

Listuguj Mi'gmaq  
First Nation Government

Order-In-Council



Chronological no.: 1105	Subject: By-Law 1998-1	Originated by Administration
The Council of the Listuguj Mi'gmaq First Nation Government		District Gespe'gcwa'gi
Date of duly convened meeting	D   M   Y 3   0   6   9   8	Province Quebec

WHEREAS the By Law 1994-1 respecting the operation of motor vehicles and other matters on the territory of Listuguj Mi'gmaq First Nation Reserve is out of date;

BE IT THEREFORE RESOLVED

that By Law 1994-1 be repealed; and

BE IT FURTHER RESOLVED

that By Law 1998-1 be adopted, copy hereby attached.

Moved: Scott Martin  
Rodney Jacques  
Seconded:  
Abstain:  
Opposed:  
Status:  Passed  Defeated  Tabled

SECTION REGISTRES  
RECUE: 15/9/98

Quorum 7

<u>[Signature]</u> (Councillor)	<u>[Signature]</u> CHIEF	_____
<u>[Signature]</u> (Councillor)	<u>[Signature]</u> (Councillor)	_____
<u>[Signature]</u> (Councillor)	<u>[Signature]</u> (Councillor)	<u>[Signature]</u> (Councillor)
<u>[Signature]</u> (Councillor)	_____	<u>[Signature]</u> (Councillor)

Mi'gmaq Nation

The Listuguj Mi'gmaq First Nation  
By-Law Number 1998-1

A By-Law to provide for the regulation of traffic

WHEREAS the Listuguj Mi'gmaq First Nation Government and the Council of the Listuguj Mi'gmaq First Nation desire to make a by-law for the regulation of traffic and matters ancillary thereto;

AND WHEREAS it is considered to be expedient and necessary for the safety and convenience of the members of the Listuguj Mi'gmaq First Nation to regulate traffic on the reserve;

AND WHEREAS the Listuguj Mi'gmaq First Nation Government has inherent authority and in addition pursuant to the Indian Act, including paragraphs 81(1)(b), (c), (q) and (r) thereof, the Council of the Listuguj Mi'gmaq First Nation is empowered to enact such a by-law;

AND WHEREAS this by-law is enacted without prejudice to the inherent jurisdiction of the Listuguj Mi'gmaq First Nation Government;

NOW THEREFORE, the Listuguj Mi'gmaq First Nation Government acting through the Council of the Listuguj Mi'gmaq First Nation hereby enacts, as a by-law, the following:

Short Title

1. This by-law may be cited as the "Listuguj Mi'gmaq First Nation Traffic By-law".

Definitions

2. In this by-law:

"Code" means the Highway Safety Code, R.S.Q., c. C-24.2 as amended from time to time;

"he", "him", "his" shall espouse the female gender when the context requires;

"officer" means any officer of the Listuguj Police Department;

"radar-warning device" means any device or combination of devices that can be used to warn the driver of a road vehicle of the presence of radar speed-measuring equipment or to interfere with the normal operation of such radar equipment;

"reserve" means that portion of the Listuguj Mi'gmaq territory of Gespe'gewa'gi which is now commonly known as the Listuguj Indian Reserve No. 1; and,

"road vehicle" means a motorized vehicle primarily adapted for the transportation of persons or property that can be driven on a road or public highway, including for greater certainty an all-terrain vehicle, a trailer, a semi-trailer or a detachable axle, but not including an electrically-propelled wheelchair.

### Application and Enforcement

3. This by-law applies within the boundaries of the reserve.
4. The officers of the Listuguj Police Department have jurisdiction to enforce this by-law.
5. Every officer recognizable as such at first sight, may, in performance of his duties under this by-law, require the driver of a road vehicle to stop his vehicle. The driver must comply with this requirement without delay.
6. (1) An officer who has reasonable grounds to believe that a person has committed an offense against this by-law may request that person to produce his licence or to give his name and address for the purpose of drawing up a notice, infraction ticket or report of the offense.  
  
(2) A person may refuse to comply with such a request so long as he is not informed of the offense alleged against him.

### Registration

7. No one may operate a road vehicle, the registration of which is mandatory under provincial law in force from time to time, unless such vehicle is validly registered for the purposes of that law and carries the unexpired plate and stickers issued for that vehicle pursuant to the registration.

