

**THE HORSE LAKE FIRST NATION BAND OF INDIANS  
BY-LAW NO. 5**

**Being a By-Law to provide for the Regulation  
of Traffic**

**WHEREAS** paragraphs (b), (q) and (r) of Section 81(1) of the *Indian Act* empower the Council of The Horse Lake First Nation Band of Indians to make By-Laws respecting the regulation of traffic and with respect to any matter arising out of or ancillary thereto within The Horse Lake First Nation Indian Reserve No. 152B;

**NOW THEREFORE** the Council of The Horse Lake First Nation Band of Indians enacts as a By-Law thereof as follows:

**1. CITATION**

1.1 This By-Law may be cited as the "Traffic By-Law".

**2. DEFINITIONS**

2.1 In this By-Law, unless the context otherwise requires, the term:

- (a) "off-road vehicle" means a motorized mode of transportation designed or used primarily for cross-country travel on land, water, snow, ice, marsh, swamp land, or on other natural terrain and includes, when designed for such travel,
  - (i) four-wheel drive or low pressure tire vehicles,
  - (ii) motorcycles and related two wheel vehicles,
  - (iii) amphibious machines,
  - (iv) off-road vehicles,
  - (v) snow machines and snow vehicles, and
  - (vi) mini-bikes;
- (b) "alley" means a road intended chiefly to give access to the rear of buildings and parcels of land and, unless the context otherwise requires, an alley is a road for the purposes of this By-Law;
- (c) "Band" means The Horse Lake First Nation Band of Indians;

- (d) "Council" means the Council, as defined in the *Indian Act*, of The Horse Lake First Nation Band of Indians;
- (e) "crosswalk" means that part of a road located at an intersection or which is elsewhere distinctly indicated for pedestrian crossing by lines or by other markings on the road surface;
- (f) "recreational vehicle" means a vehicle or trailer that is designed, constructed or equipped, either temporarily or permanently, as a dwelling place, living abode or sleeping place, but does not include a vehicle so equipped if that vehicle, without such equipment, is or was also manufactured as a passenger vehicle;
- (g) "Reserve" means that tract of land the legal title to which is vested in Her Majesty the Queen in Right of Canada that has been set apart for the use and benefit of the Band, and known as The Horse Lake First Nation Indian Reserve No. 152B;
- (h) "road" means and includes any avenue, bridge, driveway, highway, lane, parkway, place, road, square, street, thoroughfare, trestle, viaduct or other lands under the control of the Council which are designed for, intended for, set aside for, used by, or open for the common use of the members of the Band, or the general public, for the passage of vehicles within the Reserve, but does not include any lane, road, or right-of-way held or established solely as a means of access to or egress from privately controlled lands;
- (i) "sign" or "traffic sign" means any mechanical or other device, sign, warning or marking installed for the control or routing of traffic or for the guidance or direction of persons using the roads;
- (j) "through highway" means the road commonly known as Dawson Trail and any other road within the Reserve other than those roads located within the area outlined in red on the townsite map attached hereto as Schedule "A";
- (k) "traffic" means pedestrians, animals or vehicles while using a road for the purpose of travel and parking;
- (l) "traffic control device" means a parking meter, a sign, a signal, a traffic island, marking or a device marked or erected for the purposes of regulating, warning or guiding traffic;
- (m) "traffic control signal" means a traffic control device whether manually, electrically or mechanically operated by which traffic is directed to stop and proceed; and
- (n) "vehicle" means any wagon, cart, motor car, motor truck, trailer, motorcycle, traction engine, tractor, bicycle, road-making machinery or other conveyance that is driven, propelled or drawn by any kind of power and includes an off-road vehicle and a recreational vehicle.

**3. TRAFFIC SAFETY ACT/INDIAN RESERVE TRAFFIC REGULATIONS**

- 3.1 To the extent that any conflict shall exist as between this Traffic By-law and the provisions of the *Traffic Safety Act* (Alberta) (the "TSA") including the definitions therein and amendments thereto, or the *Indian Reserve Traffic Regulations* (the "IRTR"), such conflict shall be resolved in favour of the TSA or IRTR, as necessary, as both the TSA and IRTR are finally determinative with respect to the laws relating to all roads, vehicles and persons within the Reserve.

