



Kincolith Band Council
"Git Gingolx"

KINCOLITH, B.C. V0V 1B0

-1988-

THE KINCOLITH BAND OF INDIANS

BY-LAW NUMBER 6.

Being a By-law governing roads, road maintenance.

WHEREAS section 81 (f) and (g) of the Indian Act empowers the Council of a Band of Indians to enact by-laws respecting the construction and maintenance of watercourses, roads and bridges, any matter ancillary thereto and the imposition of a penalty for the violation thereof;

NOW THEREFORE the Council of the Kincolith Band of Indians enacts as a by-law thereof as follows:

- 1(a) "Council" means the Council, as defined in the Indian Act, of the Kincolith Band of Indians;
- (b) "reserve" means that 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 Kincolith Band of Indians and known as the Kincolith Indian Reserve No.14.
- (c) "road" means and includes a road allowance and any avenue, bridge, driveway, highway, lane, parkway, place, road, square, street, thoroughfare, trestle, viaduct or other lands within the reserve and 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 of the Kincolith Band of Indians, 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 egress to privately controlled lands;
- (d) "road allowance" means any land shown on a plan of survey as a road allowance whether used as a road or not, and any land set aside or used for the purposes of a road lying between the limits of lands allotted to or otherwise lawfully in the possession of any person;

- (e) "road foreman" means that person appointed by resolution of the Council pursuant to section 4;
2. The Council may at any regular meeting appoint a fit person as Road Foreman, whose duty it shall be to superintend and direct the construction and repairs of roads, streets, bridges, culverts, ditches, fences and the efficient lighting of the streets under the direction of the Council, and shall report what is required to the Chief Councillor as occasion offers and await instruction.
 3. No person shall block or obstruct a natural watercourse (hydrant, water main), drain, or roadside ditch.
 4. The Road Foreman, upon the resolution of the Council, shall re-open any roadside ditch willfully, or unintentionally blocked, or obstructed, by a person contrary to section 3 and shall in writing, advise the person so blocking or obstructing the roadside ditch that such actions are contrary to this by-law, and may result in a charge being laid under the by-law for repeated offences.
 5. Only in the event when there are repairs being done on the roads in accordance with the village maintenance plan, such as road repairs, new water line installation, and road construction, shall the roads be blocked for passage of vehicles. Upon completion, authority be given to Road Foreman to re-open.
 - 6(a) No person shall use any part of a road for any purpose other than the passage of vehicles, without first obtained the approval of the Council as authorized by a resolution, and under the conditions designated to the resolution.

(b) A person who has obtained the permission of Council to utilize part or all of a road pursuant to section 6(a), shall not be relieved from liability in respect to damages caused to the road by such use, and shall forego the use and return the road to its original state at his/her cost within 30 days of a written notice authorized by a Council Resolution.
 7. No person shall injure, operate or draw any vehicle, tractor, farm wagon, or traylor on the hard surfaced portion of any road, unless such vehicle is equipped with pneumatic tires, solid rubber tires, or tires of some composition equally resilient.
 8. No person shall injure, destroy, cut down or remove any trees growing upon a road without having first obtained written permission to do so from the road foreman.