

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 <i>LE CONSEIL DE LA BANDE INDIENNE</i>	SARCEE NATION	Current Capital Balance <i>Solde de capital</i>	\$ _____
AGENCY	Southern Alberta	Committed - <i>Engagé</i>	\$ _____
DISTRICT	Alberta	Current Revenue balance <i>Solde de revenu</i>	\$ _____
PROVINCE		Committed - <i>Engagé</i>	\$ _____
PLACE <i>NOM DE L'ENDROIT</i>	Sarcee Nation Administration		
DATE	<u>11</u> <u>August</u> AD 19 <u>87</u>		
	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) Traffic By-law as By-law No. 5 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

[Signature]
 (Chief - Chef)

[Signature]
 (Councillor - conseiller)

(Councillor - conseiller)

[Signature]
 (Councillor - conseiller)

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(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

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

SARCEE (TSUU T'INA) TRAFFIC BY-LAW

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SARCEE (TSUU T'INA) TRAFFIC BY-LAW

THE SARCEE (TSUU T'INA NATION), in the interest of preserving law and order on Sarcee (Tsuu t'ina) lands and pursuant to the Indian By-law R.S.C., 1970, Chapter I-6 s.81(b)(c)(q), as amended and the Indian Traffic Regulations, enacts as follows:

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

S.2 In this By-law:

- (a) "air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reactions against the earth's surface resulting from the expulsion of air from the vehicle;
- (b) "antique motor vehicle" means a motor vehicle that is 25 years of age or older, is owned as a collector's item and is operated solely for use in exhibitions, club activities, parades and other similar functions and is not used for general transportation;
- (c) "centre line" means the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway;
- (d) "commercial vehicle"
 - (i) means a truck, trailer or semi-trailer, except
 - (A) a truck, trailer or semi-trailer that is a public vehicle, or
 - (B) a truck, trailer or semi-trailer or any class of vehicle that is exempted from being classified as a commercial vehicle by the Alberta Motor Transport Board,
 - and
 - (ii) includes
 - (A) a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and
 - (B) a motor vehicle by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof;
- (e) "community facility" means a facility on Sarcee (Tsuu t'ina) lands authorized by the Sarcee (Tsuu t'ina) government for use by the Sarcee (Tsuu t'ina) people for functions, meetings or other similar purposes.

- (f) "daytime" means the period commencing one hour before sunrise and ending one hour after the following sunset;
- (g) "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, as the case may be;
- (h) "driver" means a person who drives or is in actual physical control of a motor vehicle;
- (i) "implement of husbandry" means a vehicle designed and adapted primarily for agricultural, horticultural or livestock raising operations;
- (j) "intersection" means the area embraced within the prolongation or connection of
 - (i) the lateral curb lines or, if none,
 - (ii) the exterior edges of the roadways,of 2 or more highways which join one another at an angle whether or not one highway crosses the other;
- (k) "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;
- (l) "judge" means a judge appointed by the Province of Alberta or by the Government of Canada and includes a justice of the peace;
- (m) "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;
- (n) "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-road 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;
- (o) "motor vehicle" means a device in, on or by which persons or things may be transported or drawn on a road and 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;
- (p) "multi-purpose passenger vehicle" means a vehicle that has a seating capacity of 10 or less and is constructed on a truck-chassis or with special features for off-highway operation, but does not include an air cushion vehicle, an all terrain vehicle as defined in the Off-highway Vehicle Act, Statutes of Alberta, a passenger car or a truck;
- (q) "night time" means the period commencing one hour after sunset and ending one hour before the following sunrise;
- (r) "operator's 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;
- (s) "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;

- (t) "park", when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place, except
 - (i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
 - (ii) when standing in obedience to a peace officer or traffic control device;
- (u) "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 person designated by the Chief and Council to assist in the maintenance of law and order and may include a game warden;
- (v) "pedestrian" means a person afoot or a person in a wheel chair;
- (w) "power bicycle" means a vehicle that
 - (i) may be propelled by muscular or mechanical power,
 - (ii) is fitted with pedals that are continually operable to propel it,
 - (iii) weighs not more than 35 kilograms,
 - (iv) has a motor that produces not more than 750 watts and that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres,
 - (v) has no hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel, and
 - (vi) does not have sufficient power to enable it to attain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start;
- (x) "road" means that part of 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;
- (y) "service brake" means the primary mechanism designed to stop a vehicle;

- (z) "stop" means
 - (i) when required, a complete cessation from vehicular movement, and
 - (ii) when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device;
- (aa) "traffic control device" means any sign, signal, marking or device placed, marked or erected under the authority of this By-law for the purpose of regulating, warning or guiding traffic;
- (bb) "traffic lane" means a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles but does not mean a parking lane, whether or not the division is indicated by lines on the road surface;
- (cc) "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;
- (dd) "truck" means a vehicle designed primarily for the transportation of property or equipment but does not include a chassis-cab, crawler mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways;
- (ee) "truck tractor" means a truck that is designated primarily for drawing another vehicle and that is not designed to carry any load other than part of the weight of the vehicle drawn, and includes a vehicle that is designed to accommodate a 5th wheel coupling, but does not include a crane equipment breakdown vehicle;
- (ff) "Sarcee (Tsuu t'ina)" means a citizen of the Sarcee (Tsuu t'ina) Nation;
- (gg) "Sarcee (Tsuu t'ina) government" means the Chief and Council duly elected from time to time by the Sarcee (Tsuu t'ina) Nation;
- (hh) "Sarcee (Tsuu t'ina) lands" means those lands held by the Sarcee (Tsuu t'ina) Nation pursuant to Treaty 7, and any lands acquired by the Sarcee (Tsuu t'ina) Nation subsequent

to the signing of Treaty 7 and, in particular, Sarcee Reserve No. 145.

PART I

POWERS OF SARCEE (TSUU T'INA) GOVERNMENT

S.3 (1) With respect to all or any part of a road, the Sarcee (Tsuu t'ina) Government may set a maximum speed for day time or night time or both, in excess of the general maximum speed fixed by section 57 and may set different maximum speeds for different classes of vehicles.

(2) The Sarcee (Tsuu t'ina) Government may prescribe a minimum speed for all or any part of a road and may prescribe different minimum speeds for:

- (i) day time and night time,
- (ii) different periods of the year, and
- (iii) different traffic lanes on the same road.

(3) The Sarcee (Tsuu t'ina) Government may, with respect to all or any part of a road subject to its direction, control and management, prescribe by signs posted along the road speed limits of less than the general maximum speeds fixed by section 57 or fixed pursuant to subsection (2) of this section and applicable to all vehicles or any class of vehicles.

(4) The Sarcee (Tsuu t'ina) Government may with respect to any community facility zone on a road subject to its direction, control and management prescribe a maximum speed limit less than that fixed by section 57, but not less than 20 kilometres per hour.

(5) The Sarcee (Tsuu t'ina) Government or persons authorized by the Sarcee (Tsuu t'ina) Government may, by signs posted along a road subject to its direction, control and management, fix a maximum speed limit in respect of any part of the road under construction or repair or in a state of disrepair, applicable to all vehicles or to any class or classes of vehicles while travelling over that part of the road.

(6) When speed limits are prescribed pursuant to this section, the Sarcee (Tsuu t'ina) Government or a person authorized by the Sarcee (Tsuu t'ina) Government to fix the speed limit shall cause to be erected along the road, signs indicating the speed limits so prescribed.

S.4 (1) The Sarcee (Tsuu t'ina) Government may authorize the placing, erecting or marking of traffic control devices at any location considered necessary for controlling and regulating traffic on or entering roads subject to its direction, control and management.

PART II

EQUIPMENT REQUIRED ON VEHICLES

S.5 Every person who

- (1) operates a motor vehicle, or
- (2) permits another person to operate a motor vehicle

on a road without complying with any requirements of this Part as to equipment, is guilty of an offence.

Headlights

S.6 (1) Every motor vehicle, other than a cycle or moped, shall be equipped with at least two (2) headlights and shall have at least one headlight mounted on each side of the front of the motor vehicle.

(2) A headlight on a motor vehicle, other than a snowplow, shall be mounted on the motor vehicle at a height of not more than 1400 millimetres nor less than 600 millimetres measured from the centre of the headlight to the level of the ground when the motor vehicle stands unloaded.

(3) The lens and bulb of every headlight on a motor vehicle shall consist of clear, untinted glass.

(4) No person shall attach to or apply to any headlight or any part of a headlight any material or substance which causes the beam of light emitted from it to be any colour other than what is commonly accepted as being white.

S.7 (1) Except as otherwise provided in section 8, the headlights on motor vehicles shall be so arranged:

- (a) that the driver may select at will between distribution of light projected to different elevations, or
- (b) that the selection of light distribution may be made automatically.

(2) Every headlight of a motor vehicle other than a moped shall have

- (a) an uppermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 100 metres ahead under all conditions of loading of the motor vehicle, and
- (b) a lowermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 30 metres ahead.

(3) In addition to the requirements in subsection (2), the headlights of a motor vehicle shall be so aimed that on a straight level road and under

any condition of loading, the high intensity portion of any beam shall not strike the eyes of an approaching driver.

S.8 (1) Headlights arranged to provide a single distribution of light may be used

- (a) on motor vehicles, other than motor cycles, manufactured and sold before April 1, 1956, and
- (b) on motor cycles manufactured and sold before January 1, 1969.

in lieu of multiple beam road lighting equipment specified in section 7 if the single distribution of light conforms to the requirements of this section.

(2) The headlights arranged to provide a single distribution of light shall be so aimed that

- (a) when the motor vehicle is unloaded the high intensity portion of the light will not, at a distance of 10 metres ahead, be directed higher than a level of 165 millimetres below the level of the centre of the light from which it comes, and
- (b) in no case will the high intensity portion of the light be higher, at a distance of 25 metres ahead, than 1.2 metres above the level on which the motor vehicle stands.

(3) The intensity of the light shall be sufficient to reveal persons and vehicles at a distance of at least 60 metres.

(4) Every headlight of a motor cycle, moped, power bicycle or bicycle shall be designed so as to comply with Part VI herein.

S.9 (1) If a tractor or self-propelled implement of husbandry is equipped with any headlights it shall not be equipped with any less than 2 or any more than 4 headlights.

(2) Headlights on a tractor or self-propelled implement of husbandry may be of the single beam or multiple beam type but in either case the headlights shall conform with the requirements and limitations of this section.

(3) The vehicle headlights shall be of sufficient intensity to reveal a person or vehicle

- (a) at a distance of not less than 30 metres ahead when the tractor or self-propelled implement of husbandry is operated at any speed of less than 40 kilometres per hour.
- (b) at a distance of not less than 60 metres ahead when the tractor or self-propelled implement of husbandry is operated at a speed of 40 to 60 kilometres per hour, and

(c) at a distance of not less than 100 metres ahead when the tractor or self-propelled implement of husbandry is operated at a speed of more than 60 kilometres per hour.

(4) When the tractor or self-propelled implement of husbandry is equipped with a multiple beam headlight

(a) the uppermost beam of light shall conform to the minimum requirements as set out on in subsection (3) and shall not exceed the limitations set out in section 7, and

(b) the lowermost beam of light shall conform to the requirements applicable to lowermost distribution of light as set out in section 7.

