

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
 NOTA: Les mots "des fonds de notre bande" "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	SARCEE NATION	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	Southern Alberta	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	Alberta	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT	Sarcee Nation Administration		
DATE	11 August AD 19 87		
	DAY - JOUR MONTH - MOIS YEAR - ANNÉE		

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

The Sarcee Nation Band Council hereby resolves as follows:

"To enact and adopt the attached Sarcee (Tsuu t'ina) Vehicles By-law as By-law No. 6 of the Sarcee Nation."

A quorum for this Bande
 Pour cette bande le quorum est

consists of 7
 fixé à

Council Members 8
 Membres du Conseil

[Handwritten signatures of Council Members]
 (Councillor - conseiller)
 (Chief - Chef)
 (Councillor - conseiller)
 (Councillor - conseiller)
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 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVE DU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu
	A. Capital	B. Revenue - Revenu			
\$	\$	\$			
6. Recommended - Recommandable			Approved - Approuvable		
Date			Date		
Recommending Officer - Recommandé par			Approving Officer - Approuvé par		

SARCEE (TSUU T'INA) VEHICLES BY-LAW

SARCEE (TSUU T'INA) VEHICLES BY-LAW

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SARCEE (TSUU T'INA) VEHICLES BY-LAW

THE SARCEE (TSUU T'INA) NATION, in the interest of preserving law and order on Sarcee (Tsuu T'ina) land pursuant to s.81(b)(c)(q) of the Indian Act Canada, enacts as follows:

S.1 This By-law may be referred to as the Sarcee (Tsuu T'ina) Vehicles By-law, 1987.

S.2 In this By-law:

- (a) "Chief and Council" means the Sarcee (Tsuu T'ina) Government duly elected from time to time by the Sarcee (Tsuu T'ina) Nation;
- (b) "ditch" means that area which lies adjacent to and parallel with the road and includes all the land between the fences, or the land between the fence and the edge of the road, otherwise known as the road allowance, as the case may be;
- (c) "driver" or "operator" means a person who drives or is in actual physical control of a motor vehicle;
- (d) "financial responsibility card" means a card showing proof of insurance issued by an insurance corporation authorized by the Province of Alberta to engage in the insurance business.
- (e) "insurance" means a complete automobile insurance package for public liability and public property damage included in a contract made between a Sarcee (Tsuu T'ina) individually and a licenced insurance corporation or between the Sarcee (Tsuu T'ina) Nation and a licenced insurance corporation pursuant to the laws and regulations of the Province of Alberta;
- (f) "insured motor vehicle" means a motor vehicle the owner of which
 - (i) is insured in respect of public liability, property damage and accident benefits, and as required under the laws and regulations of the Province of Alberta, and
 - (ii) has deposited proof of financial responsibility in a form and in an amount prescribed by the laws and regulations of the Province of Alberta;
- (g) "issuing authority" means the Motor Vehicle Branch of the Province of Alberta and any authority established pursuant to the laws and regulations of the Province of Alberta to issue drivers licences, licence plates and to register motor vehicles. Issuing authority also includes an insurance corporation authorized by the Province of Alberta to issue financial responsibility cards;
- (h) "judge" means a judge appointed by the Province of Alberta or by the Government of Canada and includes a justice of the peace;
- (i) "moped" means a motor vehicle, regardless of the number of wheels it has, that
 - (i) may be propelled by muscular or mechanical power or partly

by muscular power and partly by mechanical power,

(ii) is fitted with pedals that are continually operable to propel it,

(iii) weighs more than 35 kilograms but less than 55 kilograms,

(iv) has a motor that is driven by electricity or has an engine displacement of not more than 50 cubic centimeters,

(v) has no hand-operated or foot-operated clutch or gearbox driven by the motor and transferring power to the driven wheel, and

(vi) does not have sufficient power to attain a speed greater than 50 kilometers per hour on level ground within a distance of 2 kilometers from a standing start,

but does not include a bicycle or power bicycle;

(j) "motor cycle" means a motor vehicle mounted on two wheels and includes those motor vehicles known in the trade as motor cycles or scooters and motor cycles modified to have three wheels but does not include an off-highway vehicle. "Motorcycle" means but is not restricted to the following:

(i) dirt bike;

(ii) all-terrain vehicle;

(iii) all-terrain cycles;

(iv) cross-country bikes;

(k) "motor vehicle" means

(i) a vehicle propelled by any power other than muscular power,
or

(ii) a moped,

but does not include a bicycle or power bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs only upon rails;

(l) "operators licence" means a subsisting licence to operate a motor vehicle issued either by the Province of Alberta or other competent authority regardless of its place of issue;

(m) "owner" includes any person renting a motor vehicle or having the exclusive use of one under a lease for a period of more than 30 days;

(n) "peace officer" means

(i) a member of the Sarcee (Tsuu T'ina) Nation Law Enforcement;

