

**The Muskoday First Nation
By-law No. 2000/01-03
BY-LAW REGULATING THE USE OF
SNOWMOBILES
WITHIN THE MUSKODAY FIRST NATION.**

WHEREAS Section 81(1)(b), (q) and (r) of the *Indian Act* empowers the Council of a First Nation 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 of the *Indian Act*;

AND WHEREAS, the Council of the Muskoday First Nation is of the opinion that the indiscriminate use of snowmobiles is contrary to the welfare of members and other persons on the First Nation, and that it is therefore in the best interests of the residents of the Muskoday First Nation to regulate snowmobiles within the Muskoday First Nation;

NOW THEREFORE the Council of the Muskoday First Nation makes as a by-law thereof as follows:

Short Title

1. This by-law may be cited as the "Snowmobile By-law".

Interpretation

2. In this by-law,

"*access road*" means a driveway

- a) that is situated on leased land and on land that is otherwise in private occupation, and
- b) that leads from a public road or a Muskoday First Nation 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;

"*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 designated primarily for operating over snow and is used exclusively for that purpose, and
- c) is designed for that purpose;

"*highway*" means a road, parkway, driveway, square or place designated and intended for or used by the general public for the passage of motor vehicles;

"*motor vehicle*" includes a snowmobile;

"*operator*" means a person who uses, operates or is actually in physical control of a snowmobile;

"*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 or any other person selected by the council for the purpose of maintaining law and order on the Muskoday First Nation.

"*power turn*" means to manoeuvre 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;

"*towed conveyance*" includes any 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 designated 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 snowmobile
 - a) on any road or street within the East Side Subdivision in excess of 40 kilometres per hour; and
 - b) on any other First Nation road or access road in excess of 80 kilometres per hour or as otherwise posted.
4. No operator of a snowmobile shall execute a power turn on any road, access road or street on the Muskoday First Nation.

5. No person shall cause a snowmobile to make a u-turn at any intersection between two roads or streets.
6. No person shall operate a snowmobile without due care and attention or without reasonable consideration of other persons or property upon the First Nation.
7. No operator while operating a snowmobile shall permit more than one passenger to ride.
8. No person shall operate a snowmobile on the First Nation 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.
9. 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 on any road or street unless accompanied by a parent, custodian or guardian.
10. No person shall operate a snowmobile without:
 - (a) wearing a proper fitting C.S.A approved snowmobile helmet; and
 - (b) ensuring that their passenger and every person in a towed conveyance are wearing a proper fitting C.S.A approved snowmobile helmet.

Exemptions

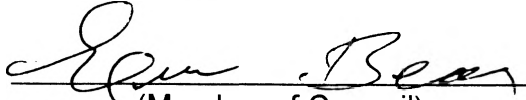
10. (1) No person commits an offence under this by-law where he acts with legal justification or excuse.
- (2) No officer commits an offence under this by-law while operating a snowmobile in such a manner and at such time so as to properly exercise his lawful duties or employment.
11. Any person who violates any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand (\$1,000.00) dollars or to imprisonment for a term not exceeding thirty (30) days, or both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Muskoday First Nation this ~~8th~~ day of June, ~~2000~~

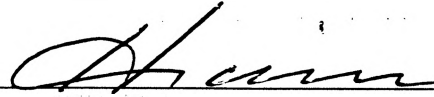
Voting in favour of the by-law are the following members of the Council:



(Member of Council)



(Member of Council)



(Member of Council)

(Member of Council)

(Member of Council)

being the majority of those members of the Council of the Muskoday First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

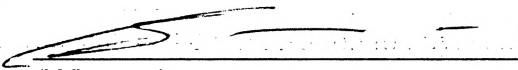
Number of members of the Council present at the meeting: 4.

I, AUSTIN BEAR Chief/Councillor of the , 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 District/Regional/Hull offices (as the case may be) pursuant to subsection 82(1) of the *Indian Act*, this 8th day of June, 2000.

13 2002



(Chief/Councillor)



(Witness)