
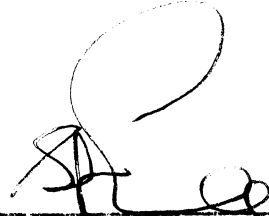


SIKSIKA NATION TRAFFIC BY-LAW

A by-law enacted pursuant to the
Indian Act R.S.C. 1985 c. I-5 by the
Council of the Siksika Nation on
March 28, 1990.


CERTIFIED TRUE COPY
OF THE ORIGINAL



SKIPPER EVERALL
Commissioner for Taking Oaths
Pursuant to Paragraph 109(a) of the Indian A

A **BY-LAW** to provide for the observance of regulation of traffic and law and order on the Blackfoot Indian Reserve No. 146 in the Province of Alberta.

WHEREAS Section 81 (1) of the Indian Act R.S.C. 1985 c. I-5 empowers a Council of an Indian Band to make by-laws for the regulation of traffic, the observance of law and order, any matter ancillary thereto, and the imposition of a penalty for the violation thereof.

NOW THEREFORE, the Council of the Siksika Nation enacts a by-law as follows:


TITLE

1. This by-law may be called the Siksika Nation Traffic By-Law.

DEFINITIONS

2. In this by-law:
 - a) "Siksika Nation" means the Blackfoot Band of Indians;
 - b) "Council" means the Chief and Council of the Siksika Nation;
 - c) "Reserve" means the tracts of land, the legal title to which is invested in Her Majesty, that have been set apart by Her Majesty for the use and benefit of the Siksika Nation and includes designated lands, any lands in which the Siksika Nation holds a residual interest, and any other lands set apart by Her Majesty for the use and benefit of the Siksika Nation pursuant to a treaty land claim;
 - d) "Vehicle" means a device by which a person or thing is or may be transported or drawn including a motor vehicle but not a device designed to be moved by human power alone;
 - e) "Motor Vehicle" means a vehicle propelled by any power other than muscular power but does not include a bicycle, a moped, a tractor, or an implement of


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- husbandry;
- f) "Road" means that portion of land on the reserve used for the traffic of people and vehicles upon which a road grade has been constructed;
 - g) "Reserve Roads" means those roads which are for the traffic of people and vehicles on the reserve but does not include a public road or an access road;
 - h) "Access Roads" means those roads which are used for the purpose of traffic to and from a private residence which are on lands occupied by resident;
 - i) "Public Roads" means those roads which are on the reserve appropriated for the purpose of public traffic which are the subject of a right of way granted to the Province of Alberta;
 - j) "Residential Area" means any area on the reserve posted as a residential area traffic zone;
 - k) "Commercial Area" means any area on the reserve posted as a commercial area traffic zone;
 - l) "Industrial Area" means any area on the reserve posted as an industrial area traffic zone;
 - m) "Slow Zone" means any area on the reserve posted as a slow zone traffic zone;
 - n) "Traffic Control Device" means any sign, marker, mechanical or electrical device which is placed on a road for the purpose of regulating traffic.
 - o) "Administrator" means the person appointed by the Council to act as Administrator of the Siksika Nation Traffic by-law;
 - p) "Operator's Licence" means a licence to operate a motor vehicle issued or accepted as valid under the laws of the Province of Alberta;
 - q) "Certificate of Registration" means registration issued or accepted as valid under the laws of the Province of Alberta;
 - r) "Driver" or "Operator" means a person who drives or is in actual physical control of a motor vehicle.
 - s) "Siksika Law Enforcement Officer" means a person appointed by Council to enforce by-laws of the Siksika Nation.

APPLICATION

- 3. This by-law applies to the Siksika Nation Indian reserve.

LICENSES

- 4. No person shall operate or drive a motor vehicle on a reserve road unless:
 - a) he holds a subsisting operator's licence of a class appropriate to the category of the motor vehicle driven or operated,
 - b) a subsisting certificate of registration has been issued for the motor vehicle, and

- c) a valid public liability insurance policy has been issued for the motor vehicle.

5. Every person shall have in his possession at all times while driving or operating a motor vehicle on a reserve road:

- a) his operator's licence;
- b) the certificate of registration for the vehicle, and
- c) proof of a valid public liability insurance policy for the motor vehicle.

