

The Chippewas of Georgina Island First Nation Band
By-Law No. 20-A-03
Being a By-law to repeal and replace
By-law No. 20
By-law Respecting All Terrain Motor Vehicles
Enacted on the 22 day of September, 1995

WHEREAS, paragraphs 81(1)(b), (q) and (r) of the Indian Act empower the Council of the Chippewas of Georgina Island First Nation Band to enact by-laws respecting the regulation of traffic, with respect to any matter arising out of ancillary to the exercise of power under section 81, and to impose a penalty for the violation of a by-law made under section 81;

AND WHEREAS, the Council of the Chippewas of Georgina Island 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 the band members and other persons on the reserve, and that it is therefore in the best interests of the residents of the Chippewas of Georgina Island First Nation Reserve to regulate motorcycle, all terrain vehicles and snowmobiles within the Chippewas of Georgina Island Reserve #33 and #33A;

AND WHEREAS, the Council of the Band did enact By-law Number 20 on the 22 day of September, 1995 and wishes to repeal the said By-law Number 20 and replace it with this by-law;

NOW THEREFORE, the Council of the Chippewas of Georgina Island First Nation Band enacts as a by-law therefore 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 a 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 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 four or more wheels in contact with the ground;

and includes:

- (c) an all terrain cycle; and
- (d) a golf cart

but does not include:

- (e) a restricted use motorcycle;
- (f) go cart;
- (g) a mini bike;
- (h) a snowmobile as defined in the by-law;
- (i) a motorcycle as defined in the by-law;
- (j) a dune buggy; or
- (k) any vehicle at the time of manufacture that is required to be registered pursuant to The Highway Traffic Act of the Province of Ontario;

“Council” means the Chief and Council of the Chippewas of Georgina Island First Nation reserve #33 and #33A;

“designated area” means any area that the public normally has access to but Council has deemed that motorized access not be granted and such area shall be set out on B.C.R. and listed as Schedule “B”;

“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;

“motorcycle” means a motor vehicle that

- (a) is propelled or driven by any means other than by muscular power,
- (b) has two or three 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 in physical control of a motor vehicle;

“operators certificate” means a license to operate a motor vehicle or motorized snowmobile issued or accepted as valid under standards set by Chief and Council;

“peace officer” means any police officer, constable or other person employed for the preservation and maintenance of the public peace.

“person in charge” means a person that is not the owner but has leased, rented or borrowed an all terrain vehicle or snowmobile and has control over its use during the time of the offense.

“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 sudden use of acceleration or braking;

“public road” means a road in which provincial law applies;

“reserve” means that tract of land the legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Chippewas of Georgina Island First Nation Band of Indians, and known as the Chippewas of Georgina Island First Nation Reserve #33 and #33A;

“reserve road” means a road or other way situated on the reserve, which is designed and intended for, or used for, the passage of vehicles;

“road” means a reserve road, access road, public road or highway;

“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 an all terrain vehicle or 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 a turn;

“*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 an all terrain vehicle or snowmobile on any road at a speed greater than 40 kilometers per hour.
4. No operator of an all terrain vehicle or snowmobile shall execute a power turn on any road on the reserve.
5. No person shall cause an all terrain vehicle or a snowmobile to make a u-turn at any intersection between two roads.
6. No person shall operate an all terrain vehicle or snowmobile without due care and attention or without reasonable consideration for other persons or property upon the reserve.
7. No person shall operate or be a passenger of an all terrain vehicle or a snowmobile without a D.O.T. (Department of Transportation) approved helmet.
8. Every operator or passenger of an all terrain vehicle or snowmobile must provide identification to a peace officer or any other person appointed by Chief and Council for the purpose of maintaining law and order on the reserve when requested.
9. (a) No person under 16 years of age shall operate an all terrain vehicle or a snowmobile on the reserve between the hours of 10:00p.m. and 6:00a.m.

(b) No owner shall allow a person under 16 years of age to operate an all terrain vehicle or snowmobile on the reserve between the hours of 10:00pm and 6:00am.

