

THE FOND DU LAC BAND OF INDIANS

BY-LAW NO. 1 - 88

BEING A BY-LAW TO REGULATE THE USE OF MOTOR VEHICLES, MOTORCYCLES, AND SNOWMOBILES WITHIN THE FOND DU LAC INDIAN RESERVES.

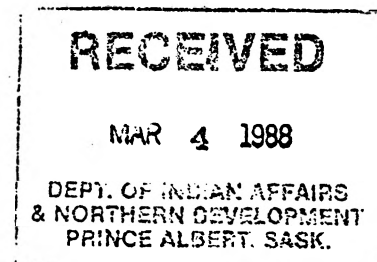
WHEREAS, Section 81(1)(b) and 81(r) of the Indian Act empowers the Council of an Indian Band to enact by-laws respecting the regulation of traffic and to impose a penalty for the violation thereof:

AND WHEREAS, the Council of the Fond du Lac Band of Indians is of the opinion that the indiscriminate use of motor vehicles, motorcycles and snowmobiles is contrary to the welfare of the band members;

NOW THEREFORE, THE Council of the Fond du Lac Band of Indians enacts as a by-law thereof as follows:

- 1. In this by-law:
 - a. "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.
 - b. "Motorcycle" means a motor vehicle that:
 - (i) is propelled or driven by any means other than by muscular power;
 - (ii) has two or more wheels;
 - (iii) does not have a cab for a driver.
 - c. "Motor vehicle" means any device used for the purpose of transporting people or objects, propelled or driven by any means rather than muscular power and without limiting the generality of the foregoing, includes motorcycles, mopeds and snowmobiles and trucks.

- d. "Operator" means a person who uses, operates or is actually in physical control of a motor vehicle.
- e. "Peace Officer" means a member of the Royal Canadian Mounted Police.
- f. "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 and/or braking.
- g. "snowmobile" means a motor vehicle that:
 - (i) is not equipped with wheels but is equipped with tractor treads alone or with skis or with skis and propeller.
 - (ii) is designed primarily for operating over snow and is used exclusively for that purpose.
 - (iii) is designed to be self-propelled.
- h. "towed conveyance" includes any sled, cutter, trailer, toboggan or carrier that may be towed by a snowmobile.
- i. "vehicle" means a device in, on, or by which a person or object is or may be transported or drawn.
- j. "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.
- k. "Reserve" means the tract of land, the legal title of which is vested in Her Majesty for the use and benefit of the Fond du Lac Band of Indians known as the Fond du Lac Reserve No. 227, No. 228 and No. 229, No. 231, No. 232 and No. 233.



1. "person" means anyone who may be within the boundaries of the Reserve as outlined in 1(k) above. A person may be:
 - (i) a member of the Fond du Lac Band of Indians,
 - (ii) anyone on the Reserve who may be a member of another Band of Indians,
 - (iii) anyone on the Reserve who is non-status.
2. No person shall drive a motor vehicle on the Reserve at a speed greater than 40 kilometres per hour.
3. The operator of a motor vehicle shall not execute "power turns" on any highway on the Reserve.
4. No person shall cause a vehicle to make a "u-turn" between intersections, and at the intersection of a highway with a lane or alley on the Reserve.
5. No person shall operate a motor vehicle without due care and attention or without reasonable consideration for other persons or property upon the Reserve.
6. No person shall operate a ski-doo or motorcycle on the Reserve between the hours of 10:00 P.M. midnight and 6:00 A.M.
7. No operator of a motorcycle or snowmobile shall allow more than one passenger to ride on the motorcycle or snowmobile.
8. No person shall operate a snowmobile on the highway 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.

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9. No person under the age of 16 years shall operate a motor vehicle upon the Reserve.
10. Notwithstanding Section 9, any person who has not attained the age of 16 years but is of the age of 12 years or more may operate a snowmobile on the Reserve with the exception of any highway.
11. An exception shall be made to this by-law for emergency traffic such as a Law Enforcement Officer; traffic for reasons of health or accident; traffic to allow trappers and/or hunters returning home after midnight or leaving before 6:00 A.M.
12. Any person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding One Thousand Dollars or imprisonment for a term not exceeding thirty days, or both.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE COUNCIL OF THE FOND DU LAC BAND OF INDIANS THIS 29th day of FEBRUARY, A.D., 1988.

ORIGINAL SIGNED BY
Chief Adolphus Mercredi
CHIEF ADOLPHUS MERCREDI

ORIGINAL SIGNED BY
Clement Pische
BAND COUNCILLOR

ORIGINAL SIGNED BY
Caroline Isadore
BAND COUNCILLOR

ORIGINAL SIGNED BY
Germain Adam
BAND COUNCILLOR

BAND COUNCILLOR

I, Adolphus Mercredi, Chief of the Fond du Lac Band of Indians do hereby certify true copy of the foregoing by-law was forwarded to the Minister of Indian and Northern Affairs Canada pursuant to Section 82(1) of the Indian Act on this 29th day of February, A.D., 1988.