**4. TRAFFIC CONTROL DEVICES**

- 4.1 The Council is hereby authorized to prescribe where traffic control devices are to be located and to prescribe, amongst other things, the maximum or minimum speed limit by the posting of traffic control devices.
- 4.2 No person shall operate a vehicle at a rate of speed in excess of 60 kilometres an hour within the Reserve unless otherwise posted pursuant to section 4.1.
- 4.3 Notwithstanding the provisions of section 4.2, no person shall operate a vehicle at a rate of speed in excess of 50 kilometres per hour within any residential area of the Reserve unless otherwise posted pursuant to section 4.1.
- 4.4 Notwithstanding the provisions of section 4.2, no person shall operate a vehicle at a rate of speed in excess of 50 kilometres per hour within that portion of the Reserve known as the "Horse Lake First Nation Community Grounds" except upon the race track within those grounds during an authorized race unless otherwise posted pursuant to section 4.1.
- 4.5 Notwithstanding the provisions of section 4.2, no person shall operate a vehicle at a rate of speed in excess of 30 kilometres per hour within a school zone or a playground zone unless otherwise posted pursuant to section 4.1.

**5. PARKING**

- 5.1 A person parking a vehicle on a road within the Reserve shall park the same parallel to the curb, where there is one, or parallel to the roadside ditch where there is no curb, and at a distance not greater than fifteen inches from the curb or edge of the roadside ditch.
- 5.2 No operator or owner shall park or permit to be parked any vehicle on any road or public space for any period longer than is permitted by the applicable traffic control device, to the extent such parking is permitted.
- 5.3 Except in the case of a breakdown or other emergency not allowing a vehicle to be moved, the owner or operator of any vehicle shall not leave or park it on the road for the purpose of servicing or repairing the vehicle.
- 5.4 No owner or operator of any vehicle which is not in operable condition shall cause or permit such vehicle to be parked or left on any road, provided that such restriction does not apply to a vehicle which has been left or parked because of a breakdown or other

emergency if the person in charge or control of the vehicle is taking immediate action to arrange for the removal of the vehicle forthwith from the road.

5.5 An owner or operator of a recreational vehicle shall not park a recreational vehicle on a road:

- (a) except in the area of the road immediately adjoining the owner's or operator's place of residence; and
- (b) for more than ninety-six (96) consecutive hours, following which the owner or operator shall remove the recreational vehicle to an off-road location for a period of not less than forty eight (48) consecutive hours before the recreational vehicle may be parked again in the same area of the road immediately adjoining the owner's or operator's place of residence. No owner or operator of a recreational vehicle shall park the recreational vehicle on any road in such a manner as to constitute a hazard to other persons using the road.

5.6 In order to determine the time when a vehicle or recreational vehicle has been parked in a location where parking is restricted to a specific time a peace officer or other person charged with the enforcement of parking prohibitions and restrictions by the Council may place an erasable chalk mark on the tread face of the tire of the parked or stopped vehicle or recreational vehicle without the peace officer or other person or the Council incurring any liability for so doing. No person shall remove an erasable chalk mark placed under the previous sentence while the vehicle remains parked in the location where it was marked.

5.7 No owner or operator of a vehicle shall stop or park or permit the stopping or parking of the vehicle in any marked fire lane and no owner or operator of a vehicle shall stop or park or permit the stopping or parking of a vehicle in a manner where the vehicle may interfere with the use of a doorway marked on the exterior as a fire or emergency exit for any building.

## 6. OFF-ROAD VEHICLES

6.1 No person shall operate an off-road vehicle on the travelled portion of any road or road allowance within the Reserve.