6. No person shall operate a motor vehicle on the reserve at a time when his right to drive on the reserve has been suspended under section 42 of this by-law.

SPEED LIMITS

7. The speed limit for a reserve road shall be 80 kilometres per hour except where otherwise provided and where posted by a traffic control device.

8. The speed limit for a reserve road within a residential area shall be 50 kilometres per hour where the residential zone is posted.

9. The speed limit for a reserve road within a commercial zone or industrial zone shall be 50 kilometres per hour where the commercial zone or industrial zone is posted.

10. The speed limit for a vehicle in a slow zone shall be 40 kilometres per hour where the slow zone is posted and, where in the vicinity of a school, may be in effect only for the times included in the posting.

11. No person shall operate a vehicle at a rate of speed in excess of the speed limit for that road.

TRAFFIC CONTROL DEVICES

12. Every driver of a vehicle shall obey traffic control devices erected on reserve roads, except where otherwise directed by Siksika Nation Law Enforcement Officer or a peace officer or a person authorized by the Administrator to direct traffic.

13. An operator of a vehicle shall bring the vehicle he is operating to a stop at a traffic control "Stop" sign before proceeding further.

14. An operator of a motor vehicle about to enter a reserve road that is marked with a traffic control "Yield" sign shall yield the right of way to traffic on the reserve road being entered upon.

15. An operator of a vehicle about to enter or cross a reserve

road at an uncontrolled intersection shall yield to traffic approaching from the right.

16. The Administrator shall approve locations for erection of traffic control devices including the posting of speed limits and traffic zones.

PARKING

17. The Administrator may designate areas of reserve roads for parking of vehicles or for prohibition of parking of vehicles and shall approve the erecting of parking traffic control devices.

18. The Administrator may issue permits for the temporary occupation of reserve roads.

19. No person shall park a vehicle on a reserve road unless there is room to pass and there is a clear view of the parked vehicle for a distance of 60 meters in either direction along the road.

20. No person shall park a vehicle in a location where parking is prohibited by a parking traffic control device.

WEIGHT RESTRICTIONS

21. The Administrator may establish weight restrictions for vehicles using reserve roads and approve the posting of weight restriction traffic control devices.

22. The Administrator may issue permits for vehicles exceeding weight restrictions to use reserve roads.

23. No person shall operate a vehicle that exceeds a weight restriction established and posted on the reserve road travelled on.

RULES OF THE ROAD

24. A person shall not drive a motor vehicle on a reserve road:

- a) without due care and attention;
- b) without reasonable care and consideration for other persons on reserve road; or
- c) at a speed that is excessive relative to road, traffic, visibility or weather conditions.

25. A driver of a motor 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 roadway is closed for traffic while under construction or repair; or

- c) where necessary because of the operation of road grading or snow removing equipment.

26. A driver of a vehicle shall not cause or permit the vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the amount and nature of the traffic on and the condition of the reserve road.

27. A driver shall not pass or attempt to pass another vehicle travelling the same direction:

- a) when proceeding uphill;
- b) when on a curve on a road;
- c) when approaching within 30 meters of a road or railway crossing unless a traffic control device otherwise directs or permits.

28. Before turning the vehicle, the driver shall signal his intention to do so by giving the signal in sufficient time to provide reasonable warning to other persons.

29. When a flag man is stationed or a barricade or sign is erected on a reserve road to direct traffic in connection with any construction or other work on the road or adjacent to the road, every driver shall obey the directions given by the flagman or, if none, by the barricades or signs.

DUTIES OF A DRIVER

30. A driver of a motor vehicle must bring the vehicle to a stop when ordered to do so by a Siksika Nation Law Enforcement Officer or a peace officer.

31. Every person, being in possession or control of a vehicle, must produce or exhibit a driver's licence, registration and proof of motor vehicle public liability insurance upon being requested by a Siksika Nation Law Enforcement Officer or a peace officer to do so.

