

By-Law Respecting Traffic Circulation, Public  
Security and Nuisance enacted under Section 81  
(b) (c) (d) & (r) of the Indian Act R.S., c149, s.1

The following by-law was duly adopted by the Mohawk Council of Kanawake of the Caughnawaga Indian Reserve No. 14 in the Province of Quebec at a meeting duly convened and held at the Band Council Office, Caughnawaga, on February 24th 1977 at 7:00 P.M. (Repealing all other by-laws dealing with the matters provided herein or inconsistent with the present by-law)

ARTICLE 1 - DEFINITIONS

Whenever the following words occur in this by-law, they shall, unless the context otherwise requires, be understood as follows: -

- A. PEACE OFFICER - includes any member of the Caughnawaga Police Force, any special constables appointed under the Police Act of the Province of Quebec having jurisdiction on the Caughnawaga Indian Reserve and any special supernumerary constable appointed under the Royal Canadian Mounted Police Act and having jurisdiction on the Caughnawaga Indian Reserve.
- B. VEHICLE - any conveyance on wheels or runners driven or propelled by animal, muscular, mechanical or electrical power or any other form of power.
- C. DRIVER - the person in charge of a vehicle and the person who pushes or propels a vehicle of any description.
- D. NOISE - signifies a sound or groups of sounds, harmonious or not, perceptible by the ear.
- E. SIGNS - any sign, marking and device other than a traffic light signal, placed or erected by order of the Council for the purpose of warning, guiding or directing the persons on a public thoroughfare.
- F. COMMERCIAL VEHICLE - means autobus, trucks of all types or any kind of vehicle whether motor driven or horse drawn used for the transport of goods of all descriptions and for public conveyance.
- G. RESCUE VEHICLE - apparatus or vehicles of the Police Force or Fire Department, ambulances and all other vehicles authorized by the Council or affecting the protection of the life and the property of residents, during the execution of their respective duties.
- H. PUBLIC ROAD - includes any roadway, driveway, street, land, right of way, or other place open to the public for the passage of vehicles.
- I. OWNER - any person who has acquired a vehicle and possesses it under an absolute title or a conditional one which gives him the right to become owner thereof or to use same as owner.

ARTICLE 2 - APPLICATION

This by-law shall apply to all roads situated within the Caughnawaga Indian Reserve.

ARTICLE 3 - AUTHORITY OF THE BAND COUNCIL

The Band Council may order, by resolution, the erection of mechanical devices or traffic light signals at certain intersections; of stop signs on certain streets and of signs in any place of a public road, park and playground.

ARTICLE 4 - RESPONSIBILITY OF VEHICLE DRIVER

The driver of a vehicle is responsible for all infractions to the present by-law committed with his vehicle and he is subject to the penalty of the said by-law.

OPERATION OF VEHICLES

ARTICLE 5 - RIGHT OF WAY

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

ARTICLE 6 - UNLAWFUL TO FOLLOW A FIRE TRUCK

It is unlawful for all drivers of vehicles, unless he is on official duty, to follow a fire truck replying to a fire alarm, at a distance of less than two hundred feet or to drive or stop his vehicle in between intersections of streets on which the fire trucks are located.

ARTICLE 7 - TAILBOARDS

It is unlawful for all persons driving a truck to leave the tailboard open or partially open, only when it supports material, merchandise or other effects where the length will pass the enclosure of the truck which must then have a red signal flag attached to the exposed material.

ARTICLE 8 - SCHOOL BUSES

When a motor vehicle being driven on any part of the Caughnawaga Indian Reserve overtakes or meets an autobus with flashing lights, engaged in the transportation of children, which is stationary, to take on or discharge children, whether such autobus is proceeding in the same direction as the motor vehicle or not, the driver of such motor vehicle shall come to a full stop at least ten feet from the rear or front of such autobus and shall not pass or drive beyond any part of such autobus, until all children have boarded the autobus or have left it and reached the side of the road and such autobus has again been put into motion.

