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The Nussuaq area

Bylaw on use of motorised vehicles for driving in winter in the open country
in the Nussuaq area in Avannaata Municipality

COLOPHON

Bylaw on use of motorised vehicles in the open country in winter in the Nussuaq area in Avannaata Municipality

The draft bylaw was reviewed by the Ministry of Science and Environment from 24.03.2020 to 02.10.2020

The draft bylaw was provisionally approved by the Technical Committee on 06.11.2020

The draft bylaw was provisionally approved by the Finance Committee on 12.11.2020

The draft bylaw was circulated for public consultation from 16.11.2020 to 30.11.2020

The draft bylaw was reviewed anew by the Ministry of Science and Environment and subject to legal review from 11.01.2021 to 12.02.2021

The adjusted draft bylaw was approved by the municipal council on 19.02.2021

The approved bylaw was ratified by the minister of Labour, Science and Environment on 01.03.2021

For more information:

Avannaata Municipality

City Hall

P.O. Box 1023

3952 Ilulissat

avannaata@avannaata.gl

Tel. 701800

Also see: www.avannaata.gl

<https://plania.avannaata.gl/en/bylaws-and-regulations/>

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Bylaw on use of motorised vehicles for driving in winter in the open country in the Nuussuaq area in Avannaata Municipality

Pursuant to § 6; and § 7, subs. 1; § 9, subs. 1; and § 12 of the Government of Greenland's act on use of motorised vehicles, the following is stipulated.

Chapter 1

Scope etc.

§ 1. This bylaw stipulates where motorised vehicles are permitted in the open country in the Nuussuaq area in Avannaata Municipality by identifying transport corridors and traffic zones.

Subs. 2. The Nuussuaq area covers the settlements Qeqertaq, Saqqaq, Niaqornat and Qaarsut. The open country in this area is delimited as shown on appendix 1.

Subs. 3. In this bylaw, the open country includes the areas that the town plan defines as being located outside town and settlement areas.

Subs. 4. When iced over, oceans, fjords, rivers and lakes are included in the open country.

Subs. 5. This bylaw does not apply to the ice cap or glaciers originating from the ice cap.

§ 2. In this bylaw, motorised vehicles mean any motorised crawler or wheel-mounted vehicle that is designed or used for driving on ice, snow, mountains and other natural landscapes, including ATVs, piste groomers and snowmobiles.

§ 3. Traffic on paved roads, squares and fields etc. that requires a right of use, cf. the planning legislation, is not covered by this bylaw.

Subs. 2. Traffic relating to the supervisory authority's monitoring of the environment and nature, rescue operations, police investigation processes, defence activities and the like is not covered by this bylaw.

Subs. 3. In areas where motorised traffic is also regulated by other legislation, the stricter bylaws apply.

Chapter 2

Use of motorised vehicles

§ 4. It is only permitted to drive motorised vehicles in the open country inside the transport corridors and traffic zones defined by the municipal council, cf. appendices 1-7.

Subs. 2. Motorised vehicle traffic in the indicated transport corridors and traffic zones is only permitted during the winter season from 1 October to 31 May.

Subs. 3. If a motorised vehicle breaks down in the open country, it must be removed before any oil or fuel leakage causes damage to vegetation and soil. If the vehicle is not removed following a complaint by the municipal council, the municipal council is entitled to have the vehicle removed at the expense and risk of the owner.

Chapter 3

General traffic provisions

§ 5. It is only permitted to drive winter vehicles when the soil is frozen, sufficiently covered in snow and has sufficient tolerance to prevent any damage to vegetation and soil.

Subs. 2. It is not permitted to drive motorised vehicles in water protection zones.

Subs. 3. The provisions in subsection 1 do not apply to driving on sea ice, fjords, rivers and lakes.

§ 6. When driving on land, it is neither permitted to make sharp turns, nor to accelerate or brake hard, which may damage vegetation.

Subs. 2. It is only permitted to cross banks and slopes at lakes, large streams and fjords in places where vegetation and the terrain are not damaged.

Subs. 3. Traffic must consider the flora and fauna. Acts on protection and catching of terrestrial and marine mammals in force at any time must be followed.

Subs. 4. To the extent possible, you must keep a minimum distance of 10 m to dog sleds.

Subs. 5. The municipality marks transport corridors, both on a map and, to the extent possible, by establishing physical marking.

Chapter 4

Exemptions

§ 7. In special cases, the municipal council may grant exemption to permit traffic with motorised vehicles outside the transport corridors and traffic zones indicated on appendices 1-7.

Subs. 2. A reasoned application for exemption must be submitted to the municipal council no later than four weeks before the planned traffic and must state the relevant area or route.

Subs. 3. When granting an exemption, the municipal council may stipulate whatever terms and conditions that it considers appropriate.

Subs. 4. Exemptions are forwarded to the Government of Greenland to ensure notification of the Minister of Labour, Science and Environment.

Subs. 5. Exemptions granted pursuant to subs. 1 and subs. 2 may at any time be amended or cancelled by the municipal board or the Government of Greenland, when the terms and conditions applying to the exemption are violated, or when the municipal council or the Government of Greenland estimates that damage is done to the environment and nature.

Subs. 6. Exemptions are granted for a maximum period of one year.

Chapter 5

Supervision etc.

§ 8. The municipal council monitors compliance with the rules of this bylaw.

Subs. 2. The municipal council issues orders and injunctions in case of repeated violation of the guidelines on traffic stated under § 5, subs. 1 and subs. 2.

Subs. 3. Orders may include a requirement to use specific routes.

Subs. 4. Injunctions may include a requirement to cease all traffic in specific areas and specific periods.

§ 9. All decisions made according to this bylaw may be appealed to the environmental protection appeals board (Klageudvalget vedrørende Miljøbeskyttelse), according to the rules in chapter 14 of Greenland Parliament Act no. 9 of 22 November 2011 on environmental protection.

Chapter 6

Sanctions

§ 10. Violation of § 4, § 5 and § 6 may lead to a fine and/or confiscation of vehicle.

Subs. 2. Violation of the terms and conditions stipulated pursuant to § 7, subs. 3 may lead to a fine.

Subs. 3. Failure to comply with orders or injunctions pursuant to § 8, subs. 2-4 may lead to a fine.

Subs. 4. When the bylaw warrants a fine, the fine may be imposed on a legal person, according to the rules of the Greenlandic Criminal Code.

Subs. 5. Revenue from fines and confiscation imposed pursuant to subs. 1-4 goes to the public purse.

Chapter 7

Entry into force

§ 11. This bylaw takes effect on 24 February 2021.

Adopted by the municipal council of Avannaata Municipality on 19 February 2021.

Palle Jerimiassen (sign.)

Mayor

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| Appendix 1 | Overview map of Avannaata Municipality, indicating the seven areas in the municipality |
| Appendix 2 | Protected area, the Nuussuaq peninsula |
| Appendix 3 | The open country around Qeqertaq |
| Appendix 4 | The open country around Saqqaq |
| Appendix 5 | The open country around Qeqertaq - Saqqaq |
| Appendix 6 | The open country around Qaarsut |
| Appendix 7 | The open country around Niaqornat |