(5) When a tractor or self-propelled implement of husbandry is equipped with single beam headlights, the headlights shall be so aimed that none of the high intensity portion of the light will be directed higher, at a distance of 10 metres ahead, than the level of the centre of the headlights from which the light comes.

S.10 (1) No trailer having a width at any part, including the load thereon, in excess of 2.05 metres, shall be upon any road, at any time when headlights of the towing vehicle are required to be lit, unless it has affixed in a conspicuous position, as near the top as practicable, at least one lighted amber clearance light on each side of the rear.

(2) Notwithstanding subsection (1), where it is impracticable to mount separate clearance lights, a trailer having a width in excess of 2.05 metres may be operated on a road at a time that the headlights of the towing vehicle are required to be lit if the trailer is equipped with composite clearance lights emitting an amber light to the front and a red light to the rear of the trailer and mounted as high as practicable on each side of the trailer.

Tail Lights

S.11 (1) Except as provided in subsections (2) and (3),

(i) every motor vehicle,

(ii) every self-propelled implement of husbandry,

(iii) every tractor,

(iv) every trailer, and

(v) every vehicle being drawn at the end of a train of vehicles

shall be equipped with at least two (2) tail lights mounted at the rear of the vehicle.

(2) Every motor cycle, moped and power bicycle shall be equipped with at least one (1) tail light mounted at the rear of the vehicle which complies

with the requirements of Part IV of this By-law.

(3) Subsection (1) does not apply during daylight hours to any class of equipment exempted by this By-law.

(4) The tail lights on a vehicle shall be as widely spaced as is practicable.

(5) When lit as required by this By-law, a tail light shall be capable of emitting a red light plainly visible from a distance of not less than 150 metres to the rear of the vehicle at a height of not more than 1850 millimetres nor less than 500 millimetres measured from the centre of the tail light to the level ground when the vehicle stands unloaded.

(6) A tail light on a vehicle shall be on the vehicle at a height, which shall be measured from the centre of the tail light, of not more than 1850 millimetres nor less than 500 millimetres to the level ground when the vehicle stands unloaded.

(7) A tail light shall be so constructed that the rear licence plate of the vehicle will be illuminated and clearly visible from a distance of 15 metres to the rear, or a separate light shall be mounted on the rear of the vehicle to illuminate the licence plate and make it visible from a distance of 15 metres to the rear.

S.12 A vehicle carrying a load that overhangs the rear of the vehicle to the extent of 1.5 metres or more shall,

- (a) during night time hours display a red light, and
- (b) at all other times display a red flag, which shall be not less than 300 millimetres square,

on and at the extreme rear end of the overhanging load and sufficient in either case to indicate the projection of the load.

S.13 (1) Except as permitted by this By-law, no vehicle shall display to the rear of it a light of any other colour than red.

(2) Subsection (1) does not apply to back-up lights when used in the process of backing up a vehicle.

S.14 (1) Every trailer shall be equipped with at least two tail lights which shall be lighted when the headlights on the towing vehicle are required to be lighted and shall be capable of emitting a red light clearly visible for a distance of not less than 150 metres.

(2) One of the tail lights shall be so constructed that the licence plate of the trailer will be illuminated and rendered clearly visible from a distance of 15 metres to the rear of the trailer, or a separate lamp shall be mounted on the rear of the trailer to illuminate the licence plate and render it visible from a distance of 15 metres to the rear.

S.15 (1) No trailer shall be upon any road unless there are, at the rear of

the trailer, two C.S.A. or S.A.E. standard reflectors so placed as to reflect the lights of any motor vehicle approaching from the rear and attached as nearly as practicable at each extreme width of the trailer.

(2) Reflectors that comply with the standards prescribed by either the S.A.E. or the C.S.A. may be incorporated with tail lights.

Brake Lights

S.16 (1) Unless otherwise provided by this By-law

- (a) every motor cycle, moped and power bicycle shall be equipped with at least one (1) brake light mounted on the rear of the vehicle, and
- (b) every other motor vehicle and every trailer and the rearmost vehicle in a train of vehicles shall be equipped with at least two brake lights mounted on the rear of the vehicle.

(2) When brake lights are used on a vehicle,

- (a) they shall be permanently mounted on a rigid part of the vehicle other than glazing, and the distance between the ground and the centre of the light when the vehicle is unloaded shall not be less than 38 centimetres or more than 185 centimetres, and
- (b) they shall be located,
 - (i) in the case of a motor cycle, moped or power bicycle, on the vertical centre line unless more than one brake light is used and, in that case, they shall be symmetrically disposed about the vertical centre line.
 - (ii) and in the case of every other motor vehicle and every trailer and the rearmost vehicle in a train of vehicles, at the same height and as far apart as practicable and shall be symmetrically disposed about the vertical centre line.

(3) Subsection (2) does not apply to vehicles manufactured before January 1, 1971.

(4) A brake light shall light up when the service brake is applied and when lit shall emit a red light plainly visible from a distance of not less than 250 metres to the rear of the vehicle in normal sunlight.

S.17 No brake light or signal light or device shall project a glaring light at any time.

S.18 Every trailer shall be equipped with at least two brake lights mounted on the rear of the trailer which light up when the service brake of the towing unit is applied and when lit emit red lights plainly visible from a distance of not less than 30 metres to the rear of the trailer in normal

sunlight.

Flashing Lights

S.19 (1) No person shall operate a motor vehicle or trailer unless it is equipped with lights or mechanical signal devices that comply with the requirements of this section and that show to the front and rear for the purpose of indicating an intention to turn either to the right or left.

(2) No person shall

(a) operate a motor vehicle, or

(b) pull a trailer

equipped with lights or mechanical signal devices to indicate an intention to turn the vehicle or trailer unless the lights or devices show to the front and rear of the vehicle and to the rear of the trailer and otherwise comply with the requirements of this section.

(3) A motor vehicle or trailer manufactured on or after January 1, 1971 shall be equipped with lights used for the purpose of indicating turns that comply with the requirements of this section.

(4) Subsection (3) does not apply to a moped or an implement of husbandry or to a trailer that is less than 76 centimetres in overall width.

(5) If a motor vehicle to which subsection (3) applies is less than 205 centimetres in overall width, the turn signal operating unit shall be self-cancelling.

(6) When lights are used for the purpose of indicating turns

(a) they shall be mounted on a rigid part of the motor vehicle or trailer, other than glazing.

(b) in the case of a motor vehicle or trailer manufactured on or after January 1, 1971, the distance between the ground and the centre of the light when the motor vehicle or trailer is unloaded shall be not less than 38 centimetres or more than 211 centimetres.

(c) the lights showing to the front shall be located at or near the front on the same level and as widely spaced laterally as practicable and when in use shall emit a white or amber light that is plainly visible from the front in normal sunlight for a distance of at least 250 metres, and

(d) the lights showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall emit a red or amber light that is plainly visible from the rear in normal sunlight for a distance of at least 250 metres.

(7) Nothing in this section requires a truck tractor to be equipped with lights to indicate an intention to turn on the rear of the tractor if the lights that are located at or near the front of the tractor are of double face construction and are located so they meet the visibility requirements set out in subsections (6)(c) and (d).

(8) Lights used for indicating turns shall be constructed and arranged that when used for indicating turns, the intended direction of the turn can be indicated by flashing the lights showing to the front and rear on the side towards which the turn is to be made.

(9) If mechanical signal devices are used for the purpose of indicating turns, the mechanical devices shall be self-illuminating when in use during the times headlights are required to be alight.

(10) The owner of a motor vehicle equipped with lights or mechanical signal devices to indicate an intention to turn shall maintain those lights or mechanical devices in good working order.

Other Lights

S.20 In addition to the lights required by this part, every self-propelled implement of husbandry shall, at the times mentioned in section 86, be equipped with and display any other lights and reflectors prescribed by the regulation.

S.21 (1) A motor vehicle or trailer manufactured on or after January 1, 1971 shall, on and after January 1, 1981, be equipped with, on each side of it,

- (a) one amber side marker light as close to the front of the motor vehicle or trailer, exclusive of the trailer tongue, as is practicable,
- (b) one red side marker light as close to the rear of the motor vehicle or trailer as is practicable, and
- (c) if the motor vehicle or trailer is greater than 9.2 metres in length, one amber intermediate marker light at or near the mid-point of the motor vehicle or trailer,

and the lights shall be located not less than 0.4 metres above ground level when the motor vehicle or trailer is unloaded.

(2) Notwithstanding subsection (1), a motor vehicle or trailer that is greater than 9.2 metres in length and was manufactured before January 1, 1971, shall be equipped so that it complies with the requirements of subsection (1) on and after January 1, 1981.

(3) Subsection (1)(a) does not apply to a trailer that is less than 183 centimetres in length, including the trailer tongue.

(4) Subsection (1)(b) does not apply to a truck tractor.

(5) The lights required by subsection (1) shall comply with any other requirements and standards that are prescribed in the regulation.

S.22 (1) A motor vehicle and a trailer shall, on and after January 1, 1981, be equipped with, on each side of it,

- (a) one amber side reflex reflector as close to the front of the motor vehicle or trailer, exclusive of the trailer tongue, as is practicable,
- (b) one red side reflex reflector as close to the rear of the vehicle or trailer as is practicable, and
- (c) if the motor vehicle or trailer is greater than 9.2 metres in length, one amber intermediate reflex reflector at or near the mid-point of the motor vehicle or trailer.

(2) A motor vehicle and trailer shall, on and after January 1, 1981, be equipped with,

- (a) if the motor vehicle or trailer is less than 0.8 metres in overall width, one red rear reflex reflector on the rear of the motor vehicle or trailer that is mounted permanently on a rigid part of the motor vehicle or trailer, other than glazing, and on the vertical centre line of it, or
- (b) if the motor vehicle or trailer is more than 0.8 metres in overall width, one red rear reflex reflector mounted permanently on a rigid part of the motor vehicle or trailer, other than glazing, on each side of the vertical centre line, at the same height above the ground and as close as is practicable to the vertical edge of the rear of the motor vehicle or trailer.

(3) Subsection (2)(a) does not prohibit a motor vehicle or trailer that is less than 0.8 metres in overall width from being equipped with more than one red rear reflex reflector, but in that case the motor vehicle or trailer shall comply with the requirements of subsection (2)(b).

(4) The reflex reflectors required by subsections (1) and (2) shall

- (a) be located so that the distance between the centre of the reflector and the ground level is not less than 0.4 metres or more than 1.6 metres when the motor vehicle or trailer is unloaded,
- (b) be visible at a distance of 150 metres in normal darkness when the high beam of a motor vehicle is shone directly towards them, and
- (c) comply with any other requirements and standards that are prescribed in the regulations.

(5) Subsection (1)(a) does apply to a trailer that is less than 183

centimetres in length including the trailer tongue.

(6) Subsection (1)(b) does not apply to a truck tractor.

(7) Notwithstanding Subsection (4), the reflex reflectors required by Subsection (2) may, on a truck tractor, be mounted on the back of the cab not less than 10 centimetres above the top of the rear tires or more than 1.6 metres above ground level when the truck tractor is unloaded.

S.23 (1) A motor vehicle, other than a motor cycle or moped, shall be equipped with vehicle hazard warning lights that comply with the requirements of section 19 (7) and that, when activated, all flash simultaneously.

