

Prophet River First Nation ATV and Snowmobile By-law

WHEREAS the Band Council of Prophet River First Nation wishes to establish a by-law concerning the use of ATVs and snowmobiles on the Reserve;

AND WHEREAS section 81 of the *Indian Act*, R.S.C. 1985, c. I-5 empowers the council of a band to enact by-laws in respect of matters local in nature to a reserve;

THEREFORE the Band Council of Prophet River First Nation makes the following by-law:

PART 1 – GENERAL

SHORT TITLE

1. This by-law may be cited as “Prophet River First Nation ATV and Snowmobile By-law”.

INTERPRETATION

2. In this by-law, the following definitions apply:
 - (a) “**ATV**” means an all-terrain vehicle, also known as a quad, three-wheeler, four-wheeler, or quadricycle, that is motorized and designed for use on various types of terrain.
 - (b) “**Band Council**” means the elected Chief and Council of Prophet River First Nation.
 - (c) “**By-Law Enforcement Officer**” means an individual appointed pursuant to section 4, or any by-law enforcement officer, including a police officer or a person employed by the Band Council, for the purpose of enforcing the provisions of this bylaw.
 - (d) “**Reserve**” means Prophet River First Nation I.R. 4.
 - (e) “**Roadway**” means a common or public road intended for the passage of vehicles.
 - (f) “**Snowmobile**” means a small motorized vehicle designed for travel on snow and ice.

APPLICATION

3. This by-law applies to all operators of an ATV or Snowmobile residing on or visiting the Reserve.

PART II – ADMINISTRATION

BY-LAW ENFORCEMENT OFFICER

4. The Band Council may appoint a By-Law Enforcement Officer to provide for the administration and enforcement of this by-law.

DRIVING ON RESERVE

5. No person shall operate an ATV or Snowmobile on a travelled portion of any Roadway within the Reserve at a speed greater than 25 km/hour.
6. The operator of an ATV or Snowmobile may cross any Roadway within the Reserve provided that the operator:
 - (a) stops the ATV or Snowmobile before entering onto the Roadway or the portion to be crossed to ensure there is no oncoming human or vehicle traffic; and
 - (b) crosses the roadway by the most direct and shortest route of travel available.

RESTRICTIONS ON USE

7. No person shall operate an ATV or Snowmobile:
 - (a) without wearing personal protective gear and without ensuring that any passengers are wearing personal protective gear;
 - (b) without practising due care and attention;
 - (c) without reasonable consideration for other persons or property; or
 - (d) while under the influence of an intoxicant including liquor, narcotics, or habit-forming drug.
8. No person shall operate an ATV or Snowmobile on any Roadway within the Reserve between the hours of 11:00 p.m. and 7:00 a.m. the following day, inclusive.

PENALTY

9. Every person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.


AMENDMENT

10. The Band Council must follow the following procedures in amending or repealing this by-law:

- (a) The Band Council must present the amendment or proposal to repeal for discussion at a band general meeting.
- (b) The Band Council must provide at least fifteen (15) days notice to members prior to the band general meeting referred to in section 10(a). Such notice must indicate the nature of the by-law being discussed.
- (c) The Band Council must allow any member or person who may possibly be affected by the proposed by-law to present written or oral comments at the band general meeting required by section 10(a). The Band Council may, however, set reasonable restrictions on the amount of time allowed for such comments.

This by-law is hereby made at a duly convened meeting of the Band Council of Prophet River First Nation this 17 day of December, 2019, at Fort St. John, B.C.

QUORUM: (two) 2 members of Council



Chief Kirk Tsakoza



Councillor Jacqueline Reno



Councillor Beverly Stager