- (ii) a member of the Royal Canadian Mounted Police;
 - (iii) any officer named by the Chief and Council to assist in the maintenance of law and order and may include a game warden;
- (o) "private passenger vehicle" means a vehicle used solely for personal transportation,
- (i) including the transportation of goods which are the property of the owner intended for the use or enjoyment of himself or members of his household, but
 - (ii) not including the transportation of goods in connection with any line of business except that of sales and conveying sample cases or display goods which are not for delivery or re-sale;
- (p) "public vehicle" means a vehicle operated on a road by or on behalf of a person,
- (i) to transport passengers,
 - (ii) to transport goods,
 - (iii) to administer the needs of the Sarcee (Tsuu T'ina) Nation,
- but does not include a private passenger vehicle;
- (q) "registration" means the registration of a motor vehicle pursuant to the laws of the Province of Alberta, including acquiring and maintaining the said registration and complying with such laws and regulations, as may be made by the Province of Alberta from time to time;
- (r) "road" means that part of the Sarcee (Tsuu T'ina) lands intended for use by vehicular traffic including the ditch area on either side of the road but not including driveways or roads extending to a single residence;
- (s) "Sarcee (Tsuu T'ina) lands" means those lands held by the Sarcee (Tsuu T'ina Nation) pursuant to Treaty 7, in particular Sarcee Reserve #145, and any lands acquired by the Sarcee (Tsuu T'ina) Nation subsequent to the signing of Treaty 7;
- (t) "subsisting" means, when used in relation to an operators licence or certificate of registration, one which has not, at the relevant time, expired or been suspended or cancelled by any competent authority;
- (u) "trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of roads;

- (v) "Tsuu t'ina means a citizen of the Sarcee (Tsuu T'ina Nation);

PART I

REQUIREMENT OF LICENCE

S.3 (1) No person shall drive a motor vehicle on a road unless that person is the holder of a subsisting operators licence issued by the Province of Alberta.

(2) Subsection (1) does not apply to a person who is undergoing a drivers examination conducted by an authorized driver examiner pursuant to the laws and regulations of the Province of Alberta.

(3) If a person is the holder of a valid licence or permit issued to that person in a jurisdiction other than the Province of Alberta authorizing the operation of a motor vehicle of the type or class being operated, that person is exempt from subsection (1) if that person does not remain on Sarcee (Tsuu T'ina) lands for more than three months from the day that person arrived on Sarcee (Tsuu T'ina) lands.

(4) Subsection (1) does not apply to a person, not being resident in Canada, who

- (a) holds an international drivers licence issued outside Canada, and
- (b) does not remain on Sarcee (Tsuu T'ina) lands for more than 12 consecutive months.

(5) Subsection (1) does not apply to a student driver if the student is authorized by the laws of that person's place of residence to operate a motor vehicle of the type or class being operated by that student.

(6) Any person who violates subsection (1) is guilty of an offence.

(7) In a prosecution for a violation of subsection (1), the onus is on the accused to show that he/she holds a subsisting operators licence.

S.4 Any person who is required by this By-law to hold a subsisting drivers licence shall comply with all the requirements of the issuing authority including compliance with all requirements to maintain a subsisting drivers licence and shall comply with any order or judgment suspending, refusing or denying issuance of a subsisting drivers licence as may be the case from time to time.

S.5 (1) When,

- (a) an operators licence to a person is refused or
- (b) a person is convicted of the offence of operating a motor vehicle without a subsisting operators licence, an order may be issued by the issuing authority for any period and subject to any condition satisfied in the order declaring that the person could be disqualified from holding an operators licence or driving a motor vehicle or any other specified class of vehicle on a road.

(2) The person in respect of whom an order has been made under subsection

(1) who drives a motor vehicle or other vehicle on a road in contravention of that order is guilty of an offence.

S.6 (1) When by or under this By-law or by any order or judgment made under this, or any other applicable law,

(a) the operators licence of a person is suspended, or

(b) a person is disqualified from holding an operators licence,

then, even if the period of suspension or disqualification has expired, the licence remains suspended or disqualification remains in effect, as the case may be, until the time the person satisfies the issuing authority, by examination or otherwise, of that person's physical or other competency to drive a motor vehicle without endangering the safety of the general public being those persons resident or present with permission on Tsuu T'ina lands.

(2) When the operators licence of any person is suspended by or under this By-law or by an order or judgment, that person may, nevertheless, operate implements of husbandry or industrial equipment designed primarily for construction, maintenance, land clearing, ditching or other related tasks that do not require that person to hold a licence under this By-law.

(3) Whether or not a person's operators licence is suspended or the person is disqualified from holding an operators licence, that person may operate a vehicle on any terms or conditions prescribed by the issuing authority while engaged in any major or course of remedial education or treatment.

(4) When a person is prohibited under this By-law from driving a motor vehicle on medical grounds that person may also be prohibited from driving implements of husbandry or industrial equipment of the kind mentioned herein.

