

July 18, 1970

By-law of the Council of Caughnawaga Indian Band respecting the regulation of traffic and the observance of law and order enacted under S. 80b) c) and q) of the Indian Act.

DEFINITIONS

- 1) In this by-law: 26A
 - a) "road" includes any roadway, driveway, street, lane, right of way, or other place open to the public for the passage of vehicles.
 - b) vehicle means any wagon, cart, motor car, motor trucks, trailer, motorcycle, traction engine, tractor, road making machinery or other conveyance that is driven, propelled or drawn by any kind of power and includes a snowmobile, motor-sled, ski-doo or ski-equipped vehicle.
 - c) peace officer includes any member of the Caughnawaga Police Force, any special constable 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;

APPLICATION

- 2) This by-law shall apply to all roads within the Caughnawaga Indian Reserve;

ENFORCEMENT

- 3) Any peace officer is hereby empowered to enforce all applicable laws, including the Indian Reserve Traffic Regulations, on all roads within the Caughnawaga Indian Reserve;
- 4) Any peace officer may arrest on view any person contravening any law on any road within the said Reserve and may arrest any such offender after the commission of the offence upon reasonable information as to the nature of the offence and as to the offender;
- 5) Whenever a vehicle is parked or stopped in violation of any applicable law relating to the control of the speed, operation or parking of vehicles or the regulation of traffic, including the Indian Reserve Traffic Regulations, any peace officer to whom notice of such infraction has come may forthwith issue and deliver to the driver of the vehicle or deposit in a conspicuous place on the vehicle a copy of a ticket in the form annexed to the present By-law as Schedule "A".

- 6) In addition to the issue of the ticket mentioned in article 5 hereof, any peace officer is authorized to remove or cause to be removed, by the use of a service vehicle, tow-truck or other suitable means, any vehicle parked or stopped in violation of any of the provisions of the laws mentioned in article 5 at the expense of the driver; or failing him, the owner, of the said vehicle. Any vehicle so removed shall not be released by such peace officer until the expenses of removal and/or storage have been paid by the driver or the owner of the vehicle, as the case may be at the Caughnawaga Police Office. Such peace officer shall incur no civil or criminal liability in connection with such removal or refusal to release any impounded vehicle for which the removal and storage charges have not been paid.

PROCEDURE

- 7) In the case of a violation of any of the provisions of law mentioned in article 5 hereof, the Caughnawaga Police Force and any member thereof shall be authorized to sign and send by ordinary mail or serve upon or cause to be served upon the accused by a peace officer a notice describing the offence, specifying the minimum fine payable for such offence and indicating that such fine, together with an additional dollar for each offence for costs of administration, may be paid at the Caughnawaga Police Office within the ensuing 10 days.
- 8) In the case where the offence relates to the parking or stopping of a vehicle and a ticket has been issued in accordance with article 5 hereof, the recipient of such ticket may whether or not he has received a notice under article 7 hereof, present himself at the Caughnawaga Police Office and avoid the lodging of a complaint by payment of the minimum fine payable for such offence and the costs of administration.
- 9) The payment by the accused pursuant to the notice mentioned in article 7 hereof of the minimum fine and the costs of administration at the Caughnawaga Police Office within the stipulated delay shall prevent penal prosecution in the case of a first offence.
- 10) Notwithstanding any other provision in this by-law, any person accused of a violation of any law on any road within the reserve may be prosecuted in accordance with the law violated, and by way of summary conviction if same is therein provided for.
- 11) In the case of illegal parking or stopping, the minimum fine payable shall be \$2 in the case of a first offence and \$5 in the case of a subsequent offence. In the case of a speeding offence, the minimum fine shall be \$1 for each mile in excess of the speed limit except in the case of an offence mentioned in article 17 hereof in which case the minimum fine shall be \$20.

PARTICULAR OFFENCES

- 12) No person shall park or stop any vehicle at the places designated by the Council of the Band as areas in respect of which no parking or stopping is permitted during the time such prohibition is applicable.
- 13) No person shall park or stop any vehicle so as to impede access to any property, or near or in the intersection of two roads or in any other place where such vehicle might interfere with traffic.
- 14) Except when directed by a peace officer to ignore a stop sign, every driver of a vehicle when approaching an intersection where there is a stop sign shall bring his vehicle to a stop and yield the way to any vehicle coming from the other road.
- 15) No person shall drive or operate a vehicle at a rate of speed in excess of thirty miles an hour within any residential area designated as such by the council of the band,
- 16) No person shall drive or operate a vehicle over any bridge at a rate of speed in excess of the speed limit designated for such bridge by the council of the band.
- 17) No person shall drive or operate a vehicle within a school zone at a rate of speed in excess of fifteen miles an hour.
- 18) When a motor vehicle being driven on any part of the Caughnawaga Indian Reserve overtakes or meets an autobus 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.
- 19) Any person contravening the provisions of article 18 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 subsequent offence.

- 20) Subject to the provisions of article 19 hereof, any person who violates any of the provisions of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$100 or imprisonment for a term not exceeding 7 days or to both fine and imprisonment.
- 21) By-law 26 of the Council of the Caughnawaga Indian Band enacted in June 13, 1953 and Resolution No. 123 of 1966-1967 are hereby repealed upon the coming into force of the present by-law.

The above By-law was duly adopted by the Council of the Caughnawaga Indian Band at a meeting duly convoked and held at Caughnawaga on July 18th, 1970.

Ronald Dickey
Chief

Thomas S. ...
Assistant Chief

Michael C. Sky
Councillor

Melvin Disher
Councillor

Roger Goodleaf
Councillor

Matthew Barr
Councillor

Councillor

Councillor

Councillor

Mary Scott Jacob
Councillor

Richard White
Councillor

Michael E. Jacobs
Councillor