(2) Subsection (1) does not apply to a motor vehicle that was manufactured before January 1, 1971, and was not originally equipped with a vehicle hazard warning light system.

(3) A trailer that is being towed by a motor vehicle to which subsection (1) applies shall be equipped with vehicle hazard warning lights showing to the rear that comply with the requirements of section 19 (7) (a) and (d) and flash simultaneously with each other and with the vehicle hazard warning lights of the tow vehicle.

S.24 (1) A motor vehicle that is 2.05 metres or more in overall width, including any load, shall, on and after January 1, 1981, be equipped with three amber identification lights on the front of the motor vehicle and three red identification lights on the rear of the motor vehicle.

(2) The lights referred to in subsection (1) shall be located

(a) symmetrically about the motor vehicle centre line in a horizontal row as close as practicable to the top of the vehicle, and

(b) so that no two light centres are closer together than 0.15 metres or farther apart than 0.3 metres.

(3) A trailer that is 2.05 metres or more in overall width, including any load, shall, on and after January 1, 1981, be equipped with three red identification lights on the rear of the trailer that comply with the requirements of subsection (2).

(4) The identification lights required by subsections (2) and (3) shall

(a) be controlled by a circuit that is independent from the circuit that controls the headlights and tail lights of the motor vehicle or trailer, and

(b) comply with any other requirements and standards that are prescribed in the regulations.

(5) This section does not apply to a motor vehicle or trailer that was manufactured before January 1, 1971, and was not equipped with the lights

referred to in this section at the time it was manufactured.

(6) Nothing in this section requires a truck tractor to be equipped with rear identification lights.

S.25 (1) A motor vehicle or trailer that is 2.05 metres or more in overall width, including any load, shall, on and after January 1, 1981, be equipped with two amber clearance lights on the front of the motor vehicle or trailer and two red clearance lights on the rear of the motor vehicle or trailer.

(2) The clearance lights required by subsection (1) shall be located so they indicate the overall width of the motor vehicle, trailer or load and be

(a) as close to the top of the motor vehicle, trailer or load as practicable, and

(b) at the same height and symmetrically disposed about the vertical centre line of the motor vehicle or trailer.

(3) The clearance lights required by Subsection (1) shall

(a) be controlled by a circuit that is independent from the circuit that controls the headlights and tail lights of the motor vehicle or trailer, and

(b) comply with any other requirements and standards that are prescribed by the regulations.

(4) Nothing in this section requires a truck tractor to be equipped with rear clearance lights.

(5) Notwithstanding subsection (2), the front clearance lights on a truck tractor may be located so that they indicate the width of the cab.

(6) A boat trailer less than six metres in overall length, including the tongue, is deemed to comply with subsections (1) and (2) if it is equipped with a clearance light on each side of the trailer that emits an amber light to the front and a red light to the rear and is located so that it indicates the overall width of the boat and trailer.

S.26 The lights required by sections 21, 23, 24 and 25 shall be visible at a distance of 150 metres in normal darkness.

S.27 (1) No motor vehicle shall be equipped with a light that is known to the trade as a search light.

(2) A spot light may be carried on any motor vehicle but when the vehicle is in motion the ray of light therefrom shall be directed to the extreme right of the travelled portion of the road so that the beam of light will strike the extreme right of the travelled portion of the road within 25 metres of the vehicle.

(3) No person shall use a spotlight carried on a motor vehicle,

whether the motor vehicle is in motion or not, so as to create a hazard to users of the road.

S.28 (1) A motor vehicle may be equipped with fixed or movable auxiliary lights or fog lights mounted on the front of the vehicle and below the level of the centres of the headlights and at a height not less than 400 millimetres above the level on which the vehicle stands.

(2) Not more than 2 auxiliary lights or fog lights mounted on opposite sides of a vehicle may be used and the use of those lights shall be in connection with but not in substitution for headlights, except under conditions of fog or rain rendering disadvantageous the use of headlights.

(3) In no event shall the number of auxiliary and fog lights on a motor vehicle exceed a combined total of 4 and in no event shall more than 2 of those lights be lighted for use with lighted headlights.

(4) An auxiliary light or fog light on a motor vehicle shall be adjusted and aimed so that when the vehicle is unloaded none of the high-intensity portion of the light to the left of the centre of the vehicle projects, at a distance of 8 metres ahead, higher than 100 millimetres below the centre of the light from which the beam of light is projected.

(5) The term "auxiliary light" or "fog light" denotes any combination of reflector, lens and light bulb designed to illuminate the roadway close to and forward or forward and to the sides of the motor vehicle and otherwise meeting the requirements of this section.

S.29 (1) Subject to subsection (2), a light or reflective device that is required or permitted by this By-law shall be located so that its visibility as required by this By-law is not impaired by the body of the vehicle that it is located on, by any load on the vehicle or by any component of or equipment on the vehicle.

(2) If the visibility of a light or reflective device is impaired in the manner referred to in subsection (1), the vehicle shall be equipped with an additional auxiliary light or reflective device at an alternative location and the auxiliary light or reflective device shall comply in all other respects with the requirements of this By-law that are applicable to the light or reflective device the visibility of which is impaired.

S.30 (1) Subject to subsection (2), a light or reflective device may be used so that it serves more than one function as a light or reflective device as long as it meets the requirements of this By-law that apply to all functions that it is intended to serve.

(2) A clearance light shall not be combined optically with a tail light or an identification light.

S.31 No person shall occupy, or permit any other person to occupy, a mobile home while the mobile home is being towed upon a road.

Brakes

S.32 (1) No motor vehicle, other than a motor cycle, moped or power bicycle, shall be operated on a road unless it has

- (a) an adequate service brake, and
- (b) an adequate emergency or parking brake capable of being operated separately.

(2) No tractor or self-propelled implement of husbandry shall be operated on a road unless it is equipped with an adequate service brake.

(3) No motor cycle, moped or power bicycle shall be operated on a road unless each wheel of the vehicle is equipped with an adequate service brake.

S.33 (1) In this section, "motor vehicle" includes a self-propelled implement of husbandry and a power bicycle.

(2) Every person driving a new motor vehicle on any road shall on request of a peace officer

- (a) permit the officer to inspect and test the brakes with which the motor vehicle is equipped and for that purpose to operate the vehicle, or
- (b) at the option of the officer, operate the motor vehicle as directed by the officer for the purpose of the inspection and testing of the brakes,

and the officer shall, if the brakes are inadequate, so notify the driver of the vehicle who shall forthwith proceed to have the brakes made adequate.

(3) If the service brakes on a motor cycle, moped or power bicycle or the service brake on an implement of husbandry are not capable of bringing the vehicle to a standstill

- (a) within 12 metres from the point at which the brakes were applied when the brakes are applied while the vehicle is loaded to its full capacity and moving,
- (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
- (c) at a speed of 30 kilometres per hour,

the service brakes of the vehicle are inadequate.

(4) If the service brakes on a motor vehicle, other than a motor vehicle mentioned in subsection (3), or any combination of vehicles are not capable of bringing the vehicle or combination of vehicles to a standstill,

- (a) within a distance of 10 metres from the point at which the

brakes were applied, when the brakes are applied while the vehicle or combination of vehicles is loaded to its full capacity and moving.

- (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
- (c) at a speed of 30 kilometres per hour.

the service brakes of the motor vehicle or combination of motor vehicles are inadequate.

(5) If the emergency or parking brake on a motor vehicle or combination of vehicles is not capable of bringing the motor vehicle or combination of vehicles to a standstill

- (a) within a distance of 16 metres from the point at which the brake was applied, when the brake is applied when the motor vehicle or combination of vehicles is loaded to its full capacity and moving,
- (b) on a level surface of dry paving of asphalt or concrete free from loose materials, and
- (c) at a speed of 30 kilometres per hour,

the emergency or parking brake of the motor vehicle or combination of motor vehicles is inadequate.

(6) The emergency or parking brake system of a motor vehicle or combination of motor vehicles shall be capable of holding the motor vehicle or combination of motor vehicles at a standstill while they are fully loaded and facing up or down a 20% grade.

(7) All brakes shall at all times be maintained in good working order and shall be so adjusted that the brake pressure on the wheels on each side of the vehicle is as nearly as possible equal.

Other Equipment

S.34 (1) Every motor vehicle, motor cycle, moped, power bicycle and bicycle shall be equipped with an adequate horn, gong or bell and it shall be kept in good working order and shall be sounded whenever it is reasonably necessary to warn persons on or approaching the road in the vicinity of the vehicle or motor cycle, moped, power cycle or bicycle.

(2) No person having the control of a motor vehicle, motor cycle, moped, power cycle or bicycle shall use the horn, gong, bell or other signalling device except for the purpose of giving notice to persons on or approaching the road in the vicinity of the motor vehicle, motor cycle, moped, power cycle or bicycle of the approach of the vehicle, and in so doing shall not make any more noise than is reasonably necessary for the purpose of giving the warning.

S.35 (1) A motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust muffler consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise and without the emission of any flame or spark.

(2) No person shall drive or operate a motor vehicle propelled by an internal combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine.

(3) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler from which has been removed a baffle-plate or other part.

(4) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler, the exhaust outlet of which has been opened or widened.

(5) No person shall drive or operate a motor vehicle equipped with an internal combustion engine equipped with a muffler or exhaust system to which is attached any device which increases the noise of the expulsion of gases from the engine or allows a flame to be ignited from the exhaust system.

(6) This section does not apply to a school bus having a capacity of 24 or more passengers.

S.36 (1) A motor vehicle that is equipped with a windshield, other than a motor cycle, moped, or antique motor vehicle, shall be equipped with

- (a) a self-operating windshield wiper system, and
- (b) a self-operating windshield washer system

that will clean moisture, road splash and other opaque material from the outside windshield glazing surface so that the operator of the motor vehicle has a clear view of the roadway in front of the motor vehicle from the operator's normal seating position.

(2) A motor vehicle that is equipped with a windshield, other than a motor cycle, moped or antique motor vehicle, shall be equipped with a self-operating defrosting and defogging system on each half of the windshield that will clean moisture and frost from the inside of the windshield.

(3) The controls for the equipment required by this section shall be located so that the equipment can be operated by the operator of the motor vehicle from the operator's normal seating position.

(4) A motor vehicle to which this section applies that was manufactured before January 1, 1971, shall be equipped so that it complies with this section.

S.37 Notwithstanding section 37, the operator of an antique motor vehicle that is equipped with a windshield shall ensure that, while the antique motor vehicle is being operated on a road, it is equipped, when

weather conditions require it, with a self-operating or manual windshield wiper system that complies with section 36 (1).

S.38 (1) A motor vehicle and a trailer shall, on or after January 1, 1981, be equipped with a body, fenders, mudguards or other similar devices that are located as far as practicable behind the front and rear wheels of the motor vehicle or trailer and extend laterally for at least the width of the tire or tires.

(2) The vertical distance from the ground to the bottom edge of the body, fenders, mudguards or other devices required by subsection (1) shall not, when the motor vehicle or trailer is unloaded, be greater than

- (a) 15 centimetres, or
- (b) $\frac{1}{3}$ the horizontal distance between the body, fenders, mudguards or other devices and the vertical centre line of the wheel.

