

This is Exhibit "C" to
the Affidavit of William
Louis Ostenstad sworn
before me this 2nd day
of May, 1984

LAX KW'ALAAMS BAND OF INDIANS

BY-LAW NO. 1983- 3

Barbara Perry
Commissioner for taking
Affidavits for British

A by-law to regulate traffic and the use of Columbia
Highways within the Reserves of the Lax
Kw'alaams Band of Indians

WHEREAS the Indian Act provides that the Council of
a Band may make by-laws to:

regulate traffic (paragraph 81(b));

provide for the observance of law and order
(paragraph 81(c));

provide for the construction and maintenance of
roads, bridges, ditches and other local works
(paragraph 81(f));

control and prohibit public games, sports, races,
athletic contests and other amusements
(paragraph 81(m));

provide for any matters arising out of or ancillary
to the aforementioned powers (paragraph
81(q));

provide for the imposition on summary conviction of
a fine not exceeding One Hundred Dollars or
imprisonment for a term not exceeding thirty days,
or both, for violation of by-laws made under
Section 81 of the Indian Act.

NOW THEREFORE the Council of the Lax Kw'alaams Band
of Indians at a duly convened meeting enacts as a by-law
the following:

PART I - SHORT TITLE

1. This by-law may be cited for all purposes as the
Lax Kw'alaams Highway and Traffic By-law.

PART II - INTERPRETATION

REPEAL OF EXISTING BY-LAW

2. Band by-law Number 5 made on the 10th day of March,
1955, being a by-law to provide for the regulation

of traffic on Port Simpson Indian Reserve No. 1 is hereby repealed.

DIVISION OF PARTS

3. This by-law as a matter of convenience and for reference only is divided into seven parts titled as follows:

Part I - Short Title
Part II - Interpretation
Part III - Traffic Regulation
Part IV - Use of Highways
Part V - Uses Requiring Authorization
Part VI - General Prohibitions
Part VII - Impounding, Compensation and Penalties

APPLICABILITY OF INDIAN RESERVE TRAFFIC REGULATIONS AND MOTOR VEHICLE ACT

4. (1) All provisions of:

- (a) the Indian Reserve Traffic Regulations including without restricting the generality of the foregoing section 6 thereof, which provides:

"6. The driver of any vehicle shall comply with all laws and regulations relating to motor vehicles, which are enforced from time to time in the province in which the Indian Reserve is situated, except such laws or regulations as are inconsistent with these Regulations."

; and

- (b) the Motor Vehicle Act which are not by virtue of section 6 of the Indian Reserve Traffic Regulations made a part thereof;

shall apply to the use and operation of Vehicles on Highways within Reserve.

- (2) In the event, and to the extent only, of inconsistency between:

- (a) any provision or provisions of the Indian Reserve Traffic Regulations and the Motor

Vehicle Act, the provision or provisions of the Indian Reserve Traffic Regulations shall prevail;

- (b) any provision or provisions of the Indian Reserve Traffic Regulations and any provision or provisions of this by-law, the provision or provisions of the Indian Reserve Traffic Regulations shall prevail;
- (c) any provision or provisions of the Motor Vehicle Act which are not by virtue of section 6 of the Indian Reserve Traffic Regulations made a part thereof, and any provision or provisions of this by-law, the provision or provisions of this bylaw shall prevail.

METRIC UNITS

- 5. Metric units are used for all measurements in this by-law. The approximate equivalent of these units in feet and inches are shown in brackets following each metric measurement. Such bracketed figures are included for convenience only and do not form part of this by-law.

HEADINGS

- 6. The headings of Parts and sections in this by-law have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this by-law or any of its provisions.

SEVERABILITY

- 7. If a Court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

DEFINITIONS

- 8. The following terms, whenever used in this by-law, or in any resolution of Council dealing with this

by-law, shall have the meanings respectively ascribed to them in this section unless the context otherwise requires.

"Act" means the Indian Act (together with all Regulations made pursuant to same) being Chapter I-6 of the Revised Statutes of Canada, 1970, and any amendments thereto.

"Angle Parking" means the parking of a Vehicle other than parallel to a curb or Highway.

"Band Administrator" means the Band Administrator appointed from time to time by the Council and includes his delegated representative.

"Band" means the Lax Kw'alaams Band of Indians.

"Band Vehicle" means any Vehicle owned or leased by the Band or the Council.

"Bicycle" means a device having any number of wheels that is propelled by human power and on which a Person may ride.