### Driver's Licence

8. (1) No one may operate a road vehicle unless he is the holder of a driver's licence valid under provincial law of a class appropriate to the category of vehicle operated.  
  
(2) Notwithstanding subsection (1), the holder of a valid probationary licence or learner's permit may operate a road vehicle in accordance with the conditions governing its use.

Insurance

9. No one may operate a road vehicle unless a certificate of insurance or of financial responsibility has been issued for the road vehicle which is valid under provincial law in force from time to time.

Compulsory Documents

10. The operator of a road vehicle must have with him his driver's licence, the registration certificate of the vehicle and the certificate of insurance or of financial responsibility.

11. The operator of a road vehicle must remit for examination to an officer, at his request, the documents referred to in section 10.

12. (1) Where an officer ascertains an offense under section 10, he may serve a written notice on the defendant, in essential conformity with schedule A, with a warning to remit the required document to an officer for examination within forty-eight (48) hours.

(2) Where the person on whom a notice is served under subsection (1) remits the document for examination to an officer, within forty-eight (48) hours, he shall not be charged with an offense under section 10 or 11.

Accessories, Equipment and Construction Standards

13. No one may operate a road vehicle or a bicycle unless its accessories, equipment and construction standards comply with those set out for the category of vehicle in the Code under Title VI "Rules Respecting Vehicles and Their Equipment".

14. (1) Where a road vehicle or a bicycle is operated in contravention of section 13, an officer may serve a written notice, in essential conformity with Schedule A, with a warning enjoining the operator to make or cause to be made the necessary repairs or corrections and to furnish proof of such repairs or corrections to an officer within forty-eight (48) hours.

(2) Where the person on whom a notice is served under subsection (1) presents proof of compliance with the notice to an officer within forty-eight (48) hours, he shall not be charged with an offense under section 13.

Compliance With Forty-Eight (48) Hour Notice

15. For the purposes of compliance with a notice under section 12 or 14, the relevant document or proof of compliance may be remitted

to an on-duty officer who is on patrol or at the Listuguj Police Department station at 17A Riverside West in Listuguj.

Rules of the Road and Signs

16. The operator of a road vehicle and a person riding a bicycle must respect the rules of conduct set out in the Code in Title VIII "Rules of the Road".

17. (1) The Listuguj Mi'gmaq First Nation Government may cause parking and traffic-control devices, lights, signs and signals to be installed.

(2) For greater certainty and without restricting the generality of subsection (1), such devices, lights, signs and signals may:

- (a) designate traffic and turning lanes, passing and no-passing zones, stop lines, speed zones, school zones, turning zones for school buses, emergency vehicles and trucks, pedestrian cross-walks and ways, bicycle paths or lanes, and stopping and no-stopping, parking and no-parking and snow-removal zones, seasons and times; and,
- (b) designate the roads and highways of the reserve or any particular section thereof on which all-terrain vehicles and heavy vehicles may be operated throughout the year or at any particular season and time.

18. The operator of a road vehicle and a person riding a bicycle must comply with the traffic-control devices, lights, signs or signals installed on the roads and highways of the reserve.

19. For greater certainty, no road vehicle or bicycle shall be operated at a rate of speed in excess of the maximum speed indicated on the following roads;

- a) on Riverside East - 50 kilometres per hour;
- b) on Caplin Road - 50 kilometres per hour;
- c) in the school zone on Riverside West adjacent to the Listuguj Education Complex and in any of the posted school zones as contemplated in paragraphs 17(2)(a) - 30 kilometres per hour;
- d) on Pacific Drive - 35 kilometres per hour;
- e) on Riverside West - 50 kilometres per hour;
- f) on Micmac Drive - 35 kilometres per hour;
- g) on the part of the interprovincial highway connecting highway 132 with the Interprovincial or Van Horne Bridge which is between

the intersection of Caplin Road and the bridge - 70 kilometres per hour.

Restricted Vehicles

20. (1) No vehicle for which a driver's licence of class 1 or class 3 would be required under the Code shall be operated on the reserve that does not have business on the reserve.