6.2 The operator of an off-road vehicle may cross any road or road allowance within the reserve, provided:

- (a) the operator stops the off-road vehicle before entering onto the road or road allowance, or portion thereof to be crossed;
- (b) all passengers disembark from the all terrain vehicle or any vehicle or thing attached thereto before the operator commences to cross;
- (c) the operator yields the right of way to all other vehicles and persons on the road or road allowance; and

(d) the operator crosses over the road or road allowance, or portion thereof to be crossed, by the most direct and shortest route of travel available to him.

6.3 No person shall operate an off-road vehicle on lands or premises within the Reserve allotted to, occupied, used, leased, or otherwise lawfully in the possession or under the control of another person without first having obtained the permission of that person to do so.

6.4 No person shall operate an off-road vehicle within the limits of the townsite of the Horse Lake First Nation, which townsite is as shown on Schedule "A" attached hereto, after the hour of 11 o'clock in the evening, local time, or before the hour of 7 o'clock in the morning, local time.

6.5 The Council may suspend, in writing, any or all of the requirements related to off-road vehicles in a time of emergency.

## 7. PEDESTRIANS

7.1 A pedestrian shall not cross a road within one block in any direction of a traffic control signal or a pedestrian corridor other than in a crosswalk.

7.2 No person shall stand on a road for the purpose of soliciting a ride from the operator of any vehicle other than for the purpose of soliciting a ride from the operator of a bus or taxi cab.

7.3 No person shall park or stop a vehicle other than a bus or taxi cab on any road for the purpose of offering a ride to any pedestrian who, at the time in question, is standing on the road or the adjacent sidewalk or boulevard for the purpose of soliciting a ride from the operator of the vehicle operating on the said road.

## 8. HORSES AND ANIMALS

8.1 Except when a horse or other animal is exhibited or used in a parade permitted by the Council or is being used by any peace officer, a person shall not ride a horse or other animal on any portion of a road. No person shall drive, leave or herd animals on any portion of a road.

## 9. BICYCLES

9.1 Unless the context otherwise requires, a person operating a bicycle on a road has all the rights and is subject to all the duties that a vehicle operator has under this By-Law.

## 10. STOPPING OF VEHICLES

10.1 Every person operating a vehicle shall bring the same to a full stop immediately before entering or crossing a through highway.

**11. EXEMPTION FROM PARKING PROVISIONS**

11.1 Notwithstanding anything else contained in this By-Law, the provisions relating to stopping or parking of vehicles do not apply to:

- (a) emergency vehicles;
- (b) vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and cablevision systems;
- (c) municipal, governmental, Band, Council or public work vehicles; or
- (d) towing service vehicles;

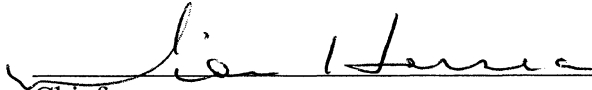
while any such vehicle is being used in work requiring that it be stopped or parked at that location.

**12. PENALTIES**

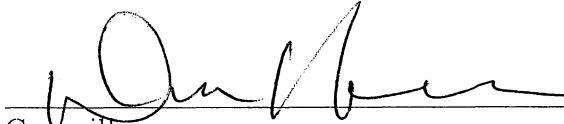
12.1 Any person who violates any of the provisions of this By-Law shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding thirty (30) days, or both, in addition to any other remedy or penalty available under the *Indian Act*.

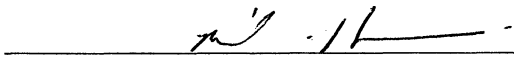
This By-Law was approved and passed by a majority of those members of the Council at a duly convened meeting of the Council of the Horse Lake First Nation Band of Indians this 19 day of June, 2007, and is approved and passed in substitution for any previous bylaw of the same name.

The quorum of the Council is 3 members. Number of members of the Council present at the meeting: 4.