(5) This section applies to, but is not limited to, suspension by or pursuant to any other section made in this By-law, or by accumulation of demerit points, even if the period of suspension has expired.

S.7 (1) When, under this By-law, the operators licence of a person is suspended or cancelled, the suspension or cancellation continues in full effect despite expiration of the licence during the period of the suspension or cancellation.

(2) When, under this By-law, an operators licence is suspended or cancelled, the suspension or cancellation operates to suspend or cancel any operators licence held by that person during the period of suspension, whether so stated or not.

(3) The holder of any operators licence which is suspended or cancelled shall forthwith return the operators licence to the authority which granted the licence.

S.8 (1) No person shall use

(a) an operators licence belonging to any other person,

(b) an operators licence that has been cancelled or suspended, or

(c) any fictitious document purporting to be an operators licence.

(2) No person who holds an operators licence shall permit any other person

to use that licence.

- (3) No person shall possess more than one Alberta operators licence.

S.9 No person shall

- (a) mutilate, deface or alter an operators licence, or
(b) possess an illegible, mutilated, altered or defaced operators licence.

S.10 A person who operates a motor vehicle

- (a) of a type which that person is not authorized to operate under the class of operators licence that held by that person, or
(b) contrary to a restriction or condition on that person's licence,

is guilty of an offence.

S.11 (1) No person shall permit anyone who is not the holder of an operators licence to drive a motor vehicle.

(2) No person shall permit anyone to drive a motor vehicle other than a vehicle of the type that his licence permits him to drive.

S.12 No person shall rent or lease a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under this By-law to drive the motor vehicle.

S.13 No person shall permit any person who is the holder of an operators licence of a learners category to operate a motor vehicle unless that person has complied with all of the requirements of the issuing authority of the learners licence and in fact holds an operators licence of a learners category.

S.14 (1) No person who is the holder of an operators licence of a learners category shall operate a motor vehicle except as permitted by the category of licence.

(2) A person who is engaged in teaching another person to drive and

- (a) who does not hold a subsisting operators licence for the operation of the type of vehicle being used by the person being taught to drive, or

(b) who is not at least 18 years of age,

is guilty of an offence.

S.15 (1) A driver of a motor vehicle shall carry his operators licence with him at all times during which he is driving a motor vehicle and shall produce it for inspection on demand by a peace officer.

(2) A person while engaged in instructing a student driver shall carry his operators licence with him and shall produce it for inspection on demand by a peace officer.

(3) A person having the care and control of a motor vehicle shall produce his operators licence for inspection on demand by a peace officer.

(4) If the owner of a motor vehicle possesses an operators licence, he shall produce the operators licence for inspection on demand by a peace officer.

S.16 When a person produces to a peace officer an operators licence that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued duplicate licence within a reasonable time.

S.17 A person who on the demand of a peace officer

- (a) fails to produce his operators licence as required, or
- (b) fails to produce his duplicate operators licence as required under this By-law,

is guilty of an offence.

PART II

REQUIREMENT OF REGISTRATION

S.18 (1) Subject to this By-law

- (a) no person who is the owner of a motor vehicle or trailer shall operate or tolerate or permit any other person to operate a motor vehicle or trailer on a road at any time during which that owner is not the holder of a subsisting certificate of registration or permit issued by the issuing authority for the motor vehicle or trailer, and
- (b) no person shall operate on a road a motor vehicle or trailer in respect of which there is not for the time being a subsisting certificate of registration or permit.

(2) Despite subsection (1) and (4), if the owner of a motor vehicle, other than a public vehicle, has complied with the laws of a jurisdiction outside Alberta with respect to the registration and licensing of that motor vehicle then, if the motor vehicle is carrying displayed on it, the registration number plates assigned under those laws to the motor vehicle, the motor vehicle may be used on a road for the shorter of

- (a) three months, and
- (b) the period during which the registration and licensing of the motor vehicle subsist,

provided that the owner has a valid financial responsibility card relating to that motor vehicle.

(3) Subsections (1) and (4) do not prohibit the operation on a road of a motor vehicle, other than a public vehicle, in relation to which a temporary registration in the form of an in-transit permit issued by another jurisdiction in Canada is subsisting if

- (a) the operator of the motor vehicle carries the in-transit permit while operating the motor vehicle on a road,
- (b) the operator of the motor vehicle operates it in accordance with the terms and conditions of the in-transit permit, and
- (c) the owner of the motor vehicle has a valid financial responsibility card issued in relation to that motor vehicle under this By-law.

(4) A person who operates a motor vehicle or trailer on a road without a subsisting certificate of registration or permit for that motor vehicle or trailer is guilty of an offence unless that person has been granted an exemption under the laws and regulations of the Province of Alberta, or under this By-law.

