

BY-LAW NO. 1-97
OF THE WEST BAY FIRST NATION
A BY-LAW for the REGULATION OF TRAFFIC

WHEREAS the Council of the West Bay First Nation desires to make a by-law governing the regulation of traffic;

AND WHEREAS the Council of the West Bay First Nation is empowered to make such by-law pursuant to paragraphs 81(1)(b), (q) and (r) of the Indian Act;

AND WHEREAS it is considered to be expedient and necessary for the safety and convenience of the inhabitants of the West Bay First Nation to regulate traffic on the reserve;

NOW THEREFORE the Council of the West Bay First Nation hereby makes the following by-law:

Short Title

1. This bylaw may be cited as the West Bay First Nation Traffic Bylaw No. 1-97.

Interpretation

2. In this bylaw,
"access road" means driveway
 - (a) that is situated on leased land, on land that is subject to a certificate of possession or a certificate of occupation, or on land that is otherwise in private occupation, and
 - (b) that leads from a reserve road and is used to provide access from such road to such land, and in respect of which no invitation to pass has been extended to the general public by the person in possession or occupation thereof;

"Administrator" means the person appointed by the Council pursuant to section 4 to act as Administrator of this by-law;

"Band" means the West Bay First Nation;

"Commission" means the West Bay First Nation Traffic Commission, appointed pursuant to section 3;

"*Council*" means the Council of the West Bay First Nation;

"*highway*" has the same meaning as in the Highway Traffic Act, R.S.O.;

"*motor vehicle*" means a vehicle the operation of which on a highway requires a license or permit;

"*officer*" means any tribal police constable or other person charged with the duty to preserve and maintain the public peace by the West Bay First Nation, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

"*operator's licence*" means a licence to operate a motor vehicle issued or accepted as valid;

"*reserve*" a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a Band, and

b) includes designated lands;

"*reserve road*" means a road situate on the reserve which is designed and intended for, or used for, the passage of vehicles;

"*traffic control device*" means any sign, marker or mechanical or electrical device designed for the purpose of regulating traffic;

"*vehicle*" means a device by which a person or thing is or may be transported or drawn, other than a device designed to be moved by human power alone; and

Commission

3. (1) There shall be a West Bay First Nation Traffic Commission consisting of three (3) members of Council, who shall be appointed by the Council by resolution.
- (2) The Commission may
 - (a) designate locations on or adjacent to a reserve road at which traffic control devices shall be erected;

- (b) designate speed limits for reserve roads or portions thereof;
 - (c) designate parking areas on or adjacent to reserve roads, and areas in which parking is prohibited;
 - (d) designate areas of reserve lands to be reserve roads; and
 - (e) perform such other functions as are set out for it or which may arise from this by-law.
- (3) A copy of any designation made pursuant to this by-law shall be posted in the Band Council Office, Post Office, Community Complex and other public buildings as may be designated, and may be appealed to the Council by any band member of the reserve by filing a Notice of Appeal with the Administrator within thirty days after the designation was first posted.
- (4) A designation comes into effect thirty days after the day it was first posted pursuant to subsection (3), or, if appealed, seven days after the day a notice was publicly posted advising that the designation has been confirmed by Council.
- (5) The Council may, of its own initiative, and at any time, revoke any designation made by the Commission under this by-law, and may substitute a new designation.

Administrator

4. (1) The Council may, by resolution, appoint an Administrator of the West Bay First Nation Traffic By-Law.
- (2) The Administrator shall perform such functions as are imposed by this by-law or are directed by the Commission, and shall report to the Commission on his activities in respect of the administration of this by-law.

Speed Limits

5. (1) The speed limit for a reserve road shall be designated by the Commission and marked on a traffic control device erected on the reserve road.
- (2) No person shall operate a vehicle on a reserve road at a rate of speed in excess of the speed limit for that reserve road.

Traffic Control Devices

6. (1) The Administrator shall cause traffic control devices to be erected at locations designated by the Commission.

- (2) On every sign which has been erected the Administrator shall place the words "by the authority of the West Bay First Nation Traffic Commission" in the lower right hand corner.
- (3) The operator of a vehicle shall obey all traffic control devices erected pursuant to this by-law, except where otherwise directed by an officer or by a person authorized by the Commission or the Administrator to direct traffic.
- (4) No person shall remove, deface, destroy or otherwise interfere with any traffic control device erected in accordance with this by-law.

Parking

7. (1) No person shall park a vehicle in a location where a traffic control device indicates that parking is prohibited.
- (2) Notwithstanding that the Commission has not prohibited parking in a particular location, no person shall park a vehicle on a reserve roads unless there is sufficient room to pass and there is a clear view of the parked vehicle for a distance of 60 metres in either direction along the road, except in an emergency.