32. The driver or any other person in charge of a vehicle which is, directly or indirectly, involved in an accident on the reserve shall:

- a) remain at or immediately return to the scene of the incident;
- b) render all reasonable assistance; and
- c) produce in writing to any other driver involved in the accident or to anyone sustaining loss or injury and, on request, to the Siksika Nation Law Enforcement Officer or to a witness:
 - i) the name and address of the driver;
 - ii) the name and address of the registered owner of the vehicle;

- iii) the licence number of the vehicle; and
- iv) particulars of the motor vehicle public liability insurance card for the vehicle, or such of that information as is requested.

33. The driver or any person in charge of a vehicle that collides with an unattended vehicle on the reserve shall:

- a) stop;
- b) locate and notify in writing the person in charge of or owner of the unattended vehicle or leave a written notice on the vehicle of:
 - i) the name and address of the driver;
 - ii) the name and address of the registered owner; and
 - iii) licence number of the vehicle.

34. Where a motor vehicle operated on a road within the reserve which causes injury to a person or damage to property exceeding \$500.00, the operator shall report the accident to a Siksika Nation Law Enforcement Officer, a peace officer or the Administrator and provide the report in writing if requested.

35. Upon the provision of a statement in section 34, a damage sticker will be provided by the Administrator which shall be affixed to left bottom portion of the front window of the damaged vehicle by the operator of the vehicle.

SCHOOL BUS

36. If the vehicle bearing the sign, "School Bus" and displaying alternatively flashing red lights, is stopped on any road, including access driveways, the operator of a vehicle approaching the school bus from either direction on the road shall stop before he reaches the school bus.

37. In addition to section 36, the driver of a school bus or a vehicle in the vicinity of a stopped school shall comply with all laws of the Province of Alberta respecting the operation of school buses or vehicles in the vicinity of school buses.

EQUIPMENT

38. No person shall operate a vehicle which is in a dangerous or unsafe condition on any reserve road.

39. Every motor vehicle operated on any reserve road must be in good mechanical condition equipped with:

- a) front right and left head lights,
- b) rear right and left brake signal lights,
- c) front and rear right and left running lights,

- d) front and rear right and left turn signal lights.

40. Every trailer connected or attached to a motor vehicle shall have operating tail lamps capable of providing left and right running lights, turn signal lights and brake signal lights mounted on the rear of the trailer.

IMPOUNDING OF VEHICLES

41. Where the vehicle is standing or parked, whether attended or unattended:

- a) in a position that causes it to interfere with the normal flow of traffic on roads,
- b) in a position that causes it to interfere with removal of snow on roads,
- c) in a position that causes it to interfere with fire fighting or other emergency,
- d) has been abandoned on the reserve for a period of 72 hours or is, in the opinion of a Siksika Nation Law Enforcement Officer or a peace officer, likely to be vandalized, or
- e) is parked contrary to prohibition by a traffic control device.

a Siksika Nation Law Enforcement Officer or a peace officer may:

- a) move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position determined by the Siksika Nation Law Enforcement Officer or the peace officer, or
- b) take the vehicle into custody and cause it to be taken to and stored in a suitable place.

and all costs and charges for the removal and care or storage of the motor vehicle removed under this by-law shall be paid by the owner of the motor vehicle, and shall be a lien on it in favour of the keeper of any repair shop, garage or storage place where that motor vehicle is stored.

SUSPENSION

42. A Siksika Nation Law Enforcement Officer or a peace officer, at any time or place within the reserve when he has reason to suspect that the driver of a motor vehicle is under the influence of alcohol or drugs such that his ability to operate the motor vehicle is adversely affected, may direct the driver to leave his vehicle and to surrender his driver's licence and keys or other devices by which he may operate his motor vehicle until such time as the person is no longer under the influence of alcohol or drugs, and the driver shall be suspended from driving on the reserve for a period of 24 hours.

43. A driver of a motor vehicle on the reserve shall comply with any direction given under section 42.

44. A motor vehicle by a Siksika Law Enforcement Officer or a peace officer left pursuant to a direction given under section 43 may be impounded pursuant to section 42 for a period of 24 hours or until such time as the owner reclaims the vehicle.

GENERAL

45. No person shall remove, attempt to remove, deface, destroy or interfere with any traffic control device placed in accordance with this by-law.