(c) No person in charge of an all terrain vehicle or snowmobile shall allow a person under 16 years of age to operate an all terrain vehicle or snowmobile on the reserve between the hours of 10:00pm and 6:00am.
10. Every operator at all times while operating an all terrain vehicle or a motorized snowmobile shall be able to produce proof of:

- (a) ownership;
- (b) insurance;
- (c) operators certificate or valid drivers license;

and shall surrender any or all when requested by a peace officer.

11. No operator while operating an all terrain vehicle or a snowmobile shall permit more than one passenger to ride.
12. No person shall operate an all terrain vehicle or snowmobile on any road which tows a conveyance unless the towed conveyance is connected to the all terrain vehicle or snowmobile by a rigid drawbar that is so constructed and connects the all terrain vehicle or snowmobile and the towed conveyance so that a distance of no more than one meter separates the extreme rear point of the all terrain vehicle or snowmobile and the extreme front part of the towed conveyance.
- 13.(a) No person who is or, in the absence of evidence to the contrary, appears to be under the age of fourteen years, shall operate a snowmobile, or an all terrain vehicle on any road.
 - (b) No owner of an all terrain vehicle or snowmobile shall allow anyone under the age of fourteen to operate an all terrain vehicle or snowmobile on any road.
 - (c) No person in charge of an all terrain vehicle or snowmobile shall allow a person under the age of fourteen to operate an all terrain vehicle or snowmobile on any road.
14. No operator of an all terrain vehicle or snowmobile shall at anytime cause or allow the all terrain vehicle or snowmobile to make any unnecessary noise.
15. Every person shall stop his/her all terrain vehicle or snowmobile when approached by another vehicle with a flashing red light or on the direction of a peace officer.
16. No person shall operate an all terrain vehicle or snowmobile within an area designated by B.C.R. unless the owner/operator of the all terrain vehicle or snowmobile has a permit issued by Council to operate in the designated area.
- 17.(1) No person shall operate an all terrain vehicle or a snowmobile without:
 - (a) valid license plate or permit as prescribed by Ontario Statutes and Regulations;
 - (b) valid liability insurance as prescribed under the Insurance Act.
 - (c) valid drivers license or operators certificate

17.(2) No owner or person in charge of an all terrain vehicle or snowmobile shall allow it to be operated without:

- (a) valid license plate or permit as prescribed by Ontario Statutes and Regulations;
- (b) valid liability insurance as prescribed under the Insurance Act.
- (c) valid drivers license or operators certificate

18. Every operator of an all terrain vehicle or snowmobile operating one half hour before sunset and one half hour after sunrise shall display one lamp to the front of that vehicle and when lighted shall be sufficient to render clearly discernible to the operator any person, object or vehicle within a distance of 110 meters ahead and shall also display one lamp to the rear, red in color that is visible 100ft to the rear of the vehicle.

Offence and Penalties

19. (a) A person who contravenes, or who otherwise fails to comply with any provision of this by-law, commits an offence and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1000.00) or to imprisonment for a term not exceeding Thirty (30) days, or to both fine and imprisonment.
19. (b) A schedule of fines, which are subject to change from time to time, shall be empowered by B.C.R. and listed as schedule "A"
20. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be served from the by-law and the validity of the rest of the by-law shall not be effected.

Repeal

16. By-law number 20 enacted on the 22 day of September 1995 and being a By-law to regulate the use of motorcycles, all terrain vehicles and snowmobiles within the Chippewas of Georgina Island First Nation Reserve be and the same is hereby repealed.

This by-law is hereby made at a duly convened meeting of the Chief and Council of the Chippewas of Georgina Island First Nation Band this 5th day of May, 2003.

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

William M. McCue
(Chief)

[Signature]
(Member of Council)

[Signature]
(Member of Council)

[Signature]
(Member of Council)

Peterson By Lane
(Member of Council)

being the majority of those members of Council of the Chippewas of Georgina Island First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

No. of members of the Band Council present at the meeting: 4.

I, William M. McCue Chief/Councillor of the Chippewas of Georgina Island First Nation Band, do hereby certify that a 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 be) pursuant to subsection 82(1) of the Indian Act, this 5th day of May, 2003.

[Signature]
(Witness)

William M. McCue
(Chief William M. McCue)