

By-Law No 74-3

SCR/74-561

27-SEPT-74

SHUBENACADIE BAND COUNCIL  
MICHAC POST OFFICE, N. S.

SEP 10 1974

By-Law 74-3 of the Council of Shubenacadie Indian Band respecting  
Regulation of Traffic.

AUTHORITY

Enacted pursuant to Clauses (b), (c), (q), and (r) of  
Section 81 of the Indian Act R. S. C. 1970 C. I. - 6.

APPLICATION

1. This By-Law shall apply to all roads within the Michac Indian Reserve.

DEFINITIONS

2. In this By-Law
- (a) "Roads" includes any roadway, driveway, street, lane, right of way, or other place open to the public for the passage of vehicles.
  - (b) "vehicles" means any wagon, cart, motor car, motor truck, trailer, motorcycle, traction engine, tractor, road making machinery or other conveyance that is driven, propelled or drawn by any kind of power and includes a snowmobile, motor sled, ski-doo or ski-equipped vehicle.
  - (c) "bicycle" means a vehicle for the carriage of persons, which is propelled by human power, having two tandem wheels either of which is over twenty inches in diameter and includes any device adapted from a bicycle by addition of one or more wheels.

PARTICULAR OFFENCES

3. No person shall park or stop any vehicle at the places designated by the Council of the Band as areas in respect of which no parking or no stopping is permitted during the time such prohibition is applicable.
4. No person shall park or stop any vehicle so as to impede access to any property, or near or in the intersection of two roads or in any other place where such vehicle might interfere with traffic.

5. Every driver of a vehicle shall bring his/her vehicle to a complete stop at signs erected under the authority of the Band Council.
6. No person shall operate a vehicle at a rate of speed in excess of the speed designated by the Band Council within any area of the reserve.
7. No person shall park a bicycle on a roadway or sidewalk except in such a way as to cause the least possible obstruction to pedestrians and vehicle traffic.

#### ENFORCEMENT

8. Any peace officer is hereby empowered to enforce this by-law and all applicable laws including the Indian Reserve Traffic Regulations on all roads within the MicMac Indian Reserve.
9. Any peace officer may issue a ticket on view any person contravening any Law on the road within the said Reserve and may issue a ticket on any such offender after the commission of the offence upon reasonable information as to the nature of the offence and as to the offender.
10. Whenever a vehicle or bicycle is in violation of any provisions of this by-law or in violation of the Indian Reserve Traffic Regulations, any peace officer who finds the violation or has reasonable grounds to believe the violation was committed, may forth with issue and deliver to the driver of the vehicle or bicycle or deposit in a conspicuous place on the vehicle or bicycle a copy of the ticket in the form annexed to the present By-Law as Schedule A.
11. In addition to the issue of the ticket mentioned in section 10 hereof, any peace officer is authorized to remove or cause to be removed, by the use of a service vehicle, tow-truck or other suitable means, any vehicle or bicycle parked or stopped in violation of any of the provisions of this by-law at the expense of the driver, or failing him, the owner, of the said vehicle. Any vehicle or bicycle so removed shall not be released by such peace officer until the expenses of removed and/or storage have been paid by the driver or the owner of the vehicle, as the case may be at the Band Manager's office, such peace officer shall incur no civil or criminal liability in connection with such removal or refusal to release any impounded vehicle for which the removal and storage charges have not been paid.

## BY-LAW

12. The fines for the offences under this By-Law are as follows:
- (a) violation of parking offences under Section 3 and Section 4 \$1.00 or 7 days in jail.
  - (b) violation of Section 5 \$10.00 or 7 days in jail.
  - (c) violation of Section 6, not less than \$10.00 and not more than \$50.00 or 7 days in jail.
  - (d) violation of Section 7, \$1.00 or 7 days in jail.
  - (e) The Band Council may by regulation increase the amount of a fine for any offence and may by regulation designate special fines where a person has been convicted of the same offence more than once.
13. The Band Council by regulation may decide for what offences the accused may pay the fine to a person designated by the Band Council and, therefore, prevent penal prosecution.

## REGULATIONS

14. The Band Council may make regulations:
- (a) designating the rate of speed allowable in any area of the reserve.
  - (b) designating areas of no parking and no stopping
  - (c) designating where stop signs shall be placed
  - (d) designating to whom fines can be paid to escape penal prosecution
  - (e) designating for what offences the accused can pay his fine to the person designated under Section, 14 (d) of this By-law.
  - (f) generally for carrying out the purpose of this by-law.