

# CONSTANCE LAKE FIRST NATION

## OFF ROAD VEHICLE

### BY-LAW 2020-002

**WHEREAS** CONSTANCE LAKE FIRST NATION (designated as Constance Lake Indian Reserve No. 92 as a reserve within the meaning of the *Indian Act* R.S.C. 1985, C-1) hereinafter "CLFN" has an obligation to protect the health and welfare of its people both under the *Indian Act*, R.S.C. 1985, C-1, and its inherent self-governance obligations;

**AND WHEREAS** CLFN BAND COUNCIL has inherent self-governance powers and obligations to its people together with powers under s. 81 of the *Indian Act* authorizing CLFN Band Council to take action to avoid and protect their community members of any serious injuries or accidents in relation to Off Road Vehicles and to put regulations in place for the members to follow;

**AND WHEREAS** CLFN has determined that it must act to protect its people, their safety and lives by implementing the measures contained in this bylaw under its inherent self-governance powers and s. 81(1)(a) of the *Indian Act*, R.S.C. 1985, C-1.

**NOW THEREFORE BE IT ENACTED** by the Chief and Council of Constance Lake First Nation as follows:

1. **Definitions:**

1.1 For the purpose of this by-law:

"CLFN" in this by-law is a reference to Constance Lake First Nation.

"Off-Road Vehicle (ORV)" represents the set of off-road vehicles that meet specified off-highway industry standards to be used on the shoulder of permitted provincial highways and municipal roads, including:

- a) "Single-rider all-terrain vehicle (ATV)" means a class of vehicle that:
  - (i) has four wheels, the tires of all of which are low pressure bearing and in contact with the ground;
  - (ii) has steering handlebars and a seat designed to be straddled by the driver;
  - (iii) is designed to carry a driver only and no passengers;
  - (iv) has a weight of 450 kilograms or less and an overall width not greater than 1.35 metres, excluding mirrors.

b) "Two-up all-terrain vehicle (ATV)" means a class of vehicle that:

- (i) has four wheels, the tires of all of which are low pressure bearing and in contact with the ground;
- (ii) has steering handlebars and a seat designed to be straddled by the driver;
- (iii) is designed and intended for use by an operator or an operator and a passenger, if the vehicle,
  - a. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
  - b. is equipped with foot rests for passenger that are separate from the foot rests for the driver;
- (iv) has a weight of 450 kilograms or less and an overall width not greater than 1.35 meters, excluding mirrors.

c) "Multi-purpose off-highway utility vehicle", or a Utility terrain vehicle (UTV), means a class of vehicle that:

- (i) has four or more wheels, the tires of which are all in contact with the ground,
- (ii) has a steering wheel for steering control,
- (iii) has seats that are not designed to be straddled,
- (iv) has a minimum cargo capacity of 159 kilograms,
- (v) has a weight of 1,814 kilograms or less and an overall width not greater than 2.03 meters, excluding mirrors.

*"Regulation"* means the regulations, laws and provisions established under the Ontario Regulation 316/03, Highway Traffic Act and Off-Road Vehicle Act of Ontario.

*"Street"* includes a common and public street and road, which are intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

*"Operator or driver"* means every person who drives an off-road vehicle upon

a street, trail or road.

## **2. Rules of Operation for Off-Road Vehicles**

- 2.1 Off-road vehicles (ORV) may be driven on roads within the Constance Lake First Nation boundaries.
- 2.2 No person shall operate an ORV:
- in the parks – Musko and splash pads;
  - in the cemetery;
  - on any other yards other than their own yard;
  - on the waste lagoon property;
  - on the Band Buildings property; and
  - on school properties.
- 2.3 No person shall operate an ORV on a trail that is designed and posted as a non-motorized trail, other than along a designated travel route to facilitate access to a traditional area or to cross a non-motorized trail at a right angle to access a shared-use trail upon which ORV use is permitted.
- 2.4 The speed limit shall not exceed 30 kilometers per hour on any road.
- 2.5 No person shall operate an ORV between these hours from 10:00 p.m. to 8:00 a.m. daily.
- 2.6 A helmet must be worn at all times, except in the owner's own yard.
- 2.7 No person shall operate an ORV in such a manner that causes or is likely to cause:
- a risk to the safety of any person;
  - harm or material discomfort to any person from dust, emissions or noise;
  - harm, injury or damage, either directly or indirectly, to any property; and
  - alteration, disruption or destruction to the natural environment, including erosion damage or degradation of the right of way.
- 2.8 An ORV operator shall operate an ORV in a single file only.
- 2.9 An ORV operator shall be the age of 16 years old to operate an ORV on the street. However, youth under the age of 15 years are allowed to operate an ORV in their own yard only.
- 2.10 An ORV operator shall be on the only passenger while the ORV is on the street.
- 2.11 All ORV lights must be in working condition at all times.

2.12 No ORV over 350 cc will be allowed on the streets of the community.

### **3. GENERAL**

- 3.1. Any provision of this bylaw or its application to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this bylaw or the application of such provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected, and each provision of this bylaw shall be separately valid and enforceable to the fullest extent permitted by law.
- 3.2. Any person who is found to violate this bylaw will have their ORV apprehended by the local police service.
- 3.3. The CLFN Band Council may maintain, amend, vary, expand or rescind this bylaw at any time and may adopt the Off-Road Vehicles Act, should these rules not be followed.

**THIS BY-LAW IS HEREBY MADE** at a duly convened meeting by Constance Lake First Nation Band Council this the 29 day of June, 2020.


CLFN COUNCILLORS VOTING IN FAVOUR OF THE BYLAW:



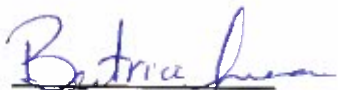
Chief, Rick Allen



Councillor



Councillor



Councillor



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