

THE HEILTSUK BAND OF INDIANS  
By-law No. 18  
Being a by-law to provide for  
the regulation of traffic, road  
maintenance and public security

WHEREAS section 81(b), (c), (d), (f), (g) and (r) of the Indian Act empowers the Council of a Band of Indians to enact by-laws respecting the regulation of traffic, the observance of law and order, the prevention of disorderly conduct and nuisances, the construction and maintenance of watercourses, roads, bridges and ditches, any matter ancillary thereto and the imposition of a penalty for the violation thereof;

NOW THEREFORE the Council of the Heiltsuk Band of Indians enacts as a by-law thereof as follows:

1. CITATION

1.01 This By-law may be cited as the Heiltsuk Indian Band Motor Vehicle By-law.

2. DEFINITIONS AND INTERPRETATION

2.01 Definitions

In this By-law

- (a) "Band" means the Heiltsuk Band of Indians;
- (b) "Council" means the council, as defined in the Indian Act, of the Band;
- (c) "Director" means the Director of Roads and Motor Vehicles appointed by resolution of the Council pursuant to section 5.01 hereof;
- (d) "motor cycle" means a motor vehicle running on two or three wheels and having a saddle or seat for the driver to sit astride;

- (e) "motor vehicle" means a device in, on or by which a person or thing is or may be transported or drawn on a road that is designed to be self propelled or to be drawn by a self-propelled device, and includes any motor car, trailer, motor cycle, dune buggy, all terrain vehicle, trail bike, motor scooter, tractor, road making machinery and any motor vehicle within the meaning of the Motor Vehicle Act;
- (f) "Motor Vehicle Act" means the Motor Vehicle Act of the Province of British Columbia as amended from time to time and any Act passed in substitution therefor;
- (g) "Motor Vehicle Act Regulations" means the Motor Vehicle Act Regulations enacted under the Motor Vehicle Act, as amended from time to time and any regulations enacted in substitution therefor;
- (h) "Reserve" means those tracts of land, the legal title to which is vested in Her Majesty, that have been set apart by Her Majesty for the use and benefit of the Band and includes designated lands;
- (i) "road" means and includes a road allowance and any avenue, bridge, driveway, highway, lane, parkway, place, road, square, street, thoroughfare, trestle, viaduct or other lands within the Reserve and under the control of the Council which are designed for, intended for, set aside for, used by, or open, for the common use of the members of the Band or the general public for the passage of vehicles within the Reserve;
- (j) "road allowance" means any land shown on a plan of survey as a road allowance whether used as a road or not, and any lands set aside or used for the purposes

of a road lying between the limits of lands allotted to or otherwise lawfully in the possession of any person;

(k) "Superintendent" means the Superintendent of Motor Vehicles for the Province of British Columbia; and

(l) "traffic control device" means a sign, signal, line, meter, marking, space, barrier or device installed for the control or routing of traffic, for the control or regulation of parking or for the guidance or direction of persons using a road.

2.02 Indian Act Definitions Apply

Words in this By-law not defined herein but defined in the Indian Act shall have the meanings provided in the Indian Act.

2.03 Number and Gender

In this By-law words importing the singular number only include the plural and vice versa, and words importing the masculine gender include the feminine and neuter genders and vice versa.

2.04 Headings

The headings used in this By-law are inserted for reference purposes only and are not to be considered or taken into account in construing the terms or provisions hereof or to be deemed in any way to clarify, modify or explain the effect of any such terms or provisions.

3. COMPLIANCE WITH MOTOR VEHICLE ACT REQUIREMENTS

3.01 Registration and Licence of Motor Vehicles

No person shall drive or operate a motor vehicle on a road unless:

- (a) the motor vehicle is registered with the Superintendent;
- (b) a licence for the operation of the motor vehicle has first been obtained under the Motor Vehicle Act and is then in force;
- (c) the certificate of insurance required by the Motor Vehicle Act for the use and operation of the motor vehicle on highways within the Province of British Columbia has first been obtained and is then in force; and
- (d) he displays on the motor vehicle, in the manner prescribed under the Motor Vehicle Act or Motor Vehicle Act Regulations, the number plate issued or designated by the Superintendent for the current licence year of that motor vehicle.

3.02 Driver's Licences

No person, unless accompanied by a person authorized by the Superintendent to examine persons as to their ability to drive and operate motor vehicles, shall drive or operate a motor vehicle on a road unless he holds a subsisting driver's licence issued to him under the Motor Vehicle Act of a class appropriate to the category of motor vehicle driven or operated by him.