- (5) A person who knowingly operates a motor vehicle on a road
 - (a) while the certificate of registration or permit of the motor vehicle is cancelled, or
 - (b) while the certificate of registration or permit of the motor vehicle is under suspension,

is guilty of an offence.

S.19 Any person who is the owner of a motor vehicle or trailer shall comply with all the requirements for registering of that motor vehicle or trailer under the laws and regulations of the Province of Alberta including compliance with all requirements to maintain registration and any other requirements that may be made by the Province of Alberta from time to time.

S.20 (1) No person may apply for, obtain or attempt to have a motor vehicle or trailer registered in the name of

- (a) an applicant that purports to be a corporation if no such corporation exists, or
- (b) a corporation incorporated otherwise than under the laws of Alberta that is required to be but is not or has ceased to be
 - (i) registered under the Companies Act
 - (ii) registered under the Business Corporations Act, or
 - (iii) registered under the Trust Companies Act,
 - (iv) licenced under the Insurance Act, or
 - (v) registered under the Co-operative Associations Act.

(2) No person may make use of any certificate of registration or permit issued under this By-law in the name of a corporation which does not exist at the time the certificate of registration is used.

(3) If a motor vehicle or trailer is improperly registered, the person who signed the application for registration shall, for the purpose of this By-law, or

the laws and regulations of the Province of Alberta, shall be deemed to be the owner of the motor vehicle or trailer so registered.

(4) No liability attaches to the issuing authority for any loss caused by incorrect information contained in an application for registration of a motor vehicle or trailer, whether or not that information may have been entered on the application form by some person other than the applicant.

PART III

USE OF CERTIFICATES OF REGISTRATION

S.21 No person shall

- (a) mutilate, deface or alter a certificate of registration or permit required under this By-law, or
- (b) possess or permit the possession by another person of an illegible, mutilated, altered or defaced certificate of registration or permit required under this By-law.

S.22 (1) A driver, owner or person having the care and control of a motor vehicle shall produce the certificate of registration or permit required under this By-law for the motor vehicle for inspection on demand by a peace officer.

(2) When the motor vehicle is being operated

- (a) with licence plates,
- (b) by an appraiser who has custody of the motor vehicle for the purpose of appraisal, or
- (c) by a mechanic who has custody of the motor vehicle for the purpose of repairs,

the peace officer shall give the driver reasonable time within which to produce the certificate of registration or permit required under this By-law for the motor vehicle.

(3) If a person produces to a peace officer a certificate of registration or permit required under this By-law that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued replacement certificate of registration or permit within a reasonable time.

S.23 A person who on the demand of a peace officer

- (a) fails to produce a certificate of registration or permit as required, or
- (b) fails to produce a replacement certificate of registration or permit as required,

is guilty of an offence.

PART IV

LICENCE PLATES

S.24 No person who is the owner of a motor vehicle or trailer shall operate or tolerate or permit any other person to operate the motor vehicle or trailer on a road at any time during which that motor vehicle does not bear valid and subsisting licence plates for that motor vehicle or trailer.

S.25 Every person who is an owner of a motor vehicle or trailer shall comply with all of the requirements to obtain licence plates for that motor vehicle as prescribed by the issuing authority.

S.26 No person shall

(a) attach to a motor vehicle or trailer, or

(b) operate or park a motor vehicle or trailer to which is attached,

a licence plate other than a licence plate authorized for use on that motor vehicle or trailer.

S.27 No person shall park or operate a motor vehicle or trailer on a road unless each licence plate required is attached to the motor vehicle in the location and in the manner required by the issuing authority.

S.28 (1) The operator of a motor vehicle or trailer shall at all times keep any licence plate required to be attached to the motor vehicle secured in the manner and maintained in a condition so as to be clearly visible and readable and unobscured by any part of the motor vehicle or its attachments or load or otherwise.

(2) No person shall be in violation of subsection (1) by reason only that a trailer is attached to the rear of a motor vehicle that he owns or operates.

S.29 No person shall operate or park a motor vehicle or trailer on a road with an expired licence plate displayed on it.

S.30 No person shall

(a) deface or alter any licence plate required under this By-law,

(b) use or permit the use of any defaced or altered licence plate, or

(c) permit any licence plate issued to him to be used in violation of this By-law.

S.31 A peace officer who has reason to believe that a motor vehicle is carrying licence plates

(a) that were not issued for that motor vehicle, or

(b) that, although issued for that motor vehicle, were obtained by false pretences,

may take possession of those licence plates and retain them until the facts concerning the issue of those licence plates have been determined or, if an

information is laid, until the final disposition of the case.

PART V

REQUIREMENT FOR INSURANCE

S.32 (1) The operator, owner or person having the care and control of a motor vehicle shall, on the request of a peace officer, produce proof of insurance being a financial responsibility card for that motor vehicle.

