



OHSWEKEN, ONTARIO

NO. 1-89

CANADA NOA 1M0

Office: (519) 445-2201

Research: 445-2053

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TRAFFIC BY-LAW OF THE SIX NATIONS
OF THE GRAND RIVER

WHEREAS the Six Nations Council is empowered to enact by-laws for the Regulation of Traffic on the Six Nations of the Grand River Reserve pursuant to Section 81 (b) (c) (d) (q) and (r) of the Indian Act R.S.C. 1970, c. I-6 as amended.

NOW THEREFORE the Council of the Six Nations of the Grand River Reserve enacts as follows:

1. IN THIS BY-LAW

" Automobile Insurance " means a contract of insurance as defined in section 1 of the Compulsory Automobile Insurance Act of Ontario.

" Bus " means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons.

" Commercial Motor Vehicle " means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the road.

" Council " means the Six Nations Council of the Six Nations of the Grand River Reserve.

" Driver " means a person who drives a vehicle on a road.

" Driver's Licence " means a licence issued pursuant to the Highway Traffic Act of Ontario or in the case of a resident of another province or state a licence issued in accordance with the laws of that province or state.

" Emergency Vehicle " means,

- (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 vehicle while used by a person in the lawful performance of his duties as a peace officer,
- (c) an ambulance while responding to an emergency call or being used to transport a patient or injured persons in an emergency situation.

" Heavy Traffic " means the use of a road on the Six Nations Indian Reserve by a vehicle, object or contrivance for moving loads having a gross weight including the vehicle, object or contrivance or load in excess of 5 tonnes.

" Motor Vehicle " includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power but does not include a farm tractor, self-propelled implement of husbandry or any road building and road cleaning machines.

" Noise " signifies a sound or groups of sounds, harmonious or not, perceptible by the ear.

" Owner " means any person who has acquired a vehicle and possesses it under an absolute title or conditional one which gives him the right to become owner thereof or to use same as owner.

" Peace Officer " means any member of the Six Nations Police Force, any First Nations Police officer appointed under the Ontario Tripartite Policing Agreement and designated by the Six Nations Council to have jurisdiction on the Six Nations of the Grand River Reserve and any member of the Ontario Provincial Police, and the Royal Canadian Mounted Police.

" Reserve " means the tract of land, the Legal Title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of the Indians of the Six Nations of the Grand River, and for the purpose of this by-law includes that portion of the Tract known as the Six Nations Indian Reserve No. 40 and No. 40 B.

" Road " includes any roadway, driveway, street, lane or other place open to the public for the passage of vehicles.

" Signs " means any sign, marking or device other than a traffic light signal, placed or erected by order of the Council for the purpose of warning, advising or directing the persons on a public thoroughfare.

2. This By-Law shall apply to all roads situated within the Six Nations Indian Reserve.

3. The Council may order, by resolution,

- (i) the erection of mechanical devices or traffic light signals at certain intersections; and
- (ii) the erection of stop signs on certain roads and streets; and
- (iii) the erection of signs in any place on a public road, park or playground.

4. The Driver of a vehicle is responsible for all infractions to the present by-law committed with his/her vehicle and he/she is subject to the penalty of the said By-law.

OPERATION OF VEHICLES

5. Vehicles of the Police and Fire Department, ambulances, authorized processions, funeral processions and emergency vehicles of public utility companies authorized by the Council and/or Chief of Police shall have the right of way over all other vehicles.

6. No driver of a vehicle shall follow a fire department vehicle when responding to an alarm at a distance of less than 150 metres.

7. (1) When a motor vehicle being driven on any part of the Six Nations Indian Reserve overtakes or meets a school bus on which the words " DO NOT PASS WHEN SIGNALS FLASHING " are marked and two red signal lights are illuminated by intermittent flashes and which is stationary to take on or discharge children, whether such school bus is proceeding in the same direction as the motor vehicle or not, the driver of such motor vehicle shall come to a full stop before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights are no longer operating.

(2) Everyone who contravenes subsection (1) shall be liable on summary conviction to a fine of not more than \$1000 or imprisonment not exceeding 30 days, or to both.

8. No person shall drive or operate a vehicle at a rate of speed in excess of 40 kilometers per hour within a school zone designated as such by the Council.

9. No person shall drive or operate a vehicle at a rate of speed in excess of the posted speed limits within any residential area designated as such by the Council.

10. No person shall drive or operate a vehicle at a rate of speed in excess of 50 kilometers per hour in a zone that has a dangerous intersection and has been designated as such by the Council.

11. No person shall drive or operate a motor vehicle at a rate of speed in excess of 65 kilometers per hour on a road that has a dangerous curve or is deemed dangerous by the Council and, in any case, has been designated as such by the Council.

