

SON/86-545  
dated May 16/86

LOUIS BULL BAND OF INDIANS #138b

BY-LAW 85-2

Regulation of Off-road Traffic

PREAMBLE:

WHEREAS paragraph (b) and (r) of Section 81 of the Indian Act, R.S.C. 1970, c. I-6 empower the Council of a Band of Indians to make by-laws respecting the regulation of traffic and the imposition of a penalty for the violation thereof;

AND WHEREAS it is deemed to be expedient to control the welfare of the inhabitants of the Louis Bull Indian Reserve #138b.

NOW THEREFORE the Council of the Louis Bull Indian Band #138b makes as a by-law thereof as follows:

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, 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) motorcycles and related two and three wheeled vehicles
  - (iii) amphibious machines
  - (iv) all terrain vehicles
  - (v) miniature motor vehicles
  - (vi) snow vehicles
- (b) "Council" means the Council of the Band, as defined in the Indian Act, of the Louis Bull Indian Band #138b;
- (c) "Reserve" means that tract of land the legal title to which is vested in her Majesty, that has been set apart by Her Majesty for the use and benefit of the Louis Bull Band of Indians #138b, and known as the Louis Bull Indian Reserve #138b;
- (d) "Road" means and includes any avenue, bridge, driveway, highway, lane, parkway, place, road, square, street, thoroughfare, trestle, viaduct, or other lands under the control of the Council which are designed for, intended for, set aside for, used by or open for the common use of the members of the Louis Bull Band of Indians, or the general public, for the passage of vehicles within the Reserve, but does not include any lane, road, or right of way held or established solely as a means of egress to privately controlled lands;

CONTINUED: 1 (e)

- (e) " Sign or traffic sign" means any mechanical or other device, sign, warning or marking installed for the control or routing of traffic or for the guidance or direction of persons using the roads;
  - (f) " Through highway" means any road designated as such in this by-law; and
  - (g) "Vehicle" means any wagon, cart, motor car, motor truck, trailer, motorcycle, traction engine, tractor, bicycle, road making machinery or other conveyance that is driven, propelled or drawn by any kind of power.
2. No person shall operate a vehicle at a rate of speed in excess of 80 Kilometers per hour within the Reserve and signs to this effect shall be erected.
  3. Notwithstanding the provisions of Section 2 of this by-law no person shall operate a vehicle at a rate of speed in excess of 50 kilometers per hour within any area of the Reserve as defined and designated in Schedule "A" attached to this by-law which schedule is deemed to be and form part of this by-law, and signs to this effect shall be erected.
  4. Notwithstanding the provisions of Section 2 and Section 3 of this by-law no person shall operate a vehicle at a rate of speed in excess of 30 kilometers per hour within any playground zone in the Reserve as defined and designated in Schedule "B" attached to this by-law, which schedule is deemed to be and form part of this by-law and signs to this effect shall be erected.
  - 5.(1)A person parking a vehicle on a road within the Reserve shall park the same parallel to the curb, where there

CONTINUED: 5 (1)

is one, or at the roadside ditch where there is no curb and a distance not greater than 15 inches from the curb or roadside ditch.

- (2) Vehicles abandoned on a road or in a roadside ditch within the Reserve for more than twelve (12) hours shall be towed away at the owner's expense provided the vehicle in question is not an immediate hazard or is not obstructing traffic at which instance it will be towed away immediately.
6. (1) No person shall operate an all terrain vehicle on the travelled portion of any road or road allowance within the Reserve.
  - (2) The operator of an all terrain vehicle may cross any road or road allowance within the Reserve, providing:
    - a. the operator stops the all terrain vehicle before entering onto the road or road allowance, or portion thereof to be crossed.
    - b. all passengers disembark from all terrain vehicle or any vehicle or thing attached thereto before the operator commences to cross;
    - c. the operator yields the right of way to all other vehicles and persons on the road or road allowance.
  - (3) No persons shall operate an all terrain vehicle on lands or premises within the Reserve 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.
  - (4) 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.
  - (5) No person shall operate a motorcycle, any related two (2) or three (3) wheeled vehicle and four (4) wheeled mini vehicle and snowmobile without a helmet.
    - a. Notwithstanding anything is this by-law and for greater certainty the term four (4) wheeled mini vehicle as described in su-paragraph 6 (3) includes those motor vehicles commonly called a "dune buggy" or "odessey" or any self-propelled vehicle of the like nature.
  - (6)
    - a. No person shall operate an all terrain vehicle in a residential area within the Reserve after the hour of 11 o'clock in the afternoon or before the hour of 7 o'clock in the forenoon, local time, between the 1st day of March and the 30th day of September, inclusive, or each year this by-law remains in force and;

CONTINUED 6 (6) b.

