

TIMISKAMING  
INDIAN RESERVE

BY-LAW NO:

8 4013-064

CONCERNING TRAFFIC AND PUBLIC SAFETY  
WITHIN THE TIMISKAMING INDIAN RESERVE.

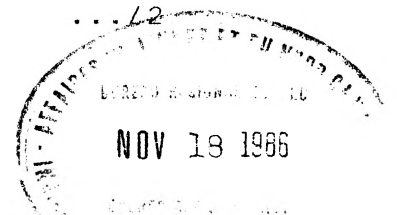
WHEREAS paragraphs b), c) and r) of section 81 of the Indian Act empowers the Band Council to enact by-laws concerning the regulation of traffic within the Reserve;

WHEREAS THE Band Council of the Timiskaming Indian Reserve considers it appropriate and in the interest of the residents of the Reserve to regulate traffic within the limits of the Reserve;

FOR THESE REASONS, the Band Council of the Timiskaming Indian Reserve enacts the following:

SECTION 1. Definitions:

For the purposes of interpreting the present by-law, unless the context otherwise calls for a different meaning, for following words and expressions:



- a) "Competent authority" means the Band Council or any other person legally authorized by the Band Council;
- b) "Roadway" means the portion of a public road normally used for the traffic of vehicles;
- c) "Supervisor" means the supervisor of the local Unit of the Amerindian Police Service;
- d) "Legally authorized person" means any person to whom powers were granted by the present by-law or by the competent authority;
- e) "Policeman" means a member of the Amerindian Police Service;
- f) "Reserve" means the Timiskaming Indian Reserve;
- g) "Vehicle or motor vehicle" means any vehicle powered by a force other than muscular and adapted to the transportation of persons or of goods on a public roadway;
- h) "Emergency vehicle" means a vehicle that is identified as belonging to a police service, a fire protection service, ambulance service or civil protection;
- i) "Public road" means the total surface of tract of land adapted and opened to the public traffic of vehicles;
- j) "Night" means the period of time between half an hour after sunset and half an hour before sunrise.

SECTION 2. Enforcement of the by-law:

The Supervisor is responsible for the enforcement of the present by-law.

SECTION 3. Special powers:

The Supervisor is authorized to limit, prohibit and to detour the traffic of vehicles, and also to prohibit the parking of such vehicles, when road works are being carried out, including snow removal, and he is authorized to install appropriate signs.

SECTION 4. Towing during road works:

The Supervisor is authorized to remove or have towed away any vehicle which is illegally parked, when such vehicle hinders the road works being carried out by the Band.

SECTION 5.

100\$ Every driver of a vehicle within the limit of the Reserve must be the holder of a driving permit and of a registration certificate issued by the Régie de l'assurance automobile du Québec.

SECTION 6.

25\$ Every person driving a vehicle on a public road within the Reserve must have with him his driver's permit, the registration certificate of the vehicle and the certificate of insurance or of financial responsibility provided for by the Automobile Insurance Act of the Province of Quebec.

SECTION 7.

25\$ The owner of a road vehicle must attach to the vehicle the registration plate issued to him by the Régie de l'assurance automobile du Québec.

T R A F F I C

SECTION 8.

25\$ Every driver of a vehicle must abide by the traffic signals installed by the competent authority, unless a legally authorized person orders him otherwise.

SECTION 9.

25\$ Every person must abide by the signals or traffic orders given by the Supervisor or his representative.

SECTION 10.

10\$ Pedestrians must abide by traffic signals in the same way as the driver of a vehicle, unless there are specific signals for pedestrians, in such case they must exclusively abide by such signals.

SECTION 11.

50\$ The driver of a vehicle must make way for an emergency vehicle whose light or sound signals are in operation.

SECTION 12. School bus

200\$ A school bus must be equipped with flashing red lights at the front and at the rear which must be put into operation when stopping to take on or discharge persons, for the whole time that the persons are not in safety. The bus must, in addition, be equipped with a sign bearing the inscription SCHOOL BUS at the front and at the rear.

SECTION 13.

200\$ A driver of a vehicle who is approaching a school bus whose flashing lights are operating must stop his vehicle and shall not pass the school bus in either direction until the flashing lights are turned off and he ascertains that he can pass it safely.

SECTION 14.

25\$ When a school bus is not transporting school children, the signs mentioned in section 12 must be covered.

SECTION 15. Bicycles:

10\$ The driver of a bicycle must drive on the extreme right hand side of the roadway, in the same direction as the general traffic.

SECTION 16.

10\$ No driver of a bicycle may drive on sidewalks or in lanes exclusively reserved to pedestrians.

SECTION 17.

10\$ It is forbidden to drive a bicycle at night, within the limits of the Reserve, unless the bicycle is equipped with a light deflectors at the front and at the rear.

