

**By-Law No. 2017-12
of the Fisher River Cree Nation**

A By-Law for the Regulation of Traffic on Reserve

WHEREAS the Council of Fisher River Cree Nation desires to make a By-Law for the regulation of traffic on the Reserve;

AND WHEREAS the Fisher River By-Law No. 2 was enacted by the Chief and Council of Fisher River on August 1, 1960 and is sought to be repealed and replaced with this By-Law containing various amendments;

AND WHEREAS the Council of Fisher River Cree Nation is empowered to make such By-Law, and any matter ancillary thereto pursuant to paragraphs 81(1) (b), (c), (q) and (r) of the *Indian Act*, R.S.C. 1985, c. I-5;

AND WHEREAS the Council of Fisher River Cree Nation has determined that it is desirable and necessary for the protection of the people to establish a law to regulate traffic and speed on the Reserve;

NOW THEREFORE, the Council of Fisher River Cree Nation hereby repeals the 1960 Fisher River By-Law No. 2 and enacts the following by-law:

Short Title

1. This By-Law may be cited as the "Fisher River Cree Nation Traffic By-Law".

Interpretation

2. In this By-Law,
"All-Terrain Vehicle" means an Off-Road Vehicle that
 - (a) operates or travels on three or more low-pressure tires;
 - (b) has a seat designed to be straddled by the driver of the Vehicle; and
 - (c) has handlebars for steering the Vehicle;

"Community Safety Officer" means any person appointed by Council or contracted by Council from time to time for the purpose of administering, applying and enforcing this By-Law, and includes any Special or Band Constable, assistant or any person appointed by Council to assist in carrying out the provisions herein;

"Council" means the Chief and Council of the Fisher River Cree Nation;

“Driver” means a person who drives or Operates or is in actual physical control of any Vehicle on a Reserve Road whether the Vehicle is in motion or not;

“Emergency Vehicle” means

- (a) a Vehicle used by an Officer,
- (b) a Vehicle used by a fire department,
- (c) a Vehicle used by an ambulance service,
- (d) the Driver of any Vehicle
 - i. who is accompanied by an Officer or is driving a Vehicle that is escorted by a Vehicle driven by an Officer, or
 - ii. that is carrying first aid or rescue equipment; or
- (e) a Vehicle not ordinarily used for emergency purposes that is operated by a volunteer, part-time or on-call fire-fighter or emergency medical responder for the purpose of responding to a fire, medical or other emergency;

“Vehicle” includes an All-Terrain Vehicle, automobile, motorcycle, moped, motor assisted bicycle and Off-Road Vehicle, and any other Vehicle that is capable of being driven or drawn on Roads by any means other than muscular power;

“Officer” means

- (a) any member of the Royal Canadian Mounted Police Force and any other police officer, police constable, constable, or other person employed for the preservation and maintenance of the public peace, and
- (b) a Community Safety Officer or any other person appointed by the Council for the purposes for administering, applying and enforcing this By-Law;

“Off-road Vehicle” means any wheeled or tracked motorized Vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swamp land or other natural terrain and includes, but is not limited to,

- (a) a snowmobile,
- (b) an All-Terrain Vehicle,
- (c) a mini-bike, dirt-bike and trail-bike,
- (d) a miniature vehicle such as a dune or sport buggy,
- (e) an off-road maintenance machine,
- (f) golf-cart;
- (g) an amphibious vehicle, and
- (h) a four-wheel drive motor vehicle, motorcycle or snow vehicle, but does not include an implement of husbandry, farm tractor, garden tractor, or lawn tractor;

“Operate(s)” means to drive or to be in actual physical control of a Vehicle;

“Reserve” means the reserve of the Fisher River Cree Nation and includes Fisher River Indian Reserves 44 and 44A and any other reserve lands under the authority of Council;

“Road(s)” includes any roadway, driveway, street, lane or other place open to the public for the passage of any Vehicles, maintained by Council;

“School” means (a) a public school or a private school as defined in *The Education Administration Act*, or (b) an educational institution established under the *Indian Act (Canada)* or under any other Act of the Parliament of Canada;

“School Year” – means from September to June of each year, Mondays through Fridays, 7:00 a.m. – 5:30 p.m. (7:00-17:30);

“School Zone” means a section of the Road, identified by traffic control devices, which abuts School grounds and which extends for 150 meters from the boundary of the school property;

“Snowmobile” means a Vehicle that has a gross vehicle weight not exceeding 454 kilograms and

- (a) is not equipped with wheels, but in place thereof is equipped with tractor treads alone or with tractor treads and skis, or with skis and a propeller, or is a toboggan equipped with tractor treads or a propeller,
- (b) is designed primarily for operating over snow or ice, and is used primarily for that purpose, and
- (c) is designed to be self-propelled;

“Traffic Control Device” means any sign, marker, mechanical or electrical device which is placed on a Road for the purpose of regulating traffic;

Application

- 3. This By-Law applies to all Roads situated within Fisher River Cree Nation.

Age restriction

- 4. No person under the age of 16 years shall operate any Vehicle.

Responsibility of owner

- 5. The owner of any Vehicle shall not permit a person under the age of 16 years to operate a Vehicle of which he or she is the owner.

Careless operation

- 6. No person shall operate a Vehicle
 - (a) in a careless manner or without due care and attention; or
 - (b) without reasonable consideration for other persons and property or in a manner likely to cause damage or injury to other persons and property.