- b. No person shall operate an all terrain vehicle in a residential area within the Reserve after the hour of 10 o'clock in the afternoon or before the hour of 8 o'clock in the forenoon local time, between the 1st day of October and the 28th day of February, inclusive, of each year this by-law remains in force.
- (7) The Chief of the Band as defined in the Indian Act, of the Louis Bull Band of Indians #138b may suspend in writing any or all the requirements related to all terrain vehicles in a time of emergency or at any time Council sees fit to suspend these requirements.
- (8) All terrain signs required by this by-law shall be erected in accordance with by-law No: 85-1 governing such signs and passed on the 11th day of December A.D. 1985.
- (9) Any person who violates any of the provisions of this by-law is guilty of an offense and is liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or to both fine and imprisonment.
7. Amendment or repeal of this by-law shall require a simple majority of Council, at a meeting called for the specific purpose of amendment or repeal, such amendment shall be forwarded to the Minister of Indian Affairs and Northern Development of registration.

This by-law shall come into force on the date of final reading by Council.

Read and passed for first reading this 11th day  
of DECEMBER A.D. 1985.

Read and passed for second reading this 16th day of  
DECEMBER A.D. 1985.

Read and passed for third reading this 11th day of  
DECEMBER A.D. 1985.

Approved and passed at a duly convened meeting of the Louis  
Bull Band Council this 11th day of DECEMBER  
A.D. 1985.

We, the Council of the Louis Bull Indian Band #138b do hereby  
certify that a true and exact copy of the foregoing By-law  
85-2 was mailed to the Minister of Indian Affairs pursuant  
to Section 82(1) of the Indian Act, this 11th day of  
DECEMBER A.D. 1985.

LOUIS BULL COUNCIL

Simon Hreepengees

*[Signature]*

Theresa Bess

*[Signature]*

George Woodchamps

*[Signature]*

Received by:

Position:

of Alberta Region, Indian and Northern Affairs, Edmonton,

Alberta: Dated

day of

A.D. 198 .

## SCHEDULE "A"

1. No person shall operate a Motor Vehicle in excess of Fifty (50) kilometers per hour in those areas designated as a "townsite"; "recreational"; and "industrial" areas and, for greater certainty, includes the following:
  - a. "Townsite" includes that area west of the Louis Bull Administration Building so developed as a residential area and any other proposed housing developments,
  - b. "Recreational" and "Industrial" areas includes those areas in and around the existing and the new recreation centres, the public works building, the rodeo grounds and those areas commonly used by the Band Members as a whole for recreational and industrial purposes, and
  - c. all areas so posted as Fifty (50) kilometers per hour zones.
  
2. All areas designated as being Fifty (50) kilometer per hour zones shall be marked and clearly posted as such.



## SCHEDULE "B"

1. No person shall operate a Motor Vehicle in excess of Thirty (30) kilometers per hour in all areas on the Reserve designated as playground zones; the Louis Bull Day Care Centre; and any other zones as the Louis Bull Tribal Police, the Louis Bull Police Commission or the Louis Bull Council may from time to time feel it proper, for the safety of its residents, to so designate a certain area as a Thirty (30) kilometer per hour zone.
2. In the event a school is erected on the Reserve, it shall be designated as a school and playground zone and shall have a speed limit of Thirty (30) kilometers per hour.
3. All areas designated as being Thirty (3) kilometers per hour zones shall be marked and clearly posted as such.

\*SCHEDULE "C"

1. "Residential Area" means that area west of the Louis Bull Administration Office so developed as a housing area and commonly referred to as a "townsite".