

CHIPPEWAS OF RAMA FIRST NATION
Being a Band within the meaning of the *Indian Act*

BY-LAW NO. 13-01

Enacted on the 28th day of October, 2013

BEING A BY-LAW TO REGULATE THE USE OF
ALL TERRAIN VEHICLES

WHEREAS the Chippewas of Rama First Nation recognizes and affirms its inherent right of self-government and jurisdiction to pass laws and powers, and its authority pursuant to the *Indian Act* to create by-laws providing for the health and safety of the residents on and visitors to the Rama First Nation Territory;

AND WHEREAS Section 81(1)(b), (q) and (r) of the *Indian Act*, R.S.C. 1985 c. I-5, as amended, provides that a Chief and Council may pass by-laws relating to Rama First Nation;

AND WHEREAS certain Off-Road Vehicles, commonly known as All-Terrain Vehicles, operating on Rama First Nation require regulation as to the operating hours and to prescribe a lower rate of speed for said vehicles while on reserve lands to promote a safe, healthy community;

AND WHEREAS the Chief and Council of Chippewas of Rama First Nation desire to permit the operation of All-Terrain Vehicles on certain highways within its territory under certain conditions;

NOW THEREFORE the Chief and Council of the Chippewas of Rama First Nation hereby enacts as follows:

- i. In this by-law:
 - a. "All-Terrain Vehicle" means an Off-Road Vehicle that:
 - i. has four wheels, the tires of which are in contact with the ground;
 - ii. has steering handlebars;
 - iii. has a seat that is designed to be straddled by the driver or a side-by-side seat as built by the manufacturer;
 - iv. is designed to carry a driver only and no passengers or if a side-by-side as built by the manufacturer designed to carry one passenger;

- v. has headlights, tail lights, and that these lights are on at all times;
 - vi. has low pressure bearing tires;
 - vii. has an operating brake light;
 - viii. displays the required number plate and permit as prescribed by statute.
- b. "Roadway" means a common and public road, highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or any part of which is under the jurisdiction of the Rama First Nation and is intended for the use of the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
2. All-Terrain Vehicles shall not be permitted on any property other than Roadways within Rama First Nation.
 3. For further clarity, All-Terrain Vehicles shall specifically not be permitted in Rama First Nation cemeteries, parks, baseball fields, walking trails, community housing areas, Black River Park, MKES/MASK Arena or any other community area or property.
 4. All-Terrain Vehicles shall be permitted on all Roadways within Rama First Nation under and in accordance with the *Highway Traffic Act*, Ontario Regulation 316/03 and the *Off-Road Vehicles Act*, as amended from time to time.
 5. An All-Terrain Vehicle shall not be operated on Roadways unless it meets the equipment requirements and is operated as outlined in the *Highway Traffic Act*, Ontario Regulation 316/03, including helmets worn at all times by all drivers and passengers while on an All-Terrain Vehicle.
 6. An All-Terrain Vehicle shall not be operated on Roadways between the hours of 10:00 p.m. and 6:00 a.m. the following day, inclusive.
 7. An All-Terrain Vehicle shall not be operated on Roadways at a rate of speed greater than:
 - a. 20 kilometres per hour, if the speed limit for that part of the Roadway is not greater than 50 kilometres per hour; or
 - b. 50 kilometres per hour, if the speed limit for that part of the Roadway is greater than 50 kilometres per hour.
 8. No person shall operate an All-Terrain Vehicle in such a way as to disrupt or destroy the natural environment or private property or any Rama First Nation property.
 9. No person shall interfere or obstruct an officer carrying out his/her duties enforcing this by-law.

10. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine not exceeding One-thousand dollars (\$1,000).
11. This by-law will be enforced by the Rama Police Service and Rama By-Law Department;
12. Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, this shall not affect the validity of the by-law as a whole or any part thereof other than the provision(s) so declared to be invalid.
13. THAT this by-law shall come into effect the day it is passed by Chief and Council.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Chippewas of Rama First Nation this 28th day of October, 2013.

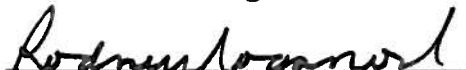
Voting in favour of this by-law are the following members of the Council:


Chief and Council Signatures of Approval


 Chief Sharon Stinson Henry

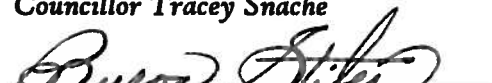

 Councillor Ron Douglas


 Councillor Nemke Quarrington


 Councillor Rodney Noganosh


 Councillor Tracey Snache


 Councillor Gina Genno


 Councillor Byron Stiles

being the majority of those members of the Council of the Chippewas of Rama First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is four members.

Number of members of the Council present at this meeting: 7

I, SHARON STINSON HENRY, Chief/Councillor of the First Nation, 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 Band Governance Directorate, Ottawa, pursuant to subsection 82(1) of the *Indian Act*, this 29th day of October, 2013.



(Witness)



(Chief/Councillor)