Any person contravening the provisions of Article 8 of this by-law shall be liable on summary conviction:

- a) to a fine of fifty dollars (\$50.00) for the first offence;
- b) to a fine of one hundred dollars (\$100.00) for the second offence;
- c) and to a fine of one hundred dollars and to imprisonment for thirty days for a third and subsequent offences.

ARTICLE 9 - SPEED ON STREETS

No motor vehicle will circulate on the Reserve streets at a speed more than twenty miles and hour, except in the following places where the speed limit should not pass fifteen miles an hour - in school, hospital and designated zones.

In the case of a speeding offence, the minimum fine shall be automatically \$20.00 for the offence plus \$2.00 per mile past the speed limit plus costs.

ARTICLE 10 - UNUSUAL NOISE - PUBLIC NUISANCE

Pulling out or circulating with a vehicle, it is unlawful to operate same in such a manner as to spin wheels or cause tires to screech on the public road, causing abnormal and unusual noise and such action is declared a public nuisance.

ARTICLE 11 - SPLASHING

When there is water, mud or other liquid substances on the roadway, the driver of all vehicles shall avoid splashing pedestrians.

ARTICLE 12 - SNOWMOBILES

- A. Registration of snowmobiles is mandatory and must be renewed every year prior to November 1st.
- B. The licence plate delivered by the Bureau des vehicules automobiles must be fastened to the side or the rear of the snowmobile.
- C. Anyone driving a snowmobile must carry both his driving permit and vehicle registration certificate.
- D. Minors, at least 10 years of age and under 18 years of age are permitted to drive a snowmobile. However, to obtain a snowmobile driver's permit, such persons must provide a written authorization from their father, mother or tutor.
- E. Furthermore, even with such authorization, ten and eleven year olds are permitted to circulate in unrestricted areas only and must be under the constant supervision of an adult with a valid driver's permit. (Restricted area being the Main Highway, from tunnel to Hilltop Restaurant).
- F. Likewise, persons twelve, thirteen, fourteen and fifteen years of age are only permitted to circulate in unrestricted areas, except on public highways, in particular.

ARTICLE 13 - PERMIT TO DRIVE

No person shall drive a motor vehicle within the Caughnawaga Indian Reserve unless that person holds an operator's or chauffeur's permit and licence plates of the current year.

In the case of driving without a permit to drive or licence plates of the current year the fine payable shall be ten dollars plus costs and shall double each time for each subsequent offence plus costs.

PARKING

ARTICLE 14 - DIRECTION OF PARKING

It is unlawful to stop or park in such a way as the left side of the vehicle is near the sidewalk or the side of the road from the cross located at the tunnel to the cross located at the Indian Village and/or designated areas.

ARTICLE 15 - PARKING ON BRIDGES AND AT INTERSECTIONS

It is unlawful for vehicles to park on bridges and at a distance of at least 25 feet from the corner of a street of a designated area where sign posts indicate that it is forbidden to do so, erected by the by-law of the Band Council.

ARTICLE 16 - DOUBLE PARKING

It is unlawful for all drivers of vehicles to double park on the streets of the Reserve.

In the case of illegal parking or stopping the minimum fine payable shall be \$5.00 in the case of a first offence and \$10.00 in the case of a subsequent offence.

MISCELLANEOUS

ARTICLE 17 - HAMPERING OF TRAFFIC IS PROHIBITED

It is unlawful for all persons to throw, project, push or pile up or to have thrown, projected, pushed or piled up snow, ice, sand, soil or other materials resembling, originating from all yards, garages, homes, commercial or residential buildings whatsoever on the streets, sidewalks or public places on the reserve.

ARTICLE 18 - SNOW REMOVAL

All Police Officers or the Foreman of the Department of Roads and/or his Assistant are authorized to have removed, at the expense of the owner, all vehicles parked on a street or public place during the cleaning and removal of snow.

ARTICLE 19 - SEIZURE OF VEHICLES

All Police Officers are authorized to bring to the Police Station all vehicles driven by an intoxicated person, contrary to some of the dispositions of the present by-law.