4. REGISTRATION OF MOTOR VEHICLES WITH DIRECTOR

4.01 Registration

The owner of a motor vehicle shall, before it is used or operated on a road, cause the motor vehicle to be registered with the Director with full particulars of its registration pursuant to the Motor Vehicle Act and full particulars of the

motor vehicle liability policy under which the motor vehicle is insured.

4.02 Changes in Registration

Where there is any change in the registration pursuant to the Motor Vehicle Act of a motor vehicle registered pursuant to section 4.01 or in the coverage under the motor vehicle liability insurance policy under which the motor vehicle is insured, the owner of the motor vehicle shall notify the Director of such change within 10 days of the date of such change in registration or motor vehicle insurance coverage.

4.03 Evidence of Registration and Insurance Coverage

No motor vehicle shall be registered by the Director pursuant to section 4.01 unless the owner of the motor vehicle presents to the Director the certificate of registration and certificate of insurance issued under the Motor Vehicle Act for such motor vehicle. Any person notifying the Director of a change in registration or motor vehicle insurance coverage pursuant to section 4.02 shall present to the Director the certificate of registration or certificate of insurance, as the case may be, evidencing the changes notified.

5. DIRECTOR OF ROADS AND MOTOR VEHICLES

5.01 Appointment of Director

The Council shall by resolution appoint a Director of Roads and Motor Vehicles who shall have the duties and responsibilities set forth in this By-law and such other duties and responsibilities as the Council may determine.

6. TRAFFIC CONTROL DEVICES

6.01 Council to Authorize Traffic Control Device Placement

The Council may, by resolution, authorize the placing of traffic control devices and the resolution shall specify the

nature and location of each traffic control device so authorized.

6.02 Director to Place Traffic Control Devices

The Director shall place and maintain, or cause to be placed and maintained, traffic control devices authorized by the Council pursuant to this By-law and will remove or cause to be removed traffic control devices which are not so authorized.

6.03 Interference with Placement

No person shall interfere with or attempt to interfere with the placement or maintenance of any authorized traffic control device.

6.04 Interference with Signs

No person shall remove, deface, obliterate, alter or any way interfere with any traffic control device lawfully placed on a road.

6.05 Obeying Traffic Controls

Except where otherwise directed by a peace officer, every driver of a motor vehicle and every pedestrian shall obey the instructions of an applicable traffic control device.

7. SPEED LIMITS

7.01 Speeding

Subject to section 7.03, a person shall not drive or operate a motor vehicle on a road at a greater rate of speed than 40 kilometers per hour.

7.02 Erection of Signs Limiting Speed

The Council may, by causing a traffic control device to be erected or placed on a road limiting the rate of speed of motor vehicles or a category of motor vehicles driven or

operated on that portion of the road, increase or decrease the rate of speed at which a person may drive or operate a motor vehicle or a category of motor vehicle on that portion of the road.

7.03 Speed Against Traffic Sign

Where the Council has caused a traffic control device to be erected or placed on a road limiting the rate of speed of motor vehicles or a category of motor vehicles driven or operated on that portion of the road, a person shall not, when the traffic control device is in place on the road, drive or operate a motor vehicle on that portion of the road at a greater rate of speed than that indicated on the control device for that category of motor vehicle.

8. OPERATION OF MOTOR VEHICLES

8.01 Careless Driving Prohibited

A person shall not drive a motor vehicle on a road:

- (a) without due care and attention;
- (b) without reasonable consideration for other persons using the road; or
- (c) at a speed that is excessive relative to the road, traffic, visibility conditions.

8.02 Drive on Right

The driver of a motor vehicle shall confine the course of the motor vehicle to the right hand half of the road if the roadway is of sufficient width and it is practicable to do so, except:

- (a) when overtaking and passing a vehicle proceeding in the same direction;

- (b) when the right hand half of the roadway is closed to traffic while under construction or repair; or
- (c) on a road designated and marked for one way traffic.

8.03 Passing When Meeting Vehicle

The driver of a motor vehicle shall drive the motor vehicle on the right hand side of the road when meeting another vehicle that is moving. The driver of a motor vehicle on a road that has a width for only one line of traffic in each direction, shall when meeting another vehicle that is moving, drive the motor vehicle so that the other vehicle shall be able to travel in at least one-half of the main travelled portion of the road as nearly as possible.

