



4.2 Notwithstanding the foregoing, in the case of a vehicle belonging to a Cree beneficiary, a Naskapi beneficiary or an Indian ordinarily resident on Category IA or IA-N land:

- (1) the word “Société” is replaced by “Eastmain Band” in sections 209.1, 209.2, 209.3 (2), 209.5, 209.8, 209.10, 209.11, 209.12, 209.14, 209.15, 209.17, 209.19, 209.20 (3), 209.22.1, 209.22.2 and 209.23 of the *Code*;
- (2) Section 209.18 of the *Code* is not applicable. Where the value of the road vehicle is greater than \$2,500, the Eastmain Band shall dispose of it by a sale to the highest bidder.

The vehicle may be sold only after prior notice of at least ten (10) days has been sent to the owner of the vehicle and has been displayed in a public place. Prior notice given under this subsection must specify, in particular, the year, make, model and registration number of the vehicle, the name of its owner and the owner’s right to claim the vehicle at any time prior to the sale on payment to the custodian of the vehicle of the towing and impounding charges.

- (3) The words “*and on payment of the charges that may be imposed by the Société*” are not applicable.
- (4) Sections 209.21 and 209.22 of the *Code* are not applicable.
- (5) When a road vehicle is sold, the Eastmain Band shall allocate the proceeds to payment of the costs of the sale and to payment of the claim of the custodian for the cost of towing and impounding. Any remaining proceeds shall be remitted to the owner of the vehicle at the time of the seizure.
- (6) The applicable charges for the towing and impounding of a vehicle belonging to a Cree beneficiary, a Naskapi beneficiary or an Indian ordinarily resident on Category IA or IA-N land are the charges set by the regulations adopted under the *Code*.

## 5. Provisions Adopted Under Section 45(1)i) of the Cree-Naskapi (of Québec) Act

### 5.1 All-terrain vehicles

5.1.1 The provisions of the *Code* and of this By-Law applicable to other road vehicles shall apply to the following all-terrain vehicles unless inconsistent with the use of such vehicles:

- (1) A snowmobile whose net mass does not exceed 450 kilograms and whose width does not exceed 1.28 meters, equipment included.
- (2) Any other motorized all-terrain vehicle equipped with handlebars and at least two wheels, that is designed to be straggled and whose net mass does not exceed 600 kg such as three-wheelers, four-wheelers and motocrosses.

- 5.1.2** No snowmobile especially designed for the use by children may be operated on the roadway.
- 5.1.3** No all-terrain vehicle shall be operated on the roadway without the following equipment:
- (1) one white head light;
  - (2) one red tail light;
  - (3) one red stop light at the rear;
  - (4) one rear view mirror firmly attached to the left side of the vehicle;
  - (5) an exhaust system;
  - (6) a braking system;
  - (7) a speedometer;
- 5.1.4** The owner of a snowmobile shall at all times maintain in good working order the equipment mentioned in Section 5.1.3 of this By-Law.
- 5.1.5** A driver of a snowmobile shall keep the headlight and tail light of the snowmobile he is driving illuminated at all times.
- 5.1.6** Every person riding an all-terrain vehicle must wear a protective helmet that complies with the standards prescribed by regulation of the Government of Québec.
- 5.1.7** No person under the age of 12 shall operate an all-terrain vehicle on the roadway unless he has the stature to operate such a vehicle safely.
- 5.1.8** No driver of an all-terrain vehicle may carry another person thereon unless his vehicle is designed for that purpose.
- 5.1.9** No person shall tow more than one sleigh or trailer with an all-terrain vehicle
- 5.1.10** No person driving an all-terrain vehicle may carry passengers in a sleigh or trailer unless this equipment is designed for that purpose.
- 5.1.11** No person shall drive or operate an all-terrain vehicle between 10:00 p.m. and 6:00 a.m. except:
- (1) to leave the community for the purpose of hunting, fishing or trapping;
  - (2) as required during a medical emergency or for reasons of public safety;
  - (3) a peace officer in the performance of his duties; or
  - (4) to get to and from special events organized by the community or by community agencies;
- 5.1.12** The driver of an all-terrain vehicle shall at all times travel on the extreme right hand side of any road and shall yield the right of way to drivers of road vehicles of other classes, other than all-terrain vehicles or snowmobiles and to pedestrians.