S.39 (1) A motor vehicle which has a hood that opens from the front of the vehicle shall be equipped with a primary and secondary hood latch mechanism.

(2) The secondary hood latch mechanism referred to in subsection (1) shall operate so that it prevents the hood from opening if the primary latch mechanism fails.

(3) This section does not apply to motor vehicles manufactured before January 1, 1971.

S.40 (1) A hinged door on a motor vehicle that leads directly to a compartment containing seating accommodation shall be equipped with a door latch and striker assembly that has a fully latched closed position and a secondary latched position.

(2) Subsection (1) does not apply to a

- (a) cargo door,
- (b) sliding door,
- (c) rolling door,
- (d) folding door, or
- (e) 2-part door that closes by one part latching to the other part.

(3) This section does not apply to motor vehicles manufactured before January 1, 1971.

S.41 (1) Subject to this section, no person shall place or install in a motor vehicle a transparent, translucent or opaque material on or in place of the

- (a) windshield glazing, or
- (b) side window glazing that is beside or forward of the driver on the right and left hand side of the motor vehicle.

(2) No person shall place or install in a motor vehicle a transparent, translucent or opaque material on or in place of the rear window glazing unless the motor vehicle is equipped with outside rear view mirrors on the left and right side of the motor vehicle that comply with the requirements of section 43(2).

(3) Subsections (1) and (2) do not

- (a) apply to the equivalent replacement of the glazing installed by the manufacturer of the motor vehicle,
- (b) prohibit the use of clear, untinted frost shields, or
- (c) prohibit the use of window stickers as long as they do not impair the operator's field of vision or otherwise impair the safe operation of the motor vehicle.

(4) The owner of a motor vehicle shall ensure that the view through all frost shields on the motor vehicle is not impaired by discolouration, scratches or other damage.

(5) No person shall place or install any material on or in place of any window glazing that, by reason of sunlight or the headlights of other vehicles, casts a glare at other vehicles on the road.

(6) No person shall, operate on a road a motor vehicle that contains material that is prohibited by this section.

S.42. (1) Every motor vehicle shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway to the rear and of any vehicle approaching from the rear.

(2) If the view afforded by the mirror required under subsection (1) is obstructed or interfered with in any manner, a side rear vision mirror shall be attached to each side of the motor vehicle and shall be placed so as to afford the driver a clear view of the roadway to the rear and on each side of the motor vehicle.

(3) Every self-propelled implement of husbandry when operated on a road shall carry a mirror securely attached to it and placed so that it will afford the driver a clear view of the roadway to the rear and of any vehicle approaching from the rear.

S.43 Every motor vehicle shall be equipped with a speedometer to indicate the speed of the vehicle when moving forward.

S.44 (1) Without in any way restricting the provisions of this Part, the owner of a vehicle shall keep and maintain the vehicle and all equipment thereof in a condition of conformity at all times with any standards or

specifications prescribed by this By-law and shall keep and maintain all equipment prescribed by this By-law

- (a) in good working order, and
- (b) properly attached to the vehicle

having regard to the purpose for which that equipment is intended.

(2) If requested to do so by a peace officer, the owner of a vehicle shall, as soon as is reasonably possible, have any work done to the vehicle that is necessary to make it comply with the provisions of this Part and shall report the compliance to the peace officer.

S.45 (1) Every motor vehicle, except a motor cycle or moped, shall be equipped with a windshield.

(2) No person shall sell or offer for sale a new motor vehicle unless the glass in the windshield and in the other windows complies with the conditions prescribed herein.

(3) No person shall

- (a) sell or offer for sale any windshield or glass intended to be used for glazing a motor vehicle, or
- (b) glaze a motor vehicle with glass,

that does not comply with the conditions prescribed by the regulations.

(4) No person shall

- (a) sell or offer for sale a new holiday camper designed for truck mounting unless the glass in the windows complies with the conditions prescribed in the regulations,
- (b) sell or offer for sale any glass intended to be used for glazing a holiday camper unless the glass complies with the conditions prescribed by the regulations, or
- (c) glaze a holiday camper with glass that does not comply with the conditions prescribed by the regulations.

S.46 No vehicle other than a vehicle used

- (a) for the transportation of any police officer,
- (b) for the transportation of any member of a fire brigade or any firefighting equipment,
- (c) as an ambulance, or
- (d) as a gas disconnecting unit of a public utility company,

shall, while on a road, be equipped with a siren without the written approval of the Sarcee (Tsuu t'ina) Government.

S.47 (1) No person shall drive on a road any motor vehicle that is equipped with a television set.

(2) No person shall operate a television set in a motor vehicle while the vehicle is on a roadway.

(3) Notwithstanding subsections (1) & (2), a television set may be located and operated in a motor coach or a holiday camper or a self propelled mobile home if the driver of the motor vehicle cannot by any means see the screen of the television set while the vehicle is in motion.

S.48 (1) No person shall drive on a road a vehicle that is equipped or that carries or contains a device capable of detecting or interfering with radar or any other electronic equipment that may be used from time to time for measuring the speed of vehicles.

(2) Subsection (1) does not apply to

(a) a vehicle used by a peace officer in the course of his duties or

(b) a vehicle used by a person in conducting a traffic survey authorized by the Minister.

(3) A peace officer who on reasonable and probable grounds believes that a device or equipment referred to in subsection (1) is being operated in a vehicle may, without warrant search the vehicle and seize the device or equipment pursuant to subsection (4).

(4) If a peace officer apprehends a person operating a motor vehicle contrary to subsection (1), the peace officer may seize the device or equipment.

S.49 (1) A passenger car shall be equipped with a front and rear bumper.

(2) No person shall install or alter a bumper on a passenger car unless the design of the bumper is equivalent to, and the bumper is mounted in substantially the same manner as, the bumper installed by the manufacturer of the passenger car.

S.50 (1) No person shall alter a passenger car so that the main structural component of a bumper is more than 50 centimeters or less than 40 centimeters above ground level when the passenger car is unloaded.

(2) A bumper that has at least 6.25 centimeters of projected vertical facing within the height restriction referred to in subsection (1) when viewed in elevation is deemed to comply with that subsection.

(3) For the purpose of subsections (1) and (2), components that are commonly known as bumperettes or overriders are not part of the main structural component of a bumper or of the projected vertical facing.

(4) Subsection (1) does not apply to passenger cars manufactured before April 1, 1976 but no person shall alter such a car so that the bumper is more than 10 centimeters higher or lower than it was at the time the car was manufactured.

S.51 (1) A person who, operates on a road a passenger car that:

- (a) is not equipped with bumpers as required by section 49(1), or
- (b) is equipped with a bumper that does not comply with the requirements of section 49(2) or 50

is guilty of an offence.

Seatbelts

S.52 (1) In this section,

- (a) "child" means a child under the age of 6 years whose weight does not exceed 18 kilograms;
- (b) "motor vehicle" does not include a motor cycle or moped;
- (c) "seat belt assembly" means a device or assembly that
 - (i) is securely fastened to a motor vehicle,
 - (ii) is composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint, or both,
 - (iii) is capable of restraining the movement of a person in order to prevent or mitigate injury to the person, and
 - (iv) meets the standards prescribed under the Motor Vehicle Safety Act (Canada).

(2) No person shall, on a road, operate a motor vehicle registered under the Motor Vehicle Administration Act of Alberta in which a child is a passenger unless

- (a) the motor vehicle is equipped with the prescribed child seating assembly,
- (b) the child seating assembly is properly installed, and
- (c) the child is occupying and is properly secured in the child seating assembly.

(3) Where a motor vehicle is operated on a road and it is equipped with a seat belt assembly

- (a) in the seating position that is occupied by the driver, the driver shall wear the complete seat belt assembly, and
- (b) in a seating position that is occupied by a passenger over the age of 15 years, the passenger shall wear the complete seat belt assembly.

(4) No person shall, on a road, operate a motor vehicle in which a passenger

- (a) who has attained the age of 6 years but is under the age of 16 years, or
- (b) who is a child weighing more than 18 kilograms

occupies a seating position for which a seat belt assembly is provided unless that passenger is wearing the complete seat belt assembly.

(5) A person who is required under subsection (3) or (4) to wear a seat belt assembly shall wear the seat belt assembly properly adjusted and securely fastened.

(6) No person shall, with respect to a seat belt assembly in a motor vehicle, remove it, render it partly or wholly inoperative or modify it so as to reduce its effectiveness, if the motor vehicle was equipped with the seat belt assembly at the time it was manufactured as required by the Motor Vehicle Safety Act (Canada) and the regulations under that Act.

(7) No person shall, on a road, operate a motor vehicle that was equipped with a seat belt assembly at the time it was manufactured as required by the Motor Vehicle Safety Act (Canada) and the regulations under that Act if the seat belt assembly has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness.

(8) A child seating assembly meets the requirements of this section if

- (a) in the case of an assembly for children weighing less than 9 kilograms, it complies with section 213.1, or
- (b) in the case of an assembly for children weighing 9 or more kilograms, it complies with section 213

of the Motor Vehicle Safety Regulation, chapter 1038 of the Consolidated Regulations of Canada.

(9) The following motor vehicles are exempt from the operation of this section:

- (a) motor vehicles that were not designed or equipped with seat belt assemblies by the manufacturers;
- (b) motor vehicles while they are being driven in reverse;
- (c) motor vehicles, being used in the course of making

deliveries or picking up items, while being driven at a rate of speed not exceeding 40 kilometres per hour;

(d) motor vehicles while being driven in an authorized parade.

(10) This section does not apply to

(a) taxicabs;

(b) emergency vehicles;

(c) motor vehicles that are rented or leased for periods of 14 days or less.

(11) The operator of a taxicab is exempt from the operation of section 52(3)(a) while carrying a passenger for compensation or hire.

(12) Ambulance attendants are exempt from the operation of section 52(3)(b) while carrying a patient.

(13) This section does not apply to a passenger

(a) who is a person committed to a correctional institution, as defined in the Corrections Act, or a jail, including a military guard room, remand centre, penitentiary, facility or place designated as a place of open or secure custody pursuant to the Young Offenders Act (Canada), a place of custody, as defined in the Young Offenders Act (Alberta), detention centre or a place where a person is held under a warrant of a judge, or

(b) who is a person under arrest.

(14) This section of this By-law does not apply to a person if, in respect of that person, there is a certificate signed by a duly qualified medical practitioner certifying that the person

(a) is, for the period stated in the certificate, unable for medical reasons to be secured in a child seating assembly or seat belt assembly, as the case may be, or

(b) is because of size, build or other physical characteristics, unable to be secured in a child seating assembly or seat belt assembly, as the case may be.

PART III

RULES OF THE ROAD

Application

S.53 (1) Every person operating a motor vehicle, a tractor, an implement of husbandry or any other type of vehicle on a road shall in so far as they are applicable, obey the rules of the road set out in this Part, except

- (a) when otherwise instructed by any applicable traffic control or device, or
- (b) when otherwise directed by a peace officer.

(2) Every driver shall obey the instructions of any applicable traffic control device.

(3) Notwithstanding anything in this Part, every driver shall obey the directions of any peace officer directing traffic.

