

TRAFFIC BYLAW

**Bylaw No. _____
Of the Nak'azdli Indian Band
A Bylaw for the Regulation of Traffic**

Enacted on the 29th day of January, 2002

Whereas The Council of the Nak'azdli Band desires to make a by-law governing the regulation of traffic;

And Whereas the Council of the Nak'azdli Band is empowered to make such by-law pursuant to paragraph 81(1)(b), (q) and ® of the Indian Act;

And Whereas it is considered to be expedient and necessary for the safety and convenience of the Nak'azdli Band to regulate traffic on the reserve;

Now Therefore the Council of the Nak'azdli Band hereby makes the following by-law:

Short Title

1. This By-law may be cited as the Nak'azdli Band Traffic By-law No _____.

Interpretation

2. In this by-law,

"Access Road" means a driveway

- (a) situated on leased lands, on lands subject to a certificate of possession or a certificate of occupation or on reserve lands otherwise occupied, an
- (b) that leads from a reserve road and is used to provide access from such road to such lands, and in respect of which no invitation to pass has been extended to the general public

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

"Band" means the Nak'azdli Band;

"Commission" means the Nak'azdli Band Traffic Commission, appointed pursuant to Section 3;

"Council" means the Council of the Nak'azdli Band;

"Highway" has the same meaning as in the British Columbia Motor Vehicle Act;

"Motor vehicle" means a vehicle, the operation of which, on a highway requires a license or permit under the British Columbia Motor Vehicle Act;

Interpretation, Con't.

“*Officer*” means any police officer, police constable, or other person charged with the duty to preserve and maintain 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 License*” means a license to operate a motor vehicle issued or accepted as valid under the British Columbia Motor Vehicle Act:

“*Reserve*” means the reserves of the Band including Nak’azdli Reserve, Williams Prairie Meadow I.R. No. 1A and Sowchea I.R. No. 3;

“*Reserve Road*” means a road or other way situated on the reserve, which is designed and intended 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.

Commission

- 3(1) There shall be a Nak’azdli Band Traffic Commission (NBTC), consisting of three members of the Council, who shall be appointed by the Council by resolution.
- (2) The Commission may
 - (a) designate locations on or adjacent to a reserve road at which traffic control devices shall be erected;
 - (b) designate speed limits for reserve roads or portions thereof;
 - (c) designate parking areas on or adjacent to reserve roads, and areas in which parking is prohibited;
 - (d) designate areas of reserve lands to be reserve roads; and
 - (e) perform other such functions as set out for it in this by-law.
- (3) A copy of any designation made pursuant to this by-law shall be posted in the Band Council office, and may be appealed to the Council by any resident of the reserve by filing a Notice of Appeal with the administrator within thirty days after the designation was first posted.
- (4) A designation comes into effect thirty days after it was first posted pursuant to subsection (3) or, if appealed, seven days after the day a notice was posted in the Band Council office advising that the designation has been confirmed by Council.
- (5) The Council may, of its own initiative, and at any time, revoke any designation made by the commission under this by-law, and may substitute a new designation.

Administrator

- 4(1) The Council shall, by resolution, appoint an Administrator for the Nak'azdli Band Traffic By-law.
- (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to the Administrator.
- (3) The Administrator shall perform such functions as are imposed by this by-law or directed by the Commission, and shall report to the Commission on his activities in respect to the administration of this by-law.

Licence

5. No person shall operate a motor vehicle on the reserve road unless he holds a subsisting operator's license of a class appropriate to the category of motor vehicle operated.

Insurance

6. 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 British Columbia Motor Vehicle Act. To operate the vehicle on the highway.

Possession of Licence and Proof of Insurance

- 7(1) a person shall have in his possession at all times while operating a motor vehicle on a reserve road
 - (a) his operator's license
 - (b) he certificate of registration of the motor vehicle, and
 - (c) 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 license, registration and proof of vehicle insurance upon being requested by an officer to do so.

Speed Limits

- 8(1) The speed limit for a reserve road shall be 30 kilometres per hour, except where otherwise designated by the Commission and marked on a traffic control device erected on the reserve road.
- (2) No person shall operate a motor vehicle on a reserve road at a rate of speed in excess of the posted speed limit for that road.

Traffic Control Devices

- 9(1) The Administrator shall erect traffic control devices at locations designated by the Commission.
- (2) On every sign erected by the Administrator there shall be placed in the lower right hand corner, the words ~ "by the authority of the NIBTC

Traffic Control Devices, Con't.

