



MISSISSAUGA FIRST NATION

*OFF ROAD VEHICLES
REGULATION LAW*

Enacted
Community Meeting
3rd Reading
2nd Reading
1st Reading
Lands & Resources Committee
Public Posting
Revised
Revised
Revised 06/06/2019
First Draft 04/24/2019

PREAMBLE

Whereas the Mississauga First Nation have the inherent right given by the Creator to enact any law necessary in order to protect and preserve our Anishinaabe culture, to protect our lands, our language, customs, traditions and practices;

Whereas we the citizens of Mississauga First Nation exercise our inherent aboriginal and treaty rights to govern ourselves through enacting our own laws through our own *Misswezahging Constitution*, duly ratified March 15, 2015;

And Whereas the Mississauga First Nation has entered into the *Framework Agreement on First Nation Land Management* with Canada (February 12, 1996, as amended: the "Framework Agreement"), which was ratified on behalf of the Government of Canada by the *First Nations Land Management Act* (1999);

Whereas the Mississauga First Nation ratified the Framework Agreement and brought its *Land Code* into effect on August 1, 2009;

Whereas, pursuant to the Mississauga Land Code, laws may be enacted to protect Mississauga Land, the use and benefit of Mississauga Land, the occupation of Mississauga Land, residence on Mississauga Land, and the creation of offences, penalties and remedies for violations of Mississauga laws; and

Whereas the Chief & Council of Mississauga First Nation deems it advisable and in the best interests of Mississauga First Nation to enact a Law to regulate the use of ATV's (All Terrain Vehicles), UTV's (Utility Task Vehicles) with four wheels as well as Snowmobiles and snowmobiles with tracks;

And Whereas the Council of the Mississauga First Nation deems it in the best public interest to regulate, govern or prohibit the operation of off-road vehicles within the community.

NOW THEREFORE the Council of the Mississauga First Nation enacts this Off Road Vehicle Regulation Law.

DEFINITIONS

1. In this By-law;

- All-Terrain Vehicle** means an off-road vehicle that,
- a) has four wheels, the tires of all of which are in contact with the ground,
 - b) has steering handlebars,
 - c) has a seat that is designed to be straddled by the driver, and

	d) is designed to carry a driver only or to carry a driver and no more than one passenger;
Council	means the Band Council of Mississauga First Nation;
Enforcement Officer	means the person or persons appointed by Council, from time to time, to administer and enforce the provisions of Mississauga First Nations Laws enacted by Council and includes any delegate and any assisting personnel as required and requested by an Enforcement Officer or First Nations Constables, or any other peace officer as defined or any other person appointed by the Council for the purpose of maintaining law and order on the First Nation;
Low pressure bearing tire	means a wide, balloon type tire with a round cross- section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70kpa (10 psi)(pounds per square inch);
Mississauga First Nation	means the 1,977 ha of land located west of the town of Blind River and is Mississauga River Indian Reserve No. 8. In addition to this is, it includes the 18,172 ha and any land purchased pursuant to the Land Settlement Agreement;
Off road vehicle	means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, <ul style="list-style-type: none"> a) on not less than four (4) wheels; or b) on more than three (3) wheels and being of a prescribed class of vehicle
Street, highway and laneway	means a highway as defined within the Highway Traffic Act, R.S.O. 1990, Chapter H. 8.;
Snowmobile	A motor vehicles meant for travel over snow, especially one with runners in the front and tracks in the back;
Utility task vehicle	means an off-road vehicle that, <ul style="list-style-type: none"> a) is designed for utility applications or uses on all terrains. b) has four or more wheels, c) has a seat that is not designed to be straddled by the driver, and

- d) is designed to carry a driver and one or more passengers; ("autoquad")

RESTRICTIONS

- 2. Off road vehicles and snowmobiles shall be prohibited from traveling in, over or upon the following streets between the hours of 21:00 – 06:00 daily within the Mississauga First Nation and the said streets shall hereinafter be referred to as restricted streets, namely:
 - 2.1.1. The Mississauga First Nation All Walking path beginning at Ella Drive to Sawmill Road; between Red Pine Lodge and Ella Drive
 - 2.1.2. Village Road, East Street, West Street, Park Road & Sawmill Road of the main village
 - 2.1.3. Eli Street, Ella drive and Bonekeosh of the New Subdivision
- 3. No person shall operate an off road vehicle or snowmobile at any time:
 - 3.1. Over or upon the following areas, namely:
 - 3.1.1. On any land occupied by a member without the consent;
 - 3.1.2. Mississauga First Nation Traditional Grounds, at Hwy. 557 and the Blind River
 - 3.1.3. Mississauga Daycare and surrounding area;
 - 3.1.4. Water Treatment Plant area;
 - 3.1.5. Dreamcatcher Fields;
 - 3.1.6. Max & Molly Chiblow Playground;
 - 3.1.7. New Subdivision playground and basketball court;
 - 3.1.8. All other parks and playgrounds within the Mississauga First Nation;
 - 3.1.9. Multi-use trails as identified:
 - 3.1.9.1. The walking trail Village Road leading from the Education Building to Ella drive
 - 3.1.10. All public beaches within the Mississauga First Nation;
 - 3.1.11. All cemeteries within the Mississauga First Nation;
- 4. Off road vehicles or snowmobiles may drive along, upon, or across municipal streets and/or highways and trails within the designated urban portion of the Mississauga First Nation at a speed not to exceed twenty (20) kilometres per hour.
- 5. Off road vehicles or snowmobiles may cross restricted streets in the following manner only:
 - 5.1. The operator shall first ensure that this movement can be made in safety and shall then drive his off road vehicle directly across the said restricted street.

6. The operator of an off-road vehicle or snowmobile shall ensure:
 - 6.1.1. 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;

OFFENCES

7. Under this Law a person commits an offence, who
 - 7.1. fails or refuses to comply with any provision of this Law;
 - 7.2. submits false or misleading information to a MFN Waste Management Depot any delegated authority; or,
8. A person who commits an offence under this Law and upon conviction is liable to a fine as defined in Section 10 and shall not exceed \$500.00 and may be subject to a period of imprisonment for a term not exceeding 6 months.

PENALTY

9. A person who commits an offence under this by-law is liable on summary conviction to the following fines or community service;
 - 9.1. 1st Offence: \$100 or 20 hours community services
 - 9.2. 2nd Offence: \$300 or 30 hours community service
 - 9.3. 3rd Offence: \$500 or 40 hours community services

BE IT KNOWN that this Law entitled, “Off Road Vehicle Regulation Law” was hereby passed under the conditions of the Misswezahging Constitution and the MFN Land Code and comes into force October 1, 2019.