"Boulevard" on a Highway with curbs means that portion of the Highway lying between a curb and the adjacent property line exclusive of any sidewalk or any sidewalk crossing; and on a Highway without curbs, means that portion of the Highway lying between the ditch and the adjoining property line or if there is no ditch, then between the shoulder and the adjoining property line, exclusive of any sidewalk or any sidewalk crossing; and on a Highway designed for the segregation of traffic travelling in opposite directions by leaving a central portion thereof in an undeveloped state or improved by the planting of grass or shrubs or separated from the Highways by curbs, then that portion of the Highway so left shall be included in the term "Boulevard".

"Council" means the Council of the Band.

"Driver" means a person who drives or is in actual physical control of a Vehicle.

"Emergency Vehicle" means:

- (a) a Vehicle carrying rescue or first aid equipment where there is an urgent emergency justifying a rate of speed in excess of any minimum rate of speed provided for under this by-law: or
- (b) a Vehicle driven by a member of the Lax Kw'alaams Volunteer Fire Department in the discharge of his duties; or
- (c) a Vehicle driven by a Peace Officer in the discharge of his duties; or
- (d) a Vehicle driven by an employee of British Columbia Hydro and Power Authority or British Columbia Telephone Company Ltd. where such vehicle is involved in emergency work in the Reserve.

"Fire Chief" means the Fire Chief appointed from time to time by the Council and includes his delegated representative.

"Fire Zone" means that portion of a Highway which is contained within the projected extension of the lateral boundaries of every parcel of land upon which any Fire Hall is constructed and in which any equipment for use in fighting fire or other emergency uses is held, stored or maintained by the Band or Council.

"Highway" includes every highway, bridge, driveway, street, Lane, square, road, avenue, parkway, thoroughfare, parking area, or other place within Reserve designed or intended for the use of the membership of the Band or the general public for the passage of Vehicles or the parking of Vehicles, including without restricting the generality of the foregoing, every area designated as a highway, bridge, driveway, street, Lane, road, avenue, parking area or thoroughfare, on a Canada Lands Surveys Record Plan or a Regional Surveyor of British Columbia Plan.

"Indian Reserve Traffic Regulations" means the Indian Reserve Traffic Regulations made under the Act, and any amendments thereto.

"Lane" means a Highway having a right-of-way not exceeding 6.1 m (20 ft.) and not named or numbered as a street or avenue.

"Maintenance Supervisor" means the Maintenance Supervisor appointed from time to time by the Council.

"Motor Vehicle Act" means the Motor Vehicle Act of the Province of British Columbia as amended from time to time and the regulations made pursuant thereto as amended from time to time.

"Owner" means the Person registered as the owner of a motor vehicle in the records of the Superintendent of Motor Vehicles for the Province of British Columbia.

"Parade" means any procession of more than thirty (30) Pedestrians or of more than three (3) Vehicles upon any street.

"Peace Officer" means any constable or any Person having the powers of a constable and, without restricting the generality of the foregoing, shall include any member of the Royal Canadian Mounted Police, including special constables thereof.

"Pedestrian" means a person afoot, or an invalid or child in a wheelchair or carriage.

"Person" includes any individual, company, partnership, association and society.

"Reserve" includes all reserves of the Band.

"Traffic Control Device" means a regulatory or warning sign, signal, line, meter, marking, space, barrier, or device, placed or erected by authority of Council.

"Vehicle" means any wagon, cart, motor car, motor truck, trailer, motorcycle, traction engine, tractor, road making machinery or other conveyance that is driven, propelled, or drawn by any kind of power.

"Walkway" means any walkway, sidewalk, pathway, or foot path, whether fenced or not, and whether paved or blacktopped or not, designed for the use of Pedestrians and shown as a walkway, sidewalk, pathway or foot path on a Canada Lands Surveys Records Plan or a Regional Surveyor of British Columbia Plan.

PART III - TRAFFIC REGULATION

TRAFFIC CONTROL DEVICES

9. (1) Traffic Control Devices installed pursuant to this by-law shall conform to and have the same meaning as the corresponding Device in the Motor Vehicle Act.
- (2) Except as otherwise provided in this by-law Council shall approve and authorize the placement and erection of all Traffic Control Devices.