8.04 Road Lines

Notwithstanding anything in this By-law, if a road is marked with:

- (a) a solid double line, the driver of the vehicle shall drive it to the right of the line only;
- (b) a double line consisting of a broken line and a solid line:
  - (i) the driver of a motor vehicle proceeding along the road on the side of the broken line shall drive the vehicle to the right of the double line, except when passing an overtaken vehicle;
  - (ii) the driver of a vehicle proceeding along the road on the side of the solid line shall drive the vehicle to the right of the double line, except only when finishing the passing of an overtaken vehicle; and

- (c) one single line, broken or solid, the driver of a vehicle shall drive the vehicle to the right of the line, except only when passing an overtaken vehicle.

8.05 Suspension of Section 8.04

Where the driver of a motor vehicle is causing the vehicle enter or leave a road and if he has ascertained he might do so with safety and does so without unreasonably affecting the travel of another vehicle, the provisions of section 8.04 are suspended with respect to the driver while the motor vehicle is entering or leaving the road.

8.06 Duty When Overtaking - Overtaking Vehicle

Except as provided in section 8.08, the driver of a motor vehicle overtaking another motor vehicle:

- (a) shall cause the motor vehicle to pass to the left of the other vehicle at a safe distance; and
- (b) shall not cause or permit the motor vehicle to return to the right side of the highway until safely clear of the overtaken motor vehicle.

8.07 Duty When Overtaking - Overtaken Vehicle

Except when overtaking and passing on the right is permitted, a driver of an overtaken motor vehicle,

- (a) on hearing an audible signal given by the driver of the overtaking motor vehicle, shall cause the motor vehicle to give way to the right in favour of the overtaking motor vehicle; and
- (b) shall not increase the speed of the motor vehicle until completely passed by the overtaking motor vehicle.

8.08 Passing on Right

The driver of a motor vehicle shall not cause or permit the motor vehicle to overtake and pass on the right of another vehicle, except:

- (a) when the vehicle overtaken is making a left turn or its driver has signalled his intention to make a left turn;
- (b) when on a laned road there is a one or more than one unobstructed lane on the side of the road on which he is permitted to drive; or
- (c) on a one way road on which traffic is restricted to one direction of movement, where the road is free of obstructions and is of sufficient width for two or more lanes of moving vehicles.

Notwithstanding the foregoing, a driver of a motor vehicle shall not cause the motor vehicle to overtake and pass another motor vehicle on the right:

- (a) when the movement cannot be made safely; or
- (b) by driving the vehicle off the road.

8.09 Passing on Left

A driver of a motor vehicle shall not drive to the left side of the road in overtaking and passing another motor vehicle unless he can do so in safety.

8.10 Clear View on Passing

A driver of a motor vehicle shall not drive to or on the left side of a road, other than on a one way road, unless he has a clear view of the road for a safe distance, having regard for all the circumstances.

8.11 Obedience to Traffic Signals

Notwithstanding anything in this By-law, if on or over a road there is:

- (a) one or more traffic control devices indicating the direction motor vehicles shall proceed, a person shall not drive a motor vehicle other than in the direction indicated;
- (b) a traffic control device indicating that a certain vehicle movement is prohibited, no person shall drive a motor vehicle in a movement prohibited by the traffic control device.

8.12 Following too Closely

A driver of a motor vehicle shall not cause or permit the motor vehicle to follow another motor vehicle more closely than is reasonable and prudent, having due regard for the speed of the motor vehicles and the amount and nature of traffic on and the condition of the road.

8.13 Signals on Turning

Where traffic may be affected by turning a motor vehicle, a person shall not turn it without giving the appropriate signal under sections 8.14 and 8.15 and where a signal of intention to turn right or left is required, a driver shall give it continuously for a sufficient distance before making the turn to warn traffic. Where there is an opportunity to give a signal, a driver shall not stop or suddenly decrease the speed of a vehicle without first giving the appropriate signal under sections 8.14 and 8.15.

8.14 Means of Signalling

Where a signal is required a driver shall give it by means of:

- (a) his hand and arm;
- (b) a signal lamp of a type approved by the Superintendent; or
- (c) a mechanical device of a type approved by the Superintendent.