(2) When the motor vehicle is operated

- (a) with subsisting licence plates,
- (b) by an appraiser who has custody of the motor vehicle for the purposes of appraisal,
- (c) by a mechanic who has custody of the motor vehicle for the purpose of repairs, or
- (d) by the proprietor of or an employee of a service station who has, on behalf of the service station, the custody of a motor vehicle in the course of service station business duties relating to the motor vehicle,

the peace officer shall give the operator, owner or person having the care and control of the motor vehicle reasonable time within which to produce proof of insurance.

(3) When a newly acquired motor vehicle is being operated with licence plates issued to another motor vehicle as permitted by the issuing authority, and if the operator, owner or person having the care and control of the motor vehicle produces

- (a) proof of the purchase, within the immediately preceding 14 days, of the newly acquired motor vehicle, and
- (b) a financial responsibility card for the motor vehicle to which the licence plates are issued,

a peace officer shall give the operator, owner or person having the care and control of the motor vehicle reasonable time within which to produce proof of insurance being a financial responsibility card for the newly acquired motor vehicle.

(4) An operator, owner or person having the care and control of a motor vehicle who fails to produce proof of insurance as required by this By-law is guilty of an offence.

(5) An operator, owner or person having the care and control of a motor vehicle who, when requested to produce a financial responsibility card as required by this section,

- (a) produces a document which purports to be a financial responsibility card which has not been issued by the issuing authority, or
- (b) produces a financial responsibility card relating to an insurance policy which is not in force or is otherwise invalid at the time of production,

is guilty of an offence.

(6) This section does not apply with respect to a motor vehicle that is registered in a country, state, territory or province other than Alberta or to a motor vehicle registered only as an antique motor vehicle within the meaning of Sarcee (Tsuu t'ina) Traffic By-law.

S.33 (1) A person who

- (a) applies for the registration of a motor vehicle when it is not an insured motor vehicle, or
- (b) obtains the registration of a motor vehicle when it is not an insured motor vehicle,

is guilty of an offence.

(2) A person who

- (a) operates a motor vehicle that is not an insured motor vehicle on a road, or
- (b) has, on a road, a motor vehicle that is not an insured motor vehicle,

is guilty of an offence.

(3) A registered owner or owner of a motor vehicle that is not an insured motor vehicle who

- (a) permits any other person to operate that motor vehicle on a road, or
- (b) permits any other person to have that motor vehicle on a road

is guilty of an offence.

(4) If the registration of a motor vehicle is suspended under this By-law it is still a registered motor vehicle for the purposes of this section.

(5) Subsections (2) and (3) do not apply to a person to whom a subsisting financial responsibility card has been issued by an issuing authority outside the Province of Alberta, provided that it complies with the requirements of the Province of Alberta.

S.34 --- A person who

- (a) fails to deliver to the Registrar for cancellation as required a financial responsibility card or any additional card issued to him, or
- (b) gives or loans to a person not entitled to have it a financial responsibility card or additional card

is guilty of an offence.

S.35 Nothing in this By-law shall curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the the negligence of the owner or operator of any motor vehicle or for the negligence or any agent or employee of the owner.

S.36 If a person sustains loss or damage arising out of the operation of a motor vehicle on a road and if that motor vehicle is operated in violation of this By-law, the onus of proof in any civil proceeding that the loss of damage did not arise by reason of the violation of this By-law is on the owner or driver of the motor vehicle.

S.37 (1) When an accident occurs on a road, the driver or other person in charge of a motor vehicle that was directly or indirectly involved in the accident

- (a) shall remain at or immediately return to the scene of the accident,
- (b) shall render all reasonable assistance, and
- (c) shall produce in writing to any one sustaining loss or injury, to any peace officer or to a witness
 - (i) his name and address,
 - (ii) the number of his operators licence,
 - (iii) the name and address of the registered owner of the motor vehicle,
 - (iv) the registration number of the motor vehicle, and
 - (v) a financial responsibility card for that motor vehicle either under this By-law or as required by the laws and regulations of the Province of Alberta.

or any of that information that is requested.

(2) The driver of a motor vehicle which collides with an unattended motor vehicle shall stop and

- (a) locate and notify the person in charge or owner of the unattended motor vehicle of the name and address of the driver, the number of his operators licence and the registration number of the motor vehicle striking the unattended motor vehicle, or

(b) leave in a conspicuous place in or on the motor vehicle collided with a written notice giving the name and address of the driver, the number of his operators licence and the registration number of the motor vehicle striking the unattended motor vehicle.

(3) The driver of a motor vehicle involved in an accident resulting in the damage to property on or adjacent to a road, other than a motor vehicle under this By-law, shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact and of the name and address of the driver, the number of his operators licence and the registration number of the motor vehicle.

(4) If the driver is incapable of providing the information required and there is another occupant of the motor vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(5) If no information has been provided under subsection (1), (2), (3) or (4) and the driver or occupant is not the owner of the motor vehicle, the owner, after learning of the accident, shall provide the information within a reasonable time.