DIVERSION OF TRAFFIC

10. (1) When as a result of construction or repair work, any Highway, or any portion thereof, is unsafe or unsuitable for traffic, or it is necessary that traffic should be restricted thereon or diverted therefrom, the Maintenance Supervisor or any Person duly authorized by him, may close such Highway, or portion thereof, or restrict or divert the traffic thereon or therefrom, and for that purpose may erect or place lamps, barriers, signboards, notices, or other warnings upon such Highway, or portion thereof.
- (2) When as a result of an accident, fire, storm, or other emergency a Highway, or any portion thereof is unsafe or unsuitable for traffic or it is necessary that traffic should be restricted thereon or diverted therefrom, the Fire Chief or a Peace Officer or any Person duly authorized by any one of them, may close such Highway or portion thereof or restrict or divert the traffic thereon or therefrom, and for that purpose may erect or place lamps, barriers, signboards, notices or other warnings upon such Highway or portion thereof.

- (3) Any Peace Officer, in order to ensure the orderly movement of traffic or prevent injury or damage to Persons or property, may direct and regulate traffic according to his discretion and in doing so may disregard any Traffic Control Device, and everyone shall obey his directions.

OBEDIENCE TO TRAFFIC CONTROLS

11. Where any Traffic Control Device is erected or placed on any Highway pursuant to the authorization of Council under sub-section 9(2), except where otherwise directed by a Peace Officer acting pursuant to sub-section 10(3), every Driver of a Vehicle other than the Driver of an Emergency Vehicle and every Pedestrian shall obey the instructions of such Traffic Control Device.

FIRE ZONE

12. Except where authorized by the Fire Chief or where otherwise directed by a Peace Officer acting pursuant to sub-section 10(3) of this by-law, no Person other than the Driver of an Emergency Vehicle shall stop, park or turn a Vehicle in a Fire Zone, provided however that this restriction shall not prohibit the turning movement of traffic entering or leaving the Fire Hall.

GENERAL PARKING RESTRICTIONS

13. (1) No Person shall park or otherwise locate a Vehicle:
 - (a) so as to in any manner obstruct or unduly restrict access to and egress from any driveway or intersecting Highway by a Vehicle or Vehicles except where otherwise permitted by a Traffic Control Device; or
 - (b) in such a manner or under such conditions as to leave available less than 3 metres (9.84 ft.) of the travelled portion of a Highway, or opposite to or in such close proximity to another Vehicle already stopped on such Highway as to obstruct or unduly restrict the free movement of vehicular traffic on such Highway; or

- (c) at an angle to the edge of a Highway, except where otherwise permitted by a Traffic Control Device; or
 - (d) on a Highway for a continuous period of longer than 72 hours; or
 - (e) in such a manner as to block or unduly restrict the exit from a parking space of a Vehicle already lawfully parked; or
 - (f) other than on the right-hand side of a Highway with the Vehicle facing in the direction of travel on that side of the Highway, except where otherwise permitted by a Traffic Control Device; or
 - (g) on lands that are lawfully in possession of the Band pursuant to the Act that are not a Highway.
- (2) The provisions of this section of this by-Law shall not apply to Emergency Vehicles, Vehicles operated under the authority of Council, or, with prior approval of the Maintenance Supervisor, Vehicles operated by employees of public utility companies while being used during the performance of assigned duties; provided that this exemption shall not relieve the Drivers of such Vehicles from taking due precautions to indicate the presence of such Vehicles on a Highway while parked or stopped.

PEDESTRIAN RIGHTS AND DUTIES

14. (1) Every Vehicle travelling upon a Highway shall give the right-of-way to all Pedestrians walking on or crossing any Highway.
- (2) Notwithstanding sub-section (1), upon an Emergency Vehicle approaching a Pedestrian on a Highway, the Pedestrian shall immediately get off and keep off the Highway until such Vehicle has passed him or stopped.

SPLASHING OF PEDESTRIANS

15. When water, mud or slush is lying on any Highway, a Driver shall reduce the speed of his Vehicle as

much as is necessary to avoid splashing any Pedestrian.

BICYCLES

16. (1) Where a Walkway is less than 2 metres (6.56 ft.) wide, its use by Bicycles is prohibited.
- (2) Where a Walkway is more than 2 metres (6.56 ft.) wide, its use by Bicycles is not prohibited, provided however that Pedestrians shall have the right-of-way.
- (3) No Person shall ride a Bicycle on a Highway or Walkway recklessly or negligently or at a speed or in a manner dangerous to the rider or to any member of the public, or without having at least one hand on the handlebars, or without having both wheels on the Highway or Walkway at the same time.
- (4) No Person shall carry on a Bicycle a load of a greater weight than 25 kilograms (55.12 lbs.) nor shall such load extend to a greater width than the handlebars of the Bicycle nor to such a height as to obstruct the clear vision in all directions of the rider of the Bicycle when seated on the seat of the Bicycle.
- (5) No Person shall leave a Bicycle in a reclining position on a Highway, Walkway, or any public place where it may be a hazard to Vehicles or Pedestrians.
- (6) No Person shall carry a passenger on his Bicycle.