(4) Notwithstanding anything in this Part, when

- (a) a flagman is stationed, or
- (b) a barricade or sign is erected

on a road to direct traffic in connection with any construction, repair or other work on the road or on land adjacent to the road, every driver shall obey the directions given by the flagman or, if none, by the barricades or signs.

S.54 (1) When a peace officer considers it necessary

- (a) to ensure orderly movement of traffic,
- (b) to prevent injury or damage to persons or property, or
- (c) to permit proper action in an emergency,

he may direct traffic according to his discretion, notwithstanding anything in this Part.

(2) If a peace officer is not present at the scene of a fire or emergency, any member of a fire brigade present may exercise the powers of a peace officer under subsection (1).

S.55 (1) Any motor vehicle equipped with a siren and being

- (a) used for the transportation of any member of a fire brigade in response to any emergency call, or
- (b) used for the transportation of a peace officer in response

to an emergency call or for the purpose of

- (i) investigating a reported accident,
 - (ii) detecting or preventing crime, or
 - (iii) making an arrest,
- (c) an ambulance used in response to an emergency call,
 - (d) a gas disconnecting unit of a public utility company used in response to an emergency call, or
 - (e) a vehicle used in an emergency in accordance with an authorization granted by the Tsuu t'ina Government

may, while being so used and while the siren is being continuously sounded,

- (f) be operated at a speed that is reasonable and proper having regard to
 - (i) the traffic ordinarily on the road,
 - (ii) the use of the road, and
 - (iii) the fact that it is being so used,
- (g) proceed past a stop signal or stop sign without stopping, and
- (h) be operated at a speed that is reasonable and prudent under the circumstances.

(2) If required to do so for the purpose of carrying out his duties as a peace officer, a peace officer may, notwithstanding subsection (1),

- (a) operate a motor vehicle on a road in excess of the speed limit on the road and at a speed that is necessary and reasonable having regard to the traffic ordinarily on the road and the fact that it is being so used,
- (b) drive past a stop signal or stop sign without stopping but only at a speed that is reasonable and prudent under the circumstances, and
- (c) drive and park a motor vehicle contrary to any rule of the road prescribed by this By-law, if in the interest of law enforcement it is necessary and in the circumstances safe to do so.

(3) If required to do so for the purpose of carrying out his duties as a member of a fire brigade or ambulance service, a fireman or ambulance driver may drive and park a motor vehicle contrary to any rule of the road prescribed by this By-law, if it is necessary and in the circumstances safe to do so and

shall, in the absence of a peace officer, have the powers of a peace officer under this By-law with respect to traffic control and direction to the extent necessary to enable him to efficiently perform his duties or safeguard the public.

(4) Vehicles used in road maintenance or road construction work or by employees of Sarcee (Tsuu t'ina) Government may be operated on any portion of a road in the course of road maintenance, road construction or other work in which it is engaged.

Speed

S.56 Notwithstanding any speed limit prescribed by or pursuant to this By-law or any other Act, no driver shall drive at any rate of speed that is unreasonable having regard to all of the circumstances of the case, including without restricting the generality of the foregoing,

- (a) the nature, condition and use of the road,
- (b) the atmospheric, weather or other conditions that might affect the visibility of the driver or the control of the vehicle,
- (c) the amount of traffic there then is or that might reasonably be expected to be on the road, and
- (d) the mechanical condition of the vehicle or any equipment of the vehicle.

S.57 (1) Except where a higher rate of speed is prescribed pursuant to section 3, no person shall drive on a road at any greater rate of speed than

- (a) 80 kilometers per hour during the daytime, or
- (b) 80 kilometers per hour during the night time.

S.58 (1) No person shall drive at a greater rate of speed than the maximum rate designated by signs erected along a road pursuant to sections 3 or 57 of this By-law.

(2) If a speed limit is prescribed pursuant to section 3 or 57 of this By-law, the speed limit applies to all that part of the road between the point where the first sign indicating the prescribed speed limit is posted and the point where a sign is posted indicating a greater or lesser speed or indicating that the prescribed speed limit has ceased to apply.

S.59 (1) No driver shall drive at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic then existing on a road, except when it is necessary to do so for safe operation or to comply with this Part.

(2) No person shall drive

- (a) on a road, or

(b) in traffic,

at a slower rate of speed than the minimum speed designated therefor by signs erected along the road pursuant to Section 3.

(3) A peace officer may require a driver who is contravening this section to:

- (a) increase his rate of speed,
- (b) remove his vehicle from the roadway, or
- (c) drive in a different traffic lane,

any driver who fails to obey the order of the peace officer is guilty of an offence.

Driving on Right Side of Road

S.60 (1) No person shall drive to the left of the centre line of a road whether or not the centre line is marked, except

- (a) when overtaking and passing another vehicle travelling in the same direction,
- (b) when the roadway to the right of the centre lane is obstructed by a parked vehicle or other object,
- (c) when the roadway to the right of the centre line is closed to traffic,
- (d) when turning left off the road into another road or into a driveway,
- (e) when a traffic control device otherwise requires or permits, or
- (f) on a one-way road.

S.61 No person shall drive any vehicle into, across or along any ditch except at proper and lawful vehicular crossings provided for that purpose.

S.62 When the condition of a section of roadway is such that it is impractical or unsafe for two vehicles being driven in opposite directions to pass each other in a normal manner,

- (a) if a vehicle is being driven on that section, another driver approaching that section from the opposite direction shall stop before entering on the section and shall not proceed until the oncoming vehicle reaches and passes him, or
- (b) if two vehicles are being driven on that section in opposite directions and meet on it, each of the drivers shall immediately stop and before proceeding to pass the other shall take all reasonable steps to learn whether he can do

so with safety to himself and others, and, if necessary, each of the drivers shall assist the other to pass in safety.

S.63 (1) No driver shall follow another vehicle more closely than is reasonable and prudent, having due regard for

- (a) the speed of the vehicles,
- (b) the amount and nature of traffic on the road, and
- (c) the condition of the road.

(2) Each driver in a caravan or motorcade, other than a funeral procession, on a road, shall leave sufficient space between his vehicle or combination of vehicles to enable a vehicle to enter and occupy that space without danger.

Overtaking and Passing

S.64 A driver shall not pass or attempt to pass another vehicle travelling in the same direction

- (a) when proceeding uphill,
- (b) when on a curve in the road, or
- (c) when approaching within 30 metres of or traversing a level railway crossing,

unless a traffic control device otherwise directs or permits.

S.65 A driver shall not drive to or on the left of the centre line of a road, whether or not the centre line is marked, in overtaking and passing another vehicle or an obstruction unless

- (a) the left side is clearly visible, and
- (b) is free of oncoming and overtaking traffic,

for a sufficient distance to permit overtaking and passing to be completely made without interfering with the safe operation of another vehicle.

S.66 (1) Subject to section 58, a driver overtaking another vehicle

- (a) shall pass to the left of the other vehicle at a safe distance, and
- (b) shall not return to the right side of the roadway until safely clear of the overtaken vehicle whereupon he shall return to the right side of the roadway.

(2) Except when overtaking and passing on the right is permitted, a driver being overtaken by another vehicle

- (a) shall give way to the right in favor of the overtaking vehicle, and
- (b) shall not increase his speed until completely passed by the overtaking vehicle.

S.67 (1) A driver may overtake and pass on the right of another vehicle

- (a) when the vehicle overtaken is making a left turn or its driver has signalled his intention to make a left turn, or
- (b) on a one-way road where the roadway is of sufficient width for two or more lines of moving vehicles and is free from obstructions.

(2) On a road where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction,

- (a) a driver overtaking another vehicle travelling in the same direction may pass on the right or left of the other vehicle if there is a lane available for passing to the right or the left of the lane being used by the overtaking vehicle;
- (b) a driver being overtaken by another vehicle travelling in the same direction shall remain in the lane in which he is driving so as to allow the overtaking vehicle free passage in the lane to the right or the left of the lane in which the overtaken driver is travelling.

S.68 Notwithstanding anything in this Part, a driver shall not overtake and pass or attempt to overtake or to pass another vehicle

- (a) when the movement cannot be made safely,
- (b) by driving off the roadway, and
- (c) by driving in a parking lane, on the shoulder of a road or in the ditch.

S.69 Before turning a vehicle to the left or right the driver

- (a) shall signal his intention to do so in a manner prescribed by the regulations, and
- (b) shall give the signal in sufficient time to provide a reasonable warning to the other persons of the intention of the driver.

S.70 (1) A driver intending to turn right from a two-way road onto another two-way road shall make the turn

- (a) by driving as closely as practicable to the right curb or edge of the roadway while approaching the intersection and turning, and

- (b) on leaving the intersection by driving as closely as practicable to the right curb or edge of the roadway then entered,

unless a traffic control device otherwise directs or permits.

(2) A driver intending to turn right to enter or leave a one-way road shall drive as closely as practicable to the right curb or edge of the roadway when entering and leaving the intersection, unless a traffic control device otherwise directs or permits.

(3) On a road divided into traffic lanes, a driver approaching an intersection and intending to turn right

- (a) shall drive in the traffic lane nearest to the right hand side of the roadway, and
- (b) may pass any other vehicle travelling in the same direction in a lane to his left,

unless a traffic control device otherwise directs or permits.

(4) A driver approaching an intersection and intending to turn right shall, wherever practicable, drive his vehicle into the position required by this section at least 15 metres before reaching that intersection.

S.71 (1) A driver intending to turn left from a two-way road onto another two-way road shall make the turn

- (a) by driving to the right of and closely as practicable to the centre line of the road while approaching the intersection and turning, and
- (b) on leaving the intersection by driving to the right of and as closely as practicable to the centre line of the road then entered,

unless a traffic control device otherwise directs or permits.

(2) A driver intending to turn left on a two-way road onto a one-way road shall make the left turn

- (a) by driving to the right of and as closely as practicable to the centre line of the two-way road where it enters the intersection, and
- (b) on leaving the intersection by driving as closely as practicable to the left hand side of the one-way road entered.

unless a traffic control device otherwise directs or permits.

(3) A driver intending to turn left from a one-way road on to a two-way road shall make the left turn

- (a) by driving as closely as practicable to the left side of the one-way road where it enters the intersection, and
- (b) on leaving the intersection by driving to the right of and as closely as practicable to the centre line of the two-way road entered,

unless a traffic control device otherwise directs or permits.

(4) A driver intending to turn left from a one-way road onto another one-way road shall make the left turn

- (a) by driving as closely as practicable to the left hand side of the one-way road where it enters the intersection, and
- (b) on leaving the intersection by driving as closely as practicable to the left hand side of the other one-way road entered,

unless a traffic control device otherwise directs or permits.

(5) A driver approaching an intersection and intending to turn left shall, wherever practicable, drive his vehicle into the position required by this section at least 15 metres before reaching that intersection.

S.72 (1) When a traffic lane is marked by a traffic control device showing a directional arrow or arrows with or without accompanying words a driver travelling in that lane may make on the movement indicated or permitted by the traffic control device at the intersection or other place to which the traffic control device applies.

(2) When a traffic lane is marked by a traffic control device showing the words "no left turn" or "no right turn" a driver travelling in that lane and approaching the traffic control device shall not make the turn prohibited by the device.

U-turns

S.73 (1) A driver shall not turn his vehicle so as to proceed in the opposite direction unless he can do so in safety and without interfering with other traffic.

