

BY-LAW RESPECTING MOTORCYCLES, ALL TERRAIN VEHICLES  
AND SNOWMOBILES

THE CHIPPEWAS OF GEORGINA ISLAND  
FIRST NATION  
BY-LAW NO.20

BY-LAW REGULATING THE USE OF MOTORCYCLES  
ALL TERRAINE VEHICLES AND SNOWMOBILES  
WITHIN THE GEORGINA ISLAND FIRST NATION

WHEREAS, Paragraphs 81 (1) (b), (q) and (r) of the Indian Act empowers the Council of the Chippewas of Georgina Island 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 mad under Section 81;

AND WEREAS, the Coucil of the Chippewas of Georgina Island 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 Georgina Island First Nation tp regulate motorcycles, all terrain vehicles and snowmobiles within the Georgina Island First Nation Reserve;

NOW THEREFORE, the Council of the Chippewas of Georgina Island First Nation enacts as a by-law thereof as follows:

1. SHORT TITLE

This by-law may be cited as the "All Terrain Vehicle By-Law"

INTERPRETATION

2. In this by-law,  
"access road" means a driveway

(a) that is situated on leased land, on land that is subject to 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 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 golf cart,
  - (g) a snowmobile as defined in the by-law, or
  - (h) any vehicle that is required to be registered pursuant to The Highway Traffic Act of the Province of Ontario;

"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.

"motorcycles" 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 an 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 police 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 on 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 road" means a road or other way over which vehicles are accustomed to pass, other than a public road or an access road;

"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 40 kilometres per hour.

4. 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.

5. No person shall operate a snowmobile, all terrain vehicle or motorcycle without insurance for that said vehicle.

6. No operator, while operating a motorcycle, an all terrain vehicle or a snowmobile shall permit more than one passenger to ride.

7. (a) No person who is or, in the absence of evidence to the contrary appears to be the age of sixteen years, shall operate a snowmobile, an all terrain vehicle or a motorcycle on any road.

(b) Notwithstanding subsection (a), 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, an all terrain vehicle or a motorcycle upon a road provided he is under the direction of a parent, custodian or guardian and is using the vehicle in the performance of domestic or household duties.

8. All drivers and passengers on a motorcycle, all terrain vehicle or snowmobile must wear a standard approved helmet at all times.

EXEMPTIONS

8. (a) No person commits an offence under this by-law where he acts with legal justification or excuse.

(b) No officer commits an offence under this by-law while operating a motorcycle, all terrain vehicle or a snowmobile in such a manner and at such time so as to properly exercise his lawful duties or employment.

PENALTY

9. 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 (up to a maximum of \$1,000.00) or to imprisonment for a term (up to a maximum of 30 days), or both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Chippewas of Georgina Island this 22nd day of September 1995.

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

Will G. P.  
Chief

Charles  
Witness

Patricia Big Cove  
Member of Council

Charles  
Witness

Lorraine Dylane  
Member of Council

Charles  
Witness

Bon Charles  
Member of Council

Charles  
Witness

Mike Beane  
Member of Council

Charles  
Witness