





## **Off-Road Vehicle By-law No. 139**

"Off-road Vehicle":

a vehicle, whether wheeled or tracked, propelled by any force other than muscular force, and which is designed or used primarily for cross-country travel on land, water, snow, ice, marsh, swamp land, or on other natural terrain;

"Owner":

any person who has acquired an Off-road Vehicle and possesses it under an absolute title or a conditional one which gives him the right to become owner thereof or to use same as owner thereof. For the purposes of this By-law, the owner of an Off-road Vehicle is the person in whose name the vehicle is registered with the Commission;

"Public Road" or "Road":

any road, branch road, regional road, provincial road, highway, bridge, avenue, street, or other land intended or commonly used as a roadway within the Category IA land of CNE or within any other land over which CNE has jurisdiction whether by law or by agreement.

## **APPLICATION**

3. This By-Law shall apply to all land within the perimeter of the Category 1A lands of the Cree Nation of Eastmain to which this By-Law may apply pursuant to Section 6 of the Cree-Naskapi (of Québec) Act (S.Q. 1983-84 c. 18) and all other lands where CNE has jurisdiction under any law or agreement.



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### **OFF-ROAD VEHICLES**

4. No Off-road Vehicle shall be operated without the following equipment:
  - i) One white head light;
  - ii) One red tail light;
  - iii) One red stop light at the rear;
  - iv) One rear view mirror firmly attached to the left side of the vehicle;
  - v) An exhaust system;
  - vi) A braking system;
  - vii) A speedometer.
5. A driver of an Off-road Vehicle shall keep its headlight and tail-light illuminated at all times while it is being operated.
6. The owner of an Off-road Vehicle shall keep it in good operating condition.

### **LICENSING**

7. When travelling on a Public Road with an Off-road Vehicle, the driver must be the holder of a driver's license of the class appropriate to the driving of that Vehicle.
8. No owner of an Off-road Vehicle or any person who has an Off-road Vehicle in his possession or under his control shall permit any child who is less than twelve (12) years of age to drive that vehicle.

### **OPERATING RULES**

9. A mini-skidoo may be operated by a child under the age of twelve (12) provided that the child is under the immediate supervision of an adult at all times.



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10. On any Public Road, the operator of an Off-road Vehicle shall drive the vehicle on the right-hand shoulder of the road. The operator may deviate from such position only to avoid an obstruction or to pass another Off-road Vehicle.

11. The driver of an Off-road Vehicle may cross any road or road allowance within the perimeter of the Category IA land of CNE provided that:

- i) the driver stops the Off-road Vehicle before entering onto the road or road allowance, or portion thereof, to be crossed;
- ii) the driver yields the right-of-way to all other vehicles and persons on the road or road allowance; and,
- iii) the driver crosses over the road, road allowance, or portion thereof to be crossed, by the most direct or shortest route of travel available.

12. The driver of an Off-road Vehicle shall, at all times, yield the right-of way to pedestrians and to drivers of road vehicles.

13. No person shall operate an Off-road Vehicle unless he wears footwear and a suitable protective helmet that complies with the standards prescribed by regulation of the Government of Québec.

14. No Off-road Vehicle may be operated within a prohibited zone.

15. No operator of an Off-road Vehicle shall carry a number of passengers in or on the vehicle greater than the capacity specified by the manufacturer. In the absence of such specification, an operator shall not carry more than one passenger on a snowmobile and shall not carry any passenger on other Off-road Vehicles.





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16. A passenger or additional passenger may be transported only if the Off-road Vehicle has additional equipment that is designed for that purpose and that is installed according to the manufacturer's specifications.
17. For greater certainty, a four-wheel all-terrain vehicle on which the manufacturer has not installed a passenger seat may be modified to add one provided it is installed according to the instructions and recommendations of the seat manufacturer.
18. No person shall tow more than one sleigh or trailer behind an Off-road Vehicle.
19. No person shall consume alcoholic beverages when operating an Off-road Vehicle or when riding in or on a sleigh or trailer towed by an Off-road Vehicle.
20. The operator of an Off-road Vehicle shall keep the vehicle at a safe distance behind all preceding vehicles, having regard to speed, traffic density, atmospheric conditions, and road conditions.
21. Any rate of speed and any action susceptible of endangering the life or safety of persons or of causing damage to property are prohibited while an Off-road Vehicle is being used or a sleigh or trailer is being towed by an Off-road Vehicle.

