

THE BLACK LAKE FIRST NATION BAND

BY-LAW NO. 06/97.03 BY-LAW REGULATING THE USE OF MOTORCYCLES, ALL TERRAIN VEHICLES, AND SNOWMOBILES WITHIN THE BLACK LAKE FIRST NATION RESERVES

WHEREAS, Paragraphs 81(1)(b), (q), and (r) of the Indian Act empowers the Council of Black Lake 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 Black Lake First Nation Band is of the opinion that the indiscriminate use of motor vehicles, motorcycles, all terrain vehicles, and snowmobiles is 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 Black Lake Reserve No. 224, No. 225, and No. 226 to regulate motorcycles, all terrain vehicles, and snowmobiles within the Black Lake Reserve No 224, No. 225, and No. 226;

NOW THEREFORE, the Council of the Black Lake 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 driveway

- (a) that is situated on 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 mini-bike, and
- (e) an all terrain cycle;

but does not include:

- (f) a snowmobile as defined in the by-law, or
- (g) any vehicle that is required to be registered pursuant to the Saskatchewan Highway Traffic Act;

"Highway" means any 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 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 peace 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 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 which provincial law applies;

"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 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;

"Reserve" means the tract of land, the legal title of which is vested in Her Majesty for the use and benefit of the Black Lake First Nation Band;

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

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

"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 forty (40) kilometres per hour.**
- 4. No operator of a motorcycle, all terrain vehicle, or snowmobile shall 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 motorcycle, all terrain vehicle, or snowmobile on the reserve between the hours of 11:00 p.m. and 7:00 a.m..**
(2) No person commits an offence under subsection (1) if,
 - (a) that person is a hunter or trapper by occupation, while he/she is operating the motorcycles, all terrain vehicle, or snowmobile:**
 - (i) after 11:00 p.m., for the purpose of returning from hunting or trapping to his/her residence; or**
 - (ii) before 7:00 a.m., for the purpose of departing from his/her residence on the reserve for the purpose of hunting or trapping.**
- 8. No operator, while operating a motorcycle, 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 (1) 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 (16) 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 (16) years, may operate a snowmobile, all terrain vehicle, or a motorcycle upon a road provided he/she is under the direction of a parent, custodian, or guardian and is using the vehicle in the performance of domestic or household duties.

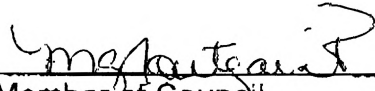
EXEMPTIONS

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

PENALTY

12. Any person who violates any provisions of this by-law is guilty of an summary conviction to a fine not exceeding one thousand (\$1000.00) dollars or to imprisonment for a term not exceeding thirty (30) days, or both.

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


Member of Council


Member of Council


Member of Council

Member of Council


Member of Council

Member of Council


Member of Council

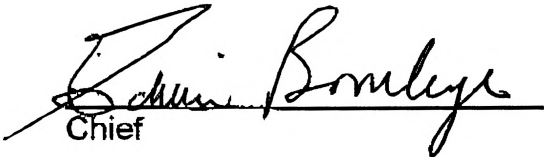
being the majority of those members of Council of the Black Lake First Nation Band present at the aforesaid meeting of Council.

The quorum of Council is four (4) members.

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

I, Ronald Robillard Chief/Councillor of the Black Lake First Nation 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 District/Regional/Hull Office (as the case may

I, Edwin Boneleye Chief of the Indian Band, so hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the District/Region/Hull offices (as the case may be) pursuant of subsection 82(1) of the Indian Act, this 31 day of JANUARY, ~~1999~~ 2000


Chief


Witness