(2) A driver shall not turn his vehicle so as to proceed in the opposite direction

- (a) on a curve, or
- (b) on the approach to or near the crest of a grade where his vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres.

(3) The turns referred to in this section include what are commonly known as "U-turns".

Backing

- S.74** (1) No person shall back up a motor vehicle unless the movement can be made
- (a) in safety, and
 - (b) without interfering with other traffic on the road.

Yielding and Stopping

S.75 (1) Except as otherwise provided in this Part, when two vehicles approach or enter an intersection from different roads at approximately the same time the driver of the vehicle to the left shall yield right of way to the vehicle on the right.

(2) A driver intending to turn left across the path of any vehicle approaching from the opposite direction shall not make or attempt to make the left turn unless the turn can be completed in safety.

S.76 (1) Before starting, stopping, turning or changing the course of directions of a vehicle on a road, the driver shall

- (a) ascertain that there is sufficient space for the movement to be made in safety, and
- (b) signal his intention to do so in such a manner as may be prescribed by the regulations, and
- (c) give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver,

and shall do as follows:

(2) Before starting, turning, stopping or changing the course of direction of a vehicle on a road, the operator of the vehicle shall first ascertain that there is sufficient space for the movement to be made in safety, and shall give a signal plainly visible to the operator of other vehicles of his intention to start, turn, stop or change his course of direction as follows:

- (a) an intention to start from a parallel park position on the right hand side of a roadway by extending the hand and arm horizontally from and beyond the left side of the vehicle;
- (b) an intention to turn to the left by extending the hand and arm horizontally from and beyond the left side of the vehicle;
- (c) an intention to turn to the right by extending the hand and arm beyond the left side of the vehicle and upward;
- (d) an intention to stop or to decrease speed by extending the hand and arm beyond the left side of the vehicle and

downward;

(3) Notwithstanding subsection (1), the operator may indicate his intention to

- (a) turn left or right by operating a signalling device in compliance with section 18 of this By-law,
- (b) stop by the use of the brake lights on his vehicle,
- (c) start from a parallel park position on the left side of a one-way roadway by the use of a signalling device in compliance with section 16 of this By-law.

S.77 (1) When a pedestrian intends to cross a road, he may, before doing so, indicate his intention to do so by raising his arm approximately at right angles to his body and point to the opposite side of the road in the direction he wishes to walk.

(2) When a pedestrian has indicated his intention to cross the road in accordance with subsection (1), a motorist shall stop his vehicle and allow the pedestrian to cross.

S.78 No person shall operate or cause to be operated any motor vehicle where any ornament or device is placed in such a manner in or on the vehicle that it may obstruct the operator's view.

S.79 (1) No person operating a motor cycle shall carry a passenger unless the motor cycle is equipped with

- (a) an adequate pillion seat,
- (b) adequate hand grips, and
- (c) adequate foot rests

for use by the passenger.

S.80 (1) A driver about to enter on

- (a) a primary road, side road or driveway, or
- (b) a road from a driveway,

shall, unless the intersection of the two roadways is marked with a "yield" sign or a "merge" sign, bring his vehicle to a stop

- (c) before entering on the intersecting roadway and at a point no further than 3 metres from the intersecting roadway,
- (d) if there is a marked crosswalk on the near side of the intersection, immediately before entering on the crosswalk, or
- (e) if there is a marked stop line on the near side of the

intersection, at the stop line.

(2) Notwithstanding subsection (1),

- (a) a driver emerging from a side road or driveway shall stop his vehicle and shall yield the right of way to any pedestrian, and
- (b) a driver entering a side road or driveway shall yield the right of way to any pedestrian.

S.81 A driver about to enter on any road from a road that is marked by a "stop" sign shall bring his vehicle to a stop

- (a) before entering on the intersecting roadway and at a point no further than 3 metres from the intersecting roadway,

S.82 When a driver is required to stop pursuant to section 80 or 81,

- (a) he shall not proceed until the condition of the traffic on the road being entered on is such that he can enter on it in safety, and
- (b) he shall yield the right of way to all traffic approaching on the road.

S.83 A driver about to enter on a road that is marked by a "yield" sign need not stop his vehicle before entering but he shall yield the right of way to all traffic on the road being entered on.

S.84 (1) A driver meeting or being overtaken or being approached from the right or the left by a vehicle on which a siren is being sounded shall

- (a) drive his vehicle as closely as practicable to the right of the roadway,
- (b) bring his vehicle to a stop, and
- (c) remain stopped,

until the vehicle sounding its siren has passed.

(2) Subsection (1) does not operate so as to relieve the driver of an authorized emergency vehicle from the duty of driving with due regard to the safety of all persons using the road.

S.85 (1) If a vehicle bearing the sign "school bus" and displaying alternately flashing red lights is stopped on a road, the operator of a vehicle approaching the school bus

- (a) from the rear, if the road is physically divided by a median into 2 separate roadways, or
- (b) from the front or the rear, if the road is not divided as described in clause (a),

shall stop before he reaches the school bus.

(2) An operator who is required by subsection (1) to stop shall not pass the school bus until the driver of the school bus indicates by signal that he may proceed or the alternately flashing red lights stop flashing.

(3) The operator of a vehicle bearing the sign "school bus" shall not activate the alternately flashing red lights on the vehicle unless he is loading or unloading passengers on a road, on which the posted speed limit exceeds 50 kilometres per hour.

Use of Lights

S.86 (1) At any time either during the night time hours or when, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible on the road at a distance of 150 metres ahead,

- (a) no motor vehicle or tractor or self-propelled implement of husbandry shall be in motion on a road unless both headlights are alight and are providing sufficient light to make objects on the road clearly visible,
 - (i) in the case of a motor vehicle at distances specified in section 7 or 8, as the case may be, and
 - (ii) in the case of a tractor or self-propelled implement of husbandry at distances specified in section 11;
- (b) no bicycle shall be in motion on a road unless the light or lights with which it is required to be equipped are alight;
- (c) no vehicle shall be in motion on a road unless the tail lights, side marker lights, identification lights and clearance lights with which it is required to be equipped are alight;
- (d) no vehicle shall be stationary on a road unless
 - (i) the tail lights with which it is required to be equipped are alight,
 - (ii) it is equipped with the reflectors with which it is required to be equipped or that are of a type approved by the regulations and that reflect the lights of a motor vehicle approaching the stationary vehicle from the rear, or
 - (iii) the vehicle hazard warning lights with which it is required to be equipped are alight;
- (e) no vehicle shall be in motion on a road unless,
 - (i) in the case of a self-propelled vehicle that is less than 0.8 metres in overall width, it is equipped with

one headlight that complies with the requirements of section 9 and that is alight,

- (ii) in the case of a self-propelled vehicle that is 0.8 metres or more in overall width, it is equipped with two headlights that comply with the requirements of section 124 and that are alight, and
 - (iii) in the case of a vehicle that is 2.05 metres or more in overall width, it is equipped with clearance lights on the rear of the vehicle that comply with the requirements of section 25 and that are alight;
- (f) no vehicle shall be on any road unless it has at the rear of it two reflectors
- (i) of a type required by this By-law, and
 - (ii) affixed as required by this By-law so as to reflect the lights of any motor vehicle approaching from the rear.

(2) No motor cycle or moped shall be in motion on a road at any time unless the light or lights with which it is required to be equipped are alight.

S.87 (1) Subject to this section, when a motor vehicle is being operated on a road at any time during which headlights are required to be alight, the driver shall use a distribution of light or composite beam, directly high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of his motor vehicle.

(2) When a driver of a vehicle approaches within 300 metres of an oncoming vehicle, he shall use a distribution of light or composite beam that is so aimed that the glaring rays are not directed into the eyes of the driver of the oncoming vehicle.

(3) The lowermost distribution of light or composite beam specified in section 7 (2) shall be deemed to avoid glare regardless of the road contour or loading or time of day.

(4) When the driver of a vehicle follows within 150 metres of the rear of another vehicle he shall not use the uppermost distribution of light referred to in subsection (1).

Parking

S.88 (1) No person shall park a vehicle on a roadway when it is practical to park the vehicle off the roadway and in no event shall a person park a vehicle on the roadway

- (a) unless a clear and unobstructed width opposite the vehicle is left for free passage of other vehicles on the roadway, and

(b) unless a clear view of the parked vehicle may be obtained for a distance of 60 metres along the roadway in both directions.

(2) Notwithstanding Subsection (1) except

(a) when his motor vehicle is incapable of moving under its own power,

(b) when some other emergency arises, or

(c) as is otherwise permitted by law.

no person shall park a vehicle on the roadway, parking lane or shoulder portions of a road.

(3) No vehicle shall remain at a standstill on a road for longer than one minute at any place within 10 metres of the point of intersection of that road with any other road.

(4) Nothing in this section shall be construed to prohibit police vehicles, ambulances or vehicles engaged in road repair, maintenance or inspection work or by employees of the Sarcee (Tsuu t'ina) Government from parking on the roadway when it is advisable to do so

(a) to prevent accidents,

(b) to give warning of hazards or of persons on the road,

(c) to remove injured persons,

(d) to repair roadway, or

(e) for any other similar purpose.

(5) Subsection (1) does not prohibit the driver of a vehicle of a public utility from parking the vehicle on the roadway of a road when it is advisable or necessary to do so for the purpose of the construction, repair, maintenance or inspection of public utility facilities adjacent to, along, over or under the road.

(6) Nothing in this section shall be construed to prohibit the driver of a school bus from parking the school bus on the roadway of a road for the purpose of loading or unloading passengers if he cannot park off the roadway and still have a suitable space available on the ground for the passengers being loaded or unloaded.

S.89 (1) When parking on a roadway, a driver shall park his vehicle with the sides of it parallel to the curb or edge of the roadway and

(a) with the right hand wheels of it not more than 500 millimetres from the right hand curb or edge of the roadway,
or

- (b) in the case of a one-way road where parking on either side is permitted, with the wheels closest to a curb or edge of the roadway not more than 500 millimetres from that curb or edge and with the vehicle facing the direction of travel authorized for that road.

(2) This section does not apply where angle parking is permitted or required.

S.90 (1) When a sign indicates that angle parking is permitted or required and parking guidelines are visible on the roadway, a driver shall park his vehicle

- (a) with its sides between and parallel to any 2 of the guide lines, and

- (b) with one front wheel not more than 500 millimetres from the curb or edge of the roadway.

(2) When a sign indicates that angle parking is permitted or required but no parking guide lines are visible on the roadway, a driver shall park his vehicle

- (a) with its sides at an angle of between 30 and 60 degrees to the curb or edge of the roadway, and

- (b) with one front wheel not more than 500 millimetres from the curb or edge of the roadway.

S.91 No person shall permit a vehicle to stand unattended on any grade or slope without first having

- (a) effectively set the vehicle's brake, and

- (b) turned the front wheels to the nearest curb or edge of the roadway in such a manner as to impede any movement of the vehicle.

S.92 No person shall leave a vehicle unattended on a road if the vehicle has been placed on a jack or a similar device and

- (a) one or more wheels have been removed from the vehicle, or

- (b) part of the vehicle is raised.

