

**The Pictou Landing First Nation Band  
By-law No. 99-09  
By-law Regulating the Use of Motorcycles,  
All Terrain Vehicles and Snowmobiles  
Within the Pictou Landing First Nation Reserve.**

**WHEREAS** Paragraphs 81(1)(b), (q) and (r) of the Indian Act empowers the Council of the Pictou Landing First Nation Band to enact by-laws respecting the regulation of traffic, with respect to any matter arising out of or ancillary to the exercise of powers under section 81, and to impose a penalty for the violation of a by-law made under section 81;

**AND WHEREAS** the Council of the Pictou Landing First Nation Band is of the opinion that the indiscriminate use of motor vehicles, motorcycles, all terrain vehicles and snowmobiles are contrary to the welfare of band members and other persons on the reserve, and that it is therefore in the best interests of the residents of the Pictou Landing First Nation Reserve to regulate motorcycles, all terrain vehicles and snowmobiles within the Pictou Landing First Nation Reserve;

**NOW THEREFORE**, the Council of the Pictou Landing First Nation Band enacts as a by-law thereof as follows:

**§ Short Title**

- 1. This by-law may be cited as the "All Terrain Vehicle By-law."

**§ Interpretation**

- 2. In this by-law,  
"access road" means a driveway
  - a) that is situated on a leased land, on land that is subject to a certificate of possession or a certificate of occupation, or on land that is otherwise in private occupation; and

- b) that leads from a public road or a reserve road and is used to provide access from such road to such land, and in respect of which no invitation to pass has been extended to the general public by the person in possession or occupation thereof;

“all terrain vehicle” means a self-propelled vehicle that

- a) is designed primarily for the movement of people or goods on unprepared surfaces; and
- b) has wheels in contact with the ground;

and includes

- c) a restricted use motorcycle;
- d) a minibike; and
- e) an all terrain cycle;

but does not include:

- f) a golf cart,
- g) a snowmobile as defined in the by-law, or
- h) any vehicle that is required to be registered pursuant to The Highway Traffic Act of the Province of Nova Scotia;

“*Highway*” means a road, parkway, driveway, square or place designed and intended for or used by the general public for the passage of motor vehicles;

“*motorcycle*” means a motor vehicle that

- a) is propelled or driven by any means other than by muscular power,
- b) has two or more wheels, and
- c) does not have a cab for a driver;

“*motor vehicle*” includes an all terrain vehicle, motorcycle or snowmobile;

“*operator*” means a person who uses, operates or is actually in physical control of a motor vehicle;

“*officer*” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer of any other person appointed by the council for the purpose of maintaining law and order on the reserve;

“*power turn*” means to maneuver a motor vehicle in such a manner causing the rear

of the vehicle to depart from its ordinary line of progress by the sudden use of acceleration or braking;

*"Public road"* means a road on which provincial law applies;

*"reserve"* means the tract of land, the legal of which is vested in Her Majesty for the use and benefit of the Pictou Landing Band;

*"reserve road"* means a road or other way over which vehicles are accustomed to pass, other than a public road or an access road;

*"road"* includes a reserve road, access road, public road or highway;

*"snowmobile"* means a motor vehicle that

- a) is not equipped with wheels but is equipped with tractor treads alone or with skis or with skis and propeller;
- b) is designed primarily for operating over snow and is used exclusively for that purpose; and
- c) is designed for that purpose;

*"towed conveyance"* includes sled, cutter, trailer, toboggan or carrier that may be towed by a snowmobile;

*"u-turn"* means the turning of a motor vehicle so as to cause it to proceed in the opposite direction from which it was proceeding immediately prior to the commencement of such turn;

*"vehicle"* means a device by which a person or thing is or may be transported or drawn, other than a device designed to be moved by human power alone and without restricting the generality of the foregoing, includes a motor vehicle.

## § ***General Prohibitions***

- 3. No person shall drive a motorcycle, all terrain vehicle or snowmobile on any reserve road or access road at a speed greater than 25 kilometres per hour.
- 4. No operator of a motorcycle, all terrain vehicle or snowmobile execute a power turn on any reserve road or access road on the reserve.
- 5. No person shall cause a motorcycle, all terrain vehicle or snowmobile to make a u-turn at any intersection between two roads.

6. No person shall operate a motorcycle, all terrain vehicle or snowmobile without due care and attention or without reasonable consideration for other persons or property upon the reserve.
  
7.
  - (1) No person shall operate a snowmobile, all terrain vehicle or motorcycle on the reserve between the hours of 10:00 p.m. and 6:00 a.m.
  - (2) No person commits an offence under subsection 7(1) if;
    - a) that person is a hunter or trapper by occupation, and
      - i) is returning from hunting or trapping to one's place of residence on the reserve after 10:00 p.m.; or
      - ii) is departing from one's place of residence on the reserve for the purpose of hunting or trapping before 6:00 a.m.
  
8. No operator, while operating a motorcycle, an all terrain vehicle or a snowmobile shall permit more than one passenger to ride.
  
9. No person shall operate a snowmobile on the reserve road or access road which tows a conveyance unless the towed conveyance is connected to the snowmobile by a rigid drawbar that is so constructed and connects the snowmobile and the towed conveyance so that a distance of no more than one metre separates the extreme rear point of the snowmobile and the extreme front part of the towed conveyance.
  
10.
  - (1) No person who is or, in the absence of evidence to the contrary, appears to be under the age of sixteen years, shall operate a snowmobile, an all terrain vehicle or a motorcycle on any road.
  - (2) Notwithstanding subsection (1), any person who is or, in the absence of evidence to the contrary, appears to be under the age of sixteen years, may operate a snowmobile, an all-terrain vehicle or a motorcycle upon a road provided such person is under the direction of a parent, custodian or guardian and is using the vehicle in the performance of domestic or household duties.

**§ Exemptions**

12.
  - (1) No person commits an offence under this by-law when acting with legal justification or excuse.
  - (2) No officer commits an offence under this by-law while operating a motorcycle, all terrain vehicle or a snowmobile in such a manner and at such so as to properly exercise his lawful duties or employment.

§ **Penalty**

13. Any person who violates any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00 or to imprisonment for a term of up to 30 days or to both a fine and imprisonment.

**This by-law is hereby made** at a duly convened meeting of the Council of the Pictou Landing Band this 17 day of SEPTEMBER, 1999.

**Voting in favour of the by-law are the following members of the Council:**

Chief Albert W. Denny  
(Member of the Council)

[Signature]  
(Member of the Council)

Wayne Denny  
(Member of the Council)

[Signature]  
(Member of the Council)

[Signature]  
(Member of the Council)

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(Member of the Council)

being the majority of those members of the Council of the Pictou Landing Band present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

Number of members of the Council present at the meeting: 5.

I, Albert W. Denny Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was **mailed** to the Minister of Indian Affairs and Northern Development at the AMHERST offices of the department pursuant to subsection 82(1) of the Indian Act, this 17 day of SEPTEMBER, 1999.

Chief Albert W. Denny  
(Chief/Councillor)

[Signature]  
(Witness)