### **HOURS OF OPERATION**

22. An Off-road Vehicle shall be operated within the physical limits of the community only between the hours of seven o'clock (7:00) in the morning and eleven o'clock (11:00) in the evening except:
  - i) for travel to and from the community for the purposes of conducting harvesting activities;
  - ii) during a medical emergency or for reasons of public safety;
  - iii) by a peace officer in the performance of his duties; or
  - iv) to get to and from special events organized by the community or by community agencies.



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23. Notwithstanding section 22, an Off-road Vehicle with a modified muffler system may not be operated at any time between eleven o'clock (11:00) in the evening and seven o'clock (7:00) in the morning.
24. No person shall operate an Off-road Vehicle in such a manner so as to disturb the public peace or cause a nuisance.
25. No person shall engage an Off-road Vehicle in a race except with the prior approval of the CNE.

### **PERMITTED SPEED**

26. Unless otherwise indicated, the speed limit for operating an Off-road Vehicle is thirty (30) kilometers per hour within the physical limits of the community.

### **INSURANCE AND REGISTRATION**

27. An owner of an Off-road Vehicle shall obtain and maintain in good standing insurance against loss or injury, including death, in an amount of not less than \$500,000.00.
28. Every Off-road Vehicle must be registered except a vehicle exempt from registration under this By-law or the laws of Quebec.
29. No person may operate an unregistered Off-road Vehicle or an Off-road Vehicle for which the registration has expired or been revoked.
30. The operator of an Off-road Vehicle shall carry with him the vehicle registration certificate issued by the Commission and the civil liability insurance certificate.

### **SEIZURE**

31. A peace officer who has reasonable grounds to believe that an offence under this By-law has been committed may seize any thing that may constitute evidence of the



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offence and may impound an Off-road Vehicle or cause it to be impounded or store an Off-road Vehicle or cause it to be stored in order to stop the commission of an offence.

32. The owner of a seized Off-road Vehicle may not recover its possession except on payment, to the person who has custody of the vehicle, of the actual costs of impounding or storing.

#### **OFFENCES**

33. Every person who contravenes any of the provisions of this By-Law shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding two thousand dollars (\$2,000) or to imprisonment for a term not exceeding six (6) months or to both.

34. The Commission shall be notified of any conviction for an offence involving loss of demerit points.

#### **LEGISLATION OF GENERAL APPLICATION**

35. Provincial laws of general application in force from time to time in the Province of Quebec regarding the operation, registration, licensing and insuring of Off-road Vehicles apply, except where such laws are inconsistent or in conflict with this By-Law.

#### **AMENDMENT**

36. This By-law may only be amended, repealed, or replaced by a by-law enacted in accordance with the Act.

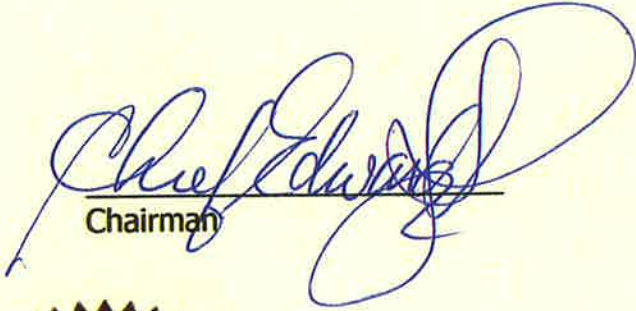
#### **COMING INTO FORCE**

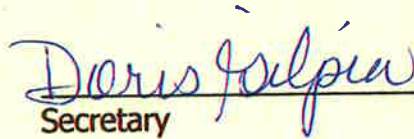
37. This By-Law shall come into force on the date of its posting.



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**IN WITNESS WHEREOF** we have signed the original of this By-law and inserted it into the Register of By-laws this 15th day of January 2013 and posted it this 17<sup>th</sup> day of January 2013.

  
Chairman

  
Secretary

