

MUSQUEAM INDIAN BAND
TRAFFIC AND STREET BYLAW

AUGUST 2, 2005

Whereas section 81, paragraphs (b), (c), (d), (p), (q) and (r) of the *Indian Act* empower the Council of an Indian Band to pass bylaws to provide for the regulation of traffic, the observance of law and order, the prevention of disorderly conduct and nuisances, the removal and punishment of persons trespassing on the reserve or frequenting the reserve for prohibited purposes in addition to matters arising out of or ancillary to the exercise of powers under this section and the imposition of a penalty for the violation of any such bylaw;

And whereas the Council of the Musqueam Indian Band is of the opinion that it is in the best interest of the Band to exercise such powers.

THEREFORE, the Council of the Musqueam Indian Band enacts as follows:

1. NAME

1.1 This Bylaw may be cited as the "Traffic and Street Bylaw".

2. INTERPRETATION

2.1 In this Bylaw, unless the context otherwise requires

- (a) "Band" means the Musqueam Indian Band,
- (b) "Band Manager" means the person appointed by the Council as the Band Manager, or Chief Administrative Officer,
- (c) "Council" means the Council of the Band,
- (d) "Emergency Vehicle" means any vehicle of a fire department, a police department, or an ambulance service and includes any other vehicle designated as such by the Band Manager,
- (e) "Peace Officer" means a person appointed as a peace officer by the Council for the purposes of this Bylaw,
- (f) "Reserve" means a reserve of the Band,

3. REGULATING TRAFFIC

- 3.1 The Band Manager is hereby authorized to mark traffic lanes on streets and to designate streets or portions of streets on which a distinguishing single line or double line shall be marked, which lines need not be in the middle of the travelled portion of the street.
- 3.2 The Band Manager is hereby authorized to designate streets or portions of streets upon which no vehicle shall be stopped or parked, or only such vehicles or classes thereof at such times and upon such conditions as may be prescribed.

- 3.3 The Band Manager is hereby authorized to locate, establish and maintain upon any streets such traffic signs, stop-signs, traffic lights or reflectors, traffic discs, markers, blocks, standards, indicators, traffic-control signals, or other devices or apparatus, whether automatic or manual, as may be deemed necessary for the regulation, direction and control of traffic on any street.
- 3.4 The Band Manager is hereby authorized to place or cause to be placed for periods not exceeding 30 days at any one time portable traffic signs:
- (a) at the entrance to places of public assembly during the period of assembly therein;
 - (b) upon either or both sides of any street or portion of street along the route of any parade or in the vicinity of a large public gathering;
 - (c) at any other location in order to expedite the movement of traffic or to safeguard pedestrians or property.
- 3.5 During the time such portable signs are in place they shall be deemed to supersede any provisions of this Bylaw or any regulations, warnings or directions displayed by any other traffic sign or traffic control signal.

4. OBEDIENCE TO PEACE OFFICERS

- 4.1 Every person shall at all times comply with any lawful order, direction, signal or command made or given by a peace officer in the performance of the officer's duty in directing or regulating traffic. Peace officers in order to expedite the movement of traffic or to safeguard pedestrians or property shall have full power to direct and regulate traffic and in doing so may disregard any traffic-control signal or traffic sign.

5. TRAFFIC SIGNS AND SIGNALS

- 5.1 Every pedestrian and the driver of every vehicle, shall obey the direction, instruction, limitation, restriction or prohibition of any applicable traffic sign or traffic-control signal unless otherwise directed by a peace officer, subject to the exceptions contained in this Bylaw respecting emergency vehicles.

6. UNAUTHORIZED SIGNS AND SIGNALS PROHIBITED

- 6.1 No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, or is in imitation of or resembles any traffic-control signal or traffic signs, or which attempts to direct the movement of traffic or in the parking of vehicles, or which hides from view or interferes with the effectiveness of any authorized traffic-control device.

7. INTERFERENCE WITH TRAFFIC-CONTROL DEVICES

- 7.1 No person shall move, remove, deface, damage or alter, nor obstruct the view of, nor otherwise interfere with any authorized traffic-control signal or traffic sign, nor drive, nor walk on or over any newly painted line, the presence of which is indicated on any roadway by red flags, traffic cones, or other suitable warning devices.

8. PARKING

- 8.1 No person shall park a vehicle:
- (a) at any place on a street where a traffic sign prohibits parking;
 - (b) at any place on a street where a traffic sign restricts parking, except in accordance with such restriction;
 - (c) on the paved portion of any curbless street where the pavement is 6 metres or less in width, so as to leave available less than 3 metres of the usable paved portion of such street;
 - (d) opposite to or in such close proximity to another vehicle already stopped on the street as to obstruct or unduly restrict the free movement of vehicles on the street;
 - (e) on any portion of a street for a longer period of time than indicated on any traffic sign which applies.

