

BY-LAW 98-3

A BY-LAW TO PROVIDE FOR THE REGULATION OF TRAFFIC IN THE WHITE BEAR LAKE RESORT

Whereas Paragraph (b) of section 81(1) of the Indian Act, R.S.C., ch. 1-5, empowers the Chief and Council of a Band to make By-laws respecting the regulation of traffic and Paragraph (r) empowers the Chief and Council of a Band to impose a penalty for the violation thereof,

And Whereas, The Council of the White Bear First Nations believes it necessary to regulate the traffic on Resort premises;

Now Therefore, The Council of the White Bear First Nations hereby make the following By-Law:

1. In this By-Law:

- (a) "All terrain vehicle" means a motor vehicle designed or used primarily for cross-country travel on land, water, snow, ice, marsh, swamp land, or on other natural terrain and without limiting the generality of the foregoing, includes, when designed for such travel;
 - (i) four-wheel drive or low pressure tire vehicles;
 - (ii) motor-cycles and related two-wheel vehicles;
 - (iii) amphibious machines;
 - (iv) all terrain vehicles;
 - (v) miniature motor vehicles;
 - (vi) snow vehicles; and
 - (vii) minibikes.
- (b) "Company" means the White Bear Lake Resort Inc. appointed by the White Bear First Nations Council for the operation of the White Bear Lake Resort;
- (c) "Council" means the Council of the White Bear First Nations;

- (d) **"Officer"** means any person employed in connection with the administration and management of the resort;
- (e) **"Parking Area"** means any specific location primarily designed for the parking of motor vehicles and/or designated as such by appropriate signs within the Resort;
- (f) **"Person"** includes members of the White Bear First Nations as defined within the Indian Act;
- (g) **"Recreation Site"** means an area designated as a recreation site or protected area within the Resort;
- (h) **"Resort"** means that land comprising the White Bear Lake Resort;
- (i) **"Roadway"** means a road in the Resort or Recreation Site and includes a common or public highway, road, street, avenue, parkway, driveway, public land, square, place, bridge, viaduct, or trestle within the Resort intended for or used by the general public for the passage of vehicles;
- (j) **"Vehicle"** means a conveyance of any kind other than a boat and, without restricting the generality of the foregoing includes a wagon, sleigh, bicycle, motor cycle, automobile, go-cart, tractor, snowmobile, snowplane, toboggan and aircraft.

2. The Company may mark and erect on or along any Roadway within the Resort, a traffic sign or device that:

- (a) Prescribes the rate of speed;
- (b) Regulates the parking of horses or any vehicle;
- (c) Prescribes load limits and dimensions for all or any class of vehicle;
- (d) Designates the Roadway as a one-way Roadway;
- (e) Requires Vehicles to stop or yield;
- (f) Closes the Roadway to all or any class of Vehicle;
- (g) Regulates pedestrian traffic;
- (h) Limits the hours during which the Roadway may be used;
- (i) Limits the use of the Roadway for horses or for a specific class or classes of Vehicle;
- (j) Designates a reserved Parking area;
- (k) Regulates, directs or controls in any other manner the use of the Roadway by Vehicles, horses or pedestrians.

3. Every traffic sign or device marked or erected within the Resort prior to the coming into force of this By-Law shall be deemed to have been marked or erected pursuant to this By-Law.

4. No person other than an Officer on the instructions of the Company may mark or erect any traffic sign or device on or along a Roadway.

5. No person other than a Officer on the instructions of the Company may remove or deface any traffic sign or device on or along a Roadway.

6. (a) Every person using a Roadway for any purpose shall obey the traffic signs or devices lawfully erected pursuant to this By-Law.

(b) This paragraph shall not apply to;

(i) A person driving or operating a motor vehicle for the Resort fire protection service when proceeding to a fire in the Resort; or

(ii) A person driving or operating a police motor vehicle, ambulance or motor vehicle belonging to the company when proceeding to the scene of an accident, or when using the motor vehicle for any emergency purposes.

7. No person shall have, drive or park any vehicle except on a Roadway or in an authorized Parking Area without the express consent, in writing, of the Company.

8. The driver of a Vehicle on a Roadway shall comply with any traffic directions given to him by a police constable or any Officer appointed by the Company to direct the movement of Vehicles.

9. No person shall leave or park a Vehicle:

(a) In a area designated as an area where parking is prohibited by sign or other device in the Resort or Recreation Site;

(b) within 20 feet of any Roadway intersection;

(c) within 10 feet of a water hydrant or fire plug;

(d) so as to obstruct the driveway leading to any private residence or business premises;

(e) so as to otherwise interfere with any Vehicle that is loading or unloading goods or passengers within the Resort.

10. No person shall abandon a Vehicle in the Resort or Recreation Site.

11. The Company may, at the expense of the owner cause any Vehicle left in contravention of this By-Law, to be moved or taken to and stored in a suitable space.
12. No Vehicle may be driven on any footpath within the Resort.
13. No Vehicle may be driven or parked in any area designated for swimming or as beach.
14. No Vehicle shall be driven at a speed in excess of 10 kilometers per hour in any campground, playground, park or beach entry area, or on any subdivision road, lane or service road.
15. Subject to paragraph 14, no Vehicle shall be driven at a speed in excess of 40 kilometers per hour on any other Roadway unless otherwise posted.
16. No person shall drive or ride any Vehicle, horse or other animal upon any Roadway at a rate of speed greater than a reasonable and proper rate of speed, having regard to the nature, condition and use of the Roadway and the amount of traffic thereon.
17. The owner of a public service Vehicle including, but not limited to, a taxi, school bus, ambulance, firetruck, etc., is liable for violation of any provision of this By-Law in connection with the operation of the Vehicle whether or not at the time of the offense the Vehicle was being operated by him/her.
18.
 - (1) No person shall operate an all terrain Vehicle on lands or premises within the Resort allotted to, occupied, used, leased, or otherwise lawfully in the possession or under the control of another person without first having obtained the permission of that person to do so;
 - (2) The operator of an all terrain Vehicle shall at all times yield the right of way to operators of Vehicles of other classes and to pedestrians;
 - (3) The operator of an all terrain Vehicle, who is not a registered member of the White Bear First Nations, shall not enter or encroach upon any lands of the First Nation other than that designated as Resort land, without permission of the First Nation or a registered member of the First Nation.
19. No person shall operate an all terrain Vehicle within the limits of the White Bear Lake Resort after the hour of 11 o'clock in the evening or

before the hour of 8 o'clock in the morning unless authorized by a Officer of the Resort.

20. Any person who violates any of the provisions of this By-Law shall be guilty of an offense and shall be liable on summary conviction to a penalty not exceeding \$50 or imprisonment for 30 days.

21. The Chief and Council reserve the right to revisit this issue and amend the By-Law at a regularly convened meeting of the White Bear First Nations Chief and Council.