

Traffic By-law

By-law No.1- 2003 of the Moose Cree First Nation A By-law for the Regulation of Traffic

Enacted on the 10th day of April, 2003

WHEREAS the Council of the Moose Cree First Nation desires to make a by-law governing the regulation of traffic subject to the application of the provincial *Highway Traffic Act* of Ontario by virtue of the Indian Reserve Traffic Regulations;

AND WHEREAS the Council of the Moose Cree First Nation 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 Moose Cree First Nation to regulate traffic on the reserve.

NOW THEREFORE the Council of the Moose Cree First Nation hereby makes the following by-law:

Short Title

1. This by-law may be cited as the Moose Cree First Nation Traffic By-law, No._____.

Interpretation

2. In this by-law:

“access road” means a driveway

- (a) that is situated on leased land that is subject to a certificate of possession or on land that is otherwise in private occupation, and
- (b) that leads from a 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;

“Band” means the Moose Cree First Nation;

“Council” means the Council of the Moose Cree First Nation;

“highway” has the same meaning as in the *Highway Traffic Act*;

“motor vehicle” means a vehicle the operation of which on a highway requires a licence or permit under the *Highway Traffic Act*, including snow machines, all terrain vehicles; motorcycles and trailers.

“fire department vehicle” includes an emergency crash extrication vehicle owned and operated by a rescue organization approved by the Minister in writing for the purposes of this part and a vehicle designated in writing by the Fire Marshal of Ontario as a “fire department vehicle”;

“emergency vehicle” means,

- (a) a fire department vehicle while proceeding to a fire or responding to, but not while returning from, a fire alarm or other emergency call,
- (b) a vehicle while used by a person in the lawful performance of his or her duties as a police officer,
- (c) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation, or
- (d) a cardiac arrest emergency vehicle operated by or under the authority of a hospital,

on which a siren is continuously sounding and from which intermittent flashes of red light are visible from all directions;

“officer” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or 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 *Highway Traffic Act*,

“reserve” means the reserve of the Moose Cree First Nation and includes the Band’s Reserves No. 68 & 1.

“reserve road” means a roadway, driveway, street, lane or other place open to the public for the passage of vehicles.

“traffic control motor device” means any sign, marker or mechanical or electrical device designed for the purpose of regulating traffic;

Licence

3. 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

4. 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 *Compulsory Automobile Insurance Act* to operate the motor vehicle on a highway.

Possession of Licence and Proof of Insurance

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

Snowmobiles and All Terrain Vehicles

6. Every person who drives or operates an ATV or snowmobile, or who is a passenger on an ATV or snowmobile, shall wear a helmet in accordance with the standards prescribed by the regulation respecting protective helmets.

Speed Limits

- 7.(1) The speed limit for a reserve road shall be 40 kilometres per hour, except where otherwise designated by the Council and marked on a traffic control device erected on the reserve road.
- 7.(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.
- 7.(3) The speed limits prescribed under this section or any regulation or by-law passed under this section do not apply to,
 - (a) A fire department vehicle while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call;
 - (b) A motor vehicle while used by a person in the lawful performance of his or her duties as a police officer; or
 - (c) An ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation.

Traffic Control Devices

- 8.(1) The operator of a motor vehicle shall obey all traffic control devices erected pursuant to this by-law, except where otherwise directed by an officer to direct traffic.

- 8.(2) 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

- 9.(1) No person shall park a motor vehicle in a location where a traffic control device indicates that parking is prohibited.
- 9.(2) 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 vehicle along either side of the reserve road for a distance of 60 metres in either direction along the road.

Rules of the Road

- 10.(1) A person shall not operate a motor vehicle on a reserve road:
- (a) without due care and attention; or
 - (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.
- 10.(2) The operator of a vehicle shall keep to the right hand half of a reserve road, except:
- (a) when overtaking and passing a vehicle proceeding in the same direction;
 - (b) when the right hand half of the reserve road is closed for traffic while under construction or repair, or
 - (c) where necessary because of the operation of road grading or snow removing equipment.
- 10.(3) The operator of a motor vehicle on a reserve road shall not cause or permit the vehicle to follow another vehicle more closely than is reasonable and prudent, having regard to the speed of the vehicles and the amount and nature of the traffic on, and the condition of, the road.
- 10.(4) The operator of a motor vehicle on a reserve road shall not pass or attempt to pass another vehicle traveling in the same direction:
- (a) when proceeding uphill;
 - (b) when on a curve; or
- 10.(5) The operator of a motor vehicle on a reserve road shall, before turning the vehicle, signal his intention to do so by giving the signal in sufficient time to provide reasonable warning to other persons.

- 10.(6) Where a flagman is stationed, or a barricade or sign is erected, on a reserve road to direct traffic in connection with any construction or other work on the road or adjacent to the road, the operator of a motor vehicle shall obey the directions given by the flagman, or, if none, by the barricades or signs.
- 10.(7) The operator of a motor vehicle about to enter a reserve road from an access road driveway 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 Operator

- 11.(1) The operator of a motor vehicle on a reserve road must bring the vehicle to a stop when ordered to do so by an officer.
- 11.(2) The operator 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 vehicle,
 - (iii) the licence number of the vehicle, and
 - (iv) particulars of any insurance policy on the vehicle, or such of that information as it requested.
- 11.(3) The operator or any person in charge of a vehicle that collides with an unattended vehicle on a reserve shall;
 - (a) stop;
 - (b) locate and notify in writing the person in charge of or the owner of the unattended vehicle, or leave a written notice on the 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 vehicle.
- 11.(4) Where a vehicle that is operated on a reserve road causes injury to a person or damage to property, the operator thereof shall report the injury to an officer.

School Bus

- 12.(1) If a 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 shall stop before reaching the school bus.

- 12.(2) The operators of school buses and of motor vehicles in the vicinity of a stopped school bus shall comply with the *Highway Traffic Act* respecting the operation of school buses and vehicles in the vicinity of school buses.

Emergency Vehicles

- 13.(1) The operator of a motor vehicle on a reserve road shall yield to emergency vehicles, such as but not limited to, the Ambulance vehicle, Police vehicle and Fire truck when the emergency vehicle has its flashing lights on.
- 13.(2) A firefighter, within the meaning of subsection 1(1) of the *Fire Protection and Prevention Act*, 1997, may carry on or in his or her vehicle, a lamp that produces intermittent flashes of green light and may operate the light if the motor vehicle is proceeding to a fire or other emergency.

Equipment

14. 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 *Highway Traffic Act* for operation on a highway.

Impounding of Vehicles

- 15.(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 the removal of snow from the reserve road,
 - (c) it interferes with the fire fighting or other emergency equipment,
 - (d) is parked in a "NO PARKING" zone, or
 - (e) it is likely to be vandalized, or where the vehicle is parked contrary to this by-law, or apparently has been abandoned for a period of 72 hours or longer, an officer may remove the vehicle, or require the operator or person in charge of the vehicle to remove it to a suitable place.
- (2) All costs and charges for the removal, care or storage of a vehicle removed under subsection (1) shall be paid by the owner of the vehicle.

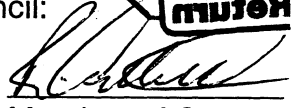
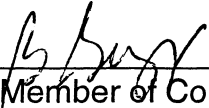
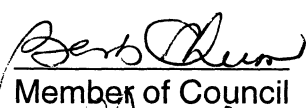
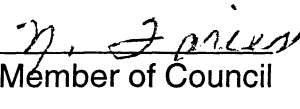
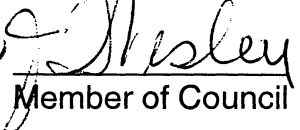
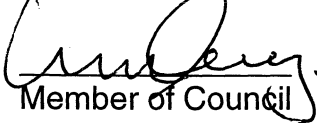
Offence and Penalties

16. A person who contravenes, or who otherwise fails to comply with any provision of this by-law, commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days or to both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Moose Cree First Nation this 10th day of April, 2003.

Voting in favour of the by-law are the following members of Council:





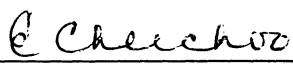
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Being the majority of those members of the Council of the Moose Cree First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is six members.
Number of members of Council present at the meeting: 10

I, Norman Hardisty Jr., Chief of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Thunder Bay office of the department pursuant to subsection 82(1) of the Indian Act, this 14th day of April, 2003.


Acting Chief Norman Hardisty Jr.



Witness