12. No person shall drive or operate a motor vehicle at a rate of speed in excess of 50 kilometers per hour in a construction zone posted as such.

13. Subject to sections 8, 9, 10, 11 and 12, no person shall drive or operate a motor vehicle on a road within the Six Nations Indian Reserve at a rate of speed in excess of 80 kilometers per hour.

14. Any person who contravenes sections 8, 9, 10, 11, 12 and 13, may be liable on summary conviction where the rate of speed:

- (a) is less than 20 kilometers per hour over the maximum speed limit, to a fine of \$1.25 for each kilometer per hour that the motor vehicle was driven over the maximum speed limit;
- (b) is 20 kilometers per hour or more but less than 40 kilometers per hour over the maximum speed limit, to a fine of \$1.75 for each kilometer per hour that the motor vehicle was driven over the maximum speed limit;
- (c) is 40 kilometers per hour or more but less than 60 kilometers per hour over the maximum speed limit, to a fine of \$2.50 for each kilometer per hour that the motor vehicle was driven over the maximum speed limit; and
- (d) is 60 kilometers per hour or more over the maximum speed limit, to a fine of \$3.25 for each kilometer per hour that the motor vehicle was driven over the maximum speed limit.

15. No person when pulling out or circulating with a vehicle, shall operate the same in such a manner as to spin wheels or cause tires to screech on a road, thereby causing abnormal and unusual noise which action is declared to be a public nuisance.

16. No person shall drive a motor vehicle on a road on the Six Nations Indian Reserve unless that person holds a valid Driver's licence issued pursuant to the Highway Traffic Act of Ontario or in the case of a resident of another province or state, a licence issued in accordance with the laws of that province or state.

17. (1) Every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle.

(2) No person shall drive or operate a motor vehicle on a road in contravention of subsection (1).

18. No person shall drive a motor vehicle on a road on the Six Nations Indian Reserve unless:

- (a) there exists a currently validated permit for the vehicle;
- (b) there is displayed on the vehicle number plates showing the number of the permit issued for the vehicle; and
- (c) there is affixed to a number plate displayed on the vehicle evidence of the current validation of the permit.

19. No owner of a motor vehicle shall,

- (a) operate a motor vehicle; or
- (b) cause or permit the motor vehicle to be operated on a road unless the motor vehicle is insured under a contract of automobile insurance.

20 (1) Every person who holds a valid Driver's licence issued pursuant to the Highway Traffic Act of Ontario or in the case of a resident of another province or state a licence issued in accordance with the laws of that province or state who operates a motor vehicle on a road while his driver's license is suspended under an Act of the Province of Ontario or any of the regulations made thereunder is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.00 or to a term of imprisonment not exceeding thirty days, or to both fine and imprisonment.

(2) Every person, having previously been convicted of an offence under subsection (1), who commits a subsequent offence contrary to subsection (1) within five years after the date of the previous conviction, in addition to any fine or term of imprisonment or both that may be imposed, may be prohibited by the Court from driving a motor vehicle within the Reserve for such time as the Court thinks fit.

(3) Every person who drives a motor vehicle on a road while he/she is prohibited by the Court from doing so is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.00, or to both a fine and imprisonment.

(4) Every person who is convicted of an offence contrary to subsection (3) may be prohibited by the Court from driving a motor vehicle within the Reserve for such further time as the Court thinks fit, and such prohibition is consecutive to any prohibition period having been previously imposed.

(5) For the purposes of subsection (1), notice given to a person holding a valid Driver's licence issued pursuant to the Highway Traffic Act of Ontario or in the case of a resident of another province or state a licence issued in accordance with the laws of that province or state, of the suspension of his/her driver's licence is sufficient notice if such Notice is given in accordance with the provisions of the Highway Traffic Act of Ontario.

21. No person shall park or stop any vehicle at the places designated by the Council as areas in respect of which no parking or stopping is permitted.

HEAVY TRAFFIC

22. When suitable signs have been erected and are on display, heavy traffic is prohibited on all roads on the Six Nations Indian Reserve.

23. Notwithstanding section 22, Heavy traffic is allowed on roads on the Six Nations Indian Reserve when used in the following manner,

- (a) for deliveries to or removals from any premises abutting roads thereon;
- (b) for ambulance purposes;
- (c) to police or fire department vehicles;
- (d) to public utility emergency vehicles;
- (e) to vehicles actually engaged in works undertaken for or on behalf of the Council or members of the Six Nations of the Grand River including any works pursuant to a lease or other legal agreement for the use of land on the Six Nations Indian Reserve;
- (f) to a privately owned vehicle driven to or from the owner's residence abutting any road thereon.

