

The Garden River First Nation Band
BY-LAW NO. 7
Being a By-Law for the Regulation of Traffic and
Being a By-Law to repeal and replace
By-Law No. 7 (SOR/76-332)
Enacted on the 5th day of April, 1976

WHEREAS the Council of the Garden River First Nations desires to make a by-law governing the regulation of traffic;

AND WHEREAS the council of the Garden River First Nation Band 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 Garden River First Nation Band to regulate traffic on the reserve;

AND WHEREAS the council of the Band did enact By-law Number 7 on the 5th day of April, 1976, and wishes to repeal the said By-law Number 7 and replace it with this by-law;

NOW THEREFORE the Council of the Garden River First Nation Band hereby makes the following by-law:

Short Title

1. This by-law may be cited as the Garden River First Nation Band Traffic By-law No. 7.

Interpretation

2. In this by-law,
 - (a) “access road” means a driveway that is situated on leased land, on land that subject to a certificate of possession or a certificate of occupation, or on land that is otherwise in private occupation and that leads from a public road or a First Nations 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;
 - (b) “Administrator” means the person appointed by the Council pursuant to section 4 to act as Administrator of this by-law;

“Band” means the Garden River First Nations Band;

“Commission” means the Garden River First Nations Band Traffic Commission, appointed pursuant to section 3;

“Council” means the Council of the Garden River First Nations Band;

“motor vehicle” means a vehicle the operation of which on a public road requires a license or permit under provincial law;

“officer” means any police offer, police constable or other person charged with the duty to preserve and maintain the public peace, 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 license” means a license to operate a motor vehicle issued or accepted as valid under provincial law;

“provincial law” means the Highway Traffic Act of Ontario;

“public road” means a road on which provincial law applies;

“reserve” means the reserve of the Garden First Nations Band designated as Garden River Indian Reserve No. 14;

“First Nations road” means a road or other way over which vehicles are accustomed to pass, other than a public road or an access road, and includes an area designated as a reserve road under paragraph 3 (2)(d)

“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 includes “motorcycles, “motorized show vehicles;

Commission

3.(1) There shall be a Garden River First Nations Traffic Commission (G.R.F.N.T.C.), consisting of three members of the 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 First Nations roads; and
- (e) perform such other functions as are set out for it in this by-law.

(3) A copy of any designation made pursuant to this by-law shall be posted in the Band Council office, and may be appealed to the Council by any resident 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 posted in the Band Council office advising that the designation has been confirmed by the 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 shall, by resolution, appoint an Administrator of the Garden River First Nations Band 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.

License

5. No person shall operate a motor vehicle on a First Nations road unless he holds a subsisting operator's license of a class appropriate to the category of motor vehicle operated, such as would be required by provincial law to operate the motor vehicle on a public road.

Insurance

6. No person shall operate a motor vehicle on a First Nations road unless a valid insurance policy has been issued for the motor vehicle, such as would be required by the "Compulsory Automobile Insurance Act of Ontario".

Possession of License and Proof of Insurance

7.(1) A person shall have in his possession at all times while operating a motor vehicle on a First Nations road

- (a) his operator's license;
- (b) the certificate of registration of the motor vehicle; and
- (c) proof of a valid insurance policy for the motor vehicle

(2) Every person who is in possession or control of a motor vehicle shall produce or exhibit his operator's license, registration and proof of motor vehicle insurance upon being requested by an officer to do so.

Speed Limits

8.(1) The speed limit for First Nations road shall be 35 kilometers per hour, except where otherwise designated by the Commission and marked on a traffic control device erected on the First Nations road.

(2) No person shall operate a vehicle on a First Nations road at a rate of speed in excess of the speed limit for that First Nations road.

Traffic Control Devices

9.(1) The Administrator shall erect traffic control devices at locations designated by the Commission.

(2) On every sign erected by the Administrator there shall be placed in the lower right hand corner the words "by authority of the G.R.F.N.T.C."

(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, attempt to remove, deface, destroy or otherwise interfere with any traffic control device erected in accordance with this by-law.

