

I certify this to be
a true copy.


chief Austin Bear

JOHN SMITH INDIAN BAND

**By-law #1992-93-01 of 1992
Being a By-law for the Regulation of Traffic**

WHEREAS the Council of the John Smith Indian Band desires to make a by-law governing the regulation of traffic;

AND WHEREAS the Council of the John Smith Indian Band is empowered to make such by-law pursuant to paragraphs 81(1)(b), (q) and (r) of the Indian Act;

AND WHEREAS it is considered to be expedient and necessary for the safety and convenience of the inhabitants of the Muskoday Indian Reserve to regulate traffic on the reserve.

NOW, THEREFORE, the Council of the John Smith Indian Band hereby makes the following by-law:

1. This By-law may be cited as the Muskoday Traffic By-law #1992-93-01.

Interpretation

2. In this By-law,

"**access road**" means any road that leads from a Reserve 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 persons in possession or occupation thereof;

"**administrator**" means the person appointed by the Council pursuant to s.4 of the act as Administrator of this By-law;

"**band**" means the John Smith Indian Band;

"**commission**" means the John Smith Indian Band Traffic Commission appointed pursuant to s.3;

"**council**" means the Council of the John Smith Indian Band;

"**highway**" has the same meaning as in the Province of Saskatchewan legislation relating to motor vehicles and traffic;

"**motor vehicle**" means a vehicle the operation of which on a highway requires a licence or permit under the laws of the Province of Saskatchewan;

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"officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order;

"operator's licence" means a licence to operate a motor vehicle issued or accepted as valid under the laws of the Province of Saskatchewan relating to motor vehicles and traffic;

"reserve" means the reserve of the Muskoday Indian Reserve No.99;

"reserve road" means a road or other way situate on the reserve which is designed and intended for, or used for, the passage of vehicles;

"traffic control device" means any sign, marker or mechanical or electrical device designed for the purpose of regulating traffic;

"vehicle" means a device by which a person or thing is or may be transported or drawn, other than a device designed to be moved by human power alone.

Commission

3. (1) There shall be a John Smith Indian Band Traffic Commission ("JSIBTC") consisting of three members of the Council who shall be appointed by Band Council Resolution. Until the JSIBTC is appointed, the Band Council shall constitute the JSIBTC.

(2) The Commission may:

- a) designate locations on or adjacent to a reserve road at which traffic control devices shall be erected;
- b) designate speed limits for reserve roads or portions thereof;
- c) designate parking areas on or adjacent to reserve roads and areas in which parking is prohibited;
- d) designate areas of reserve lands to be reserve roads; and
- e) perform such other functions as are set out for it in this By-law.

(3) A Copy of any designation made pursuant to this By-law shall be posted in the Band Council office, and may be appealed to the Council by any resident of the reserve by filing a Notice of Appeal with the Administrator within thirty days after the designation was first posted.

(4) A designation comes into effect thirty days after the day it was first posted pursuant to subsection (3) or, if appealed, seven days after the day a notice was posted in the Band Council office advising that the designation has been confirmed by the Council.

(5) The Council may, of its own initiative, and at any time, revoke any designation made by the Commission under this By-law and may substitute a new designation.

Administrator

4. (1) The Council may, by resolution, appoint an Administrator of the Muskoday Traffic By-law. Until such appointment is made by Band Council Resolution, the Band Administrator shall serve as the Administrator.

(2) The Council may, in the resolution, provide for reasonable remuneration to be paid to the Administrator.

(3) The Administrator shall perform such functions as are imposed by this By-law or are directed by the Commission and shall report to the Commission on his activities in respect of the administration of this By-law.

Licence

5. No person shall operate a motor vehicle on a reserve road unless he holds a subsisting operator's licence of a class appropriate to the category of motor vehicle operated.

Insurance

6. No person shall operate a motor vehicle on a reserve road unless a valid insurance policy has been issued for the motor vehicle such as would be required by the Province of Saskatchewan to operate the motor vehicle on a Provincial highway.

Possession of Licence and Proof of Insurance

7. (1) A person shall have in his possession at all times while operating a motor vehicle on a reserve road

- (a) his operator's licence;
- (b) the certificate of registration of the motor vehicle; and
- (c) where applicable, proof of valid insurance policy.

(2) Every person who is in possession or control of a motor vehicle shall produce or exhibit his operator's licence, registration and, where applicable, proof of motor vehicle insurance upon being requested by an officer to do so.