  
\_\_\_\_\_  
Chief

  
\_\_\_\_\_  
Councillor

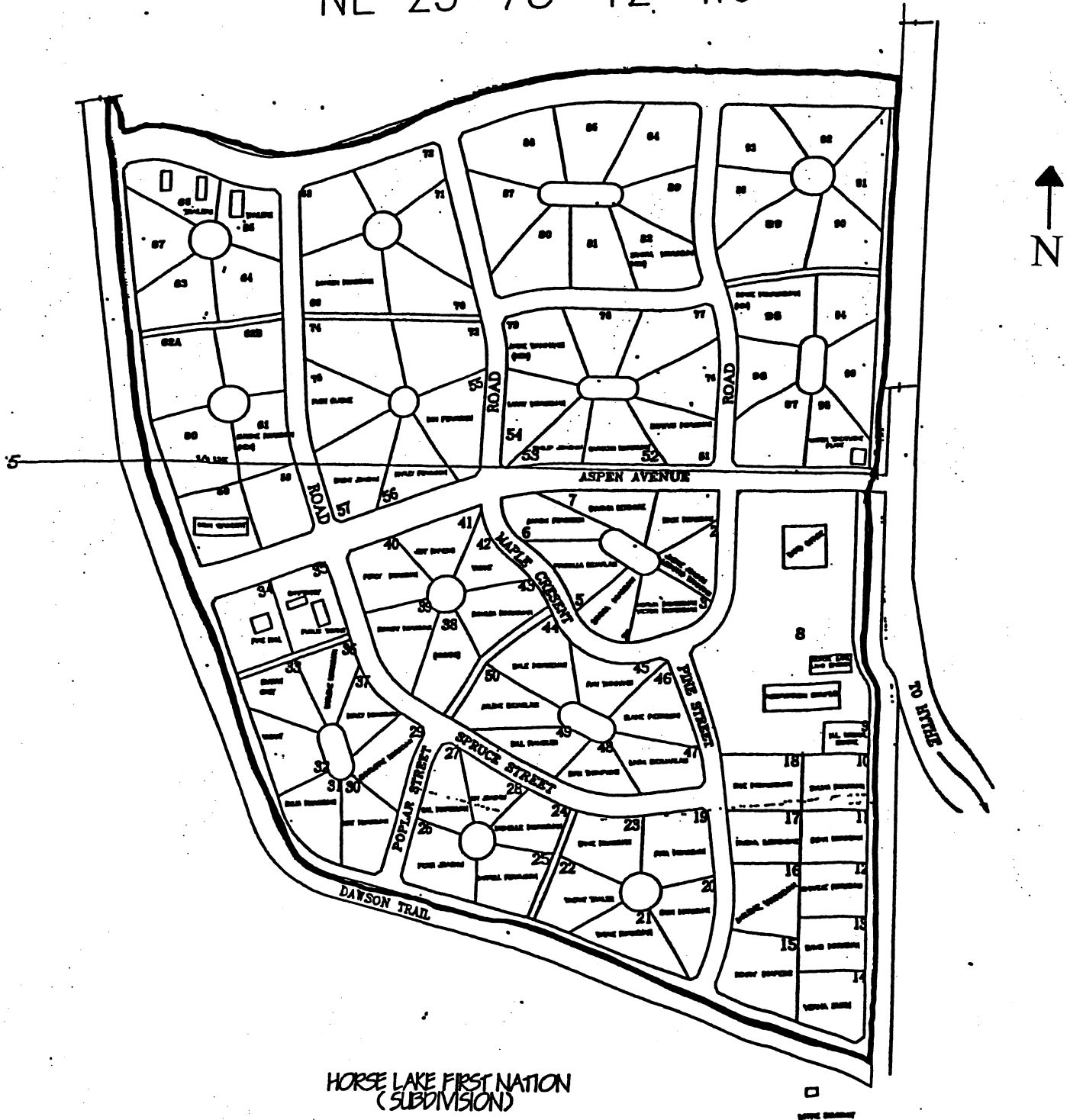
  
\_\_\_\_\_  
Councillor

  
\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

Schedule "A"  
Townsite

NE 25-73-12-W6



HORSE LAKE FIRST NATION  
(SUBDIVISION)

Plot Date: May 17, 1999