PART IV - USE OF HIGHWAYS

17. (1) No Person shall place, throw, or cause to be deposited or to flow onto or upon a Highway or Walkway any noxious, offensive or filthy water or substance, or any empty bottle, glass container or any other article, whether broken or intact, or any earth, refuse, debris, derelict Vehicle, or any other thing.
- (2) Without in any way restricting the generality of sub-section (1), no Person shall construct or maintain a ditch, sewer, or drain, the effluent

from which causes damage, fouling or injury to any portion of a Highway or Walkway or constitutes a nuisance to the public.

- (3) In the event that any article, substance or material shall, due to any cause whatsoever, become loose or detached, or blow, spill or fall from a Vehicle onto a Highway, it shall be the duty of the Driver of such Vehicle forthwith to take all necessary precautions to safeguard traffic and to remove such material from such Highway.
- (4) It shall be the responsibility of the Driver of any Vehicle to cause to be removed from a Highway any Vehicle damaged in an accident or otherwise, and to also cause to be removed all dirt, broken glass, metal, and any other debris deposited on a Highway as a result of such occurrence.

WASHING ON HIGHWAY

18. No Person shall stand or park any Vehicle on a Highway for the purpose of washing, greasing, or repairing such Vehicle.

SLEDDING, SKIING ON HIGHWAY

19. No Person shall coast or slide with sleds, skis, skates or other apparatus on a Highway, provided however that Council may declare any Highway closed to all other traffic for the purpose of permitting coasting with sleds, skis, skates or other apparatus thereon. On such a declaration the Maintenance Supervisor may do all such things as are necessary to close such Highway to all other traffic and otherwise to enable Persons using such Highway for coasting and sledding to do so in safety.

MERCHANDISE ON HIGHWAY

20. No Person shall without written authorization in advance of Council:
 - (a) place or cause or suffer to be placed by any Person in his employ or under his control, any merchandise, chattel, or wares of any nature on a Highway or Walkway for the purpose of sale or display, or for any other purpose

whatsoever except in the actual course of receipt or delivery of same; or

- (b) use or suffer any Person in his employ or under his control to use any portion of a Highway or Walkway for the purpose of selling any merchandise, chattel, or wares of any nature, or for the purpose of measuring, packing, or unpacking any merchandise, chattel, or wares of any nature.

UNAUTHORIZED SIGNS

- 21. (1) Except as otherwise provided in this by-law no Person shall place or maintain a sign of any nature whatsoever upon a Highway, Traffic Control Device, pole, or other structure located on or adjacent to a Highway, unless authorized in writing in advance by Council to do so.
- (2) Any sign erected in contravention of sub-section (1) may be removed by the Maintenance Supervisor, or by such other Person as may be authorized by him to remove such sign. The Band and the Council accept no liability for any damage done in any way to any such sign.

CAUSING DAMAGE

- 22. Except in the course of construction or maintenance on a Highway carried out in accordance with the provisions of this by-law, no Person shall:
 - (a) cause damage to a Boulevard or to any pole or structure erected or placed on a Boulevard; or
 - (b) cause damage to any public utility where it is located on, over, or under a Highway or Walkway; or
 - (c) cause damage to trees, shrubs, plants or hedges on or over a Highway or Walkway; or
 - (d) cause damage to any fence adjacent to a Highway or Walkway; or
 - (e) mark or imprint or deface in any manner whatsoever a Highway or Walkway, or structure

lawfully located on or being part of a Highway or Walkway.