(6) When the driver is alone, is the owner and is incapable of providing the information required, he shall provide the information within a reasonable time after becoming capable of so doing.

(7) When a motor vehicle which has been involved in an accident is damaged to the extent that it cannot be moved under its own power, the registered owner or the operator of the motor vehicle, after having complied with subsection (1), (2) and (3), shall, within a reasonable time, make arrangements for the motor vehicle to be removed from the road.

(8) If the registered owner or the operator of the motor vehicle fails to make or is incapable of making arrangements to move the motor vehicle as provided herein, a peace officer may make the arrangements on his behalf and the registered owner shall be notified of the disposition of the motor vehicle by a peace officer.

(9) When arrangements have been made by a peace officer pursuant to subsection (8), the motor vehicle shall be deemed to be an abandoned motor vehicle and is then subject to the provisions herein for an abandoned motor vehicle.

S.38 (1) When an accident results in injury or death to a person or in property damage to an apparent extent of \$500.00 or more, the driver shall make a written report in the form prescribed by the Province of Alberta and containing the information required by that form to

(a) a peace officer having jurisdiction where the accident occurred,
or

(b) an employee of a police force having jurisdiction where the accident occurred who is authorized to receive those reports.

(2) If the driver is incapable of making the report required by subsection (1) and there is another occupant of the motor vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) If no report has been made under subsection (1) or (2) and the driver or occupant is not the owner of the motor vehicle, the owner shall, within a reasonable time after learning of the accident, make the report.

(4) When the driver is alone, is the owner and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

S.39 A peace officer who has witnessed or investigated an accident shall forward to the Registrar of Motor Vehicles of Alberta, a written report, in the form prescribed, setting forth full particulars of the accident including the names and addresses of the persons involved and the extent of their personal injuries or property damage.

S.40 When the driver of a motor vehicle or any other person damages or knocks down

- (a) a traffic control device,
- (b) a railroad sign or signal, or
- (c) a traffic sign of any kind,

that person shall forthwith report the damage to the nearest peace officer.

S.41 (1) Any person who knowingly makes any statement required by this By-law that is false is guilty of an offence.

(2) In a prosecution for failure to make a report required by this By-law with respect of an accident, the place of the offence shall be deemed to be the place where the accident occurred.

S.42 (1) No person shall commence the repairs or direct or require the repairs to be commenced on a motor vehicle that shows evidence of having been involved in an accident required to be reported under this By-law or having been struck by a bullet

- (a) unless a notice in the form prescribed by the Registrar of Motor Vehicles of Alberta has been affixed to the motor vehicle by a peace officer, or
- (b) if no notice is affixed to the motor vehicle, until he has been authorized in writing by a peace officer so to do.

(2) A person who violates this section is guilty of an offence.

S.43 (1) No person shall have in his possession a motor vehicle, or any serially numbered part of a motor vehicle, that does not have either

- (a) the manufacturer's serial number or identifying mark, or
- (b) a special identification number or mark authorized under this By-law when the manufacturer's serial number or identifying mark has been removed, defaced, covered, altered or destroyed or has

become illegible.

(2) A person destroying or dismantling a motor vehicle so as to make it inoperative

- (a) shall not use or allow the serial number plate of that motor vehicle to be used on any other motor vehicle,
- (b) shall ensure that the manufacturer's serial number remains legible and attached to the motor vehicle or motor vehicle hulk until the time the entire hulk is destroyed, and
- (c) after entering the proper records pursuant to this By-law, shall destroy the serial number plate.

S.44 When a motor vehicle is stored in or left at a public garage, parking station, parking lot, used car lot, repair shop or any private property is unclaimed for 30 days or more, the person in charge of the place where the motor vehicle was stored or left shall immediately report the presence of the unclaimed motor vehicle to the police department having jurisdiction in that area, giving the licence plate number and a description of the motor vehicle and any information he has relating to the person storing or leaving the motor vehicle at his place of business.

PART VI

POWERS OF PEACE OFFICERS

S.45 Every driver shall, immediately upon being signalled or requested to stop by a peace officer in uniform shall,

- (a) bring the motor vehicle to a stop,
- (b) furnish any information respecting the driver or the motor vehicle that the peace officer requires, and
- (c) remain stopped until being permitted by the peace officer to leave.

S.46 (1) When a peace officer

- (a) has reasonable grounds to suspect a person of driving or having the care and control of the motor vehicle while under the influence of alcohol, and
- (b) requests the person to submit to the taking of one or more breath specimens,

if the person refuses to comply with the request, that person is guilty of an offence.

(2) When a person is convicted under subsection (1) the person convicted shall deliver his operators licence to the convicting judge who shall forward the licence to the issuing authority.

(3) When a person submits to the taking of a breath specimen, the person taking the specimen shall, as soon as reasonably possible, provide that person with a signed statement of the results of the test.