Reasonable and prudent operation

7. No person shall operate any Vehicle
 - (a) at a speed greater than is reasonable and prudent;
 - (b) at a speed otherwise permitted under this By-Law if any factor exists in the face of which failure to reduce that speed, or to stop the Vehicle temporarily, constitutes a danger to any person or property visible to the Driver; or
 - (c) in a manner that is not reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

Speed Limits

- 8.1 No person shall operate a Vehicle on a Reserve Road at a rate of speed in excess of 50 kilometers per hour, unless otherwise designated under this By- Law.
- 8.2 No person shall operate a Vehicle on a Reserve Road at a rate of speed in excess of 30 kilometers per hour in any School Zone during the School Year.
- 8.3 No person shall operate a Vehicle on a Reserve Road at a rate of speed in excess of 30 kilometers per hour in the Townsite Loop area.
- 8.4 No person shall operate a Vehicle on a Reserve Road at a rate of speed in excess of 60 kilometers per hour on any portion of the East Side Road, the West Side Road or the 44A.
- 8.5 The speed limitations set out in section 8, 9, 10, and 11 shall not apply to Vehicles when operated with due regard to safety under the direction of an Officer in the case of apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to Emergency Vehicles when travelling in response to emergencies and the Driver thereof sounds an audible signal by bell, siren, or exhaust whistle.

Traffic Control Devices

- 9.1 Council shall order the erection of Traffic Control Devices at certain intersections and Roads.
- 9.2 Every Driver shall obey Traffic Control Devices erected on Reserve Roads, except where otherwise directed by an Officer or a person authorized by Council to direct traffic.
- 9.3 Council may approve locations for the placing, erecting or marking of Traffic Control Devices including the posting of speed limits and traffic zones at any location considered necessary for controlling and regulating traffic on the Reserve.

Yielding and Stopping

- 10.1 A Driver about to enter or cross a Reserve Road at all uncontrolled intersection shall yield to traffic approaching from the right.
- 10.2 A Driver intending to turn left across the path of any Vehicle approaching from the opposite direction shall not make or attempt to make the left turn unless the turn can be completed in safety.
- 10.3 Before stopping any Vehicle the Driver:
- 10.4 shall signal his intention to do so, and
- 10.5 shall give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the Driver.
- 10.6 A Driver about to enter on any Reserve Road from a Road that is marked by "Stop" sign shall bring the Vehicle to a stop before entering on the intersecting road.
- 10.7 A Driver who is required to stop pursuant to section 19 shall not proceed until the condition of the traffic on the Road being entered on is such that it can be entered on in safety and the Driver shall yield the right of way to all traffic approaching on the Road.
- 10.8 A Driver about to enter on any Reserve Road from a Road that is marked by a "Yield" sign shall yield the right of way to all traffic on the Reserve Road being entered on.
- 10.9 Sections 14 and 19 shall not apply in the case of Emergency Vehicles when they are operating in emergencies and the drivers sound an audible signal by bell, siren, compression or exhaust whistle, but this section shall not operate to relieve the Driver of an Emergency Vehicle from the duty to drive with due regard for the safety of all persons using the Reserve Road.

Backing

11. No person shall back up any Vehicle unless the movement can be made in safety and without interference with other traffic on the Reserve Road.

Enforcement

- 12.1 Every person who, without lawful authority, removes or damages or attempts to remove or damage a Traffic Control Device provided under this By-Law commits an offence.

- 12.2 A person who contravenes any of the provisions of this By-Law is guilty of an offence.
- 12.3 Every Driver or owner of any Vehicle shall, on a signal from an Officer or Community Safety Officer requiring the Driver or owner to do so, immediately bring the Vehicle to a stop or cause the Vehicle to be brought to a stop at a place directed by the Officer, and shall not proceed until so directed by the Officer; and shall forthwith comply with an order of the Officer as to moving the Vehicle from any place.
- 12.4 The Driver of any Vehicle shall give his or her correct name and address to an Officer or Community Safety Officer on demand.
- 12.5 Where the Driver of any Vehicle informs an Officer or Community Safety Officer that the Driver is not the owner, the driver shall, on demand, give to the Officer the name and address of the Owner of the Vehicle, or of the person who authorized or permitted the Driver to operate it.
- 12.6 Notwithstanding any other provision of this By-Law, an Officer or Community Safety Officer operating a Vehicle in an emergency situation or in pursuit of an actual or suspected violator of the law may
- 12.7 exceed the speed limit;
- 12.8 proceed past a Traffic Control Device showing a red light or a signal without stopping; or
- 12.9 disregard rules and Traffic Control Devices governing the movement of traffic.

Penalty

13. A person who commits an offence under this By-Law is liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding (30) thirty days, or to both.

General


- 14.1 Words within this By-Law importing the male gender include the female gender and vice versa, and words importing the singular number include the plural number and vice versa.
- 14.2 A finding by a court of competent jurisdiction that a section or provision of this By-Law is *ultra vires*, void or invalid, shall not affect or bear upon the validity or invalidity of any other section or part of this By-Law, or this By-Law as a whole.

Coming Into Force

15. This By-Law shall come into force upon it being first published pursuant to *Indian Act*.


THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Fisher River Cree Nation this 23rd day of May, 2017

Voting in favour of the Bylaw are the following members of the Council:


Chief David Crate


Councillor Vince Crate


Councillor Shirley Cochrane


Councillor Carl Cochrane


Councillor Darrell Thaddeus

Being the majority of those members of the Council of the Fisher River Cree Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three members.

Number of members of the Council present at the meeting: 5