OFFENSES

46. Any person who contravenes any provision of this by-law is guilty of an offense.

47. Any person who violates any of the provisions of this by-law other than those offenses which have specific penalties provided for shall be guilty of an offense and shall be liable on conviction to a fine not exceeding five hundred dollars (\$500.00), imprisonment for a term not exceeding 30 days, or both fine and imprisonment.

48. Any person who violates any of sections 4 a), 4 c), 6, 30, 32, 34, or 43 in this by-law shall be guilty of an offense and shall be liable on conviction to a fine not exceeding one thousand dollars (\$1,000.00), imprisonment for a term not exceeding 30 days, or both fine and imprisonment.

49. Any person who violates any of sections listed in Appendix I to this by-law shall be guilty of an offense and shall be liable on conviction to a fine according to the specified penalties set out in Appendix I and in default of payment to a term of imprisonment not exceeding 15 days.

50. A person guilty of an offense with a specified penalty may elect to voluntarily pay the penalty by payment to the Siksika Nation in the amount specified.

51. A person may pay a fine by participating in fine option program approved by the Council for the discharge of the obligation to pay the fine.

52. All monies paid in fines for violations of these by-laws shall be paid into the revenues of the Siksika Nation.

ENFORCEMENT

53. A Siksika Nation Law Enforcement Officer or peace officer who has reasonable and probable grounds believes that any person has

committed an offense against any of the following provisions may arrest a person without a warrant,

- a) relating to the speed of the motor vehicle;
- b) relating to the requirement that the driver stop on the direction of a Siksika Nation Law Enforcement Officer or peace officer if that person is in uniform;
- c) relating to the driver of a motor vehicle operating his vehicle without due care and attention on a road; or
- d) relating to the driver of a motor vehicle operating his vehicle without reasonable consideration for persons on roads on the reserve.

54. A Siksika Nation Law Enforcement Officer or peace officer who has reasonable and probable grounds to believe that an offense of the kind enumerated section 53 has been committed may seize and detain a motor vehicle in respect to offenses committed and the vehicle shall be held in accordance with section 41.

VIOLATION TICKETS

55. Proceedings under this by-law may be commenced by issuing a violation ticket which

- a) shall consist of
 - i) a complaint, and
 - ii) a summons;
- b) The complaint portion of the violation ticket shall be:
 - i) sworn before a commissioner for oaths by a complainant who believes on reasonable and probable grounds that an offence has been committed, and
 - ii) filed with the clerk of the court prior to the time of the initial appearance indicated on the violation ticket;
- c) The summons shall indicate how the defendant may respond to the summons;
- d) a summons shall be served on a defendant,
 - i) where the defendant is an individual, by delivering it personally to the defendant, or, if the defendant cannot be conveniently found, by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age, or, by sending it by single registered mail to the address provided by the defendant;
 - ii) in the case of a corporation, by sending it by single registered mail to the registered office of the corporation, or by delivering it

personally to an official or manager of the corporation at an office where the corporation has its address.

56. A violation ticket may be in a form as set out in Appendix 2, which shall also have in addition shall have affixed to the violation ticket:

"Where a specified penalty option is indicated, a person may pay the specified penalty by payment to the Siksika Nation at the Administration offices of the Siksika Nation, P.O. Box 249, Gleichen, Alberta, T0J 1N0, before the date of the scheduled Court appearance."

EVIDENCE

57. A court of law may take notice of this by-law is certified in writing by the Chief or Councillor of the Siksika Nation to be a true by-law of the Siksika Nation.

58. A report of any area, zone or road designation, speed posting or provision of this by-law shall be accepted as evidence in a court of law if certified in writing to be true by the Administrator.

59. In a prosecution for contravention of section 4, the onus of proof is on the operator to prove that he has a driver's licence and that there existed for the motor vehicle a motor vehicle registration certificate and a motor vehicle public liability insurance policy for the vehicle he was driving.

