

The Fond du Lac Band of Indians

Bylaw No. 1-90

BEING a bylaw to amend FOND DU LAC BAND OF INDIANS BYLAW No. 1-88, respecting the regulation of the use of motor vehicles, motorcycles and snowmobiles within the Fond du Lac Indian Reserve.

WHEREAS paragraphs (b) and (r) of such Section 81(1) of the <u>Indian Act</u> empower the Council of an Indian Band to make bylaws respecting the regulation of the use of motor vehicles, motorcycles and snowmobiles and the imposition of a fine for violation of any bylaw made under this section;

AND WHEREAS the Council of the Fond du Lac Band of Indians did enact bylaw No. 1-88 respecting the use of motor vehicles, motorcycles and snowmobiles within the Fond du Lac Indian Reserve;

AND WHEREAS the said Council deems it to be expedient and in the best interests of the residents of Fond du Lac Indian Reserve to amend the said bylaw;

NOW THEREFORE the Council of the Fond du Lac Band enacts as a bylaw thereof as follows:

- 1. Section 1 is amended by adding immediately after sub-section a) the following:
 - aa) "all terrain vehicle" means a self-propelled vehicle that:
 - i) is designed primarily for the movement of people or goods on unprepared surfaces; and
 - ii) has wheels in contact with the ground;
 - and includes:
 - iii) a restricted use motorcycle;
 - iv) a mini-bike; and
 - v) an all terrain cycle;

but does not include:

- vi) a golf cart;
- vii) a snowmobile as defined in the Bylaw
- ix) any vehicle that is required to be registered pursuant to The Highway Traffic Act

Clause 1 c. is amended so that the words "all terrain vehicles" are inserted after the word snowmobiles so that clause 1 c. will read as follows:

"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, snowmobiles, all terrain vehicles and trucks.

- 2. Section 6 of the Bylaw No. 1-88 and the same is hereby amended by deleting the words "ski-doo" in the first line thereof and inserting in lieu thereof the word "snowmobile" and by deleting the word "midnight" in the second line thereof, so that the said section shall read as follows:
 - 6. No person shall operate a snowmobile or motorcycle on the Reserve between the hours of 10:00 p.m. and 6:00 a.m.
- 3. Section 10 of Bylaw No. 1-88 and the same is hereby repealed and the following substituted therefore:
 - 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 or a motorcycle on any highway on the reserve.
 - (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 or a motorcycle upon a highway on the reserve provided he is under the direction of a parent, custodian or guardian and is using the said vehicle in the performance of domestic or household duties.

(3) Subject to section 11, no person, being the operator of a snowmobile or the motorcycle, shall permit passengers while the said snowmobile or motorcycle is in operation. APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE COUNCIL OF THE FOND DU LAC BAND OF INDIANS THIS __ DAY OF _ , A.D.1990. I, August Mercredi, Chief of the Fond Du Lac Band of Indians, do hereby certify a true and exact copy of the foregoing by-law 1-90, as amended, was mailed to the Minister of Indian and Northern Affairs Canada pursuant to Section 82(1) of the Indian Act on this _____, A.D. 1990. 18-05-90. Date

Position of: