

By-law No. 98.07.02
of the Black Lake First Nation Band
A By-law for the Regulation of Traffic

WHEREAS the Council of the Black Lake First Nation Band desires to make a by-law governing the regulation of traffic;

AND WHEREAS the Council of the Black Lake First Nation Band is empowered to make such by-law pursuant to paragraphs 81(1)(b), (q), and (r) of the Indian Act;

AND WHEREAS it is considered to be expedient and necessary for the safety and convenience of the inhabitants of the Black Lake First Nation Band to regulate traffic on the Reserve;

NOW THEREFORE the Council of the Black Lake First Nation Band hereby makes the following by-law:

Short Title

1. This by-law may be cited as the Black Lake First Nation Band Traffic By-law No. 98.07.02

Interpretation

2. In this by-law,

"Access Road" means a driveway

- (a) that is situated on leased land, on land that is subject to a certificate of possession or a certificate of occupation, or on land that is otherwise in private occupation, and
- (b) that leads from the reserve road and is used to provide access from such road to such land, and in respect of which no invitation to pass has been extended to the general public by the person in possession or occupation thereof;

"*Traffic Administrator*" means the person appointed by the Council pursuant to Section 4 to act as Traffic Administrator of this by-law;

"*Band*" means the Black Lake First Nation Band;

"*Commission*" means the Black Lake First Nation Band Traffic Commission (B.L.F.N.T.C.), appointed pursuant of Section 3;

"*Council*" means the Council of the Black Lake First Nation Band;

"*Highway*" has the same meaning as in the Saskatchewan Highway and Traffic Act;

"*Motor Vehicle*" means a vehicle the operation of which on a highway requires a licence or permit under the Saskatchewan Highway and Traffic Act;

"*Officer*" means any peace officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement any other person appointed by the Council for the purpose of maintaining law and order;

"*Operator's Licence*" means a licence to operate a motor vehicle issued or accepted as valid under the Saskatchewan Highway and Traffic Act;

"*Reserve*" means the reserve of the Black Lake First Nation Band and includes the Band's Reserves No. 224, No. 225, and No. 226;

"*Reserve Road*" means a road or other way situate on the reserve which is designed and intended for, or used for, the passage of vehicle;

"*Traffic Control Device*" means a sign, marker, or mechanical or electrical device designed for the purpose of regulating traffic;

"*Vehicle*" means a device by which a person or thing is or may be transported or drawn, other than a device designed to be moved by human power alone.

Commission

3. (1) There shall be a Black Lake First Nation Traffic Commission (B.L.F.N.T.C.), consisting of three (3) members of the Black Lake First Nation Band, who shall be appointed by the Council by a Band Council Resolution.

(2) The Commission may

- (a)** designate locations on or adjacent to a reserve road at which traffic control devices shall be elected;
- (b)** designate speed limits for reserve roads or portions thereof;
- (c)** designate parking areas on or adjacent to reserve roads, and areas in which parking is prohibited;
- (d)** designate areas of reserve lands to be reserve roads; and
- (e)** perform such other functions as are set out for it in this by-law.

(3) A copy of any designation made pursuant to this by-law shall be posted in the Band Office, and may be appealed to the Commission by any resident of the reserve by filling a Notice of Appeal with the Traffic Administrator within thirty (30) days after the designation was first posted.

(4) A designation comes into effect thirty (30) days after the day it was first posted pursuant to Subsection (3), or, if appealed, seven (7) days after the day a notice was posted in the Band Office advising that the designation has been confirmed by the Council.

(5) The Council may, of its own initiative, and at any time, revoke any designation made by the Commission under this by-law, and may substitute a new designation.

Traffic Administrator

4. (1) The Council shall, by Band Council Resolution, appoint a Traffic Administrator of the Black Lake First Nation Band Traffic By-law.

(2) The Council may, in the Band Council Resolution, provide for reasonable remuneration to be paid to the Traffic Administrator.

(3) The Traffic Administrator shall perform such functions as are imposed by this by-law or are directed by the Commission, and shall report to the Commission on his/her activities in respect of the administration of this by-law.

Licence

5. No person shall operate a motor vehicle on a reserve road unless he holds a subsisting operator's licence of a class appropriate to the category of motor vehicle operated.

Insurance

6. No person shall operate a motor vehicle on a reserve road unless a valid insurance policy has been issued for the motor vehicle, such as would be required by the Saskatchewan Highway and Traffic Act to operate the motor vehicle on a highway.

Possession of Licence and Proof of Insurance

7. (1) A person shall have in his/her possession at all times while operating a motor vehicle on a reserve road
- (a) his/her operator's licence;
 - (b) the certificate of registration of the motor vehicle; and
 - (c) proof of a valid insurance policy for the motor vehicle.
- (2) Every person who is in possession or control of a motor vehicle shall produce or exhibit his/her operator's licence, registration and proof of motor vehicle insurance upon being requested by an officer to do so.

Speed Limit

8. (1) The speed limit for a reserve road shall be 40 kilometres per hour, except where otherwise designated by the Commission and marked on a traffic control device erected on the reserve road.
- (2) No person shall operate a motor vehicle on a reserve road at a rate of speed in excess of the speed limit for that reserve road.
- ~~any other sign or device erected on a reserve road which is not a traffic control device designated by the Commission.~~
- (2) On every sign erected by the Traffic Administrator there shall be placed in the lower right hand corner the words "by authority of the B.L.F.N.T.C.".
- (3) The operator of a motor vehicle shall obey all traffic control devices erected pursuant to this by-law, except where as directed by an officer or by a person authorized by the Commission or the Traffic Administrator to direct traffic.
- (4) No person shall remove, attempt to remove, deface, destroy, or otherwise interfere with any traffic control device erected in accordance with this by-law.

Parking

10. (1) No person shall park a motor vehicle in a location where a traffic control device indicates that parking is prohibited.
- (2) Notwithstanding that the Commission has not prohibited parking in a particular location, no person shall park a motor vehicle on a reserve road unless there is sufficient room to pass and there is a clear view of the parked motor vehicle from a distance of sixty (60) metres in either direction along the road.

Weight Restrictions

11. (1) The Commission may designate weight restrictions for motor vehicles using reserve roads.
- (2) The Traffic Administrator may issue temporary permits allowing motor vehicles exceeding weight restrictions to use reserve roads where the circumstances are urgent and the Traffic Administrator is of the opinion that the use of the motor vehicle granted the temporary permit will not damage the reserve road.
- (3) An appeal lies to the Commission from the decision of the Traffic Administrator refusing an application for a temporary permit.
- (4) No person shall operate a motor vehicle on a reserve road the weight of which, including the load carried, is more than the maximum weight designated for the motor vehicle on that reserve road and posted by a traffic control device on the reserve road.

Rules of the Road

12. (1) A person shall not operate a motor vehicle on a reserve road
- (a) without due care and attention;
 - (b) without reasonable care and consideration for other persons on the reserve road; or
 - (c) at a speed that is excessive relative to road, traffic, visibility, and weather conditions.
- (2) The operator of a motor vehicle shall keep to the right hand half of a reserve road, except
- (a) when overtaking and passing of a motor vehicle proceeding in the same

- direction;
- (b) when the right hand of the reserve road is closed for traffic while under construction or repair; or
 - (c) where necessary because of the operation of a road grading or snow removing equipment.
- (3) The operator of a motor vehicle on a reserve road shall not cause or permit the motor vehicle to follow another motor vehicle more closely than is reasonable and prudent, having regard to the speed of the motor vehicles and the amount and nature of the traffic on, and the condition of, the reserve road.
- (4) The operator of a motor vehicle on a reserve road shall not pass or attempt to pass another motor vehicle traveling in the same direction
- (a) when proceeding uphill;
 - (b) when on a curve; or
 - (c) when approaching within thirty (30) metres of another reserve road or road.
- (5) The operator of a motor vehicle on a reserve road shall, before turning the motor vehicle, signal his/her intention to do so by giving the signal in sufficient time to provide reasonable warning to other persons.
- (6) Where a flagman is stationed, or a barricade, or a sign is erected, on a reserve road to direct traffic in connection with any construction or other work on the reserve road, or adjacent to the reserve road, the operator of a motor vehicle shall obey the directions given by the flagman, or, if none, by the barricades or signs.
- (7) The operator of a motor vehicle about to enter a reserve road from an access road shall yield the right of way to traffic on the reserve road being entered upon, unless a traffic control device otherwise directs.