8.15 Signals

When a driver gives a signal by hand and arm, he shall do so from the left side, and shall signify:

- (a) a left turn by extending his left hand and arm horizontally from the motor vehicle;
- (b) a right turn by extending his left hand and arm out and upward from the motor vehicle; and
- (c) a stop or decrease in speed by extending his left hand and arm out and downward from the motor vehicle.

8.16 Yield Signs

Except as provided in section 8.18, where two motor vehicles approach or enter an intersection from different roads at approximately the same time and there are no yield signs, the driver of a motor vehicle shall yield the right of way to the vehicle that is on the right of the motor vehicle which he is driving. Where there is yield sign, the driver of a motor vehicle facing the sign shall yield the right of way to all other traffic.

8.17 Yielding Right of Way on Left Turn

When a motor vehicle is in an intersection and its driver intends to turn left, he shall yield the right of way to traffic approaching from the opposite direction that is in the

intersection or so close as to constitute an immediate hazard, but having yielded and given a signal as required by sections 8.14 and 8.15, the driver may turn the motor vehicle to the left, and traffic approaching the intersection from the opposite direction shall yield the right of way to the motor vehicle making the left turn.

8.18 Entering Through Road

Where a motor vehicle which is about to enter a through road has stopped in compliance with section 8.20,

- (a) the driver of the motor vehicle shall yield the right of way to traffic that has entered the intersection on the through road or is approaching so closely on it that it constitutes an immediate hazard; and
- (b) having yielded, he may proceed with caution.

Where a motor vehicle is entering a through road in compliance with the foregoing, traffic approaching the intersection on the road shall yield the right of way to the entering vehicle while it is proceeding into or across the road.

8.19 Stopping at Intersection

Except when a peace officer directs otherwise, where there is a stop sign at an intersection, a driver of a motor vehicle shall stop:

- (a) at the marked stop line, if any;
- (b) before entering the marked crosswalk on the near side of the intersection; or
- (c) where there is neither a marked crosswalk nor a stop line, before entering the intersection, at the point

nearest the intersecting road from which the driver has a view of approaching traffic on the intersecting road.

8.20 Starting Vehicle

A person shall not move a motor vehicle that is stopped, standing or parked unless the movement can be made with reasonable safety and he first gives the appropriate signal under sections 8.14 and 8.15.

8.21 Caution in Backing Motor Vehicle

The driver of a motor vehicle shall not cause the motor vehicle to move backwards into an intersection or over a crosswalk, and shall not in any event or at any place cause a motor vehicle to move backwards unless the movement can be made in safety.

8.22 Obeying Flagman

Where a flagman is controlling the movements of traffic around a section of road where construction, reconstruction, widening, repair, marking or other work is being carried out, a person shall not drive or operate a motor vehicle other than as directed by the flagman.

8.23 Where Parking Prohibited

A person shall not park a motor vehicle so as to obstruct the free passage of traffic on a road or in any place where a traffic control device indicates that parking is prohibited.

8.24 Equipment of Motor Vehicles

A person shall not drive or operate a motor vehicle on a road unless it is equipped in all respects in compliance with the requirements of the Motor Vehicle Act and Motor Vehicle Act Regulations for the driving or operation of motor vehicles on highways within the Province of British Columbia.

8.25 Motor Cycle Safety Helmets

No person shall operate or ride as a passenger on a motor cycle without properly wearing a motor cycle safety helmet which has been designated as an approved motor cycle safety helmet by regulation made pursuant to the Motor Vehicle Act.

8.26 Operation of Motor Vehicles by Minors

No person, being in possession or control of a motor vehicle, shall permit it to be driven or operated by a person who is under nineteen years of age and who is not the holder of the driver's licence required under section 3.02 hereof.

8.27 Duty of Driver

A driver of a motor vehicle shall:

- (a) exercise due care to avoid colliding with a pedestrian who is on the road;
- (b) give warning by sounding the horn of the motor vehicle when necessary; and
- (c) observe proper precaution on observing a child or apparently confused or incapacitated person on the road.

8.28 Duty of Driver at Accident

The driver or operator or any other person in charge of motor vehicle that is, directly or indirectly, involved in an accident on a road shall:

- (a) remain at or immediately return to the scene of the accident;
- (b) render all reasonable assistance; and

(c) produce in writing to any other driver involved in the accident and to anyone sustaining loss or injury, and, on request, to a peace officer or to a witness

(i) his name and address;

(ii) the name and address of the registered owner of the motor vehicle;

(iii) the licence number of the motor vehicle; and

(iv) particulars of the motor vehicle liability insurance card for the motor vehicle,

or such of that information as is requested.