APPENDIX I

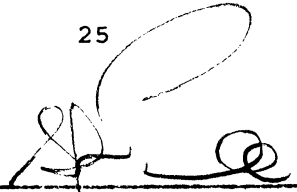
Siksika Nation Traffic
By-Law Section:

Specified Penalty
(in dollars):

4 b)	100
5	5
11 Exceeding speed limit by 0 - 15 km/hr	40
11 Exceeding speed limit by 15 - 30 km/hr	60
11 Exceeding speed limit by 31 - 50 km/hr	150
11 Exceeding speed limit by over 50 km/hr	Court specified
12	50
13	50
14	50
15	50
19	50
20	25
23	150
24 a)	150
24 b)	150
24 c)	75
25	75
26	50
27 a)	50
27 b)	50
27 c)	50
28	50
29	20
31	5
33	100
36	75
38	75
39 a)	50
39 b)	25
39 c)	25
39 d)	25
40	25
45	25

50

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SKIPPER EVERALL
 Commissioner for Taking Oaths
 Pursuant to Paragraph 108(a) of the Indian Act

APPENDIX 2

VIOLATION TICKET CANADA Province of Alberta PART 1

On or about the _____ day of _____ 19____ at or near _____ place Alberta

NAME _____ last _____ first _____ middle _____

ADDRESS _____ street _____

city, town, village _____ province _____ postal code _____

DO UNLAWFULLY CONTRAVENE SECTION _____

Sec. 1, Sub-Sec. 1, Description

- _____ OF THE
- Highway Traffic Act
 - Motor Transport Act
 - Off-Highway Vehicle Act
 - Motor Vehicle Administration Act
 - Liquor Control Act
 - Other Acts or Regulations _____
 - Municipal Bylaw _____
 - Certificate of Offence and Service
 - Complaint

I believe on reasonable and probable grounds and certify that the person named above committed the offence as indicated and certify that I served an OFFENCE NOTICE personally upon the person charged on _____

I believe on reasonable and probable grounds and swear that the person named above committed the offence as indicated and that I served a SUMMONS personally upon the person charged on _____

Complainant's Signature _____ Print Name _____ No _____ Force _____

Signed before me this _____ day of _____ 19____ at _____ Alberta

Commissioner for Oaths Signature _____ Print Name _____ Expiry Date of Commission _____

IN THE NAME OF HER MAJESTY THE QUEEN YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE A JUSTICE AT _____ Alberta

on the _____ day of _____ 19____ at _____ a.m. AND TO ATTEND THEREAFTER AS REQUIRED BY LAW

THE FOLLOWING DOES NOT FORM PART OF THE CHARGE

Speed Limit _____ km/h Recorded Speed _____ km/h Radar Clocks Air Craft Estimated Camera



Adult Youth _____ a.m.

Place of Offence _____ Offence Time _____ a.m.

Operator's Lic. No. _____ Prov. _____ Sex _____

Year _____ Month _____ Day _____ Airt Other _____ F M

Birth Date _____ M.V.I.D. No. _____

National Safety Code No. _____ Safety No. Prov. _____

Particulars of Offence _____

Vehicle Licence No. _____ Prov. _____ A.A. U.N.R. _____

Vehicle Make _____ Year _____ Color _____ Licence Year _____

ADJUDICATION

Charge Read Finding of Court: Guilty Quashed Withdrawn

Dismissed Time to _____ Convicted in Absence _____

Fine _____ or _____ Pay to _____

_____ Authorizing Provincial Judge or Justice

Handwritten initials

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Handwritten signature
 SKINNER BIRCHALL
 Commissioner for Taking Oaths
 Pursuant to Paragraph 108(a) of the Indiar

APPROVED AND PASSED at a duly convened meeting of the Siksika Nation Council on the 28 day of March, A.D. 1990.

Bloufoot
Chief

Paul Lee
Councillor

Leonard Good Hope
Councillor

Paul Mary Head
Councillor

Ameswatta
Councillor

Angela Gray
Councillor

[Signature]
Councillor

Percy Yellowfly
Councillor

Clifford Mary Lee
Councillor

Councillor

Councillor

Councillor

Councillor

[Signature]

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[Signature]
SKIPPER EVERALL
Commissioner for Taking Oaths
Pursuant to Paragraph 106(a) of the Indian Act