S.47 When a motor vehicle

- (a) is left unattended on a road so as to obstruct the normal movement of traffic,
- (b) is illegally parked on a road,
- (c) is parked on a road so as to prevent access by fire-fighting equipment,
- (d) is without valid and subsisting licence plates or a permit,
- (e) is parked on a road so as to obstruct any driveway, or
- (f) is left unattended on a road and, in the opinion of the peace officer, the motor vehicle, its contents or any part of it is liable to be stolen or tampered with,

a peace officer may cause the motor vehicle to be removed and to be taken to and stored in a suitable place, and all costs for the removal and storage are a lien on the motor vehicle which may be enforced as an actionable debt.

S.48 (1) When a peace officer has seized a motor vehicle under this By-law or when a peace officer, or a person appointed or designated by the Chief-in-Council, on reasonable and probable grounds believes that a motor vehicle

- (a) has been abandoned in violation of this By-law, or
- (b) is situated unattended at a location or in a condition so that it constitutes a present or potential hazard to persons or property,

the peace officer may cause the motor vehicle to be removed from its location, and to be stored at an area set up for such purpose.

(2) All reasonable costs incidental to the removal of a motor vehicle under subsection (1) and the storage of it, for a period not exceeding six (6) months, constitute a debt owing to the Sarcee (Tsuu T'ina) Nation.

(3) If a motor vehicle stored under this section is not registered in Alberta or is not, within 30 days of its removal, claimed by the registered owner or someone on his behalf in return for full payment of the removal and storage costs actually paid, the motor vehicle may, with the approval in writing of the Chief-in-Council, be disposed of as the Chief-in-Council may direct, if written notice of the proposed disposal is given to the holders of any encumbrances registered in respect of the motor vehicle at the Central Registry of Alberta or under the Chattel Security Registries Act, R.S.A. 1980, Chapter C-7.1, as amended, and the proceeds of the disposal shall be expended in the following manner:

- (a) to pay the debt owing to the Tsuu T'ina Nation or appropriate

authority under this section;

- (b) to pay the balance owing on any encumbrances referred to in this section, to the rightful person.

(4) If the proceeds realized from the disposal of the abandoned or stored motor vehicle are not sufficient to cover the costs of removal and storage, the person authorized to remove and store the motor vehicle may apply to the Chief-in-Council for payment of the outstanding amount and the Chief-in-Council, on being satisfied that the claim is proper, may order payment to be made.

(5) When a peace officer or authorized person representing the Tsuu T'ina Nation on reasonable and probable grounds believes that the motor vehicle referred to in subsection (1) is worthless, the peace officer may cause the motor vehicle to be removed directly to a nuisance ground, salvage yard or dump for disposal.

(6) No liability attaches to a person

- (a) making the sale of a motor vehicle pursuant to subsection (3), or
- (b) disposing of a motor vehicle pursuant to subsection (6)

and, in the case of a sale, that person passes good title to the motor vehicle as against the former owner or anyone claiming through him.

(8) In this section "motor vehicle" includes a wrecked or partially dismantled motor vehicle or any part of a motor vehicle.

S.49 Every person called on by a peace officer to assist a peace officer in the arrest of a person suspected of having committed any of the offences mentioned in section 50, the immediately following section, is justified in doing so if he knows that the person calling on him for assistance is a peace officer.

S.50 Every peace officer, who on reasonable and probable grounds believes that any person has committed an offence under this By-law, may arrest the person without warrant for the following violations:

- (a) operating a motor vehicle without having a subsisting drivers licence;
- (b) operating a motor vehicle without having a subsisting certificate of registration;
- (c) operating a motor vehicle that is not insured;
- (d) exposing a licence plate on a motor vehicle other than the one authorized for that motor vehicle;
- (e) defacing of licence plates;
- (f) failing to comply with duties at the scene of an accident;
- (g) possessing a motor vehicle or serially numbered part that does not display a serial number or other authorized identifying number or

mark in the space provided for that identification by the manufacturer or the serial number of which has been removed, altered, covered, defaced, destroyed or become illegible;

- (h) failing to stop a motor vehicle when so requested by a peace officer in uniform.

S.51 (1) A peace officer, who on reasonable and probable grounds believes that any of the offences enumerated in S.50 have been committed, may seize and detain any motor vehicle in respect of which the offence has been committed until the final disposition of any proceedings that may be taken under this By-law.

(2) A peace officer seizing a motor vehicle pursuant to subsection (1) may cause the motor vehicle to be removed and taken to and stored in a suitable place and cause any tests and examinations of it to be made that the peace officer considers proper.

(3) Except when subsection (4) applies, all costs for the removal and storage of the motor vehicle are a lien on the motor vehicle which may be enforced as an actionable debt.

(4) If a charge is not laid respecting a violation of this By-law within 10 days after the motor vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be returned to the owner immediately, and the costs referred to in subsection (3) shall be paid in any case where the seizure was effected under this By-law, by the Tsuu T'ina Nation.