PART IV

POWERS OF PEACE OFFICERS

S.93 A driver shall, immediately on being signalled or requested to stop by a peace officer in uniform, bring his vehicle to a stop and furnish any information respecting the driver or the vehicle that the peace officer requires and shall not start his vehicle until he is permitted to do so by the peace officer.

S.94 A peace officer who on reasonable and probable grounds believes that any person has committed an offence against any of the following provisions may arrest the person without warrant:

- (a) Part III relating to the speed of motor vehicles;
- (b) section 93 relating to the requirement that drivers stop when so requested by a peace officer in uniform;
- (c) section 97 relating to driving a motor vehicle without due care and attention or driving a motor vehicle on a road without reasonable consideration for persons using the road;
- (d) section 98 relating to driving a motor vehicle in a race or on a bet or wager;
- (e) section 108 relating to tampering with a motor vehicle;
- (f) section 113 relating to defacement of signs;
- (g) section 133 relating to a pedestrian giving his name to a peace officer.

S.95 (1) A peace officer who on reasonable and probable grounds believes that any of the offences enumerated in section 94 has 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 vehicle to be removed and taken to and stored in a suitable place and may cause any test or examinations to be made in respect of it that he considers necessary.

(3) Except where subsection (4) applies, all costs of removal, transportation and storage of the motor vehicle are a lien on the vehicle and section 48 of the Sarcee (Tsuu t'ina) Vehicles By-law applies with all necessary modifications.

(4) If a charge is not laid respecting a contravention of this By-law within 10 days after the motor vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be forthwith returned to the owner of it, and the costs referred to in subsection (3) shall be paid to the Sarcee

(Tsuu t'ina) Nation.

(5) Notwithstanding anything in this section, if a motor vehicle is seized pursuant to subsection (1), any judge having jurisdiction in the place within which the offence is suspected of having been committed 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 a sum not exceeding \$100.

S.96 (1) A peace officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached to it, to examination and tests

- (a) to ensure that the motor vehicle, its equipment and trailer, if any, are fit and safe for operation, or
- (b) in the case of an accident, to determine whether or not the condition of the motor vehicle, its equipment or trailer, if any, contributed in any way to the accident.

(2) If the motor vehicle, equipment or trailer is found to be unfit or unsafe for operation or dangerous to passengers or the public, the peace officer requiring the examination or test may do either or both of the following:

- (a) require the operator of the motor vehicle to have the motor vehicle, equipment or trailer rendered fit and safe for operation;
- (b) order that the motor vehicle or trailer be removed from the road until the motor vehicle, equipment or trailer has been rendered fit and safe for operation.

(3) If a peace officer believes, on reasonable and probable grounds, that a motor vehicle, equipment or trailer is unfit or unsafe for operation or is dangerous to passengers or the public he may, without requiring any examination or test, exercise the powers conferred on him under subsection (2).

(4) An operator

- (a) who fails to comply with a requirement of subsection (1) or (2),
- (b) who, in contravention of a requirement or order under subsection (2) or (3), operates a motor vehicle, equipment or trailer on a road before it has been rendered fit and safe for operation, or
- (c) who fails to comply with the direction of a peace officer given pursuant to subsection (6),

is guilty of an offence.

(5) If a motor vehicle or trailer is ordered removed from the road under subsection (2) or (3), a peace officer may seize the licence plates of the motor vehicle or trailer and hold the plates until the motor vehicle, equipment or trailer has been rendered fit and safe for operation.

(6) For the purpose of examination of the motor vehicle, equipment or trailer as provided by this section the operator of a vehicle shall on the direction of a peace officer drive the vehicle to and park it at any place designated by the peace officer.

PART V

OTHER PROHIBITIONS

S.97 A person who drives a vehicle on a road
(a) without due care and attention, or
(b) without reasonable consideration for persons using the road,
is guilty of the offence of driving carelessly.

S.98 No person shall drive a vehicle on a road in a race or on a bet or wager.

S.99 1. No person, whether as a pedestrian, passenger or driver and whether or not with the use or aid of any animal, vehicle or other thing, shall perform or engage in any stunt or other activity on a road that is likely to distract, startle or interfere with other users of the road.

(2) No person shall create or cause the emission of any loud and unnecessary noise from a motor vehicle, any part of it, or any thing or substance that the motor vehicle or a part of it comes into contact with.

S.100 No person shall drive a vehicle on a road if the view through the windshield or windows is so obscured by mud, frost, steam or any other thing as to make the driving of the vehicle hazardous or dangerous.

S.101 (1) No driver shall permit any person to occupy the front seat of his vehicle in such a manner as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle on a road, nor shall any driver permit any person in the vehicle to cause any obstruction to his clear vision in any direction.

(2) No person shall ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs his clear vision in any direction.

(3) When a vehicle is in motion

(a) the driver shall not exchange places with any other person,
and

(b) no person shall exchange places with the driver.

S.102 (1) No person shall occupy or permit any other person to occupy a house trailer while it is being moved on a road.

(2) In this section "house trailer" means a vehicle capable of being attached to and drawn by a motor vehicle and designed, constructed or equipped as a dwelling place, living abode or sleeping place.

S.103 (1) No person shall ride or permit any other person to ride on the outside of a motor vehicle.

(2) Subsection (1) does not apply to a person riding

(a) on a regular seat on a motor cycle,

(b) in the box of a truck,

(c) in or on any fire-fighting vehicle,

(d) in or on a vehicle engaged in road construction or maintenance,

(e) in or on a vehicle forming part of an entertainment exhibition that has been approved by the Sarcee (Tsuu t'ina) Nation.

(f) on a maintenance or service vehicle on which a special seat or stand has been affixed providing for the safety of the person so riding.

(3) No person shall draw or tow by a motor vehicle on a road any person riding a sled, toboggan, skis, motor cycle, scooter, power bicycle or bicycle.

S.104 No person shall operate an air cushion vehicle on, along or across a road.

S.105 (1) No person under the age of 14 years shall drive a tractor or self-propelled implement of husbandry on a road.

(2) No person shall permit another person under the age of 14 years to drive a tractor or self-propelled implement of husbandry on a road.

S.106 (1) A person who removes a wrecked or damaged vehicle from a road shall remove glass or any other injurious substance or thing dropped on the road from the vehicle.

(2) A person who removes a wrecked or damaged vehicle from a road without removing glass or any other injurious substance or thing dropped on the road from the vehicle is guilty of an offence.

S.107 (1) No person shall open the door of a motor vehicle unless it is reasonably safe to do so.

(2) No person shall leave a door open on a motor vehicle where it may constitute a hazard to moving traffic.

S.108 No person other than a peace officer shall use, interfere or tamper with any motor vehicle or any of its accessories or any thing placed in or on it, without the consent of the owner.

S.109 No person shall operate a vehicle on a road in a residential area between the hours of 10 p.m. and 7 a.m. in a manner that unduly disturbs the residents of the residential area.

S.110 (1) No person shall abandon a vehicle on a road.

(2) A vehicle left standing, at a location referred to in subsection (1), for more than 72 consecutive hours shall be deemed to have been abandoned at that location for the purposes of section 48 of the Sarcee (Tsuu t'ina) Vehicles By-law.

S.111 (1) No person shall park on a road

(a) a vehicle displayed for sale, or

(b) a vehicle displaying advertising directing persons to any commercial premises.

(2) No person shall

(a) display any goods for sale,

(b) offer any goods for sale, or

(c) sell any goods

on a road unless approved by the Sarcee (Tsuu t'ina) Government.

S.112 (1) No person shall place or maintain or display in view of persons using a road any sign, marking or device

(a) which purports to be or is in imitation of or resembles a traffic control device approved by the Sarcee (Tsuu t'ina) Government, or

(b) which gives any warning or direction as to the use of the road by any person.

(2) If a sign, marking or device is placed, maintained or displayed in contravention of subsection (1),

(a) a peace officer, or

(b) a person authorized by the Tsuu t'ina Government

may, without notice or compensation, remove the sign, marking or device.

S.113 No person shall wilfully remove, throw down, deface or alter, injure or destroy a traffic control device placed, marked or erected on a road.

S.114 No person shall place or cause to be placed any hand bill or other advertising matter on or in a vehicle without the permission of the owner or the person in charge of the vehicle.

PART VI

BICYCLES AND MOTOR CYCLES

S.115 In this Part,

(a) "bicycle" means any cycle propelled by human power on which a person may ride, regardless of the number of wheels it has;

(b) "cycle" means a bicycle, a motor cycle or a moped.

S.116 Unless the context otherwise requires, a person operating a bicycle or motor cycle on a road

(a) has all the rights, and

(b) is subject to all the duties,

of a driver under Part III.

S.117 (1) No person under the age of 16 years shall operate a cycle with a motor having a displacement of power greater than that prescribed herein without:

(a) an adequate pillion seat,

(b) adequate hand grips, and

(c) adequate foot rests

for use by the passenger.

(2) No person under the age of 16 years shall carry any passengers on a scooter, a moped or power bicycle being operated by him.

S.118 (1) A person who is operating a cycle on a road

(a) shall keep both hands on the handlebars of the cycle, except when making a signal in accordance with this By-law,

(b) shall keep both feet on the pedals or foot rests of the cycle,

(c) shall not ride other than on or astride a regular seat of the cycle, and

(d) shall not use the cycle to carry more persons at one time than the number for which it is designed and equipped.

(2) A person who is operating a bicycle on a road shall ride as near as practicable to the right hand curb or edge of the roadway.

(3) A person shall not operate a cycle on a roadway where signs

prohibit its use.

- (4) A person who is riding as a passenger on a cycle
 - (a) shall not ride other than on a regular seat of the cycle intended for a passenger, and
 - (b) shall keep both feet on the foot rests provided for the use of the passenger riding on the seat.

S.119 A person who is operating or riding as a passenger on a cycle shall not

- (a) hold onto,
- (b) attach himself to, or
- (c) attach the cycle to,

any other moving vehicle.

S.120 A person operating a cycle on a road

- (a) shall not ride to the side of another cycle travelling in the same direction, but
- (b) shall ride directly in line to the rear or front of the other cycle,

except when overtaking and passing the other cycle.

S.121 (1) No person shall operate a motor cycle, a moped or power bicycle unless he is wearing a safety helmet securely attached on his head.

(2) No person shall ride as a passenger on a motor cycle, moped or power bicycle unless he is wearing a safety helmet securely attached on his head.

(3) Subsections (1) and (2) do not apply to the operator or passengers of a motor cycle which is manufactured with a cab that encloses and protects the operator and passengers.

(4) No person shall operate a motor cycle, moped or power bicycle on which a passenger is riding unless the passenger is wearing a safety helmet securely attached to his head.

(5) No person shall buy, sell or offer for sale any safety helmet intended for the use of operators or passengers of motor cycles or power bicycles unless it conforms to the specifications prescribed herein.

S.122 (1) A bicycle operated on any road at any time during the night time hours shall be equipped with

- (a) at least one headlight but not more than two headlights,

(b) at least one red tail light, and at least one brake light that lights up when the service brake is applied,

(c) at least one red reflector mounted on the rear.

(2) No bicycle shall be operated on a road unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(3) A peace officer may require the operator of a bicycle to submit the bicycle to examination and tests to ensure that the bicycle is fit and safe for transportation.

