


MOHAWK COUNCIL OF AKWESASNE 1986/87-2			CURRENT CAPITAL BALANCE	\$ _____
NCY	Peterborough		COMMITTED	\$ _____
VINCE	Ontario / Quebec		CURRENT REVENUE BALANCE	\$ _____
DE	Cultural Center		COMMITTED	\$ _____
E	<u>5</u> DAY	<u>April</u> MONTH	<u>1986</u> YEAR	

DO HEREBY RESOLVE:

That the Judicial Commission of the Mohawk Council of Akwesasne will draft a by-law for renewal by Council for the safe and responsible use of all terrain vehicles, snow-mobils and motor cycles within the territory of Akwesasne; and further, the Quebec Highway Safety Code and the Ontario Highway Traffic Act be enforced with regard to the safe and responsible use of all-terrain vehicles, snow-mobils and motor cycles until a by-law is ratified by Council in this regard.

moved by: John Lazore
 seconded by: Robert Skidders
 carried ...

THIS MEETING TOOK PLACE IN THE TERRITORY OF AKWESASNE, WITH THE FOLLOWING MEMBERS OF THE AKWESASNE MOHAWK COUNCIL PRESIDING:



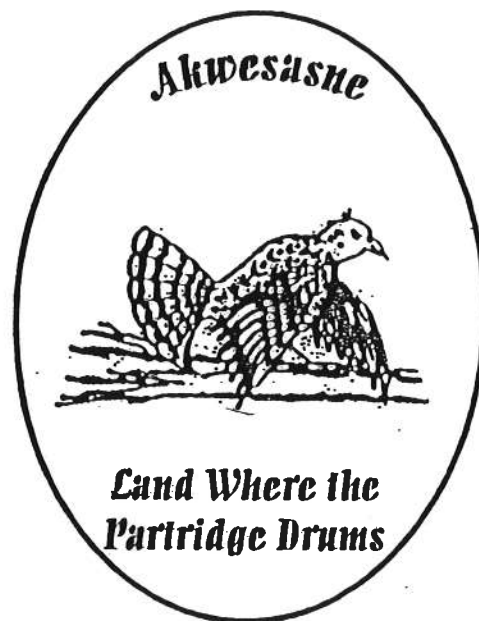
<i>Robert M. Skidders</i> CHIEF	<i>John Lazore</i> GRAND CHIEF	<i>Dave Benedict</i> CHIEF
<i>William Lagimodiere</i> CHIEF	<i>Raymond</i> CHIEF	<i>Walter Mitchell</i> CHIEF
<i>John</i> CHIEF	<i>Gwenne Leaf</i> CHIEF	<i>Louis Collins</i> CHIEF
<i>...</i> CHIEF	<i>.....</i> CHIEF	<i>.....</i> CHIEF

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1. FUND CODE	2. COMPUTER BALANCES		3. EXPENDITURE	4. AUTHORITY - INDIAN ACT	5. SOURCE OF FUNDS
	A. CAPITAL	B. REVENUE			
	\$ _____	\$ _____	\$ _____		<input type="checkbox"/> CAPITAL <input type="checkbox"/> REVENUE
COMMENDED			APPROVED		

Akwesasne Wolf Belt

Mohawk Territory of Akwesasne



All Terrain Vehicle Law

As passed by Mohawk Council Resolution

1993/1994 -OI

Council-November 27, 1993 Ministry-January 7, 1994

THE MOHAWK COUNCIL OF AKWESASNE
BY-LAW NO. 93/94-01
COMMUNITY LAW REGULATING
THE USE OF
ALL TERRAIN VEHICLES
WITHIN THE MOHAWK TERRITORY OF AKWESASNE

Passed by Mohawk Council on November 27th, 1993
Passed by Ministry on January 7th, 1994

WHEREAS, paragraphs 81(1) (b), (c), (q) and (r) of the Indian Act empowers the Mohawk Council of Akwesasne to enact a law respecting the regulation of traffic, observance of law and order, with respect to any matter arising out of or in addition to the exercise of powers under section 81, and to impose a penalty for the violation of a law made under section 81;

AND WHEREAS, previously accidents and occurrences caused by the absence of law for the use of All Terrain Vehicles created immediate concern amongst the community residents for the health and safety of the young children;

AND WHEREAS, the Mohawk Council of Akwesasne is of the opinion that the indiscriminate use of all terrain vehicles is contrary to the welfare of community members and other persons on the Mohawk Territory, and that it is therefore in the best interests of the residents of the Mohawk Territory of Akwesasne to regulate all terrain vehicles;

NOW THEREFORE, the Mohawk Council of Akwesasne enacts a community law thereof as follows;

SECTION 1 SHORT TITLE

This community law may be cited as the "All Terrain Vehicle Law".