9. PARKING PERMITS

- 9.1 Where the Band Manager has designated one or more streets or portions of streets for the parking of vehicles of residents of an area of the Reserve only, and where those streets or portions of streets have been identified and posted with signs indicating that parking is prohibited except with a permit, vehicles which display a valid permit authorizing parking in that area may be parked on those streets or portions of streets within the area, provided that all other parking restrictions are complied with.

10. EMERGENCY AND PUBLIC UTILITY VEHICLES

- 10.1 The provisions of this Bylaw regulating the operation, movement, stopping and parking of vehicles shall not apply to any emergency vehicle while it is responding to an emergency call and sounding its siren, exhaust whistle or bell, or while attending any emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic.

11. CLOSING STREETS

- 11.1 Where owing to work of construction, repair, or maintenance, or owing to damage by accident or storm or other emergency, any street or any portion thereof is unsafe or unsuitable for traffic, or where a parade or other procession authorized by the Band Manager, a street festival, a race or an activity connected with the production of a motion picture, a television production or other event requires that traffic be restricted on or diverted from a street, the Band Manager may temporarily close such street or portion thereof to vehicular traffic, pedestrian traffic or both or otherwise restrict or divert the traffic thereon or therefrom, and for that purpose may place thereon lamps, barriers, signs, notices, or other warnings; and no person shall enter or travel upon such street or portion thereof so closed, or enter upon or travel thereon contrary to the restrictions placed there or remove, damage, alter or destroy, or attempt to remove, damage, alter or destroy any lamp, barrier, sign, notice, or warning so placed. Where a street is closed for the making of a motion picture, television production, festival, race or other event, Council may, by resolution, levy a fee for the use of such closed street or portion thereof.

12. THROUGH STREETS AND "STOP" SIGNS

- 12.1 The Band Manager may place or cause to be placed traffic signs displaying the word "Stop" at through streets.

13. STOPPING AT "STOP" SIGNS

- 13.1 The driver of every vehicle shall stop such vehicle immediately before entering any intersection where "Stop" signs have been placed.

14. ABANDONED VEHICLES

- 14.1 No person shall place, leave, abandon or cause to be left, placed or abandoned any derelict motor vehicle on any street.
- 14.2 Where any derelict motor vehicle is found on any street the Band Manager may cause it to be removed and may dispose of the same as deemed fit in the circumstances.

15. TRESPASS

- 15.1 Any person who is not a member of the Band who uses a reserve in breach of this Bylaw commits a trespass.

16. NOISE

16.1 Nobody shall create a nuisance by causing excessive noise on any reserve including the use of sound amplification equipment unless authorized to do so by the Band Manager

17. OFFENCES AND PENALTIES

17.1 Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and liable to the penalties hereby imposed.

17.2 Every person who commits an offence against this Bylaw is liable on summary conviction to a fine of not more than \$1,000.00 or imprisonment for a term not exceeding thirty days, or both.

18. GENERAL


18.1 It is the intention of Band Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provision of this Bylaw is declared invalid all other provisions shall remain valid and enforceable.

18.2 This Bylaw shall apply to all Reserves.


18.3 This Bylaw shall come into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

THIS BYLAW IS HEREBY made at a duly convened meeting of the Council of the Musqueam Indian Band this 2nd day of August, 2005.

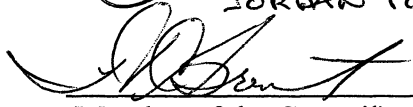
Voting in favour of the bylaw are the following members of the Council:



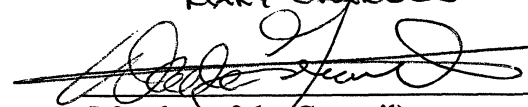
(Member of the Council)
JORDAN POINT



(Member of the Council)
MARY CHARLES



(Member of the Council)
HOWARD E. GRANT



(Member of the Council)
WADE GRANT

Delbert Guerin
(Member of the Council)
DELBERT GUERIN

~~Nolan Charles~~
(Member of the Council)
NOLAN CHARLES

Allison Fraser
(Member of the Council)
ALLISON FRASER

~~Wynne Mackay~~
(Member of the Council)

(Member of the Council)

(Member of the Council)

being the majority of those members of the Council of the Musqueam Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 8.