Duties of the Motor Vehicle Operator

13. (1) The operator of a motor vehicle on a reserve road must bring the motor vehicle to a stop when order to do so by an officer.
- (2) The operator or any other person in charge of a motor vehicle that is directly or indirectly involved in an accident on a reserve road shall
- (a) remain at or immediately return to the scene of the accident;

- (b) render all reasonable assistance to anyone injured in the accident; and
 - (c) produce in writing to any other operator involved in the accident or to anyone sustaining loss or injury and, on request, to an officer
 - (i) the name, address, and telephone number of the operator,
 - (ii) the name, address, and telephone number of the registered owner of the motor vehicle,
 - (iii) the licence number of the motor vehicle, and
 - (iv) particulars of any insurance policy on the motor vehicle, or such of that information as is requested.
- (3) The operator or any person in charge of a motor vehicle that collides with an unattended motor vehicle on a reserve road shall
- (a) stop,
 - (b) locate and notify in writing the person in charge of or the owner of the unattended motor vehicle, or leave a written notice on the motor vehicle containing
 - (i) the name, address, and telephone number of the operator,
 - (ii) the name, address, and telephone number of the registered owner, and
 - (iii) the licence number of the motor vehicle.
- (4) Where a motor vehicle that is operated on a reserve road causes injury to a person or damage to property exceeding five hundred (\$500.00) dollars, the operator thereof shall report the injury to an officer or to the Traffic Administrator, and shall provide a report in writing if requested.

School Bus

14. (1) If a motor vehicle bearing the sign "SCHOOL BUS" and displaying alternatively flashing red lights is stopped on any reserve road, or on any access road, the operator of a motor vehicle approaching the school bus from either direction before reaching the school bus.
- (2) The operators of school buses and of motor vehicles in the vicinity of a stopped school bus shall comply with the Saskatchewan Highway and Traffic Act respecting the operations of school buses and motor vehicles in the vicinity of school buses.

Equipment

15. No person shall operate, on a reserve road, a motor vehicle that is in a

dangerous or unsafe condition, or a motor vehicle that is not equipped as required by the Saskatchewan Highway and Traffic Act for operation on a highway.

Impounding Motor Vehicles

16. (1) Where a motor vehicle is situated on or adjacent to a reserve road, whether attended or unattended, in such a position that
- (a) it interferes with the normal flow of traffic on the reserve road,
 - (b) it interferes with removal of snow from the reserve road,
 - (c) it interferes with fire fighting or other emergency equipment, or
 - (d) it is likely to be vandalized, or where the motor vehicle is parked contrary to this by-law, or apparently has been abandoned for a period of seventy-two (72) hours or longer, an officer may
 - (e) remove the motor vehicle, or require the operator or person in charge of the motor vehicle to remove it, to a position determined by the officer, or
 - (f) take the motor vehicle into custody and cause it to be removed to and stored in a suitable place.
- (2) All costs and charges for the removal, care, or storage of a motor vehicle removed under Subsection (1) shall be paid by the owner of the motor vehicle.
- (3) The keeper of any repair shop, garage, or storage place where the motor vehicle is stored is under no obligation to return the motor vehicle to the owner until the costs and charges referred to in Subsection (2) have been paid.

Offence and Penalties

17. A person who contravenes, or who otherwise fails to comply with any provisions of the by-law, commits an offence and is liable on summary conviction to a fine not exceeding five thousand (\$5000.00) dollars or to imprisonment for a term not exceeding thirty (30) days, or to both.

THIS BY-LAW IS HEREBY MADE at a duly convened meeting of the Council of the Black Lake First Nation Band this ____ day of _____, 19____.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Black Lake Denesuline First Nation Band this 31 day of JANUARY, 1999 2000

Voting in favour of the bylaw are the following members of Council:



(Member of Council)



(Member of Council)



(Member of Council)

(Member of Council)



(Member of Council)

(Member of Council)



(Member of Council)

being the majority of those of the Council of the Black Lake Denesuline First Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 5.

be) pursuant to Subsection 82(1) of the Indian Act, this 31 day of
JANUARY, 2000


Chief/Councillor


Witness