SECTION 2 INTERPRETATION

In this law,

"All Terrain Vehicle" means any vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on two or more wheels in contact with the ground, and includes:

- a) a mini bike, and
- b) an All Terrain Vehicle;

but does not include;

- c) a golf cart,
- d) a snow mobile, or
- e) any vehicle that is required to be registered pursuant to any duly recognized Motor Vehicle Department;

"ATV" means All Terrain Vehicle;
"Council" means the Mohawk Council of Akwesasne, or any Commission, Committee, or other body duly authorized by Resolution of the Mohawk Council of Akwesasne to carry out the responsibilities of Council under this law;

"Court" means the Akwesasne Mohawk Court, established pursuant to Section 107 of the Indian Act of Canada;

"Driver" means a person who operates an ATV;

"Emergency Equipment" includes siren horn vehicular hazard warning signal lamps commonly known as four-way flashers that produces intermittent flashes of red light, spotlight, or a lamp that automatically produces intermittent flashes of blue light, to be activated on Emergency vehicles only;

"Emergency Vehicle" means a vehicle of the Akwesasne Fire Department or other fire department, while responding to a fire, but not returning from a fire alarm or other emergency call; a vehicle while used by a person in the lawful performance of his duties as a Mohawk Police Officer or other peace officer; and an ambulance or other public emergency vehicle while responding to an emergency call or being used to transport a patient or injured person in an emergency situation;

"Intersection" means the area within the prolongation or connection of the lateral curb lines or, if none, of the lateral boundary lines of two or more roads that join one another at an angle, whether or not one road crosses the other;

"Occupier" includes:

- a) a person who is in lawful possession of the premises, or
- b) a person who has responsibility and control over the condition of the premises or activities carried on, or control over persons allowed to enter the premises,

notwithstanding that there is more than one occupier of the same premises;

"Owner" means a person in whose name the ATV is registered;

"Parent" means a father, mother, guardian or person having the custody or care in law or in fact of a

child;

"Permit" means a permit issued pursuant to this law registering the ATV to be driven in the Territory of Akwesasne;

"Police Officer" means an officer of the Akwesasne Mohawk Police Department, or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process or any other officer appointed for enforcing or carrying out the provisions of this law;

"Power Turn" means to manoeuvre a 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, said manoeuvre often referred to as a "Doughnut";

"Public Roadway" means the part of the road that is improved by pavement, designed or ordinarily used for vehicular traffic, but does not include the shoulder;

"Territory" means the St. Regis Mohawk Reserve registered as lot numbers 15 and 59;

"U-turn" means the turning of a 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;

"Vehicle" means ATV.

SECTION 3 GENERAL PROHIBITIONS

- 3.1 No person shall drive an ATV except under the authority of a permit for the vehicle, issued pursuant to this law and with the numbered plate showing and the numbered permit displayed on the vehicle.
- 3.2 No owner of an ATV shall permit a child under the age of 13 to drive the ATV unless:
 - a) the ATV is driven on the land, where the owner is the occupier of the land; or
 - b) the child is under the close supervision of an adult.
- 3.3 Every person who drives an ATV without due care and attention or without reasonable consideration for other persons or property is guilty of an offence.

- 3.4 No operator of an ATV shall execute a power turn on any road within the Territory of Akwesasne.
- 3.5 No person shall cause an ATV to make a u-turn at any intersection between two roads.
- 3.6 No person shall operate an ATV on the Territory of Akwesasne between the hours of 11:00 p.m. and 6:00 a.m., if said operations substantially interferes with the reasonable enjoyment of the vicinity of others in the immediate area.
- 3.7 No operator, while operating an ATV shall permit more than the number of persons recommended by the manufacturer of the ATV, to ride on said ATV.
- 3.8 Every driver of an ATV shall stop when approached by another vehicle with emergency equipment activated.
- 3.9 No person, except an operator of an emergency vehicle, shall operate an ATV that is equipped with any emergency equipment.
- 3.10 Subsection 3.9 does not apply to prohibit the use of four-way flashers in use of emergency purpose.
- 3.11 No person shall drive or ride on or be towed by an ATV unless he is wearing a helmet securely fastened under his chin with a chin strap.
- 3.12 No person commits an offence under this section while driving or riding on an ATV or on a conveyance towed by an ATV, when the owner of the ATV is the occupier of the land.
- 3.13 No person shall drive an ATV on any public roadway, unless;
- (a) that the vehicle is properly insured pursuant to section 5;
 - (b) the driver exercises due care as required by Subsection 3.3 of this section;
 - (c) the driver has a valid driver's license; and
 - (d) the driver of the ATV does not exceed 1/2 of the posted speed limit on which he is driving.

SECTION 4 PERMITS AND REGISTRATION

- 4.1 Subject to Subsection 4.2, every person who:
- a) is the owner of an ATV;
 - b) is at least sixteen years of age;
 - c) is properly insured pursuant to sec.5; and
 - d) pays the prescribed fee,
- is entitled to be issued a numbered permit from the appropriate authority appointed by the Council who shall receive applications and issue permits for the vehicle.

