

SOR/77-244
May 18, 1977

THE FORT HOPE BAND OF INDIANS

BY-LAW #2

Being a by-law to regulate the speed of motorized vehicles in Fort Hope Indian Reserve #64.

WHEREAS under Section 81(b) of the Indian Act R.S., c. 149, S.1, the Council of the Band is empowered to make by-laws to provide for the regulation of traffic on the reserve,

AND WHEREAS it is deemed appropriate that the regulation of speed will promote safety of reserve residents.

NOW THEREFORE the Council of the Fort Hope Band of Indians enacts as a by-law thereof the following:

- (1) In this by-law:
 - (a) "Council" means the Council of the Fort Hope Band of Indians as defined in the Indian Act.
 - (b) "Police Officer" means any member of the R.C.M.P., Ontario Provincial Police or Band police force who is duly authorized to enforce law on the Reserve.
 - (c) "Reserve" means Fort Hope Indian Reserve #64, set apart for the use of the Fort Hope Band of Indians.
 - (d) "Restricted Zone" means any area of Fort Hope Indian Reserve #64 posted by the Band Council as a restricted speed area.
 - (e) "Motorized Vehicle" means any vehicle other than one propelled by the physical effort of the operator, and includes snowmobiles, trucks, automobiles and motorcycles.
- (2) The operator of a motorized vehicle will at no time exceed the speed limit posted by Band Council in various sections of the Reserve.
- (3) A Police Officer may check the speed of any motorized vehicle on the Reserve by any generally accepted means such as pursuit, timing over measured distances and radar speed measurement devices, and the sworn statement of the officer shall be sufficient to establish the speed at which the suspect vehicle is travelling.
- (4) A police officer may issue a summons to the operator of a vehicle which in his opinion is exceeding the posted speed limit.
- (5) The operator of a vehicle found to be exceeding the posted speed limit will, on summary conviction, be found guilty of an offense.
- (6) The operator of a vehicle alleged to be speeding shall have the option of acknowledging guilt and paying the assessed fine within

five days, or of appealing his summons in a court of law.

- (7) An operator acknowledging guilt of exceeding the speed limit or who is convicted of exceeding the speed limit in a court of law shall be liable to a fine according to the following scale.

1-10 m.p.h. over posted limit - \$3.00 per mile

11-20 m.p.h. over posted limit - \$5.00 per mile

More than 10 m.p.h. over posted limit - \$10.00 per mile

An operator who exceeds the posted limit by more than 20 m.p.h. will appear before a magistrate for sentencing.

- (8) An operator who is convicted of speeding offences more than six times in a calender year shall be prevented from driving any motorized vehicle on the reserve for a period of six months, and upon infringement of such an order shall be liable on summary conviction to a fine not exceeding \$100.00 or imprisonment for a period not exceeding thirty days or both such fine and imprisonment.

Approved and passed at a duly convened meeting of the Council this
2nd day of March 1977.

Charlie O'keese
(Chief)

Wally Slipperjack
(Administrator)

Clara Papah
(Councillor)

Victoria Atlookan
(Councillor)

IDA Boyce
(Councillor)

Allan Slipperjack
(Councillor)

I, Charlie O'Keese, Chief of the Fort Hope Band of Indians, do hereby certify that a true and exact copy of the foregoing by-law #2 was forwarded to the Minister pursuant to Section 82(1) of the Indian Act this 2nd day of March 1977.

Charlie O'Keese
(Chief)