SECTION 18.

10\$ No driver of a bicycle may take a passenger unless his bicycle is equipped with a fixed seat for that purpose.

SECTION 19.

10\$ When driving in a group, bicyclists must keep a single file; in no case may such a file be composed of more than fifteen (15) cyclists.

SECTION 20. Motorcycles:

25\$ Drivers of motorcycles driving in groups of two or more in one traffic lane must drive in zigzag formation.

SECTION 21.

10\$ No driver of a motorcycle may carry any other persons on the vehicle unless it is equipped with a permanently fixed seat designed for that purpose.

SECTION 22.

25\$ On a public roadway, every person riding on a motorcycle must wear a protective helmet.

SECTION 23.

10\$ No person shall drive a motorcycle in areas where access to motorcycles is prohibited by signs installed by the competent authority.

SECTION 24. Snowmobiles and all-terrain vehicles (threewheelers, dune-buggy, etc...)

25\$ No person shall drive a snowmobile or all-terrain vehicle on the public roadway.

SECTION 25.

10\$ No person shall drive a snowmobile or all-terrain vehicle on a private property without the permission from the owner of such property.

SECTION 26.

25\$ The driver of a snowmobile or of a all-terrain vehicle may cross a public roadway in such a way as to form a 90 degree angle with the roadway and after making sure that such manoeuvre may be done without danger.

SECTION 27.

25\$ Every person riding on a snowmobile or on a all-terrain vehicle must wear a protective helmet.

SECTION 28.

10\$ It is forbidden to drive a snowmobile or an all-terrain vehicle in such places where their use is prohibited by signs installed by the competent authority.

SECTION 29. Trailers:

25\$ Every trailer attached to a vehicle must be equipped with red lights in good working order, at the rear, and with a registration plate issued by the Régie de l'assurance automobile du Québec.

SECTION 30.

100\$ No person shall drive a vehicle which exceeds 2,6 m. in width without having obtained permission from the Supervisor or his representative.

ARTICLE 31.

25\$ On the outer end of a load that extends beyond the rear of a vehicle by more than one metre, the driver of the vehicle must install a red flag of at least 30 cm<sup>2</sup> during the day and a red light in good working order during the night.

SECTION 32.

10\$ A pedestrian must walk on the sidewalk; he may walk on the public roadway if there is no sidewalk, but he must do so at the extreme left hand side in a manner as to face on coming traffic.

SECTION 33.

25\$ Faced with a stop sign, the driver of a vehicle must stop his vehicle and engage itself in the intersection only after being assured that the manoeuvre may be executed without danger.



SECTION 34.

- 25\$ At the crossing of roadways, the driver of a vehicle must, as the case may be:
- a) respect the stop signs and priority signs;

or

  - b) yield the right of way to any vehicle that is already engaged within the intersection or that is coming from his right on the other roadway;

or

  - c) yield the right of way to a pedestrian that is already engaged into the intersection.

SECTION 35. Passing:

- 100\$ The passing of vehicle is prohibited on the public roadways of the Reserve.

SECTION 36.

- 25\$ The driver of a vehicle following another vehicle must keep a safe and reasonable distance between the two vehicles, keeping into account the speed, the density of the traffic, the weather conditions and the road condition.

SECTION 37.

25\$ No person may drive in reverse unless he can do so in safety and without impeding traffic.

SECTION 38.

50\$ The driver of a vehicle who is about to leave a private property to cross or enter a public road must yield the right of way to another vehicle, to a pedestrian or to a cyclist moving on the public roadway.

SECTION 39.

25\$ The driver of a vehicle who is about to make a turn must give notice of his intention to do so and to make sure that this manoeuvre may be executed without any risk of collision.

SECTION 40.

25\$ A driver of a vehicle who is about to turn left must yield the right of way to a vehicle approaching from the opposite direction that it is so close as to make the turn hazardous.

S P E E D

SECTION 41.

(see 66.) Any rate of speed or any imprudent action that is unsafe or that endangers life or property is prohibited on all public roads of the Reserve.

More specifically, it is prohibited to drive a vehicle at a speed exceeding 30km/per hour on the roads of the Reserve.

In spite of the preceding paragraph, the maximum speed permitted on highway 101 crossing the Reserve is fixed at 60km/per hour.

SECTION 42.

50\$ No person may drive a vehicle at a low speed likely to impede or obstruct normal traffic, except where safety or necessity requires it.

SECTION 43.

10\$ When the road surface is wet, the driver of a vehicle must reduce his speed in order to avoid splashing the pedestrians.

P A R K I N G & S T O P P I N G

SECTION 44.

25\$ No driver of a vehicle may park his vehicle at following places:

- a) in a area where parking is prohibited by a sign installed by the competent authority;
- b) in a way as to obstruct access to an entry or private road;
- c) within 7,5 metres of an intersection, including the top of a "T" shape intersection;

d) within 4,5 metres of a fire-hydrant.