MISCELLANEOUS

24. (1) Notwithstanding section 23, where Council has declared by Resolution that half-load season is in effect and erected suitable signs to that effect, then only one-half of the allowable load limit of all commercial vehicles, excluding ambulances, hearses, casket wagons, fire apparatus and buses, shall be permitted on all roads within the Six Nations Reserve.

(2) Any driver or operator who contravenes subsection (1) shall be guilty of an offence.

25. The owner, driver or operator of a motor vehicle that is heavy traffic is responsible for all damages that may be caused to any road by reason of the driving or operating of any such heavy traffic.

26. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to any road on the Six Nations Indian Reserve is guilty of the offence of littering the road.

27. No person shall deposit snow or ice on a road without permission in writing to do so from the Council or the roads Foreman of the Council responsible for the maintenance of the road.

28. (1) No person operating a farm tractor, commercial motor vehicle, a vehicle that is Heavy traffic, and any other motor vehicle shall deposit mud or dirt on roads from any premises abutting the roads thereon.

(2) No person shall operate any vehicle in a manner as to cause damage to any road surface.

29. (1) No person shall operate a vehicle, including load or contents, that has a greater width than 2.6 meters, while on a road, except,

(a) a traction engine, which may have a total width not exceeding 2.8 meters; or

(b) a motor vehicle and road building machine, operated by or on behalf of the Council where such vehicles are engaged in road maintenance, including the removal of snow from a road.

(2) Where a commercial motor vehicle is equipped with one or more vision mirrors that extend in whole or in part beyond either side of the vehicle, or one or more lamps that extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection (1).

(3) Where a bus is equipped with rear vision mirrors, side marker lamps, side marker reflectors, side mounted turn indicators or rubber fenders around the outer edges of its wheel housings, any of which extend in whole or in part beyond either side of the vehicle, the amount of such extensions shall not be included in determining the maximum width of the vehicle under subsection (1).

30. (1) The Council, upon application in writing may grant a permit for the moving of wide vehicles, loads or structures, as per the criteria attached as "APPENDIX A".

(2) The permit referred to in subsection (1) may be general, or may limit the time and the particular road that may be used, and may contain conditions relating to the protection of persons and property from injury or damage and the Council may require a bond or other security sufficient to cover the cost of repairing any possible damage to the road.

(3) The owner, operator or mover of wide vehicle loads or structures in respect of which a permit is granted under this section is nevertheless responsible for all damages that may be caused to the road by reason of the driving, operating or moving of such wide vehicle loads or structures.

31. (1) The Council may provide by Resolution for the creation of signs and the placing of markings on any road on the Six Nations Reserve and by resolution prescribe the types of such signs and markings and the location on the road of each type of sign and markings.

(2) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so erected.

32. Any person who wilfully removes, defaces or in any manner interferes with any sign, marking or traffic control device lawfully placed on a road shall be liable on summary conviction to a maximum fine of \$500.00 or to imprisonment for a maximum term of thirty days, or to both.

GENERAL PENALTY

33. Every person who contravenes any of the provisions of this Bylaw is guilty of an offence and is liable on summary conviction, where a penalty for the contravention is not otherwise provided for herein, to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or to both fine and imprisonment.

APPROVED AND PASSED at a duly convened meeting of the Six Nations Council this _____ day of _____, 19 ____.

William K. Montour
Chief William K. Montour

Lewis Staats
Councillor Lewis Staats

Councillor Michael Anderson

David Green
Councillor David Green

Sandy Porter
Councillor Sandy Porter

E. Glenn Martin
Councillor E. Glenn Martin

Councillor John W. Peters

Anita Hill
Councillor Anita Hill

Raymond Hill
Councillor Raymond Hill

Joanne Johnson
Councillor Joanne Johnson

George Bomberry
Councillor George Bomberry

Councillor Gregory Sandy

Councillor Kenneth Hill



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APPENDIX A

Section 30 (1)

In the applicaiton for a permit referred to in Section 30 (1), specific information must be provided therein advising as to:

1. Type of Load (ie. machinery, house, vehicle, etc.).
2. Length of load.
3. Overall length (ie. transport system plus load).
4. Width.
5. Height - (a) Highest point.
(b) Height to underside of oversize load.
6. Weight (approximate permissible).
7. Axle system supporting load.
8. Methodology of move.
9. Type of escort.
10. Route, time and duration of move.

Conditions:

1. The securing of all necessary permits and permissions is the responsibility of the mover.
2. Oversize/overweight loads will not be permitted to move during half-load season as per Section 24 (1).
3. Notification to local emergency units (ie. fire departments, ambulance services, school bus contractors, police departments, etc.) is the responsibility of the mover.