(2) Notwithstanding subsection (1), such a vehicle may traverse the reserve on highway 132 and on the interprovincial highway connecting highway 132 with the Interprovincial or Van Horne Bridge to Campbellton, New Brunswick.

21. (1) All-terrain vehicles may not be operated on the roads and highways of the reserve.

(2) Notwithstanding subsection (1), all-terrain vehicles may be operated on the roads and highways of the reserve in the places and at the seasons and times indicated on signs installed by the Listuguj Mi'gmaq First Nation Government.

22. (1) Snowmobiles may not be operated at any time on the roads and highways of the reserve.

(2) Snowmobiles may nonetheless directly cross the roads and highways of the reserve after having come to a full stop and verifying that the way is clear of traffic and pedestrians.

Radar-Warning Devices

23. No person may operate a road vehicle containing a radar-warning device.

Stopping and Parking

24. No person shall stop or park a road vehicle in a location where at or at a time or season when a traffic-control device or sign installed by the Listuguj Mi'gmaq First Nation Government indicates that stopping or parking is prohibited, as the case may be.

Offenses and Infraction Ticket

25. Any person who contravenes or has otherwise failed to comply with a provision of this by-law, commits an offense and is liable on summary conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding thirty days, or both.

26. Notwithstanding section 25, any person who fails to respect a rule or requirement set out in the Code which is applied by reference in this by-law, is guilty of an offense under this by-law and is liable upon summary conviction to a penalty not exceeding that provided for such offenses under the Code, and in no case exceeding a fine of \$1000.00 or imprisonment for thirty days, or both.

27. Where an officer ascertains that a person has contravened or has otherwise failed to comply with a provision of this by-law, he may issue an infraction ticket to him, in conformity with Schedule A, or place it conspicuously on the vehicle.

28. (1) A person to whom an infraction ticket is issued may make a voluntary payment to the Listuguj Mi'gmaq First Nation Government in the amount stipulated in Schedule B for the violation in respect of which the ticket was issued.

(2) Where, within a period of thirty days after the issue of an infraction ticket, the person to whom the infraction ticket was issued makes a voluntary payment to the Listuguj Mi'gmaq First Nation Government pursuant to subsection (1), that person shall not subsequently be charged under this by-law with an offense in respect of the same violation.

(3) A payment made under sub-section (1) shall be by money order or certified cheque payable to the "Listuguj Mi'gmaq First Nation Government" or in cash and shall be received by the Clerk named by the Listuguj Mi'gmaq First Nation Government and the Clerk shall issue a receipt indicating the infraction ticket number, date, time and nature of the violation in relation to which such payment is made. All monies so collected shall be deposited in the account of the Listuguj Mi'gmaq First Nation Government.

29. Where there has been no voluntary payment as contemplated in section 28, then the alleged violation may be prosecuted by way of summary conviction proceedings, in which case:

- (a) there shall be added to any penalty imposed an amount of \$25.00 to defray the administrative costs incurred by the Listuguj Mi'gmaq First Nation Government; and,
- (b) where a person has been convicted of an offence under this by-law the description of which corresponds to an offence against a provision of the Code for which demerit points are prescribed, notification of such conviction shall be forwarded to the Société de l'assurance automobile du Québec.

### Repeals

30. The following by-laws are hereby repealed:

(a) By-law No. 4, A by-law to provide for the regulation of traffic in the Restigouche Indian Reserve in the Province of Quebec, enacted 16 November 1982;

(b) By-law No. 4A, A by-law to provide for the operation of vehicles within the Restigouche Indian Reserve in the Province of Quebec, enacted 7 March 1977;

(c) By-law No. 4C,, A by-law to provide for the regulation of traffic specially on Route 132 between officer's Brook and St. Conrad Road which lies within the boundaries of the Restigouche Indian Reserve in the Province of Quebec, enacted 5 May 1980;

(d) By-law No. 6, A by-law to provide for the regulation of traffic in the Restigouche Indian Reserve, in the Province of Quebec, enacted 1 April 1959;

(e) By-law No. 10, A by-law to provide for the placement and maintenance of traffic signs on roads, enacted 2 May 1964; and,

(f) By-law No. 1994-1, A by-law to provide for the regulation of traffic, enacted in 1994.