- (3) The operator of a vehicle shall obey all traffic control devices erected pursuant to this by-law, except where otherwise directed by an officer or by a person authorized by the Commission or the Administrator to direct traffic.
- (4) 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

- 10(1) No person shall park a vehicle in a location where a traffic control device indicates that parking is prohibited.
- (2) Notwithstanding that the Commission has not prohibited parking in a particular location, no person shall park a vehicle on a reserve road unless there is sufficient room to pass and there is a clear view of the parked vehicle for a distance of 30 metres in either direction along the road.

Weight Restrictions

- 11(1) The Commission may designate weight restrictions for vehicles using reserve roads.
 - (2) The Administrator may issue temporary permits allowing vehicles exceeding weight restrictions to use reserve roads where circumstances are urgent and the Administrator is of the opinion that the use of the vehicle granted the temporary permit will not damage the reserve road.
 - (3) An appeal lies to the Commission from a decision of the Administrator refusing an application for a temporary permit.
 - (4) No person shall operate a vehicle on a reserve road the weight of which, including the load carried, is more than the maximum weight designated for that vehicle on that road and posted by a traffic control device on the reserve road.

Rules of the Road

- 12(1) A person shall not operate a vehicle on a reserve road
 - (a) Without due care and attention;
 - (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 the reserve road, except,
 - (a) When overtaking and passing a vehicle proceeding in the same direction;
 - (b) When the right hand half of the road is closed to traffic while under construction or repair; or
 - (c) Where necessary because of the operation of road grading or snow removal equipment.
 - (d) 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.

Rules of the Road, Con't.

- (3) 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.
- (4) Where a flagman is stationed or a barricades or sign is erected, on a reserve road to direct traffic in connection to the road, the operator of a vehicle shall obey the directions given by the flagman or, if none, then by the barricades or signs.

Duties of the Operator

- 13(1) The operator of a vehicle on a reserve road must bring the vehicle to a stop when ordered to do so by an officer.
- (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 any other information as 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 the owner of, the unattended vehicle or leave a written notice on the vehicle containing
 - (i) Name, address and telephone number of the operator,
 - (ii) Name, address and telephone number of the registered owner,
 - (iii) The licence number of the vehicle.
- (4) Where the 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

14. The operators of School Buses and of vehicles in the vicinity of a stopped school bus shall comply with the British Columbia Motor Vehicle Act respecting the operation of school buses and vehicles in the vicinity of school buses.

Equipment

15. No person shall operate a vehicle on a reserve road that is in a dangerous or unsafe condition, or a motor vehicle that is not equipped as required by the British Columbia Motor Vehicle Act, for operation on a highway.

Impounding of Vehicles

- 16(1) Where a 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 firefighting or other emergency equipment, or
 - (d) it is likely to be vandalized, or where the vehicle is parked contrary to this bylaw, or apparently has been abandoned for a period of 72 hours or longer, an officer may
 - (e) remove the vehicle, or require the operator or person in charge of the vehicle to remove it, to a position determined by the officer, or
 - (f) take the vehicle into custody and cause it to be removed to and stored in a suitable place.
- (2) All costs and charges for the removal, care and storage of a vehicle removed under subsection (1) shall be paid by the owner of the vehicle.
- (3) The keeper of any repair shop, garage or storage place where the vehicle is stored is under no obligation to return the vehicle to the owner until all costs and charges referred to in subsection (2) have been paid.


Offence and Penalties


17. A person who contravenes, or otherwise fails to comply with any provisions 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 both.

This By-law is hereby made at a duly convened meeting of the Council of the Nak'azdli Band this 29th day of January 2002.


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



Councillor

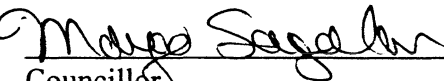

Councillor


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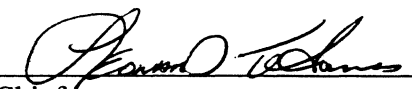
Councillor


Councillor


Councillor


Councillor


Councillor



Chief

Being the majority of the members of the Council of the Nak'azdli Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of Band Council members present at the meeting: 8.

I, Chief of the Nak'azdli 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 Regional office pursuant to subsection 82(1) of the Indian Act, this 29th day of January 2002.


(Witness)


Chief Leonard Thomas