(4) If in the opinion of a peace officer a bicycle is unfit or unsafe for transportation or dangerous to the public, the peace officer

(a) may require the operator of the bicycle to have the bicycle rendered fit and safe for transportation, and

(b) may order the bicycle removed from the road until the bicycle has been rendered fit and safe for transportation.

(5) A bicycle operator who fails to comply with a requirement or order of a peace officer under subsection (3) or (4) is guilty of an offence.

S.123 No person shall ride upon or operate a cycle, moped or power bicycle unless the cycle, moped or power bicycle is equipped with

(a) a headlight

(i) mounted no higher than 59" (1.50 m) and no lower than 20" (0.51 m) above ground level;

(ii) emitting a single distribution of light with the high intensity portion of the light no higher than 42 inches (1.06 metres) above ground level at a distance of 75 feet (22.9 metres) ahead of the moped;

(iii) with an intensity sufficient to reveal persons and vehicles at a distance of 200 feet (60.9 metres) when the moped is travelling at 15 miles per hour (24 kilometers per hour) and during normal atmospheric conditions at night time;

(b) a brake light mounted on the rear of the moped that

(i) lights up when the service brake is applied, and

(ii) emits a red light plainly visible from a distance of 100 feet (30.5 metres) to the rear of the moped in normal sunlight;

(c) a tail light

- (i) mounted on the rear of the moped no higher than 60 inches (1.52 metres) and no lower than 16 inches (0.41 metres) above ground level, and
 - (ii) that emits a red light plainly visible from a distance of 500 feet (152.4 metres) to the rear of the moped during night time hours.
- (d) a mirror securely attached to the left hand side of the moped so as to provide the driver a clear view of
- (i) the roadway to the rear, and
 - (ii) vehicles approaching from the rear;
- (e) a service brake capable of bringing the moped, loaded to its total capacity and travelling at a speed of 20 miles per hour (32 kilometres per hour) to a standstill within 30 feet (9.14 metres) from the point at which the brakes were applied.

S.124 (1) Subject to subsection (2), no person shall ride or operate a moped or power bicycle unless the moped or power bicycle is equipped with

- (a) an amber reflector on each side and toward the front of the moped that is visible from each side of the moped or power bicycle,
- (b) a red reflector on each side and toward the rear of the moped that is visible from each side of the moped or power bicycle,
- (c) a red reflector visible from the rear of the moped or power bicycle, and
- (d) one amber reflex reflector mounted on each side of each pedal of the moped or power bicycle.

(2) Subsection (1), clauses (a) and (b) do not apply where the moped or power bicycle is equipped with reflective tires that

- (a) have a continuous band of white or silver retroreflective material on the side walls of the tires and,
- (b) meet the requirements established for reflective tires in C.S.A. bicycle standards D 113.1 - 1975.

(3) Moped and power bicycles reflectors shall be in conformance with S.A.E. Standard J 594 for reflex reflectors.

(4) Moped and power bicycles reflectors shall be visible to motorists in approaching motor vehicles with headlights alight at a distance of 350 feet (106.7 metres) from the reflector during night time hours and normal

atmospheric conditions.

S.125 Power bicycles that are propelled by internal combustion engines shall be equipped with exhaust mufflers that comply with the requirements of section 35 of the By-law.

S.126 (1) The Sarcee (Tsuu t'ina) Government is of the opinion that power bicycles are vehicles that may be a hazard to other users of the road by reason of unusual operating characteristics.

(2) No moped or power bicycle shall be in motion upon a road at any time unless the light or lights with which it is required to be equipped are alight.

(3) No power bicycle shall be used on a road by a person under the age of 12 years.

(4) No power bicycle shall be used on a road by any person unless that person holds an operator's licence issued by the issuing authority.

(5) A peace officer may require the operator of a bicycle to submit the bicycle to examination and tests to ensure that the bicycle is fit and safe for transportation.

(6) If in the opinion of a peace officer a bicycle is unfit or unsafe for transportation or dangerous to the public, the peace officer

(a) may require the operator of the bicycle to have the bicycle rendered fit and safe for transportation, and

(b) may order the bicycle removed from the road until the bicycle has been rendered fit and safe for transportation.

(7) A bicycle operator who fails to comply with a requirement or order of a peace officer under subsection (5) or (6) is guilty of an offence.

PART VII

ANIMALS

S.127 Unless the context otherwise requires, a person riding an animal or driving an animal-driven vehicle on a road

- (a) has all the rights, and
- (b) is subject to all the duties,

of a driver under Part III.

S.128 A person riding an animal on a road

- (a) shall not ride to the side of another animal travelling in the same direction, but
- (b) shall ride directly in line to the rear or front of the other animal,

except when overtaking and passing the other animal.

PART VIII

PEDESTRIANS

S.129 (1) When a sidewalk or footpath is located beside a road, a pedestrian shall at all times when reasonable and practicable to do so, use the sidewalk or footpath and shall not walk or remain on the road.

(2) If there is no sidewalk or footpath, a pedestrian walking along or on a road shall at all times when reasonable and practicable to do so, walk on the left side of the roadway or the shoulder of the road facing traffic approaching from the opposite direction.

S.130 (1) A pedestrian crossing a roadway shall cross as quickly as is reasonably possible without stopping or loitering or otherwise impeding the free movement of vehicles on it.

(2) A pedestrian shall not step onto a roadway and walk or run into the path of any vehicle that is so close that it is impracticable for the driver of the vehicle to yield the right of way.

S.131 A pedestrian crossing a roadway at any point other than within a crosswalk shall yield the right of way to vehicles on the roadway.

S.132 (1) No pedestrian shall

- (a) break through the ranks of a military or funeral procession, or
- (b) break through the ranks of any authorized parade or procession,

or in any way obstruct, impede or interfere with the parade or procession.

S.133 Any person crossing or walking on a road in a manner contrary to this By-law shall on request, give his name and address to any peace officer who so requests.

PART IX

PENALTIES

S.134 Any person who contravenes this By-law is guilty of an offence.

S.135 (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 and in default of payment is liable to imprisonment for a term not exceeding thirty (30) days or to imprisonment for a term not exceeding thirty (30) days without the option of a fine.

(2) If a person convicted of an offence under section 56, 57 or 58, exceeded the maximum speed permitted by not more than 15 kilometres per hour, he shall pay a fine of \$20 and in default of payment is liable to imprisonment for a term of not less than three (3) days.

(3) If a person convicted of an offence under section 56, 57 or 58, exceeded the maximum speed permitted by more than 15 kilometres per hour but not more than 30 kilometres per hour, he shall pay a fine of \$30 and in default of payment is liable to imprisonment for a term of not less than seven (7) days.

(4) If a person convicted of an offence under section 56, 57 or 58, exceeded the maximum speed permitted by more than 30 kilometres per hour but not more than 50 kilometres per hour he shall pay a fine of \$75 and in default of payment is liable to imprisonment for a term of not less than 14 days.

(5) If a person convicted of an offence under section 56, 57 or 58, exceeded the maximum speed permitted by more than 50 kilometres per hour he shall pay a fine of \$150 and in default of payment is liable to imprisonment for a term of not less than 21 days.

(6) A person who is guilty of an offence under section 97 is liable to a fine of not more than \$1000 and in default of payment to imprisonment for a term of not more than thirty (30) days or to imprisonment for a term of not more than 6 months without the option of a fine.

(7) A person who is guilty of an offence under section 106 is liable to a fine of not more than \$100.

(8) A person who is guilty of an offence under section 113 is liable to a fine of not more than \$1000.

S.136 (1) The owner of a motor vehicle which is involved in any contravention of 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) Notwithstanding 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.137 When a person is charged with an offence under this By-law, if the judge trying the case is of the opinion that the offence

- (a) was committed wholly by accident or misadventure and without negligence, and
- (b) could not by the exercise of reasonable care or precaution have been avoided,

the judge may dismiss the charge.

S.138 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.

S.139 In any prosecution under this By-law, a certificate

- (a) stating the result of a test of
 - (i) the speedometer of a motor vehicle identified in the certificate,
 - (ii) a tuning fork identified in the certificate and used for determining the accuracy of a radar set, or
 - (iii) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles,
 - (b) bearing a date on it not more than,
 - (i) in the case of tuning fork, one year before or after the date of the offence charged, or
 - (ii) in the case of a speedometer or other device used for or in connection with establishing the speed of vehicles, 30 days before or after the date of the offence charged,
- and
- (c) purporting to be signed by a tester appointed under this By-law to test devices of the type stated to have been tested,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or appointment as a tester of the person signing the certificate.

(2) In any prosecution under this By-law or the regulations, a certificate purporting to be signed by a meteorologist and stating the time of sunrise or the time of sunset in any area on any day shall be admitted in evidence as prima facie proof of the facts stated in the certificate, without

proof of the signature or qualifications of the person signing the certificate.

S.140 For the purposes of this By-law, a traffic sign or device marked or erected under authority of the Sarcee (Tsuu t'ina) Government is deemed to be a traffic control device as defined in this By-law and to have been erected under the authority of this By-law.

S.141 In a prosecution for contravening this By-law the existence of a traffic control device is prima facie proof that the device was properly designated and erected by the proper authority without other or further proof thereof.

S.142 When a person has been convicted of operating a motor cycle or moped in contravention of section 97, 98, 99 or 121 or of any provision of Part III, the judge entering the conviction may order that the motor cycle or moped driven by the person at the time of the commission of the offence be seized, impounded and taken into custody for a period of not more than thirty (30) days if the motor cycle or moped was at that time owned by or registered in the name of that person or his parent or guardian.

PART X

CIVIL RIGHTS AND REMEDIES

S.143 Nothing in this By-law shall be construed to 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 negligence of the owner or operator of any motor vehicle or from the negligence of any agent or employee of the owner.

S.144 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 contravention of this By-law, the onus of proof in any civil proceeding that the loss or damage did not arise by reason of the contravention of this By-law is on the owner or driver of the motor vehicle.

S.145 (1) If a person sustains loss or damage by reason of a motor vehicle in motion, the onus of proof in any civil proceeding that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on that owner or driver.

(2) This section does not apply in the case of a collision between motor vehicles on a road.

(3) In this section "motor vehicle" includes a tractor and a self-propelled implement of husbandry.

S.146 In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a road,

- (a) a person driving the motor vehicle and living with and as a member of the family of the owner of it, and
- (b) a person who is driving the motor vehicle and who is in possession of it with the consent, express or implied, of the owner of it,

shall be deemed to be the agent or servant of the owner of the motor vehicle and to be employed as such, and shall be deemed to be driving the motor vehicle in the course of his employment, but nothing in this section relieves and person deemed to be the agent or servant of the owner and to be driving the motor vehicle in the course of his employment from the liability for the damages.

S.147 (1) No person transported by the owner or driver of a motor vehicle as his guest without payment for the transportation has any cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless

- (a) the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and

(b) the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought.

(2) This section does not relieve

(a) any person transporting passengers for hire or gain, or

(b) any owner or operator of a motor vehicle that is being demonstrated to a prospective purchaser.

of responsibility for any injury sustained by a passenger being transported for hire or gain or sustained by any such prospective purchaser.

(3) When the owner of a motor vehicle is being driven in his own motor vehicle by another person, subsection (1) applies as if the owner were the guest of the driver.

PART XI

AMENDMENTS

S.148 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.