Parking

10.(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 First Nations road unless there is sufficient room to pass and there is a clear view of the parked vehicle for a distance of 60 meters (180 feet) in either direction along the road.

Rules of the Road

12.(1) A person shall not operate a vehicle on a First Nations road

- (a) without due care and attention;
- (b) without reasonable care and consideration for other persons on the First Nations road; 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 a First Nations road, except

- (a) when overtaking and passing a vehicle proceeding in the same direction;
- (b) when the right hand half of the First Nations 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 on a First Nations road 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 on a First Nations road shall not pass or attempt to pass another vehicle traveling in the same direction

- (a) when proceeding uphill;
- (b) when on a curve; or

(c) when approaching within 30 meters (90 feet) of another road or a railway crossing.

(5) The operator of a vehicle on a First Nations road shall, before turning the vehicle, signal his intention to do so by giving the signal in sufficient time to provide reasonable warning to other persons.

(6) Where a flagman is stationed, or a barricade or sign is erected, on a First Nations road 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 flagman, or, if none, by the barricades or signs.

(7) The operator of a vehicle about to enter a First Nations road from an access road shall yield the right of way to traffic on the First Nations road being entered upon, unless a traffic control device otherwise directs.

(8) The operator of a vehicle about to enter a public road from a First Nations road shall yield the right of way to traffic on the public road, unless a traffic control device otherwise directs.

Duties of the Operator

13.(1) The operator of a vehicle on a First Nations road 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 on a First Nations road 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) particulars of any insurance policy on the vehicle, or such of that information as is requested.

(3) The operator or any person in charge of a vehicle that collides with an unattended vehicle on a reserve road shall

- (a) stop,
- (b) locate and notify in writing the person in charge of or the owner of the unattended vehicle, or leave a written notice 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 on a First Nations road 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 First Nations road, or on any access road, the operator of a vehicle approaching the school bus from either direction on a First Nations road shall stop before reaching the school bus.

(2) The operators of school buses and of vehicles in the vicinity of a stopped school bus shall comply with the provincial law respecting the operation of school buses and vehicles in the vicinity of school buses.

Equipment

15. No person shall operate, on a First Nations road, a vehicle that is in a dangerous or unsafe condition, or a motor vehicle that is not equipped as required by provincial law for operation on a public road.

Impounding of Vehicles

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

- (a) it interferes with the normal flow of traffic on the First Nations road,
- (b) it interferes with the removal of snow from the First Nations road,
- (c) it interferes with 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.

(2) All costs and charges for the removal, care or storage of a vehicle removed under subsection (1) shall be paid by the owner of the vehicle.

(3) The keeper of any repair shop, garage or storage place where the vehicle is stored is under no obligations to return the vehicle to the owner until the costs and charges referred to in subsection (2) have been paid.

Littering

17. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a First Nations road, except in receptacles provided for the purpose, is guilty of the offense of littering the First Nations road.

Unnecessary Noise

18. A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signaling device so as to make an unreasonable noise, and a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall such driver at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

Offense and Penalties

19. A person who contravenes, or who otherwise fails to comply with any provision of this by-law, commits an offense and is liable on summary convictions to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both.

This by-law is hereby made at a duly convened meeting of the Council of the Garden River First Nations Band this 9 day of Sept., 1996

Voting in favor of this by-law are the following members of the Council:

20. By-Law Number 7 enacted on the 5th day of April, 1976, being a by-law to regulate traffic is hereby repealed.

Dennis Jones
Chief

Councillor

Councillor

Councillor

Blaine Gray Blitt
Councillor

Councillor

Councillor

Arnold Selowan
Councillor

Councillor

Bluni Belleau
Councillor

Trif Gray
Councillor

Ron Samson
Councillor

Thorne Taylor
Councillor

being the majority of those members of the Council of the Garden River First Nations Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Band Council present at the meeting:

I, Ron Samson Chief/Councillor of the Garden River First Nation Band, do hereby certify that a true copy of the foregoing by-law was mailed/faxed/hand delivered (as the case may be) to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 3 day of Sept., 1996.

Robert D. ...
(Witness)
...
Expires January 23, 1997.

Ron Samson
(Chief/Councillor)