

All Terrain Vehicle By-Law 1998.02

Title: A By-law regulating the operation of All Terrain Vehicle within the Jurisdiction Of the English River First Nation Band.

Short Title: E.R.F.N. Band A.T.V. By-law 1998.02

Whereas the Chief and Council through the wishes of its membership and Pursuant to the powers invested in the E.R.F.N. Band by the Indian Act RSC 1985 c. I-5 ss 81.(1) (b) (c) (d) and (r) to wit:

81.(1) By-laws - The council of a Band may make by-laws not inconsistent with this Act or with any regulations made by the Governor in Council or the Minister, for any or all the following purposes, namely:

(b) the regulation of traffic

(c) the observance of law and order

(d) the prevention of disorderly conduct and nuisances

(r) the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section,

and

Whereas the Chief and Council of the English River First Nation Band with the approval of its Membership will institute a by-law to regulate the use and operation of a Mechanical conveyance commonly referred to as an All Terrain Vehicle,

And

Whereas the Chief and Council with the consent of its membership, do hereby Enact the following by-law in the use and operation of the mechanical Conveyance commonly referred to as an All Terrain Vehicle

1. In compliance with the provincial legislation entitled An Act respecting the Operation of All Terrain Vehicles c.A-18.02 of Saskatchewan, no persons under and including 16 years old shall operate an All Terrain Vehicle within the jurisdiction of the English River First Nation Band.
2. It shall be mandatory under the English River First Nation By-law that everyone who operates All Terrain Vehicle within the jurisdiction of the E.R.F.N. Band shall wear a helmet or other head protected gear.
3. No person shall operate an A.T.V. at or near a residence not owned or Occupied by him or a member of his immediate family that will be construed as a nuisance or disturbance.
4. No person shall operate an All Terrain Vehicle without due care and attention.
5. No person shall operate an All Terrain Vehicle at a speed greater that is reasonable and safe in the circumstances and in any case greater that 30 kilometers per hour between the Hamlet and the Reserve and 20 kilometers per hour within the community.
6. All violations of the All Terrain Vehicle by-law will be initiated by a Complaint.
 - a. The person who makes or initiates the complaint must make a written statement with the R.C.M.P.
 - b. The person who makes or initiates the complaint must write down the name of the person or persons who contravened any section(s) of this by-law.
 - c. The person who makes or initiates the complaint must attain the name and signatures of a witness to verify and corroborate the complaint.
7. Every person who contravenes any provisions of this by-law or fails to Comply with any provisions of this by-law is guilty of an offence against this By-law.
8. Every person who authorizes or permits another person to operate an All Terrain Vehicle in contravention of any provisions of this by-law is guilty of an offence against this by-law.
9. Every person who is found guilty of contravening the All Terrain Vehicle By-law within the jurisdiction of the English River First Nation Band # 192, 192D
 - a. Will be issued a warning with the first offence.

- b. With the second and subsequent offences will have their All Terrain Vehicle confiscated and impounded, the fine imposed will be to the amount of \$50.00 to retrieve the impounded All Terrain Vehicle.
- c. Subsequent offences will double the previous fines.
- d. The penalty as stated under Sec 81.(1) (r) will be imposed.

For the purposes of the English River First Nation Band All Terrain Vehicle by-law # 1998.02

'band' refers to the English River First Nation Band no. 192

"Reserve" means all those tracts of land, the legal title of which is vested in the her majesty, that has been set apart for the use and benefit of the English River First Nation membership, known as the:

- La Plonge #192
- Elak Dase # 192A
- Knee Lake # 192B
- Wapachewanak # 192D
- Ile a la Crosse # 192E
- Primeau Lake # 192F
- Cree Lake # 192G

'conveyance' refers to a moving vehicle; a means of transport but not a snowmobile for for the purpose of this by-law.

'nuisance' means that which annoys and disturbs one in possession of his property, rendering its ordinary use or occupation physically uncomfortable to him.

'disturbance' means interruption of the peace, quiet, and good order of a neighborhood or community, particularly by unnecessary and distracting noises

'All Terrain Vehicle' will include self-propelled vehicle designed primarily for the movement of people or goods on unprepared surfaces including

- a mechanical conveyance that has 2 wheels
- a mechanical conveyance that has 3 wheels
- a mechanical conveyance that has 4 wheels

This All Terrain Vehicle by-law consented to by the Chief and Council and the membership of the English River First Nations Band on the 6th day of the month of August in the year of our lord nineteen hundred and ninety-eight.

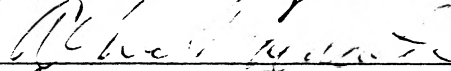
Chief Archie Campbell



Councillor Patrick Campbell



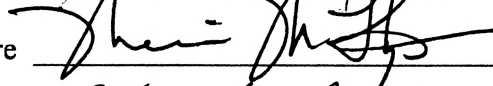
Councillor Alfred Dawatsare



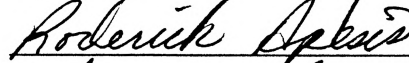
Councillor Gloria Apeis



Councillor Mervin McIntyre



Councillor Roderick Apeis



Councillor Auguste George

