

Title

# KAHNAWÁ:KE ATV/ATC LAW

K.R.L. c. A-4

[Enacted by MCR # 07/2004-2005 on 19 Onerahtókha/April 2004]

Preamble

~~WHEREAS it has been identified that the operation of All Terrain vehicles within the Mohawk Territory of Kahnawá:ke must be monitored and regulated; and~~

## SECTION I

"Purpose"

1. **PURPOSE**

1.1 The purpose of the ATV/ATC Law is to minimize the public nuisance of 3 and 4-wheel All Terrain Vehicles and ensure their safe use and operation for work-related purposes on Mohawk Territory of Kahnawá:ke [hereinafter the Territory].

"Definitions"

2. **DEFINITIONS**

2.1 For the purposes of the ATV/ATC Law, the following words, acronyms and terms shall be defined as follows:

"ATV/ATC"

"ATV/ATC" is a passenger vehicle with no less than 3 wheels designed for recreational and work-related use off a public highway on unrestricted lands within the Territory and having a net mass of less than 600 kilograms.

"ATV/ATC Use"

"ATV/ATC use" includes care and control, use and operation of an ATV/ATC for recreational and work-related purposes.

"ATV/ATC Users Permit"

"ATV/ATC Users Permit" is a permit specifically required for the use and operation of ATV's/ATC's on the Territory and is subject to the ATV/ATC Law of the Territory. ATV/ATC use for "work-related" purposes must be noted on the ATV/ATC Users Permit.

"Kanién'kehà:ka Territory of Kahnawá:ke or Territory"

"Kanién'kehà:ka Territory of Kahnawá:ke" or "Territory" means:

- a. the lands under the control and jurisdiction of the Kanién'kehà:ka of Kahnawá:ke;
- b. any and all lands that may be added to the lands now under the control and jurisdiction of the Kanién'kehà:ka of Kahnawá:ke through the negotiation and resolution of land grievances;

- c. any and all lands that may be added to the lands now under the control and jurisdiction of the Kanien'kehà:ka of Kahnawá:ke as a result of any other means; and,
- d. lands, which are returned to, Kahnawá:ke as lands within the meaning of subsection 91(24) of the *Constitution Act*, 1867.

"Numbered Highway"

"Numbered Highway" includes any highway assigned a number and duly indicated by signs.

"Public Roads"

"Public Roads" include any roads in the Territory covered with pavement and not necessarily designated as a numbered highway.

"Unrestricted Lands"

"Unrestricted Lands" comprises any lands on the Kahnawá:ke Territory that are not privately owned, those lands otherwise prohibited by MCK which include public roads, or within the "Village Area of Kahnawá:ke" where further restrictions for ATV/ATC usage(s) apply.

"Village Area of Kahnawá:ke"

"Village Area of Kahnawá:ke" boundaries as deemed by MCK.

"Work-related"

"Work-related" refers to ATV/ATC use for industrial and commercial purposes, private residential snow-removal and other general utility functions approved by MCK.

## SECTION II

"Eligibility Requirement for obtaining an annual ATV/ATC User Permit"

### 3. ELIGIBILITY REQUIREMENTS FOR OBTAINING AN ANNUAL ATV/ATC USERS PERMIT

- 3.1 A person must be 16 years of age or older to use and operate an ATV/ATC.
- 3.2 Persons 16 years of age or older must have a valid drivers permit in addition to the ATV/ATC Users Permit to use or operate an ATV/ATC - a drivers permit under suspension will prevent a person from acquiring an ATV/ATC Users Permit.
- 3.3 The ATV/ATC Users Permit is valid only for the owner/operator that applies for the permit.
- 3.4 Each ATV/ATC Users Permit must be registered to a specific ATV/ATC.
- 3.5 Each ATV/ATC must pass an annual inspection with the Kahnawá:ke Peacekeepers ensuring that the ATV/ATC meets all operational and safety requirements.
- 3.6 An annual ATV/ATC work-related permit may be obtained only if the applicant:

- a. at the time of applying for an annual ATV/ATC Users Permit, declares their intention to use the ATV/ATC for work-related purposes.
  - b. is required to be exempt from any specified articles provided for in the ATV/ATC Law.
- 3.7 An ATV/ATC permit holder is subject to fines administered in accordance with this law as listed below and may have his or her permit revoked if the regulations respecting ATV/ATC use are not adhered to.