Speed Limits

8. (1) The speed limit for a reserve road shall be 80 kilometres per hour except where otherwise designated by the Commission and marked on a traffic control device erected on the reserve road.

(2) No person shall operate a vehicle on a reserve road at a rate of speed in excess of the speed limit for that reserve road.

Traffic Control Devices

9. (1) The Administrator shall erect traffic control devices at locations designated by the Commission.

(2) On every sign erected by the Administrator, there shall be placed the words or similar words "by authority of JSIBTC".

(3) The operator of a vehicle shall obey all traffic control devices erected pursuant to this By-law except where otherwise directed by an officer or by a person authorized by the Commission or the Administrator to direct traffic.

(4) No person shall remove, attempt to remove, deface, destroy, or otherwise interfere with any traffic control device erected in accordance with this By-law.

Weight Restrictions

10. (1) The Commission may designate weight restrictions for vehicles using reserve roads.

(2) The Administrator may issue temporary permits allowing vehicles exceeding weight restrictions to use reserve roads where the circumstances are urgent and the Administrator is of the opinion that the use of the vehicle granted the temporary permit will not damage the reserve road.

(3) An appeal lies to the Commission from a decision of the Administrator refusing an application for a temporary permit.

(4) No person shall operate a vehicle on a reserve road the weight of which, including the load carried, is more than the maximum weight designated for that vehicle on that reserve road and posted by a traffic control device on the reserve road.

Rules of the Road

11. (1) A person shall not operate a vehicle on a reserve road

- (a) without due care and attention;
- (b) without reasonable care and consideration for other persons on the reserve 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 reserve road, except

- (a) when overtaking and passing a vehicle proceeding in the same direction;
- (b) when the right hand half of the reserve 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 reserve road shall not cause or permit the vehicle to follow a 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 a reserve road shall not pass or attempt to pass another vehicle travelling in the same direction

- (a) when proceeding uphill;
- (b) when on a curve; or
- (c) when approaching within 30 metres of another road.

(5) The operator of a vehicle on a reserve 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 a reserve 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 reserve road from an access road shall yield to the right of way to traffic on the reserve road being entered upon, unless a traffic control device otherwise directs.

Duties of the Operator

12. (1) The operator of a vehicle on a reserve 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 a reserve 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 licence 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 reserve 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 licence number of the vehicle.

(4) Where a vehicle that is operated on a reserve road causes injury to a person or damage to property exceeding \$500.00, the operator thereof shall report the injury or damage to an officer or to the Administrator, and shall provide a report in writing if requested.

School Bus

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

(2) The operators of school buses and of vehicles in the vicinity of a stopped school bus shall comply with The Highways and Transportation Act, R.S.S., Chapter H.3, as amended, or The Vehicle Administration Act, R.S.S. V. 2.1, as amended, respecting the operation of school buses and vehicles in the vicinity of school buses.

Equipment

14. No person shall operate, on a reserve road, a vehicle which is in a dangerous or unsafe condition or a motor vehicle which is not equipped as required by The Highways and Transportation Act, R.S.S., Chapter H.3, as amended, or The Vehicle Administration Act, R.S.S., V. 2.1, as amended, for operation on a highway.

Impounding of Vehicles

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

- (a) it interferes with the normal flow of traffic on the reserve road,
- (b) it interferes with the removal of snow from the reserve 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
- (e) 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
- (f) 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.

(4) If the motor vehicle is not claimed within thirty (30) days and all costs and charges paid by the person claiming the said vehicle, then the said vehicle shall be sold either by public or private sale with the proceeds thereof to be applied against such costs and charges and thereafter the balance, if any, paid into the general revenues of the Band.

Offence and Penalties

16. A person who contravenes or who otherwise fails to comply with any provision of this By-law commits an offence 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 John Smith Indian Band, this ~~2nd~~^{20th} day of October, A.D. 1992.

Voting in favour of this By-law are the following members of the Council:

MEMBER OF COUNCIL	FOR	AGAINST	ABSTAIN
<i>Austin Bear</i>	✓		
<i>Charles Bear</i>	✓		
<i>Ernie J. Bear #296</i>	✓		
<i>Anna Bear</i>	✓		
<i>Henry Bear #284</i>	✓		

being the majority of those members of the Council of the John Smith Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Band Council present at the meeting: 5.

I, Chief Austin Bear, of the John Smith Indian Band, 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 District/Regional/Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this ~~2nd~~^{22nd} day of October, A.D. 1992.

Witness

 Witness

Austin Bear

 Chief Austin Bear