

Nipissing First Nation
Law to Regulate the Use of Off Road
Vehicles on Public Land
Being Law No. LM-2009-01-20

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**NIPISSING FIRST NATION
Land Law No. LM-2009-01-20**

**BEING A LAND LAW TO REGULATE THE USE OF
OFF ROAD VEHICLES ON PUBLIC LAND**

WHEREAS the Council of the Nipissing First Nation deems it in the best public interest to regulate, govern or prohibit the operation of Off Road Vehicles within the communities of Nipissing First Nation.

WHEREAS in accordance with the Nipissing First Nation Land Code, Section 6.1 "*Council may, in accordance with this Land Code, make Land Laws respecting: (a) the development, conservation, protection, management, use and possession of Nipissing First Nation Land*"; and Section 6.1 (c) states "*any matter necessary or ancillary to the making of Land Laws in relation to Nipissing First Nation land*". This land law is developed to regulate the operation of Off Road Vehicles on highways, roads and public lands of the Nipissing First Nation.

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Section 191.8, subsection (3), Chapter H.8, as amended, provides that the Council of a municipality may pass by-laws permitting the operation of Off Road Vehicles with four (4) wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highways:

NOW THEREFORE THE COUNCIL OF NIPISSING FIRST NATION ENACTS AS FOLLOWS:

PART 1- DEFINITIONS

"**All Terrain Vehicle**" has the same meaning as Off Road Vehicle.

"**Highway**" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

"**Licensed Driver**" means a person who has attained the age of sixteen (16) years or older and has a valid driver's licence.

"**Low pressure bearing tire**" means a wide, balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 pounds per square inch).

"**Nipissing First Nation**" means Nipissing First Nation Lands as defined in the Nipissing First Nation Land Code.

“Occupier” includes:

- a) a person who is in physical possession of the land, or
- b) a person who has responsibility for and control over the condition of land or the activities that are carried on, or control over persons allowed to enter the land, even if there is more than one occupier of the same land;

“Off Road Vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and:

- (a) has four, six or eight wheels, all of which are in contact with the ground;
- (b) has steering handlebars or wheel;
- (c) has a seat that is designed to be straddled by the driver or a bench seat; and
- (d) is designed to carry a driver with or without passengers.

“Peace Officer” includes a police officer, constable, conservation officer or other person employed for the preservation and maintenance of the public peace or any officer appointed for enforcing or carrying out the provisions of this law;

“Permit” unless otherwise indicated, means a permit issued under Part III of Ontario Regulation 316-03 consisting of a vehicle portion and a plate portion;

“Prescribed” means prescribed by Part III of the Ontario Regulation 316-03;

“Publicly Owned Property” includes, but not limited to those areas set out in Appendix “A” that are developed Nipissing First Nation owned property, church property and school or education facility property, hospital and home for the aged property or cemetery property or any other land or premises under the control and management of Nipissing First Nation.

“Sidewalk” means a path or strip of land paved or otherwise in, on or alongside a highway and designed and intended for use by the general public for pedestrian travel. In addition, sidewalk includes any property that is or hereafter may be physically set apart or made available and intended for pedestrian use.

PART 2- GENERAL OPERATION

- 2(1) Off Road Vehicles may be driven on all streets and roadways within the Nipissing First Nation save and except as specified in section 2(2), 2(3), 2(4) and 2(5) of this law.
- 2(2) No person shall operate an Off Road Vehicle over or upon the streets or roadways within the Nipissing First Nation during the hours of 10:00 p.m. to 7:00 a.m.
- 2(3) No person shall operate an Off Road Vehicle over or upon the following areas:
- a) On any Publicly Owned Property, including outdoor rinks, community complex, parks, playgrounds, and without limiting the generality of the foregoing, the areas listed under Appendix "A" attached hereto, which also forms part of this law;
 - b) On any Sidewalk within Nipissing First Nation;
 - c) In any area restricting Off Road Vehicles by signage;
 - d) Subsection (a), (b) and (c) does not apply to members of the Anishinabek Police Service or to anyone with specific authorization from Nipissing First Nation Council for a specific event.
- 2(4) No person shall operate an Off Road Vehicle within 100 metres of any school property, on Nipissing First Nation, except if their permanent residence is situated within that area or they use it to get to or from school only.
- 2(5) No person shall operate an Off Road Vehicle with a passenger unless it has originally equipped seat belts.
- 2(6) The operator of an Off Road Vehicle shall ensure:
- a) That when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch and shall be fastened securely to the Off Road Vehicle.
 - b) That all trailing devices shall meet all requirements of and be in accordance with the Ontario *Highway Traffic Act* and the Ontario *Off Road Vehicle Act*.
- 2(7) The operator of an Off Road Vehicle must be sixteen (16) years of age or older, be a Licenced Driver and ensure the requirements of Part III of Ontario Regulation 316-03 are complied with.