(5) If a charge is laid respecting a violation of this By-law and the accused is acquitted of that charge, the court may order that the costs referred to in subsection (3) shall be paid in any case where the seizure was effected under this By-law by the Tsuu T'ina Nation.

(6) When a motor vehicle is seized pursuant to subsection (1), a judge may, in his discretion, release the motor vehicle pending the disposition of any proceedings that may be taken under this By-law, if security is given in the sum not exceeding \$100.00.

S.52 Every peace officer who, on reasonable and probable grounds, believes that a financial responsibility card relating to any motor vehicle being operated on a road has expired, may seize the licence plate issued for that motor vehicle.

S.53 When necessary to remove, take or store a motor vehicle as authorized under this By-law, a peace officer or a person authorized by a peace officer may forcibly unlock or open a door of the motor vehicle and do any other things that are reasonably required to facilitate the removal, taking and storing of the motor vehicle.

S.54 A peace officer has the right and power without further authority to enter in the interval between 6 a.m. and 9 p.m. of the same day

- (a) any place where motor vehicles or serially numbered parts of motor vehicles are kept for sale, hire, dismantling, destruction or storage, or

(b) any garage or place of business where motor vehicles are repaired, for the purpose of ascertaining whether or not this By-law is being complied with in respect to the motor vehicles in that place and by the persons employed in that place.

PART VII

PENALTIES

S.55 Any person who violates any provision of this By-law is guilty of an offence punishable on summary conviction.

S.56 (1) Except as otherwise provided in this By-law, a person who is guilty of an offence under this By-law for which a penalty is not otherwise provided is liable to a fine of not more than \$500.00 and in default of payment to imprisonment for a term not exceeding (30) days or to imprisonment for a term not exceeding (30) days without the option of a fine.

(2) A person who is guilty of an offence under section 3(6) is liable

- (a) for a first offence, to a fine of not more than \$1,000.00 and in default of payment, to imprisonment for a term of not less than 14 days or more than thirty (30) days, and
- (b) for each subsequent offence committed within one year after the commission of the offence referred to in clause (a), to imprisonment for a term of not less than 14 days or more than thirty (30) days.

(3) A person who is guilty of an offence under section 18(4) or (5) is liable

- (a) for a first offence, to a fine of not more than \$200.00 and in default of payment, to imprisonment for a term not exceeding 30 days, and
- (b) for any subsequent offence to a fine of not more than \$500.00 and in default of payment to imprisonment for a term not exceeding 30 days.

(4) A person who is guilty of an offence under section 5(2) is liable

- (a) for a first offence, to a fine of not more than \$1,000.00 and in default of payment, to imprisonment for a term not exceeding thirty (30) days and
- (b) for any subsequent offence to a fine of not more than \$1,000.00 or to imprisonment for a term not exceeding thirty (30) days, or to both fine and imprisonment.

(5) A person who is guilty of an offence under section 10, 14(2) or 41 is

liable to a fine of not more than \$200.00 and in default of payment to imprisonment for a term not exceeding 30 days.

(6) A person who is guilty of an offence under section 17 or 23 is liable to a fine of not more than \$5.00.

(7) A person, other than a corporation, who is guilty of an offence under section 32(5), 33 or 34 is liable

(a) for a first offence, to a fine of not less than \$400.00 and in default of payment, to imprisonment for a term of not less than 14 days or more than thirty (30) days, and

(b) for each subsequent offence committed within one year after the commission of the offence referred to in clause (a), to imprisonment for a term of thirty (30) days.

(8) A corporation that is guilty of an offence under section 32 or 33 is liable

(a) for a first offence to a fine of not less than \$800;

(b) for any subsequent offence to a fine of not less than \$1,000.00.

(9) A person who is guilty of an offence under section 42 is liable to a fine of not less than \$200.00 and in default of payment to imprisonment for a term not exceeding 30 days.

(10) A person who violates any provision of Part II or Part IV for which no penalty is prescribed in those Parts, is guilty of an offence and liable to a fine of not more than \$200.00 or, in default of payment, to imprisonment for a term not exceeding 30 days.

S.57 (1) The owner of a motor vehicle who violates this By-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.

(2) Despite subsection (1), if the owner was not at the time of the offence driving the motor vehicle, he is not, in any event, liable to imprisonment.

S.58 In a prosecution of a violation under Part V, it is up to the accused to prove that his motor vehicle was at all relevant times an insured motor vehicle and when he is required to produce a financial responsibility card, it is up to the accused to prove that he held subsisting insurance at the time he was required to produce the financial responsibility card.

S.59 Any fine or penalty imposed under this By-law shall be paid to Her Majesty for the benefit of the Sarcee (Tsuu T'ina) Nation.

PART VIII

AMENDMENTS

S.60 This By-law may be amended by Chief and Council pursuant to the provisions of section 81 of the Indian Act Canada, RSC 1970, Chapter I-6, as amended.