5.1.13 No person shall engage in a race using an all-terrain vehicle except with the written authority of the Council of the Eastmain Band.

## **5.2 Traffic rules applicable to all vehicles**

5.2.1 No person may drive a road vehicle at a speed:

- (1) in excess of 20 km/h in residential clusters, school zones, church zones and recreation areas;
- (2) in excess of 30 km/h in other residential areas;
- (3) in excess of 50 km/h outside residential areas;

Subparagraph (2) does not apply to snowmobiles. No person shall drive a snowmobile at a speed in excess of 20 km/h in any residential area.

5.2.2 No driver may pass another vehicle within Category IA lands except where the lane is obstructed or closed to traffic or in the case of exceptions provided for in Sections 344 and 378 of the Code.

## **5.3 Penal provisions**

5.3.1 The operator of an all-terrain vehicle who do not comply with the rules of the *Code* or this By-Law, is subject to the same penalties as those applicable to the operator of a vehicle of another class.

5.3.2 Every person who contravenes with Section 5.2.1 of this By-Law is guilty of an offence and is liable to a fine which shall be \$15 plus:

- (1) if the speed exceeds the speed limit by 1 to 20 km/h, \$10 for each 5 km/h by which the speed exceeds the speed limit;
- (2) if the speed exceeds the speed limit by 21 to 30 km/h, \$15 for each 5 km/h by which the speed exceeds the speed limit;
- (3) if the speed exceeds the speed limit by 31 to 45 km/h, \$20 for each 5 km/h by which the speed exceeds the speed limit;
- (4) if the speed exceeds the speed limit by 46 to 60 km/h, \$25 for each 5 km/h by which the speed exceeds the speed limit;
- (5) if the speed exceeds the speed limit by 61 km/h or more, \$30 for each 5 km/h by which the speed exceeds the speed limit.

5.3.3 Every person who contravenes Section 5.2.2 is guilty of an offence and is liable to a fine of \$60 to \$100.

5.3.4 In the case of an offence to Sections 5.1.2 or 5.1.7 of this By-Law, the owner of the vehicle, the person having parental authority or the person who has custody of the child is liable to a fine of \$15 to \$30.

5.3.5 The owner or the driver of an all-terrain vehicle that does not meet the requirements of Section 5.1.3 is guilty of an offence and is liable to a fine of \$100 to \$200.

- 5.3.6 The owner or the driver of an all-terrain vehicle who contravenes Section 5.1.4 of this By-Law is guilty of an offence and is liable to a fine of \$60 to \$100.
- 5.3.7 The owner or the driver of an all-terrain vehicle who contravenes Section 5.1.5 of this By-Law is guilty of an offence and is liable to a fine of \$15 to \$30.
- 5.3.8 Every person who contravenes Section 5.1.6 of this By-Law is guilty of an offence and is liable to a fine of \$80 to \$100.
- 5.3.9 Every person who contravenes Section 5.1.8 of this By-Law is guilty of an offence and is liable to a fine of \$30 to \$60.
- 5.3.10 Every person who contravenes Section 5.1.9 of this By-Law is guilty of an offence and is liable to a fine of \$15 to \$30.
- 5.3.11 Every person who contravenes Section 5.1.10 of this By-Law is guilty of an offence and is liable to a fine of \$15 to \$30.
- 5.3.12 Every person who contravenes Section 5.1.11 of this By-Law is guilty of an offence and is liable to a fine of \$300 to \$600.

6. Coming into force

6.1 The present By-Law shall come into force in accordance with the provisions of the *Cree-Naskapi (of Québec) Act* (S.Q. 1983-84 c.18).

**IN WITNESS THEREOF, WE HAVE SIGNED, IN EASTMAIN, QUÉBEC, THIS 29<sup>th</sup> DAY OF OCTOBER, 2009.**



  
Chairman

  
Secretary