



**GITWINKSIHLKW VILLAGE GOVERNMENT**

# **ALL TERRAIN VEHICLES ACT**

Gitwinksihlkw Village Government enacted this law on \_\_\_\_\_

Signed by \_\_\_\_\_

Chief Ron Nyce  
Chief Councillor of the Gitwinksihlkw Village Government

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**Interpretation**

1. In this Act

“all terrain vehicle” has the meaning assigned to it under the *Motor Vehicle (All Terrain) Act* and includes a snowmobile as defined in the Snowmobile Regulation under the *Motor Vehicle (All Terrain) Act*;

“cemetery” means land that is set apart or used as a place of interment;

“Enforcement Officer” means a person appointed as an enforcement officer for the purposes of enforcing this Act and carrying out the obligations of the Enforcement Officer under this Act, a member of the Nisga’a Police Service, or a member of the Royal Canadian Mounted Police;

“highway” includes all public streets, roads, ways, trails, lanes, bridges, trestles and any other public way;

“lane” means a road less than 8 m wide which provides secondary access to the side or rear of a parcel of land;

“*Motor Vehicle Act*” means the *Motor Vehicle Act*, R.S.B.C 1996 Ch. 318, and any amendments thereto, replacements thereof or regulations made thereunder;

“*Motor Vehicle (All Terrain) Act*” means the *Motor Vehicle (All Terrain) Act*, R.S.B.C. 1996 Ch. 319, and any amendments thereto, replacements thereof or regulations made thereunder;

“Nisga’a Village” means the Village of Gitwinksihlkw;

“Nisga’a Village Government” means the governing council of the Nisga’a Village;

“Nisga’a Village Lands” means Nisga’a Lands that are designated as Nisga’a Village Lands of the Nisga’a Village by the Nisga’a Lisims Government;

“park” means public lands used or intended to be used for recreation or enjoyment of the public which may be developed with recreational facilities or may be in a natural state;

“parking lot” means a lot used for the parking of motor vehicles;

“peace officer” means any member of the Royal Canadian Mounted Police or the Nisga’a Police Service or an Enforcement Officer;

“private lands” means lands other than public lands;

“public lands” means lands owned by the Nisga’a Village and lands owned by the Nisga’a Nation;

“residential premises” means one or more dwelling units designed for the accommodation of one or more persons; and

“road” means a road, as defined in the *Nisga’a Land Title Act*, that is on Nisga’a Village Lands, but does not include a private right-of-way on public lands.

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**Application**

2. This Act applies to all lands and persons within the jurisdiction of the Nisga'a Village.

**Enforcement Officer**

3. The Nisga'a Village Government may appoint one or more Enforcement Officers to enforce this Act.

**Registration of All Terrain Vehicles**

4. A person must not operate or authorize or permit another person to operate an all terrain vehicle unless he or she holds a certificate of registration for that all terrain vehicle in the form required under the *Motor Vehicle (All Terrain) Act* and unless the prescribed identification is displayed on the machine as set out in the *Motor Vehicle (All Terrain) Act*.

**Age Restrictions**

5. A person:
  - (a) under the age of 16 years is not entitled to register an all terrain vehicle; and
  - (b) under the age of 18 years is not entitled to register an all terrain vehicle, unless he or she deposits with the Insurance Corporation of British Columbia the written consent of his or her parent or guardian to the registration of the all terrain vehicle.

**Operating Requirements**

6. An all terrain vehicle must be equipped as follows:
  - (a) with a headlight at the front that projects white light for a distance of at least thirty (30) metres;
  - (b) with a taillight at the rear that shows a red visible light for a distance of at least fifty (50) metres; and
  - (c) with a braking system which is maintained in good working order.
7. A person operating an all terrain vehicle shall keep the lights of the all terrain vehicle illuminated at all times while operating the all terrain vehicle at night.