- 4.2 Prior to the issuance of a permit under this law, the applicant shall be required to produce documentation necessary to establish the requirements set out in subsection 4.1.
- 4.3 The authority referred to in subsection 4.1 may authorize numbered plates in an applicant's possession for use on an ATV.
- 4.4 Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this law, is guilty of an offence and on conviction is liable to a fine not exceeding \$1000.00 or to imprisonment for a term of not more than thirty days, or to both.
- 4.5 Where the holder of a permit ceases to be the owner of an ATV referred to in the permit, shall remove the numbered plate from the vehicle;
- 4.6 Every person shall, within six days after becoming the owner of an ATV, apply to the appropriate authority appointed by the Council, for a permit for the vehicle.
- 4.7 Every person who:
- a) defaces or alters any numbered plate referred to in Subsection 4.3 of this section;
 - b) uses or permits the use of a defaced or altered numbered plate;
 - c) without the authority of the permit holder removes a numbered plate authorized for use on that ATV;
- is guilty of an offence and on conviction is liable to a fine of not more than \$1000.00 or to imprisonment for not more than thirty days, or to both.
- 4.8 Where a police officer has reason to believe that a numbered plate attached to an ATV or that permit carried by the driver:
- a) was not furnished under this law for the vehicle; or
 - b) was obtained by false pretences; or
 - c) has been defaced or altered;
- the police officer may take possession of the numbered plate or permit and retain it until all pertinent facts have been determined.
- 4.9 Where the driver of an ATV is liable for damages for injury or damage arising out of the operation of the ATV, with the consent of the owner, the owner is jointly and individually liable;

- 4.10 Where an ATV is leased, the consent of the lessee, for the purposes of subsection 4.9 shall be deemed to be the consent of the owner of the vehicle.
- 4.11 The owner of an ATV may be charged and convicted of an offence under this law, for which the driver of the ATV is subject to be charged and on conviction, the owner is liable to the penalty prescribed for the offence;
- 4.12 Subsection 4.11 does not apply where, at the time of the offence the vehicle was in the possession of a person other than the owner without the owner's consent;

SECTION 5 INSURANCE AND LIABILITY

- 5.1 No person shall drive an ATV unless it is insured under an ATV liability policy;
- 5.2 No owner of an ATV shall permit an ATV to be driven unless it is insured under an ATV liability policy;
- 5.3 Every person, other than the owner of the ATV who contravenes this section is guilty of an offence and on conviction is liable to a fine not exceeding \$1000.00;
- 5.4 Every owner of an ATV who drives an ATV in contravention of subsection 5.1 or permits it to be driven in contravention of subsection 5.2 is guilty of an offence and on conviction is liable to a fine not exceeding \$1000.00.
- 5.5 Subsection 5.1 and 5.2 do not apply where the ATV is driven on land occupied by the owner of the vehicle.

SECTION 6 ENFORCEMENT

- 6.1 A police officer who on reasonable and probable grounds, believes that a contravention of this law, has been committed, may stop any person driving an ATV.
- 6.2 The owner or occupier of land may restrain and immediately notify the police of any person driving an ATV on his land.
- 6.3 Every person who has been requested to stop by a person authorized under subsection 6.1 or 6.2 shall do so immediately.
- 6.4 Every person stopped under this section or subsection 6.1, shall identify himself if requested, by giving his name and address to the person who stopped him.

... appointed for carrying out the provisions of this law, making an arrest without warrant, may detain the ATV with which the offence was committed until the final disposition of any prosecution, but the vehicle may be released on security for its production being given to the satisfaction of the Court.

SECTION 7 EXEMPTIONS

- 7.1 No person commits an offence under this law where he acts with legal justification or excuse.
- 7.2 No officer commits an offence under this law while operating an ATV in such a manner and at such time so as to properly exercise his lawful duties of employment.

SECTION 8 PENALTY

- 8.1 Unless otherwise provided herein, any person who violates any of the provisions of this law is guilty of an offence and liable to a fine not exceeding \$1000. and/or a term of incarceration not to exceed 30 days.
- 8.2 If any violation under this law is committed by a person under the age of sixteen years, the registered owner of the ATV, may be charged for said violation;
- 8.3 If an offence is committed under Subsection 8.2 and the registered owner of the ATV cannot be ascertained, or if the actual possessor of the ATV is actually under the age of sixteen years, the parent of the person committing the offence may be charged.

READINGS

November 7, 1992- 1st Reading
August 21, 1993- 2nd Reading
November 27, 1993-3rd Reading

GRAND CHIEF: Michael Mitchell

CHIEF: Lynn Roundpoint Marshall Oakes Johanne Jackson
Lloyd Benedict Wallace Mitchell Debbie Thomas
Lawrence Francis RoseMarie Sunday Brian David
Hilda King