

**By-Law No. 1997-6  
of the Attawapiskat First Nation  
A By-Law for the Regulation of Traffic**

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

AND WHEREAS the Council Attawapiskat 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 considering to be expedient and necessary for the safety and convenience of the inhabitants of the Attawapiskat First Nation to regulate traffic on the First Nation;

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

**Short Title**

1. This by-law may be cited as the Attawapiskat First Nation Traffic By-Law.

**Interpretation**

2. In this by-law,

< **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 First Nation 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;

< **Council** > means the Attawapiskat First Nation Council;

< **highway** > has the same meaning as in the Ontario Highway Traffic Act;

< **motor vehicle** > means a vehicle the operation of which on a highway requires a license or permit under the Ontario Highway Traffic Act;

< *Peace Officer* > means any police officer, police constable, peacekeeper, band constable or any other person charged with the duty to preserve and maintain the public peace, and a by-law officer or any other person appointed by the Council for the purpose of maintaining law and order on the First Nation;

< *First Nation* > means the Attawapiskat First Nation;

< *First Nation road* > means a road or other way situated on the First Nation which is designed and intended for, or used for, the passage of vehicles;

< *vehicle* > means a device designed to be moved by human power alone.

### **Speed limits**

3. (1) The speed limit for a First Nation road shall be 30 kilometers per hour.
- (2) No person shall operate a vehicle on a First Nation road at a rate of speed in excess of the speed limit.

### **Parking**

4. No person shall park a vehicle on a First Nation road unless there is sufficient room to pass and there is a clear view of the parked vehicle for a distance of 60 meters in either direction along the road.

### **Rules of the Road**

5. (1) A person shall not operate a vehicle on a First Nation road
  - a) without due care and attention;
  - b) without reasonable care and consideration for other persons on the First Nation 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 Nation road, except
  - a) when overtaking and passing a vehicle proceeding in the same direction;
  - b) when the right hand half of the First Nation 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 Nation 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 First Nation 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 of another road or railway crossing.
- (5) The operator of a vehicle on a First Nation 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 First Nation 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 Nation road from an access road shall yield the right of way to traffic on the First Nation road being entered upon, unless a traffic control device otherwise directs.
- (8) The operator of a vehicle shall stop at all intersections.

#### Duties of the Operator

6. (1) The operator of a vehicle on a First Nation 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 the First Nation 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 First Nation 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 Nation road causes injury to a person or damage to property exceeding \$500.00, the operator thereof shall report the injury to an officer and shall provide a report in writing if requested.

#### **School Bus**

7. (1) If a vehicle bearing the sign « SCHOOL BUS » and displaying alternatively flashing red lights is stopped on any First Nation road, or on any access road, the operator of a vehicle approaching the school bus from either direction on a First Nation road shall stop before reaching the school bus.

(2) The operator of school buses and of vehicles 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**

8. No person shall operate, on a First Nation road, a vehicle that is in dangerous or unsafe condition, or a motor vehicle that is not equipped as required by the Ontario Highway Traffic Act for operation on a highway.

#### **Impounding of Vehicles**

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

a) it interferes with the normal flow of traffic on the First Nation road,

b) it interferes with the removal of snow from the First Nation 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

i) 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

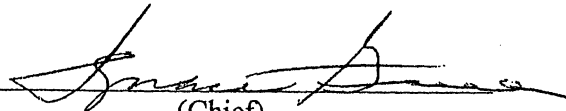
- ii) take the vehicle into custody and cause it to be removed to and stored in a suitable place.
- (2) All costs and charges for the removal, care or storage of a vehicle removed under subsection (1) shall be paid by the owner of the vehicle.
- (3) The keeper of any repair shop, garage or storage place where the vehicle is stored is under no obligation to return the vehicle to the owner until the costs and charges referred to in subsection (2) have been paid.

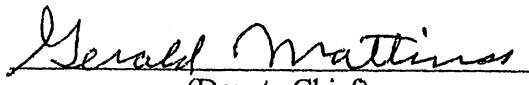
#### **Offense and Penalties**

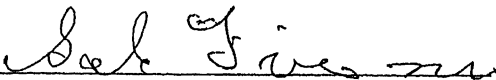
- 10. A person who contravenes, or who otherwise fails to comply with any provision of this by-law, commits an offense and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days or to both.

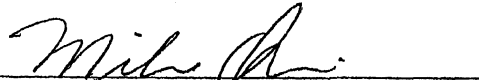
**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of the Attawapiskat First Nation this 18<sup>th</sup> day of August, 1997.

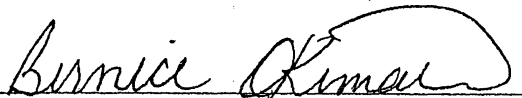
Voting in favor of the by-law are the following members of the Council:

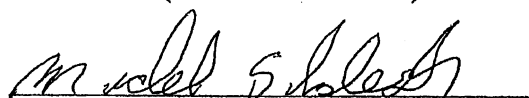
  
(Chief)

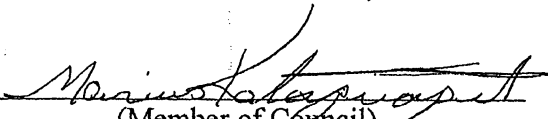
  
(Deputy Chief)

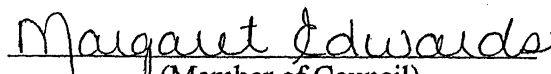
  
(Member of Council)

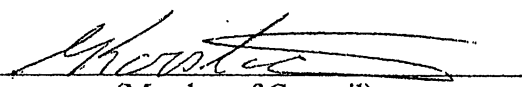
  
(Member of Council)

  
(Member of Council)

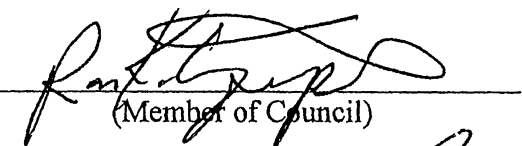
  
(Member of Council)

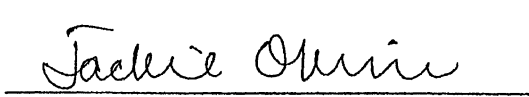
  
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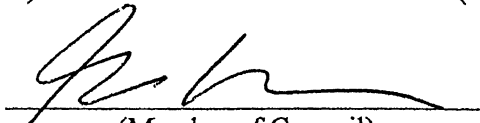
  
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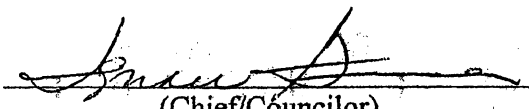
Being the full Council of the Attawapiskat First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 7 members.

Number of members of the Council present at the meeting: 13

I, AGNALE GULL Chief/Councilor of the First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the office of the department pursuant to subsection 82 (1) of the Indian Act, this 18<sup>th</sup> day of August, 1997.

\_\_\_\_\_  
(Witness)

  
(Chief/Councilor)