**Prohibited Operation of All Terrain Vehicles**

8. A person shall not operate an all terrain vehicle:
  - (a) on the following lands within the jurisdiction of the Nisga'a Village:
    - (i) on or across any highway, unless the all terrain vehicle is equipped as prescribed herein;

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- (ii) within, on or across any cemetery, park or parking lot;
  - (iii) on private lands, unless such private lands consist of a lot or parcel of land or contiguous lots or parcels of lands owned or leased by the same person or persons, being 1 hectare (2.5 acres) or more in size within an area zoned as a rural zone under the Gitwinksihlkw Village Government *Zoning Act*;
  - (iv) within 100 meters (110 yards) of any adjacent residential premises; or
  - (v) during the Pine Mushroom harvest season, on those portions of Village Lands used for the Pine Mushroom harvest; or
- (b) in a careless, reckless or negligent manner so as to endanger or cause injury or damage to a person or to property of another or in such a manner so as to disturb the quiet, peace, rest, enjoyment, comfort and convenience of individuals or the public.
9. No person shall operate or ride as a passenger upon an all terrain vehicle without properly wearing a protective head cover approved for all terrain vehicle use.
10. No person shall tow any sleigh, trailer or other object whatsoever behind an all terrain vehicle unless the sleigh, trailer or other object is attached to the all terrain vehicle by a rigid tow bar.
11. A person shall not use an all terrain vehicle to carry more persons at one time than the number for which it is designed or equipped.

**Speed Restrictions**

12. If signs have been erected or placed on a highway or lane limiting the rate of speed of motor vehicles driven or operated on a designated portion of the highway or lane, a person must not drive or operate an all terrain vehicle on that portion of the highway or lane, as the case may be, at a greater rate of speed than that indicated on the sign.
13. Subject to section 12, a person must not drive or operate an all terrain vehicle:
- (a) on a highway at a greater rate of speed than 30 km/h;
  - (b) on a lane not exceeding 8 m in width at a greater rate of speed than 20 km/h.

**Exemptions**

14. Notwithstanding section 8(a) of this Act, a person may operate an all terrain vehicle:
- (a) while carrying out his/her official duties of employment;
  - (b) during parades, ceremonial, cultural or other special events, where authorized by the chief administrative officer of the Nisga'a Village; or
  - (c) while removing trees and related works associated with the creation and maintenance of recreation trails,

provided no other laws of the Nisga'a Village, Nisga'a Nation, the provincial government or federal government are violated.

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**Seizure of All Terrain Vehicles**

15. A peace officer may seize any all terrain vehicle being operated in breach of this Act and may retain custody of same until the determination of the charge respecting such breach and the owner shall before the release of such all terrain vehicle satisfy the costs of seizure and storage.

**Severability**

16. If any section, subsection, clause, subclause or phrase of this Act is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Act.

**Offence, Penalties and Enforcement**

17. (1) A person who contravenes this Act or violates any provisions of this Act, who suffers or permits any act to be done in violation of this Act, or who fails or neglects to do anything required to be done by any provision of this Act commits an offence and is liable on conviction to a fine of not more than five hundred (\$500.00) dollars.
- (2) Each day that an offence continues shall constitute a separate offence.
- (3) This Act may be enforced:
- (a) under the *Nisga'a Offence Act*;
  - (b) by issuing a ticket for contravention in accordance with any Nisga'a Village Government ticketing law as may be adopted or amended from time to time; or
  - (c) by issuing a ticket under any applicable enactment by the Nisga'a Lisims Government authorizing the Nisga'a Village Government to issue tickets, fines or penalties in respect of a contravention of this Act.

**Commencement**

18. This Act comes into force on the date of adoption.

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**All Terrain Vehicles Act Read a first time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**All Terrain Vehicles Act Read a second time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**All Terrain Vehicles Act Read a third time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**All Terrain Vehicles Act Adopted** the \_\_\_\_ day of \_\_\_\_\_, 2014.

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**Chief Councillor**

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**Chief Executive Officer**