The owner of said vehicle can always directly or by his Agent reclaim the vehicles by paying the fine imposed by law or by the present by-law and the towing charges.

ARTICLE 20 - USING STREETS FOR VEHICLE REPAIRS

It is unlawful for all persons, to repair automobiles trucks and all other vehicles on the streets, public roads, in the parks and alleys, except in an emergency/48 hours limit after warning.

ARTICLE 21 - THROWING ARTICLES FROM VEHICLE

It is unlawful for any person to throw anywhere a bottle or any object from a motor vehicle in motion or stationary on or along the public road, or from any place on the public road or its vicinity.

ARTICLE 22 - REMOVING OF SIGNS

It is unlawful to remove, deface, damage, deteriorate or interfere with traffic control devices and signs of any description placed by proper authority.

ARTICLE 23 - PROTECTIVE HELMET

Any occupant of a snowmobile must wear a protective helmet complying with the standards decreed by law.

ARTICLE 24 - TIRES

No person shall operate or draw any vehicle, tractor, farm wagon or trailer on the hard surface portion of any road unless the same is equipped with pneumatic tires, solid rubber tires or tires of some composition equally resilient, so as not to deface or mar the hard surface.

ARTICLE 25 - UNLAWFUL TO GET PULLED

It is unlawful for all persons riding bikes, motor bikes, a wagon, a toboggan, on skates or on a toy vehicle, to hang on, to be tied on, oneself or his/her vehicle, to all other vehicles, moving on a public road.

ARTICLE 26 - NOTICE OF INFRACTION

It is unlawful for all persons, other than the driver of vehicle, to remove a notice which was placed on vehicle by a Police Officer.

ARTICLE 27 - SANCTIONS

The penalty for each infraction shall be ten dollars (\$10.00) plus costs for the first offence, twenty dollars (\$20.00) plus costs for the second offence, thirty dollars (\$30.00) plus costs for the third offence and double the penalty of the third offence plus costs for the fourth offence.

Whosoever shall go against any one of the dispositions of the present regulation is subject to a fine and fees, and default of immediate payment of fines and fees, to imprisonment. The amount of the said fine and the term of said imprisonment to be set by a competent court provided however that the said fine does not exceed one hundred dollars (\$100.00) and that imprisonment does not exceed a period more than thirty (30) days for each offence, the said imprisonment therefore should terminate at all times before the expiration date of the set term by the court on payment of the said fines or fine and fees as the case may be.

These penalties shall apply to all infractions of articles except illegal parking, excessive speeding, school buses and driving without a permit.

ARTICLE 28 - ENGLISH VERSION

In the case of a French interpretation, the English version will prevail.

ARTICLE 29 - HIGHWAY CODE

The Highway Code of the Province of Quebec including the definitions therein and amendments thereto except as the same may be inconsistent with this by-law including its definitions shall apply to all roads and persons within the reserve and thereto shall be enforced by the Caughnawaga Iroquois Police.

ARTICLE 30 - EFFECTIVE

The present by-law shall come into force on the day that it is declared to be in force by the Minister of Indian and Northern Affairs or on the fortieth (40th) day following the transmission of the present by-law to the said Minister, whichever is the sooner.

MOHAWK COUNCIL OF KANAWAKE

Andrew T. Delisle

Grand Chief

Paul G. Deer

Assistant Grand Chief

Ronald Kirby

Chief

Michael C. Sky

Chief

June Delisle

Chief

Angus Marquis

Chief

James M. Kane

Chief

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Chief

Allan R. Patton

Chief

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Chief

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Chief

Richard White

Chief

Proposed by; Chief Angus Marquis  
Seconded by: Chief James Kane

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Andrew T. Deble  
Grand Chief

Paul H. Dees  
Assistant Grand Chief

Ronald Fitch  
Chief

Michael C. She  
Chief

Judith  
Chief

Angus Marquis  
Chief

James G. Kane  
Chief

Chief

Allan B. Tatter  
Chief

Chief

Richard White  
Chief

Proposed by; Chief Angus Marquis  
Seconded by: Chief James Kane