

THE PAUL BAND OF INDIANS

BY-LAW NUMBER 1A

Being a By-law to amend By-law Number 1 respecting the regulation of traffic in the Paul Band Indian Reserve, in the Province of Alberta.

WHEREAS the Council of the Paul Band of Indians did enact By-law Number 1 pursuant to Section 81 of the Indian Act on the 27th day of June, 1957;

AND WHEREAS that By-law Number 1 was amended on the 2nd day of September, 1970;

AND WHEREAS it is necessary to update the By-law to better achieve the purposes enumerated therein;

NOW THEREFORE the Council of the Paul Band of Indians pursuant to Section 81 of the Indian Act enacts a By-law therefore as follows:

1. By-law Number 1 is repealed and the following substituted:

A By-law to provide for the regulation of traffic in the Paul Band Indian Reserve, in the Province of Alberta.

1. In this By-law:

- a) "Council" means the Council of the Paul Band of Indians;
- b) "Reserve" means a tract of land, the legal title to which is invested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Band and includes unsold surrendered lands;

- c) "Vehicle" means a device in, on, or by which a person or thing is or may be transported or drawn, except a device designated to be moved by human power;
- d) "Motor Vehicle" means a vehicle that is designed to be self-propelled;
- e) "Traffic" means the traffic of passengers, goods, and motor vehicles within the boundaries of the Reserve;
- f) "Residential Area" means any area in the Reserve designated in writing by the Council as a residential area for the purposes of this By-law; and
- g) "Slow Zone" means any area in the Reserve designated in writing by the Council as a slow zone for the purposes of this By-law.

2. No person shall operate a vehicle at a rate of speed in excess of seventy (70) kilometers per hour within any part of the Reserve.

3. No person shall operate a vehicle at a rate of speed in excess of thirty (30) kilometers per hour within any residential area or slow zone designated and marked as such by the Council of the Band.

4. A person shall not drive or operate a motor vehicle on the Reserve unless:

- (a) he holds a subsisting drivers licence of a class appropriate to the category of motor vehicle driven or operated;
- (b) he is insured under a valid and subsisting drivers certificate; and
- (c) the motor vehicle, if any, is insured under a valid and subsisting motor vehicle liability policy evidenced by an owner's certificate.

5. Every person shall have his drivers licence and drivers certificate and motor vehicle liability insurance card for the motor vehicle he is driving in his possession at all times while driving or operating that motor vehicle within the Reserve.

6. Where a vehicle driven or operated within the Reserve, either directly or indirectly, causes death or injury to a person or damage to property causing aggregate damage apparently exceeding Four Hundred Dollars (\$400.00), the person driving or in charge of the vehicle shall report the accident to the Paul Band Police Constable or to a person designated by the Council of the Band to receive those reports, and shall furnish the information respecting the incident required by the Paul Band Policy Constable or designated person.

7. The driver or operator or any other person in charge of a vehicle which is, directly or indirectly, involved in an incident on the Reserve shall:

- (a) remain at or immediately return to the scene of the incident;
- (b) render all reasonable assistance; and
- (c) produce in writing to any other driver involved in the incident and to anyone sustaining loss or injury and, on request, to a Paul Band Police Constable or to a witness:
  - (i) his name and address;
  - (ii) the name and address of the registered owner of the vehicle;
  - (iii) the license number of the vehicle; and
  - (iv) particulars of the motor vehicle liability insurance card for the vehicle, or such of that information as is requested.

8. The driver of a vehicle that collides with an unattended vehicle shall:

- (a) stop;
- (b) locate and notify in writing the person in charge of or owner of the unattended vehicle of:

- (i) the name and address of the driver;
  - (ii) the name and address of the registered owner and;
  - (iii) the licence number of the vehicle that struck the unattended vehicle; or
- (c) shall leave in a conspicuous place in or on the vehicle collided with, a notice in writing giving the information referred to in paragraph (b).

9. The driver of a vehicle involved in an incident resulting in damage to property on the Reserve, shall take reasonable steps to locate and notify in writing the Council of the Band or a person in charge of the property of the fact of the incident and of:

- (a) the name and address of the driver;
- (b) the name and address of the registered owner; and
- (c) licence number of the vehicle.

10. Every person commits an offence who, being in possession or control of a motor vehicle and being requested by a Paul Band Police Constable to produce or exhibit the licence, refuses or fails to do so.

11. For a contravention of this By-law an information may be laid and a summons issued by means of a traffic ticket in accordance with the form approved by the Council of the Band by resolution.

12. Except where otherwise directed by a Paul Band Police Constable or a person authorized by the Paul Band Police Constable to direct traffic, every driver of a vehicle shall obey traffic signs posted on the Reserve.

13. A person shall not drive a motor vehicle on the Reserve:

- (a) without due care and attention;
- (b) without reasonable consideration for other persons on the Reserve; or
- (c) at a speed that is excessive relative to road, traffic, visability or weather conditions.

14. The driver of a motor vehicle shall confine the course of the vehicle to the right hand half of the roadway if the roadway is of sufficient width and it is practical to do so, except:

- (a) when overtaking and passing a vehicle proceeding in the same direction;
- (b) when the right hand half of the roadway is closed for traffic while under construction or repair; or
- (c) where necessary when operating snow removing equipment.

15. A driver of a vehicle shall not cause or permit the vehicle to follow another vehicle more closely than is reasonable and

prudent, having due regard for the speed of the vehicles and the amount and nature of the traffic on and the condition of the road.

16. (1) Where a vehicle is standing or parked, whether attended or unattended,

(a) in a position that causes it to interfere with removal of snow within the Reserve;

(b) in a position that causes it to interfere with fire fighting; or

(c) in a position that causes it to interfere with the normal flow of traffic within the Reserve;

a Paul Band Police Constable may

(d) move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position determined by the Paul Band Police Constable; or

(e) move the vehicle or take the vehicle into his custody and cause it to be taken to and stored in a safe and otherwise suitable place.

(2) All cost and charges for the removal and care or storage of the motor vehicle removed under this By-law shall be paid by the owner of the motor vehicle, and shall be a lien on it in favor of the keeper of any repair shop, garage or storage place in which that motor vehicle is stored.

17. A Paul Band Police Constable may, at any time or place within the Reserve when he has reason to suspect that the driver of a motor vehicle has consumed alcohol, request the driver to drive the motor vehicle, under the direction of the Paul Band Police Constable, to the nearest place off the travelled portion of a road within the Reserve and there to surrender his drivers licence.

18. Any person who violates any of the provisions of this By-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding One Hundred Dollars (\$100.00), or imprisonment for a term not exceeding 30 days, or both fine and imprisonment.

Approved and passed at a duly convened meeting of the Paul Band Council the 13th day of October, 1982.

Signed: Miles House  
Chief

Ken Paul  
Councillor

\_\_\_\_\_  
Councillor

Ed Burnstick  
Councillor

\_\_\_\_\_  
Councillor

Oliver Rain  
Councillor

\_\_\_\_\_  
Councillor

Raymond Michel  
Councillor

\_\_\_\_\_  
Councillor