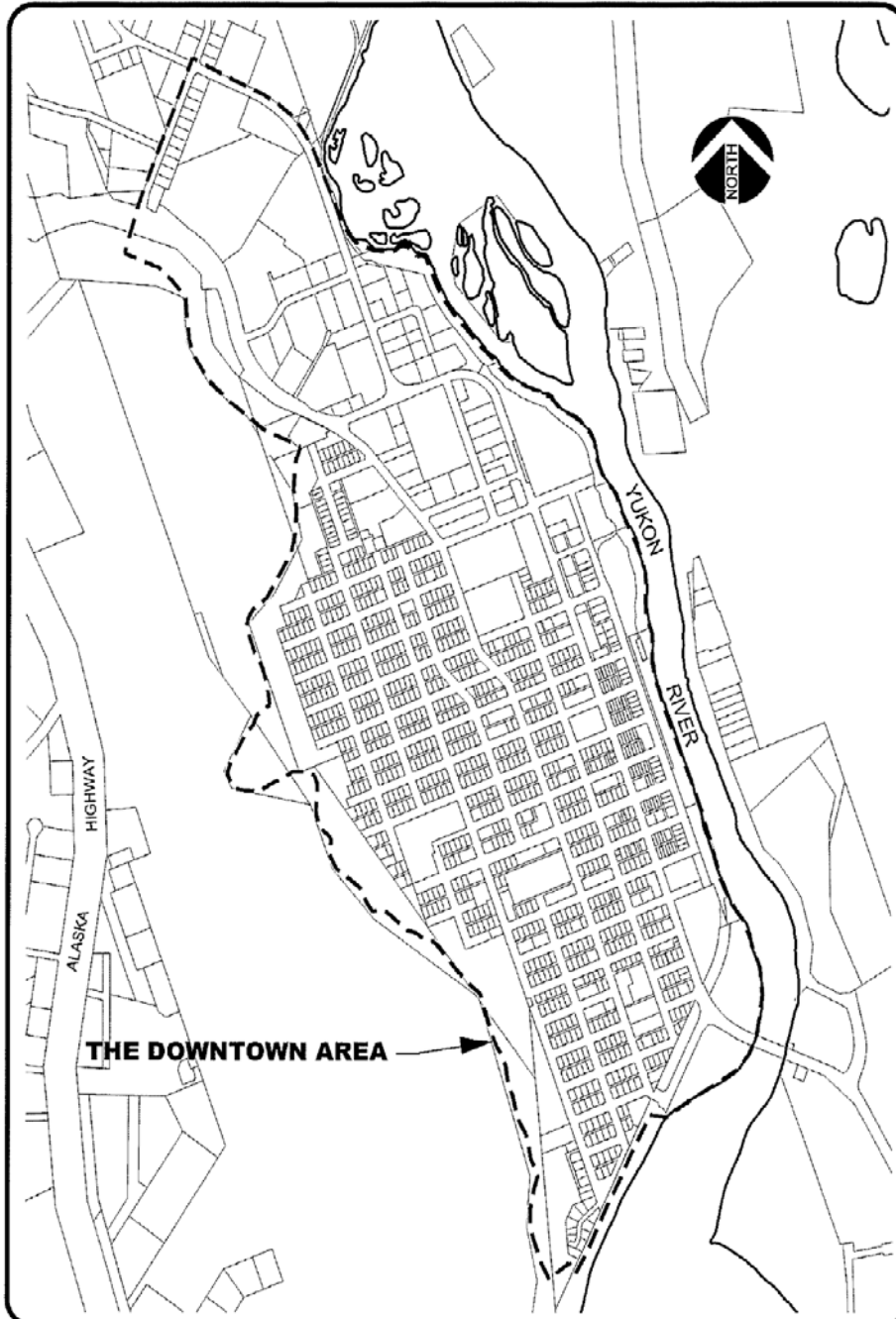
"Robert I. Fendrick"

Robert I. Fendrick, FCGA, City Clerk

Office Consolidation of ATV Bylaw 2012-21

SCHEDULE "A"

MAP OF THE DOWNTOWN AREA



Office Consolidation of ATV Bylaw 2012-21

SCHEDULE "B"