PART 3 - PERMIT REQUIRED:

- 3(1) No person shall drive an Off Road Vehicle except under the authority of a Permit issued by Nipissing Nation. Permits will only be issued to persons who have been issued a Plate for the Off Road Vehicle by the Ministry of Transportation for Ontario which is displayed in the prescribed manner.
- 3(2) Every driver of an Off Road Vehicle shall carry the permit for it or a true copy thereof and shall surrender the permit or copy for inspection upon demand of a Peace Officer.

PART 4 - INSURANCE:

- 4(1) No person shall drive an Off Road Vehicle unless it is insured under a motor vehicle liability policy in accordance with the Ontario *Insurance Act* as amended from time to time.
- 4(2) No owner of an Off Road Vehicle shall permit it to be driven unless it is insured under a motor vehicle liability policy in accordance with the Ontario *Insurance Act*.
- 4(3) Every driver of an Off Road Vehicle who is not owner thereof shall, upon the request of a Peace Officer, surrender for inspection evidence that the vehicle is insured under a motor vehicle liability policy in accordance with the Ontario *Insurance Act*.

PART 5 – CARELESS DRIVING:

- 5(1) Every person who drives an Off Road Vehicle without due care or attention or without reasonable consideration for other persons is guilty of an offence.
- 5(2) The maximum speed of any Off Road Vehicles shall be one half the posted speed limit for the Highway on which it is operating.

PART 6 – HELMET:

- 6(1) No person shall drive an Off Road Vehicle or ride an Off Road Vehicle unless he or she is wearing a helmet that complies with Part III of Ontario Regulation 316-03, securely fastened under his or her chin with a chinstrap.
- 6(2) Part 6 does not apply to a person driving or riding on an Off Road Vehicle where the owner of the Off Road Vehicle is the occupier of the land on which it is operating.

PART 7 - OFFENCES

Any person who contravenes any of the provisions of this law is guilty of an offence and upon conviction is liable to a fine of not more than one thousand (\$1,000.00) exclusive of costs, for each offence.

This law shall come into force and take effect immediately upon the passing thereof by the Council of Nipissing First Nation.

THIS LAW IS HEREBY made at a duly convened meeting of the Council of Nipissing First Nation this 20th day of January, 2009.

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

Marianna Couchie
Chief Marianna Couchie

Meriza George
Deputy Chief Meriza George

Perry McLeod-Shabogesic
Councillor Perry McLeod-Shabogesic

Darrell McLeod
Councillor Darrell McLeod

Rick Stevens
Councillor Rick Stevens

June Commanda
Councillor June Commanda

Doug Chevrier
Councillor Doug Chevrier

Michael Restoule
Councillor Michael Restoule

being the majority of those of the Council of the Nipissing First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is five members.
Number of the Council present at the meeting: 5.

I, Marianna Couchie, Chief of the Nipissing First Nation, do hereby certify that this land law was enacted in accordance with Section 7.5 (a) of the Nipissing Land Code and that the land law was signed by a quorum of the Council of Nipissing in accordance with Section 7.6 of the Land Code at a duly convened meeting on the 20th day of January, 2009.

Bouresse
(Witness)

Marianna Couchie
Chief Marianna Couchie

Appendix A

Publicly Owned Property

- i) Nipissing Ojibway Day-Care in Garden Village;
- ii) Duchesnay Day Care;
- iii) Senior Citizen's Complex in Garden Village;
- iv) Holy Sprit Church in Garden Village;
- v) Nipissing First Nation Fire Hall;
- vi) Nipissing Community Complex in Garden Village including the offices for Child & Family Services and Speech Therapist;
- vii) Nipissing Health Centre;
- viii) Nipissing Education Centre;
- ix) Ojibway Family Resource Centre;
- x) Transport Canada Beacon Site;
- xi) Water Treatment Plant;
- xii) Sewage Treatment Plant;
- xiii) Jocko Point First Hall;
- xiv) Nipissing First Nation Library; and
- xv) Nipissing First Nation Traditional Pow-wow grounds.