

By-Law No. 1998.2
of the Constance Lake First Nation
A By-law for the Regulation of Traffic
and
Being a By-law to repeal and replace
By-Laws No. 1, 1 (A), 5 and 6
Enacted on the _____ day of _____ 1998

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

AND WHEREAS the Council of the Constance Lake 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 Constance Lake First Nation to regulate traffic on the reserve;

AND WHEREAS the Council did enact By-Law No. 1, 1 A, 5 and 6 effective April 21, 1965, July 15, 1967, April 27, 1979 and August 27, 1979 and wishes to repeal the said By-Laws No. 1 and replace it with this by-law;

NOW THEREFORE the Council of the Constance Lake First Nation makes the following by-law:

Short Title

1. This by-law may be cited as the Constance Lake First Nation Traffic By-Law No. 1

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 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;

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

"Band" means the Constance Lake First Nation Band

"Council" means the Council of the Constance Lake First Nation Band;

"highway" has the same meaning as in Highway Traffic Act in Ontario;

"motor vehicle" means a vehicle the operation of which on a highway requires a licence or permit under the Highway Traffic Act of Ontario;

"officer" mean any police officer, police constable, peacekeepers 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 of Ontario;

"reserve" means the reserve of Constance Lake First Nation Band and includes the Band's Reserve No. 92 (182);

"reserve road" means a road or other way situated on the reserve which is designed and intended for, or used for, the passage of vehicles;

"traffic control device" means any 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.

Administrator

3. (1) The Council shall, by resolution, appoint an Administrator of the Constance Lake First Nation Band Traffic By-law.

(2) The Council may, in resolution, provide for reasonable remuneration to be paid to the Administrator;

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- (3) The Administrator shall be responsible for the recovery of fine payments, provide receipts,

Licence

4. 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

5. 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 Highway Traffic Act of Ontario to operate the motor vehicle on a highway.

Possession of Licence and Proof of Insurance

6. (1) A person shall have in his possession at all times while operating a motor vehicle on a reserve road

1. his operator's licence;
2. the certificate of registration of the motor vehicle; and
3. 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 operator's licence, registration and proof of motor vehicle insurance upon being requested by an officer to do so.

Safety

7. (1) The safe speed limit for a reserve shall be 30 km per hour;

- (2) No person shall operate a vehicle on a reserve road at a rate of speed which renders it unsafe to pedestrians, other vehicles and other living creatures.

Rules of the Road

8. (1) A person shall not operate a vehicle on a reserve road

- (a) without due care and attention;

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- (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 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.
- (3) The operator of a 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.
- (4) The operator of a vehicle on a reserve road shall not pass or attempt to pass another vehicle travelling in the same direction
 - (a) when proceeding uphill;
 - (b) when on a curve; or
 - (c) when approaching within 30 metres of another road or a railway crossing.
- (5) The operator of a 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.
- (6) The operator of a 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 Operator

- 9. (1) The operator of a vehicle on a reserve must bring the vehicle to a stop when ordered to do so by an officer.

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- (2) The operator or any other person in charge of a 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 is requested.
- (3) The operator or any person in charge of a vehicle that collides with an unattended vehicle on a reserve road shall
- (a) stop,
 - (b) locate and notify in writing the person in charge of or 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 of the registered owner, and
 - (iii) the licence number of the vehicle.
- (4) Where a vehicle that is operated on a reserve road causes injury to a person or damage to property exceeding \$500.00, the operator thereof shall report the injury to an officer or to the Administrator, and shall provide a report in writing if requested.

School Bus

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

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Equipment

11. No person shall operate, on a reserve road, a vehicle that is a dangerous or unsafe condition, or a motor vehicle that is not equipped as required by the Highway Traffic Act of Ontario for operation on a highway.

Offence and Penalties

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

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Repeal

(The following section is to be incorporated into this by-law only if you already have a by-law regulating traffic in place for your community that you wish to repeal.)

13. By-laws No. 1 (A), 5 & 6 regulate traffic, be and the same hereby repealed.

This by-law is hereby made at a duly convened meeting of the Council of the Constance Lake First Nation this 19 day of March 1998.

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

Matthew Luthedon
(Member of the Council)

Ken Duggan
(Member of the Council)

Freddy Solomon
(Member of the Council)

(Member of the Council)

John A. Solon
(Member of the Council)

(Member of the Council)

being the majority of those members of the Council of the Constance Lake First Nation present at the aforesaid meeting of the Council.

The quorum of Council is 4 members.

No. of members of the Band Council present at this meeting: _____

I, Raymond Ferris Chief/Councillor of the Constance Lake First Nation 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 District/Regional/Hull office (as the case may be) pursuant to subsection 82 (1) of the Indian Act, this 19 day of March 1998.

Jacqueline Martin
(Witness)

Raymond Ferris
(Chief/Councillor)