8.29 Duty of Driver in Collision with Unattended Vehicle

The driver of a motor vehicle that collides with an unattended motor vehicle shall:

(a) stop;

(b) locate and notify in writing the person in charge of or the owner of the unattended motor vehicle of

(i) the name and address of the driver;

(ii) the name and address of the registered owner; and

(iii) the licence number

of the motor vehicle that struck the unattended motor vehicle; or

(c) shall leave in a conspicuous place in or on the motor vehicle collided with, a notice in writing giving such information.

8.30 Duty of Driver Where Damage to Property

The driver of a motor vehicle involved in an accident resulting in damage to property on or adjacent to a road, other than a motor vehicle, shall take reasonable steps to locate and notify in writing the owner or person in charge of the property of the fact of the accident and of:

- (a) the name and address of the driver;
- (b) the name and address of the registered owner; and
- (c) the licence number of the motor vehicle.

9. PROHIBITION FROM DRIVING

9.01 Driving While Prohibited

No person shall drive a motor vehicle on a road if:

- (a) he is prohibited from driving a motor vehicle by the Superintendent, a peace officer or a court pursuant to the provisions of the Motor Vehicle Act; or
- (b) his driver's licence or his right to apply for or obtain a driver's licence is suspended under the Motor Vehicle Act.

10. DRAINS AND DITCHES

10.01 Obstruction of Drains or Ditches

No person shall block or obstruct a drain or roadside ditch.

10.02 Reopening of Drain or Ditch

The Director upon resolution of the Council shall reopen any roadside drain or ditch wilfully or unintentionally

blocked or obstructed by a person contrary to section 10.01 and may advise in writing the person so blocking or obstructing the watercourse, drain or roadside ditch that such actions are contrary to this By-law and may result in a charge being laid under the By-law for repeated offences.

11.        USE OF ROADS

11.01      Obstruction of Roads

No person shall block or obstruct any road or the passage of vehicles on any road other than with the written authority of the Director.

11.02      Use of Roads

No person shall use any part of a road for any purpose other than the passage of vehicles without first having obtained the approval of the Council as authorized by a resolution and under the conditions designated in the resolution.

11.03      Liability for Use of Road

A person who has obtained the permission of Council to utilize part or all of a road pursuant to section 11.02 shall not be relieved from liability in respect to damages caused to the road by such use and shall forego the use and return the road to its original state at his cost within 30 days of a written notice authorized by a Council resolution.

11.04      Advertising on Roads

Without limiting the generality of the foregoing no person shall erect, or attempt to erect any advertising sign on a road except with the permission of the Council authorized by a resolution and subject to any conditions designated in the resolution, and such sign shall not be erected or placed in such a way as to obstruct the vision of persons using the road.

11.05 Trees on Roads

No person shall injure, destroy, cut down or remove any trees growing upon a road without having first obtained written permission to do so from the Director.

12. REPEAL OF EXISTING TRAFFIC BY-LAW

12.01 Repeal By-Law No. 8

By-law No. 8 of the Band, being a by-law to provide for the regulation of traffic in the Bella Bella reserve, is hereby repealed.

13. OFFENCE

13.01 General Offence

Any person who violates any of the provisions of this By-law by doing an act that it forbids or omitting to do an act that it requires to be done commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding thirty (30) days, or both.

Enacted as By-law No. 18 by the Council of the Heiltsuk Band of Indians at a duly convened meeting of the Council this 13th day of September, 1989, by consent of a majority of the councillors present at that meeting. In witness whereof the following councillors of the Heiltsuk Band of Indians being a majority of those councillors present at the said meeting have hereunto set their hands.

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CHIEF

*Samuel Reid*  
COUNCILLOR

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COUNCILLOR

*John Jones*  
COUNCILLOR

\_\_\_\_\_  
COUNCILLOR

*Pat Stewart*  
COUNCILLOR

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COUNCILLOR

*Edw. McArthur*  
COUNCILLOR

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COUNCILLOR

*Arline Wilson*  
COUNCILLOR

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COUNCILLOR

*Gilbert Jackson*  
COUNCILLOR

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COUNCILLOR

A quorum of the Council of the Heiltsuk Band of Indians is 5 members.

**CERTIFIED TRUE COPY**

*Attest  
Sept 21/89  
Council*