SECTION 45. Public parking lots:

25\$ Every person using a public parking lot within the Reserve must abide by the conditions inscribed on the signs that are posted. The provisions of this by-law concerning parking also applies to these parking lots.

SECTION 46.

10\$ It is forbidden to park a vehicle on a street for the purpose of selling or exchanging it.

SECTION 47.

25\$ On two-way traffic streets, where parallel parking is permitted, the driver must put his vehicle on the right hand side of the roadway, in the direction of traffic with the right wheels at a maximum of 30cm from the curb.

SECTION 48. Equipments and accessories

Every vehicle operated on the public roads of the Reserve must carry all the accessories and equipments required by the Highway Safety Code of Quebec, and such accessories and equipments must meet the construction standards that are therein prescribed.

The notices and offences provided in the said Code apply completely to the present by-law.

M I S C E L L A N E O U S P R O V I S I O N S

SECTION 49.

25\$ It is forbidden for anyone to stand on the running-board or any other exterior part of a vehicle while in motion or to tolerate that such of practice take place. These provisions do not apply to a person who, in the execution of his duties, is standing on the exterior part of the vehicle which was specifically constructed for this purpose.

SECTION 50.

10\$ It is forbidden to use skis, roller skates, ice skates, scooters, tricycles, wagons, or any similar toy on a public road, except to cross it at a right angle.

SECTION 51.

25\$ It is forbidden to drive on a private property in order to avoid obeying a traffic signal.

SECTION 52.

25\$ No driver shall impede the passage of a motorcade formed of vehicles whose headlights are lit.

SECTION 53.

25\$ No person may, in using a vehicle, make his tires squeal by rapid acceleration or sudden breaking, except in case of necessity.

No person may, in using a motor vehicle, cause excessive noise by accelerating the revolution of the motor while the vehicle is in neutral.

SECTION 54.

25\$ No person shall drive a vehicle equipped with a defective muffler or with a muffler that does not meet the requirements of the Province of Quebec in relation to noise intensity.

SECTION 55.

10\$ No person shall repair a vehicle on a public road, on a public place or on a public parking lot except if in the case of a temporary and minor break down.

SECTION 56.

50\$ It is forbidden to drive a vehicle which drops off mud, earth, stones, or any other material or object of whatever nature. The driver or the owner may be compelled to clean up the public road and, in default to do so, the Band Council may have the road cleaned and charge the owner or driver of vehicle with the cost involved.

SECTION 57. Passengers:

25\$ It is forbidden to drive a motor vehicle when the front seat is occupied by more than three persons, or more than two persons if the vehicle is equipped with separate individual front seats.

SECTION 58.

50\$ It is forbidden to open a door of a vehicle in motion.

SECTION 59.

25\$ It is forbidden for a person to cling to a vehicle in motion on a public roadway.

It is forbidden to tow another vehicle except if they are linked by a fixed or rigid tow-bar.

SECTION 60.

10\$ It is forbidden for anyone who is not the driver, the owner or the occupant of a vehicle, to remove a copy of an infraction report or any other notice which may have been placed on the vehicle by a policeman.

SECTION 61.

Whoever contravenes to sections 10, 15, 16, 17, 18, 19, 21, 23, 25, 28, 32, 43, 46, 50, 55, 60 commits an offence and is liable of a fine of 10\$.

SECTION 62.

Whoever contravenes to provisions of sections 6, 7, 8, 9, 14, 20, 22, 24, 26, 27, 29, 31, 33, 34, 36, 37, 39, 40, 44, 45, 47, 49, 51, 52, 53, 54, 57, 59 commits an offence and is liable to a fine of 25\$.

SECTION 63.

Whoever contravenes to the provisions of sections 11, 38, 42, 56, 58 commits an offence and is liable to a fine of 50\$.

SECTION 64.

Whoever contravenes to the provisions of sections 5, 30, 35 commits an offence and is liable to a fine of 100\$.

SECTION 65.

Whoever contravenes the provisions of sections 12 and 13 commits an offence is liable to a fine of 200\$.

SECTION 66. Speed:

Whoever contravenes the provisions of section 41 commits an offence and is liable of a fine which must be of 20\$, plus:

- 1<sup>e</sup> if the speed exceeds by 1 to 30km/h the speed permitted, 5\$ for each 5 km/h by which a speed exceeds the speed limit;
- 2<sup>e</sup> if the speed exceeds the speed limit by 31 to 60 km/h, 10\$ for each 5 km/h by which the speed exceeds the speed limit;
- 3<sup>e</sup> if the speed exceeds the speed limit by 61 km/h to over, 15\$ for each 5 km/h by which the speed exceeds the speed limit.



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