

THE FOND DU LAC BAND OF INDIANS

BY-LAW NO. 02 OF 1985

Being a By-Law to provide for the
regulation of traffic

WHEREAS paragraphs (b) and (r) of section 81 of THE INDIAN ACT empower the Council of the Band of Indians to make by-laws respect to the regulation of traffic and the imposition of a penalty for the violation thereof;

WHEREAS it is deemed to be expedient to control the passage of vehicles on public roads for the safety and welfare of the inhabitants of the Fond du Lac Indian Reserve No. 227.

NOW THEREFORE the Council of Fond du Lac Band of Indians makes as a by-law thereof as follows:

1. In this by-law:

- (a) "All terrain vehicles" means a motor vehicles designed or used primarily for cross country travel on land, water, snow, ice, marsh, swamp land or on other natural terrain and without limiting the generality of the foregoing, includes, when designed for such travel;
 - (i) four-wheel drive or low pressure tire vehicle,
 - (ii) Motor-cycles and related two wheel vehicles,
 - (iii) amphibious machines,
 - (iv) miniture motor vehicles,
 - (vi) snow vehicles ,
 - (vii) minibikes.
- (b) "Council" means the Council, as defined by THE INDIAN ACT, of the Fond du Lac Band of Indians;
- (c) "RESERVE" means that tract of land and legal title to which is vested in Her Majesty that has been set apart for the use and benefit of the Fond du Lac Band of Indians and known as the Fond du Lac Indian Reserve NO. 227;
- (d) "ROADS" means and includes any avenue, bridge, driveway, highway, lane, parkway, place, road, square, street, thoroughfare, trestle, viaduct or other lands 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 Fond du Lac Band of Indians, or the general public, for the passage of vehicles within the reserve, but does not include any lane, road, or right of way held or established solely as a means of egress to privately controlled lands;

- (e) "SIGN" or "TRAFFIC SIGN" means any mechanical or other device, sign, warning or marking installed or the control or routing of traffic or for the guidance or direction of persons using the roads;
- (f) "ROAD" includes any road, driveway, street, lane, highway, avenue, parkway, throughfare or other set aside for, used, or open to the public for the passage of vehicles within the Reserve;
- (g) "VEHICLE" means any wagon, cart, motorcar, motor truck, trailer, motorcycle, traction engine, tractor, bicycle, road-making machinery or other conveyance that is driven, propelled, or drawn by any kind of power.
2. (a) THE VEHICLE ACT for the province of Saskatchewan, R.S.S. Ch. V-3, 1978 including the definitions therein and amendments thereto, except as the same may be inconsistent with this by-law including its definitions, shall apply to all roads, vehicles and persons within the Reserve and in particular all provisions with respect to the licensing of drivers and vehicles in the said Vehicle Act shall apply to the Reserve.
- (b) THE SNOWMOBILE ACT of the Province of Saskatchewan, R.S.S. Ch. S-52, 1978, including the definitions therein and amendments thereto, except as the same may be inconsistent with this by-law including its definitions, shall apply to all roads, vehicles and persons within the Reserve.
3. No person shall operate a vehicle at a rate of speed in excess of 90 kilometers per hour within the Reserve.
4. Notwithstanding the provisions of Section 3 of this by-law no person shall operate a vehicle at a rate of speed in excess of 50 kilometers per hour within the townsite of Fond du Lac.
5. Notwithstanding the provisions of Section 3 and 4 of this by-law no person shall operate a vehicle at a rate of speed in excess of 40 kilometers per hour within any school zone in the townsite of Fond du Lac.
6. A person parking a vehicle on a road within the Reserve shall park the same parallel to the curb, where there is one, or the roadside ditch where there is no curb, and at a distance not greater than 30.5 cm (12 inches) from the curb or the edge of the roadside ditch.
- (1) No person shall operate an all terrain vehicle on the travelled portion of any road or road allowance within the Reserve.

- (2) The operator of all terrain vehicle may cross any road or road allowance within the Reserve, providing:
 - (i) the operator stops the all terrain vehicle before entering onto the road or road allowance, or portion thereof to be crossed,
 - (ii) all passengers disembark from all-terrain vehicle or any vehicle or thing attached thereto before the operator commence to cross,
 - (iii) the operator yields the right-of-way to all other vehicle and persons on the road or road allowance, and
 - (iv) the operator crosses over the road or road allowance, or portion thereof to be crossed, by the most direct and shortest route of travel available to him.
- (3) The operator of an all terrain vehicle shall at all times yield the right-of-way to operators of vehicles of other classes and to pedestrians.
- (4) No person shall operate an all terrain vehicle on lands or premises within the reserve allotted to, occupied, used, leased, or otherwise lawfully in possession or under the control of another person without first having obtained the permission of that person to do so.
- (5) No person shall operate an all terrain vehicle within the limits of the townsite of Fond du Lac after the hour of 12 o'clock in the evening, local time, or before the hour of 7 o'clock in the morning, local time.
- (6) The Chief, as defined in THE INDIAN ACT, of the Fond du Lac Band of Indians may suspend, in writing, any or all of the requirements related to all terrain vehicles in a time of emergency.
- (7) (a) The council shall, by resolution, authorize the placing of all signs and the resolution shall specify the location of the sign.

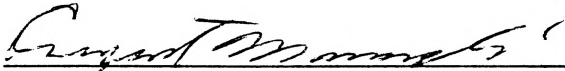
(b) The Band Manager shall place and maintain, or cause to be placed and maintained the signs authorized by the council and shall remove or cause to be removed, signs which are not authorized by the Council.
- (8) No person shall interfere with or attempt to interfere with the placement or maintenance of any sign authorized by the Council pursuant to this by-law.

- (10) No person shall remove, deface, obliterate, alter or attempt to remove, deface, obliterate, or alter or in any manner interfere with any sign authorized by the Council pursuant to this by-law.
- (11) Any person who violates any of the provisions of this by-law shall be guilty of any offence, and shall be liable on summary conviction to a fine not exceeding one hundred (\$100.00) dollars or imprisonment for a term not exceeding thirty (30) days, or to both fine and imprisonment.

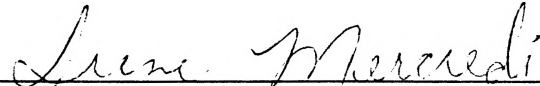
APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE COUNCIL OF THE FOND DU LAC BAND OF INDIANS THIS 21 DAY OF JANUARY, OF A.D. 1985.



CHIEF



COUNCILLOR



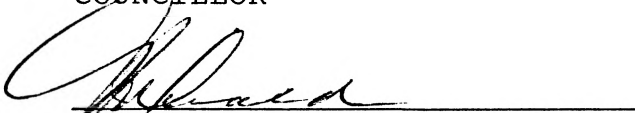
COUNCILLOR



COUNCILLOR



COUNCILLOR



COUNCILLOR

COUNCILLOR