4. **REGULATIONS FOR THE USE AND OPERATION OF ATV'S/ATC'S**

- 4.1 Any person owning an ATV/ATC must hold a personal civil liability insurance contract for not less than \$500,000.00 that includes bodily injury to others and any property damage caused by the vehicle by accident, negligently or otherwise.
- 4.2 Persons using or operating an ATV/ATC must be registered on the aforementioned policy where they are not the owners of the ATV/ATC they are using or operating.
- 4.3 At the time of using or operating an ATV/ATC a person must be in possession of the appropriate ownership, registration, insurance certificate pursuant to s. 4.1, and ATV/ATC users permit.
- 4.4 No operator shall carry a number of passengers on the vehicle greater than the capacity specified by the manufacturer or use the ATV/ATC for activities not recommended by the manufacturer pursuant to the User's Manual of the ATV/ATC.
- 4.5 A speed limit of 30 km/hr will be in force for ATV's/ATC's throughout the Territory including when crossing a public road, or within 100 feet or any residence on the Territory
- 4.6 The use of an ATV/ATC for work-related purposes is from dawn until dusk at the discretion of a Kahnawá:ke Peacekeeper, except on week-ends where the use of an ATV/ATC for work-related purposes is not permitted until after 7:00AM.
- 4.7 ATV/ATC use for work-related purposes allows the restricted use of ATV's/ATC's on public roads provided that they are not exceeding a speed of 30 km/hr; obeying all traffic regulations in force on the Territory; not exceeding the towing capacity specified by the manufacturer; and not performing activities contraindicated for ATV/ATC use in accordance with public safety and or specified by the manufacturer.
- 4.8 ATV's/ATC's used for snow removal, landscaping and other related activities on private property are not required to obtain a ATV/ATC User Permit for work-related purposes and are exempt from the public road prohibition strictly for the purpose of snow ploughing and removal.

purpose of snow ploughing and removal.

- 4.9 It is prohibited to use or operate an ATV/ATC in such a way as to endanger the life or safety of any persons including the person using or operating the ATV/ATC.
- 4.10 It is prohibited to use or operate an ATV/ATC on a numbered highway except as required by section 4.9 to make a safe crossing.
- 4.11 Driving on paved public roads is prohibited except to make safe crossings at places designated by the Kahnawá:ke Safety Committee. *(NOT IN FORCE)*
- 4.12 Impaired driving, the consumption of alcohol or illegal drugs is prohibited when using or operating an ATV/ATC.
- 4.13 Defective, faulty, damaged or after-market modifications of an ATV/ATC not recommended by the manufacturer are prohibited for use on the Territory.

5. **MANDATORY EQUIPMENT FOR THE USE OR OPERATION OF AN ATV/ATC**

*"Mandatory Equipment for the use or operations of an ATV/ATC"*

- 5.1 A functional white headlight properly fixed to the front of the ATV/ATC and suited to the manufacturer's specifications is required.
- 5.2 A functional red taillight(s) properly fixed to the rear of the ATV/ATC and suited to the manufacturer's specifications is required.
- 5.3 A rear view mirror securely attached to the left side of the ATV/ATC handlebars is required.
- 5.4 A complete exhaust system that functions properly and is fastened in accordance with the manufacturer's specifications is required.
- 5.5 A functional speedometer consistent with parts and supplies accommodated for in the manufacturer's specifications is required.
- 5.6 A protective helmet approved by the Kahnawá:ke Safety Committee and recommended by manufacturer is required for the operation of ATV's/ATC's. Safety visors attached to the helmet are recommended.
- 5.7 Safety goggles approved by the Kahnawá:ke Safety Committee are required if the helmet has no visor.

### SECTION III

*"Penalties"*

#### 6. PENALTIES

- 6.1 Contravention of any of the regulations in the "Regulations for ATV/ATC use on Kahnawá:ke Territory" is guilty of an offence punishable by a fine of not less than \$250.00 and not exceeding \$500.00.
- 6.2 Penalties for violation of article 4.11 include, but are not limited to: immediate seizure of the ATV/ATC; possible suspension of driver's permit; fines specified by the ATV/ATC Law; and ATV/ATC Users Permit revoked.

*"Enforcement"*

#### 7. ENFORCEMENT

- 7.1 The Kahnawá:ke Peacekeepers are empowered by MCK to enforce the ATV/ATC Law.

*"Court"*

#### 8. COURT

- 8.1 The Court of Kahnawá:ke may hear prosecution under any traffic or nuisance provisions of any applicable law in force on the Territory with respect to the use of ATV's/ATC's.
- 8.2 Fines or penalties shall be identified and ordered and enforceable in accordance with any relevant and applied law(s) in force on the Territory.

*"Amendments"*

#### 9. AMENDMENTS

- 9.1 The MCK reserves the right to amend the ATV/ATC law by resolution of MCK council.

*"History"*

#### 10. HISTORY

- 10.1 Origin Enacted by MCR # 07/2004-2005 on 19 Onerahtókha/April 2004. Date of Revision Tsothohrkó:wa/January 1, 2008.