WORK ON HIGHWAY

23. Except as authorized in writing in advance by Council, no Person shall:
- (a) build, construct, place or maintain or cause to be built, constructed, placed or maintained under, upon, or over a Highway, any structure, sign, building, fence, or object of any nature whatsoever, or any plant, tree, shrub or other vegetation of any nature whatsoever; or
 - (b) break, tear up, remove, or otherwise interfere with any Walkway, curb or surfacing of a Highway, Walkway, or any part of any bridge, or excavate a Highway or Walkway or under any Highway or Walkway, or any part of any bridge, or cut down or remove any plant, tree, shrub, or any vegetation of any nature whatsoever growing on a Highway or Walkway; or
 - (c) in any manner change the level of a Highway or Walkway; or
 - (d) open-up, construct or develop any Highway, Walkway, Boulevard, or improve any Highway or Walkway; or
 - (e) except as otherwise provided in this by-law, obstruct or interfere with the free flow of traffic or attempt to control or detour traffic on any Highway whether by the use of signs or flagmen or by barricades or other physical obstruction on the Highway.

PART V - USES REQUIRING AUTHORIZATION

AUTHORITY OF COUNCIL REQUIRED

24. Except as authorized in writing in advance by the Council, no Person shall:
- (a) operate or occupy a Vehicle while sounding a loudspeaker or other noise emitting device, the sound from which can be heard at a

distance of greater than 1 metre (3.28 Feet) from any part of the Vehicle; or

- (b) fire, light, or let off any cannon, gun, pistol or other firearm, fireworks, firecrackers or explosive substances under, upon, or over a Highway; or
- (c) organize or take part in any public game, race, athletic contest, Parade, soap box derby, or procession, except a funeral procession, on a Highway.

CONDITIONS OF AUTHORIZATION BY COUNCIL TO BE FOLLOWED

- 25. Every authorization of Council granted under the provisions of this by-law shall be in writing and be subject to all terms and conditions contained in such authorization, and it shall be an offense against the provisions of this by-law for any Person to act in a manner contrary to such terms and conditions.

AUTHORIZATIONS REVOCABLE

- 26. Any authorization of Council granted under any provision of this by-law shall be void effectively immediately upon any term or condition contained in such authorization being breached or not complied with.

PART VI - GENERAL PROHIBITIONS

NON-INTERRUPTION OF WATER COURSES

- 27. Except as authorized in writing in advance by Council, no Person shall deposit any refuse or other material in a ditch or culvert that is adjacent to or runs under a Highway or Walkway, or by any means whatsoever otherwise interfere with the flow of water through a ditch or culvert that is adjacent to or is under a Highway or Walkway.

INJURY TO TRAFFIC CONTROL DEVICE

- 28. No Person shall remove, deface, obliterate, alter, or attempt to remove, deface, obliterate, alter, or

otherwise in any manner whatsoever interfere with any Traffic Control Device lawfully placed on or adjacent to a Highway.

PART VII - IMPOUNDING, COMPENSATION AND PENALTIES

IMPOUNDING OF VEHICLES

29. (1) Any Vehicle unlawfully parked or otherwise unlawfully located on any portion of a Highway or lands that are lawfully in possession of the Band pursuant to the Act that are not a Highway may, upon order of Council or a Peace Officer, be removed to and impounded in such place as is directed by Council or a Peace Officer, and such a Vehicle shall not be released to its Owner until the cost of its removal and impounding is paid to Council.
- (2) If such impounded Vehicle is not claimed by its Owner within fourteen (14) days of the giving of notice of the impounding of the Vehicle, such Vehicle may be sold at public auction by Council and any monies received on its sale shall be applied firstly to the cost of the sale, secondly to the cost of the removal and impoundment of the Vehicle, and thirdly, the surplus, if any, shall be sent by registered mail to the Owner of the Vehicle at the address shown for such Owner in the records of the Superintendent of Motor Vehicles for the Province of British Columbia at the time of such sale.
- (3) Notice shall be given to the Owner of any Vehicle impounded under this section of the intention of Council to sell such Vehicle on a date set out in the notice by mailing such notice by registered mail to the Owner at the address for such Owner as shown on the records of the Superintendent of Motor Vehicles for the Province of British Columbia at the date of impoundment.

COMPENSATION FOR DAMAGE

30. In addition to all other penalties herein provided:

- (a) any Person causing damage to any Highway or Walkway or any Person being the Owner or operator of any Vehicle which causes damage to any Highway shall be responsible for the cost of repairing such damage; and
- (b) any Person who places, throws, or causes to be deposited on any Highway or Walkway an empty bottle, glass container, or any other article, whether broken or intact, or any earth, refuse, debris, derelict Vehicle or any other thing shall be responsible for the cost of repairing such damage or removing such things.

PENALTIES

- 31. Any Person who disobeys or fails to comply with any provision of this by-law is guilty of an offence under this by-law and is liable to imposition on summary conviction of a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding thirty days, or both.