**SCHEDULE "A"**  
**Listuguj Mi'gmaq First Nation Government**  
**Listuguj Aboriginal Police Department**

**INFRACTION TICKET /**  
**CONSTAT D'INFRACTION NO:051**

**NOTICE**  
**AVERTISSEMENT**

Forty-Eight Hours  
 Quarante-huit heures  
**SEE REVERSE**  
**VOIR VERSO**

<b>A</b> Defendeur	1 - Mr. / M. 2 - Mrs. / Mme 3. Legal Person / Personne Morale <input type="checkbox"/>		Surname / Nom		
			Given Name(s) / Prénom(s).		
	Address / Adresse:				
<b>B</b> Vehic.	Registration / Immatriculation:		Expiry / Echéance:	Province (State/Etat)	Make / Marque
	Model / Modèle:		Year / Année:	Number of axles / Nombre d'essieux:	Net weight / Masse nette
	LMFNG Highway Traffic By-Law Section / article.				
<b>C</b> Infraction	Reference to Quebec Highway Safety Code, Section / Référence au Code de la sécurité routière du Québec, article:				
	Description of Offense / Description de l'infraction:				Speed Recorded / Vitesse constatée _____ km/h
					Speed Limit / Zone de _____ km/h
					Interception by / Constatée par
					Radar _____ Vehicle / Véhicule _____ Investigation / Enquête _____
<b>D</b> Place	Date of Infraction / Date de l'infraction: _____ Time / Heure: _____				
	Place / Endroit:				
	Highway / Route:	Direction:	Location / Localisation:		
<b>E</b> Offence	Driver (if different from "A") / Conducteur (si différent de "A")		Surname / Nom: _____ Given Name(s) / Prénom(s): _____		
	Address / Adresse:		Province (State / Etat)		
	Date of Birth / Date de naissance:		<input type="checkbox"/> Under 18 years / Moins de 18 ans		
	Licence No. / Permis No.:		Province (State / Etat): _____		
<b>F</b> \$	Penalty / Peine See Over		Voluntary Payment / Paiement volontaire: \$ _____		
	Vor Verso		On Summary Conviction / Sur déclaration de culpabilité par procédure sommaire Maximum fine / Peine maximale \$ _____ Maximum Imprisonment / Emprisonnement maximal _____ days / jours Number of demerits / Points d'inaptitude _____		
<b>G</b>	Certification / Service		Attestation / Signification		
	I, the undersigned certify that I have personally observed the facts mentioned in _____		Je soussigné, atteste avoir personnellement constaté les faits mentionnés en _____		
	A _____ B _____ C _____ D _____ E _____ and I have reasonable grounds to believe that the offense described in C has been committed.		A _____ B _____ C _____ D _____ E _____ et j'ai des motifs raisonnables de croire que l'infraction décrite en C a été commise.		
	Name: _____ Officer's No.: _____ Listuguj Aboriginal Police Department		Nom: _____ Matriçule: _____ Listuguj Aboriginal Police Department		
	I remitted _____ when the offense was committed; _____ after the offense was committed. _____ a copy of the infraction ticket. _____ to the driver, _____ in a conspicuous place on the vehicle. _____ to the defendant, _____ otherwise.		J'ai remis _____ lors de la perpétration de l'infraction; _____ après la perpétration de l'infraction; un double du constat _____ au conducteur, _____ en un endroit apparent du véhicule _____ au défendeur, _____ autrement.		
	Name _____ Officer's No. _____ Listuguj Aboriginal Police Department		Nom _____ Matriçule _____ Listuguj Aboriginal Police Department		
	_____ I did not remit a copy of the infraction ticket. _____ I observed the facts and served a copy of the infraction ticket.		_____ Je n'ai pas remis le double du constat _____ J'ai constaté les faits et signé le double du constat		
	Signature: _____		Signature: _____		
	Date of Service: _____		Date de signification: _____		
	Time: _____		Heure: _____		

DEFENDANT - white  
 POLICE - yellow  
 CLERK - pink

NO 2303

DÉFENDEUR - blanche  
 POLICE - jaune  
 CLERK - rose

**SCHEDULE "A" (continued)**

Voluntary Payment: Vous pouvez payer volontairement le montant de la pénalité indiquée dans le présent avis de contravention. Si vous faites un paiement volontaire, vous n'avez pas besoin de payer de frais d'administration. Si vous faites un paiement volontaire, vous devez payer le montant de la pénalité indiquée dans le présent avis de contravention. Si vous faites un paiement volontaire, vous devez payer le montant de la pénalité indiquée dans le présent avis de contravention. Si vous faites un paiement volontaire, vous devez payer le montant de la pénalité indiquée dans le présent avis de contravention.