Weight Restrictions

8. (1) The Commission may designate weight restrictions for vehicles using reserve roads.
- (2) No person shall operate a vehicle the weight of which, including the load carried, is more than the maximum weight designated for that vehicle and which has been posted by a traffic control device.

Rules of the Road

9. (1) A person shall not operate a vehicle
 - (a) without due care and attention;
 - (b) without reasonable care and consideration for other persons; or
 - (c) at a speed that is excessive relative to road, traffic, visibility and weather conditions.
- (2) The operator of a vehicle shall keep to the right hand half of the road, except
 - (a) when overtaking and passing a vehicle proceeding in the same direction;
 - (b) when the right hand half of the road is closed for traffic while under construction or repair; or

- (c) where necessary because of the operation of road grading or snow removing equipment.
- (3) The operator of a vehicle shall not cause or permit the vehicle to follow another vehicle more closely than is reasonable and prudent, having regard to the speed of the vehicles and the amount and nature of the traffic on, and the condition of, the road.
- (4) The operator of a vehicle shall not pass or attempt to pass another vehicle travelling in the same direction
 - (a) when proceeding uphill;
 - (b) when on a curve; or
 - (c) when approaching within 30 metres of another road or railway crossing.
- (5) The operator of a vehicle shall, before turning the vehicle, signal the intention to do so by giving the signal in sufficient time to provide reasonable warning to other persons.
- (6) Where a flagperson is stationed, or a barricade or sign erected, to direct traffic in connection with any construction or other work on the road or adjacent to the road, the operator of a vehicle shall obey the directions given by the flagperson, or, if none, by the barricades or signs.
- (7) The operator of a vehicle entering the reserve areas from an access road shall yield the right of way to traffic on the reserve road being entered upon, unless a traffic control device otherwise directs.

Duties of the Operator

- 10. (1) The operator of a vehicle must bring the vehicle to a stop when ordered to do so by an officer.
- (2) The operator or any other person in charge of a vehicle that is directly or indirectly involved in an accident shall
 - (a) remain at or immediately return to the scene of the accident;
 - (b) render all reasonable assistance to anyone injured in the accident; and
 - (c) produce in writing to any other operator involved in the accident or to anyone sustaining loss or injury and, on request, to an officer
 - (i) the name, address and telephone number of the operator;

- (ii) the name, address and telephone number of the registered owner of the vehicle;
 - (iii) the license number of the vehicle; and
 - (iv) the particulars of any insurance policy on the vehicle, or such other information as is requested and is known by the operator.
- (3) The operator or any person in charge of a vehicle that collides with an unattended vehicle shall
- (a) stop;
 - (b) locate and notify in writing or orally the person in charge of or the owner of the unattended vehicle, or leave a written notice or sign on the vehicle containing
 - (i) the name, address and telephone number of the operator,
 - (ii) the name, address and telephone number of the registered owner, and
 - (iii) the license number of the vehicle.
- (4) Where a vehicle that is operated causes injury to a person or damage to property exceeding \$500.00, the operator thereof shall report the injury to an officer or to the Administrator, and shall provide a report in writing if requested.

School Bus

14. (1) If a vehicle bearing the sign "SCHOOL BUS" and displaying alternatively flashing red lights is stopped on any reserve road or on any access road, the operator of a vehicle approaching the school bus from either direction shall stop before reaching the school bus.
- (2) The operators of school buses and of vehicle in the vicinity of a stopped school bus shall comply with the Highway Traffic Act respecting the operation of school buses and vehicles in the vicinity of school buses.

Equipment

15. No person shall operate a vehicle that is in a dangerous or unsafe condition.

Impounding of Vehicles

16. (1) Where a vehicle is situated on or adjacent to a reserve road whether attended or unattended, in such a position that

- (a) it interferes with the normal flow of traffic;
 - (b) it interferes with the removal of snow;
 - (c) it interferes with the fire fighting or other emergency equipment, or
 - (d) it is likely to be vandalized, or where the vehicle is parked contrary to this by-law, or apparently has been abandoned for a period of 72 hours or longer, an officer may
 - (e) remove the vehicle, or require the operator or person in charge of the vehicle to remove it, to a position determined by the officer, or
 - (f) take the vehicle into custody and cause it to be removed to and stored in a suitable place on the reserve or returned lands.
- (2) All costs and charges for the removal, care or storage place where the vehicle is stored is under no obligation to return the vehicle to the owner until the costs and charges referred to in subsection (2) have been paid.

Offence and Penalties

17. A person who contravenes, or who otherwise fails to comply with any provision of this by-law, commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00. This fine shall be made payable to the West Bay First Nation.

