



Skwah First Nation

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BY-LAW NO. 2013.4

Of the Skwah First Nation

A By-law for the Regulation of Traffic and Parking

Being a By-law to repeal and replace By-law No. 89-01

Enacted on the 11th day of October, 1989

WHEREAS the Council of Skwah First Nation deems it advisable to and in the best interests of Skwah First Nation to enact a by-law to regulate traffic and parking within Skwah First Nation Lands;

AND WHEREAS the Council of Skwah First Nation is empowered to enact by-laws for the Regulation of Traffic and Parking pursuant to Section 81 (b)(c)(d)(q) and (r) of the *Indian Act*;

AND WHEREAS the Council of Skwah First Nation did enact By-law No. 89-01 on the 11th day of October, 1989, and wishes to repeal the said by-law and replace it with this by-law;

NOW THEREFORE the Council of Skwah First Nation hereby makes the following by-law;

Short Title

1. This by-law may be cited as the "Traffic By-law"

Interpretation

2. In this by-law,

"*Automobile Insurance*" means a contract of insurance as defined in section 1 of the *BC Insurance (Vehicle) Act*.

"*Council*" means the Council of Skwah First Nation.

"*Driver*" means a person who drives a vehicle on the road.

"Driver's License" means a license issued pursuant to the Highway Traffic Act of British Columbia or in the case of a resident of another province or state issued in accordance with the laws of that province or state.

"Emergency Vehicle" means,

- a) A fire department vehicle while proceeding to a fire or responding to but not returning from a fire alarm or other emergency call,
- b) A vehicle while used by as person in the lawful performance of his duties as a peace officer,
- c) An ambulance while responding to an emergency call or being used to transport a patient or injured persons in an emergency situation.

"Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power but does not include a farm tractor, self-propelled implement of husbandry or any road building and road cleaning machines.

"Noise" signifies a sound or groups of sounds, harmonious or not, perceptible by the ear.

"Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain public peace.

"Owner" means any person who has acquired a vehicle and possesses it under an absolute title or conditional one which gives him the right to become owner thereof or to use same as owner.

"Reserve" means the reserve of Skwah First Nation No. 1, 2, 3, and 4.

"Road" includes any roadway, driveway, street, lane or other place open to the public for the passage of vehicles.

"Signs" means any sign, marking or device other than a traffic light signal, placed or erected by order of the Council for the purpose of warning advising or directing the persons on a public thoroughfare.

General Provisions

3. The driver of any motor vehicle on the reserve shall comply with all laws and regulations relating to motor vehicles, which are in force in British Columbia.
4. This by-law shall apply to all roads situated within Skwah First Nation.
5. The Council may order, by resolution,
 - a. The erection of stop signs on certain roads and streets; and
 - b. The erection of signs in any place on a public road, park or playground.
6. Vehicles of the Police and Fire Department, ambulances, authorized processions, funeral procession and emergency vehicles of public utility companies authorized by the Council and/or Chief or Police shall have the right of way over all other vehicles.
7. No person shall drive or operate a vehicle at a rate of speed in excess of 30 kilometers per hour within a school zone designated as such by the Council.
8. No person shall drive or operate a vehicle at a rate of speed in excess of the posted speed limits within any residential or rural area designated as such by council.
9. No person shall operate a vehicle in such a manner as to spin wheels or cause tires to screech on a road, thereby causing abnormal and unusual noise and/or throwing up gravel in such a way as to be declared a public nuisance.
10. No person shall drive any motor vehicle on a road on Skwah First Nation in such a manner as to endanger any person or animal.
11. No person shall operate any vehicle in a manner as to cause damage to any road surface.
12. No person shall operate any vehicle off of Skwah First Nation roads in such a manner as to cause damage to the grass or field, or endanger any person or animal.
13. No person shall drive a motor vehicle on a road on Skwah First Nation unless that person holds a valid Driver's License.

14. No person shall drive a motor vehicle on a road on Skwah First Nation unless:

- a. There exists a currently validated permit for the vehicle;
- b. There is displayed on the vehicle number plates showing the number of the permit issued for the vehicle; and
- c. There is affixed to a number plate displayed on the vehicle evidence of the current validation of the permit

15. No person shall park or stop any vehicle at the places designated by the Council as areas in respect of which no parking or stopping is permitted.

16. 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 any road on Skwah First Nation is guilty of the offence of littering the road.

17. No person shall willfully remove, deface or in any manner interfere with any sign, marking or traffic control device lawfully placed on a road.

General Penalty

18. Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable on summary conviction, where a penalty for the contravention is not otherwise provided for herein, to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or to both fine and imprisonment.

19. The Chief and Council reserve the right to revisit this issue and amend the by-law at a regularly convened Chief and Council meeting of the Skwah First Nation. *amend*

This by-law is hereby made at a duly convened meeting of the Council of Skwah First Nation this 10th of January, 2013.

Quorum of the Council is three (3) members.

Chief: Robert Combes

Councilor: Adam Muth

Councilor: _____

Councilor: Dean Williams

Councilor: Leslie Heelan

I, Robert Combes, Chief of Skwah First Nation, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Aboriginal Affairs and Northern Development Canada pursuant to subsection 82(1) of the *Indian Act*, this 10th day of January, 2013.

Larry Oberst
Witness

Robert Combes
Chief