<b>By Mail:</b>	<b>In Person:</b>
The Clerk Listuguj Miqmaq First Nation Government P.O. Box 297 Listuguj (Restigouche), Québec G0C 2R0	The Clerk Listuguj Miqmaq First Nation Government 17 Riverside West Listuguj (Restigouche), Québec Tel: (418) 788-2136 Monday - Friday 8:30 A.M. - 4:30 P.M. (Atlantic Time)

If no payment is made, summary conviction proceedings may be taken against you in the Court of Quebec in New Brunswick. If you do not pay, you may be liable for the costs of the court, the penalty indicated in Part F as well as administrative costs and demerit points as indicated in Part F.

**Maximum Penalty:** The maximum penalty indicated in Part F is the best for the offender unless a jury trial is held. The actual penalty imposed will be determined by the Court of Quebec.

**Demerit Points:** The number of demerit points indicated in Part F is for information purposes only. Upon conviction, the number of demerit points to be given will be determined according to law.

**Forty-Eight (48) Hour Notice:** If you have received a notice, you can remedy the offence legally. As the limit may be only forty-eight (48) hours to locate the relevant documents to perform the necessary repairs or corrections or have them performed and to remedy relevant documents or proof of compliance with the law, you must do so immediately with the Listuguj Aboriginal Police Department or police at the Listuguj Aboriginal Police Department, 17A Riverside West, Listuguj (Restigouche), Québec, G0C 2R0, tel: (418) 788-2136, fax: (418) 788-2300. No proceedings will be initiated without regard to the present offence if you comply with the requirements of the notice within the time indicated.

**Right to Legal Counsel:** You have the right to consult a lawyer.

**TO BE USED BY THE OFFICER WHEN VERIFYING COMPLIANCE WITH A NOTICE:**  
I hereby certify that a valid registration \_\_\_\_\_, license \_\_\_\_\_, proof of insurance \_\_\_\_\_, has been furnished to me for examination. I have received proof that the required repairs or corrections have been performed in compliance with the law. The 48-hour Notice must be returned by the officer to the clerk at the above mentioned address.

Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Officer No.: \_\_\_\_\_  
Police Force: \_\_\_\_\_  
Date: \_\_\_\_\_

**Paiement volontaire:** Dans les trente (30) jours qui suivent la date de signification de cet avertissement vous pouvez choisir d'envoyer ou de remettre personnellement au Greffier du Listuguj Miqmaq First Nation Government (voir les adresses ci-dessous) le montant du paiement volontaire indiqué en F, ainsi que la copie du Greffier du présent constat. Le paiement peut être par mandat ou cheque certifié (inscrire le numéro du constat au verso) fait à l'ordre du "Listuguj Miqmaq First Nation Government" ou en espèces. N'envoyez pas d'espèces par la poste. Si vous effectuez un tel paiement volontaire dans les trente (30) jours, aucune procédure ne sera intentée contre vous quant à la présente infraction.

<b>Par la poste:</b>	<b>En personne:</b>
The Clerk Listuguj Miqmaq First Nation Government P.O. Box 297 Listuguj (Restigouche), Québec G0C 2R0	The Clerk Listuguj Miqmaq First Nation Government 17 Riverside West Listuguj (Restigouche), Québec Tel: (418) 788-2136 (du lundi au vendredi, 8h30 à 16h30, heure des maritimes)

If such payment is effected, a conviction per procedure sommaire pour être intentée contre vous devant le Cour du Québec à New Brunswick, Québec. Si vous faites un paiement volontaire, vous devez payer le montant de la pénalité indiquée dans le présent avis de contravention et les frais d'administration et les points d'inaptitude également indiqués à la partie F.