LIST OF RESTRICTED ROADWAYS

1. Hamilton Boulevard (from the intersection of Alaska Highway and Hamilton Boulevard at Two Mile Hill to the intersection of Alaska Highway and Hamilton Boulevard at Robert Service Way)
2. Mountainview Road
3. Hospital Road
4. Lewes Boulevard (from the north intersection of Alsek Road and Lewes Boulevard to the Robert Campbell Bridge)
5. Two Mile Hill (up to the Alaska Highway)
6. Robert Service Way (from the intersection of Robert Service Way and Fourth Avenue to the intersection of Robert Service Way and Alaska Highway)
7. Sumanik Drive (from the intersection of Sumanik Drive and Valleyview Drive to the intersection of Sumanik Drive and the Alaska Highway)

Office Consolidation of ATV Bylaw 2012-21

SCHEDULE "C"

LIST OF SKI TRAILS

1. Chadburn Lake Ski Trails
2. Mount McIntyre Ski Trails
3. Magnussun Ski Trails
4. Biathlon Ski Trails

Office Consolidation of ATV Bylaw 2012-21

SCHEDULE "D" VOLUNTARY FINES

<u>Authority</u>	<u>Description of Offence</u>	<u>Penalty</u>
Section 5 (1)	Operate ATV without valid operator's license	\$300.00
Section 5 (2)	Operate ATV without certificate of registration or registration plate	\$300.00
Section 5 (3)	Operate ATV without insurance	\$500.00
Section 5 (4)	Operate ATV without Safe ATV card	\$150.00
Section 5 (5)	Operate ATV without a helmet	\$300.00
Section 7 (1)	Fail to produce valid operator's license	\$150.00
Section 7 (2)	Fail to produce valid certificate of registration	\$150.00
Section 7 (3)	Fail to attach valid registration plate to ATV	\$300.00
Section 7 (4)	Fail to produce valid proof of insurance card	\$150.00
Section 7 (5)	Fail to produce Safe ATV card	\$150.00
Section 8	Fail to produce proper duplicates as required	\$150.00
Section 10	Tow without rigid tow bar	\$150.00
Section 11	No capable operator on towed ATV	\$150.00
Section 12	Operate ATV with no exhaust suppression or with altered exhaust	\$150.00
Section 13	Operate ATV on motorized multi-use trail outside prescribed season	\$300.00
Section 14	Operate ATV in prohibited area	\$300.00
Section 14	Operate ATV in prohibited area (second offence)	\$500.00
Section 15	Operate ATV on private property without permission	\$150.00
Section 16 (1 – 4)	Operate ATV for snow clearing contrary to bylaw	\$50.00
Section 17 (1)&(2)	Driver not proceeding by most direct route	\$150.00
Section 17 (1)&(2)	Driver not proceeding by most direct route (second offence)	\$300.00
Section 17 (3)	Fail to drive as near as practical to right hand edge of roadway	\$150.00
Section 17 (4)	Drive over 30 kilometres per hour on roadway	\$150.00
Section 17 (4)	Drive over 30 kilometres per hour on roadway (second offence)	\$300.00
Section 17 (5)	Drive ATV in area without permit or permission	\$300.00
Section 20	Fail to comply with ATV operating requirements	\$150.00
Section 21	Operate ATV without due care and attention	\$300.00
Section 22	Fail to pass in safe manner	\$500.00
Section 23 (1)	Fail to operate at a reasonable and safe speed	\$150.00
Section 23 (2)	Operate at a speed greater than 50 kilometres per hour	\$150.00
Section 24 (1)	Fail to bring ATV to complete stop	\$150.00
Section 24 (2)	Fail to cross roadway safely	\$150.00
Section 24 (3)	Fail to yield to pedestrians or traffic before crossing roadway	\$150.00
Section 24 (4)	Fail to cross roadway at an angle of 90 degrees	\$500.00
Section 25	Fail to yield right of way to pedestrians	\$150.00

Office Consolidation of ATV Bylaw 2012-21

<u>Authority</u>	<u>Description of Offence</u>	<u>Penalty</u>
Section 27	Operate ATV within 500 metres of residence at night	\$150.00
Section 28	Cause damage with ATV	\$300.00
Section 29	Place object that creates hazard	\$500.00
Section 32	Erect device that interferes with traffic control device	\$500.00
Section 33	Hold special event without permit	\$300.00
Section 34	Dealership operates ATV in downtown area without permit	\$150.00
Section 36	Fail to abide by conditions of permit	\$150.00
Section 38 (1)	Fail to bring ATV to stop for designated officer	\$500.00
Section 38 (2)	Fail to furnish information to designated officer	\$500.00
Section 38 (3)	Fail to remain stopped	\$500.00
Section 38 (4)	Fail to comply with request or direction of designated officer	\$500.00

(Schedule D amended by Bylaw 2015-09 passed 2015-02-23)

■2015-02-24