**Pointe maximale:** Le nombre maximal de points de la partie F ne s'applique qu'à titre indicatif. Le nombre maximal de points de la partie F imposés sera déterminée par le Cour du Québec.

**Points d'inaptitude:** Les points d'inaptitude indiqués à la partie F ne sont qu'à titre indicatif. Le nombre de points d'inaptitude attribués sera déterminé selon la loi.

**Avertissement de quarante-huit (48) heures:** Si vous avez reçu un avertissement, vous pouvez remédier à l'infraction légalement. Selon la loi, vous avez seulement 48 heures pour trouver les documents pertinents, pour effectuer ou faire effectuer les réparations nécessaires et pour fournir les documents pertinents ou une preuve de conformité à l'avertissement. Le présent avis de contravention doit être retourné au greffier ou au poste du Listuguj Aboriginal Police Department, 17A Riverside West, Listuguj (Restigouche), Québec, G0C 2R0, tel: (418) 788-2136, fax: (418) 788-2300. Aucune procédure ne sera intentée quant à l'infraction présente si vous vous conformez aux exigences de l'avertissement dans le 48 heures précitées.

**Droit à l'avocat:** Vous avez le droit de consulter un avocat.

**À L'USAGE D'UN AGENT LORS DE LA VÉRIFICATION DE CONFORMITÉ D'UN AVERTISSEMENT:**  
Je certifie avoir constaté qu'un(e) immatriculation \_\_\_\_\_, permis \_\_\_\_\_, preuve d'assurance \_\_\_\_\_, valide a été soumis pour examen. / Je certifie avoir reçu une preuve que les réparations ou corrections requises ont été effectuées conformément à la loi. La vérification à l'avertissement de 48 heures doit être retournée au greffier à l'adresse à haut mentionnée.

Nom: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Matricule: \_\_\_\_\_  
Corps Policier: \_\_\_\_\_  
Date: \_\_\_\_\_

## SCHEDULE "B"

<u>Section of By-Law and/or Code</u>	<u>Nature of Offence</u>	<u>Voluntary Payment</u>
Section 5	failure to stop vehicle as required by an officer	\$300.00
Subsection 6(1)	refusal to produce licence or give name and address	\$100.00
Section 7	vehicle not registered/no valid plate	\$200.00
Section 8	operator not licensed	\$200.00
Section 9	no insurance	\$300.00
Section 10	not carrying licence/ insurance/registration	\$ 30.00
Section 11	failure to remit licence/ registration/insurance	\$100.00
Section 13	non-conforming vehicle/ accessories/equipment/ construction	Code minimum
Section 16	violation of Code Title VIII - Rules of the Road	Code minimum
Section 18	non-compliance with traffic- control devices/lights/signs/ signals	Operator of a motor vehicle: \$100.00 cyclist: \$ 15.00
Section 19	speeding	\$ 15.00 plus, (1) if the speed exceeds the speed limit by 1 to 20 km/h, \$ 10.00 for each 5 km/h by which the speed exceeds the speed limit; (2) if the speed exceeds the speed limit by 21 to 30 km/h, \$ 15.00 for each 5 km/h by which the speed exceeds the speed limit; (3) if the speed exceeds the speed limit by 31 to 45 km/h, \$ 20.00 for each 5 km/h by which the speed exceeds the speed limit;

**SCHEDULE "B"**

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<b><u>Section of By-Law and/or Code</u></b>	<b><u>Nature of Offence</u></b>	<b><u>Voluntary Payment</u></b>
		(4) if the speed exceeds the speed limit by 46 to 60 km/h, \$ 25.00 for each 5 km/h by which the speed exceeds the speed limit; (5) if the speed exceeds the speed limit by 61 or more, \$ 30.00 for each 5 km/h by which the speed exceeds the speed limit;
Subsection 20(1)	operation of heavy vehicle on reserve	\$600.00
Subsection 21(1)	operation of all-terrain vehicle on roads and highways	\$ 50.00
Subsection 22(1)	operation of snowmobile on reserve roads and highways	\$ 50.00
Subsection 22(2)	crossing by snowmobile without stopping/not clear roadway	\$ 50.00
Section 23	radar detector	\$500.00
Section 24	stopping where prohibited parking where prohibited	\$ 15.00