



Halalt First Nation

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HALALT FIRST NATION

BYLAW FOR THE REGULATION OF TRAFFIC

WHEREAS Halalt First Nation is Indian Band Number 645, as defined under the *Indian Act*, R.S.C. 1985, c.I-5 (the “*Indian Act*”);

AND WHEREAS Halalt First Nation Reserves are Indian Reserve Numbers 06810 (Halalt 2) and 06809 (Halalt Island 1), as defined in subsection 2(1) of the *Indian Act*;

AND WHEREAS Halalt First Nation has a Chief and a Council (collectively, referred to as “Chief and Council”);

AND WHEREAS pursuant to the *Indian Act*, and specifically subsection 81(1) (b), Chief and Council may make bylaws for the purpose of regulating traffic;

AND WHEREAS Chief and Council with the approval of the Minister of Indian Affairs and Northern Development desires to make a bylaw for the purpose contained in clause 81(1)(b) of the *Indian Act*;

AND WHEREAS Chief and Council of Halalt First Nation deem it in the interests of public safety and in the best interests of the Halalt First Nation to make a bylaw for such purpose;

AND WHEREAS there has been no lawful expropriation by the Province of British Columbia of the land upon which the roads are constructed

NOW, THEREFORE BE IT RESOLVED THAT Chief and Council of Halalt First Nation at a duly convened meeting enact the following Bylaw.

SHORT TITLE

1. This Bylaw may be cited for all purposes as the *Halalt Traffic Bylaw, 2016*.

INTERPRETATION

2. In this Bylaw, including without limiting the generality of the foregoing in the recitals and this section:

“Act” or “Indian Act” means the *Indian Act*, R.S.C. 1985, c. I-5;

“Band council resolution” (BCR) or “resolution” means a motion passed and approved by a majority of Chief and Council of the Halalt First Nation present at a duly convened meeting;

“Chief and Council” means the Chief and Council of Halalt First Nation elected under subsection 2(1) and section 74 of the *Indian Act*;

“Commercial Transportation Vehicle” means a Vehicle operated on a road by or on behalf of a Person for the purpose of providing transportation of commercial or industrial loads, including, not limited to, transport trucks and tractor trailers used for hauling purposes on the road;

“Driver” means a person who drives a Vehicle on a Road as the Owner thereof or as an agent, employee or servant of the Owner;

“Halalt First Nation Reserves” means the tracts 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 Halalt First Nation;

“Minister” means the Minister of Indian Affairs and Northern Development;

“Operator” includes a person who drives or operates a Vehicle as the Owner thereof or as an agent, employee or servant of the Owner

“Owner” means any person who has acquired a Vehicle and possesses it under an absolute title or conditional one which gives him, or her, the right to become owner thereof or to use the same as owner;

“Person” includes an individual, a corporation, partnership, limited liability company, association, trust, unincorporated organization, or other legal entity or organization, or a Government Body and the heirs, executors, administrators, or other legal representative of a person;

“Road” includes any roadway, driveway, street, lane or other place that the public is ordinarily entitled or permitted to use for the passage of vehicles; and

“Vehicle” means a device in, on, or by which a person or thing may be transported or drawn on a highway.

APPLICATION OF BY- LAW

3. This Bylaw shall apply to all Roads situated within the Halalt First Nation Reserves.

OPERATION OF COMMERCIAL TRANSPORTATION VEHICLES

4. No person shall operate a Commercial Transportation Vehicle on a Road within Halalt First Nation Reserves except in accordance with sections 5 and 12.

5. Upon application in writing, Chief and Council of Halalt First Nation, or their designate, may grant a permit for a Commercial Transportation Vehicle to use Roads within Halalt First Nation Reserves per the criteria and fees attached as "Appendix A", as may be amended by Chief and Council from time to time.
6. The Owner, Operator or Driver of a Commercial Transportation Vehicle in respect of which a permit is granted under this Bylaw is nevertheless responsible for all damages that may be caused to Halalt First Nation property or the property of its members by reason of the driving, operating or moving of the Commercial Transportation Vehicle.
7. Permits shall be granted on the basis of the gross vehicle weight (GVW) of the fully loaded or unloaded Commercial Transportation Vehicle and may be paid on a per trip basis or monthly in advance.

AUTHORITY

8. Chief and Council of Halalt First Nation may appoint a Commercial Transportation Vehicle inspector and establish a weigh scale for the purpose of monitoring and verifying Commercial Transportation Vehicle weights as they traverse roads within Halalt First Nation Reserves.

DISPUTES

9. In the case of any dispute arising as to the weight of a Commercial Transportation Vehicle, the Commercial Transportation Vehicle inspector, the Chief, or any member of Council may direct the Commercial Transportation Vehicle to any weigh scale established pursuant to section 8 to be weighed.

VIOLATIONS AND ENFORCEMENT

10. Any Person who contravenes any of the provisions of this Bylaw is guilty of an offence and shall not be permitted to use any Roads within Halalt First Nation Reserves.

EXCEPTIONS

11. Notwithstanding section 4, Commercial Transportation Vehicles shall be permitted on Roads within the Halalt First Nation Reserves without a permit in the case of:
 - (a) emergencies, including public utility emergency vehicles;
 - (b) vehicles actually engaged in works undertaken for or on behalf of the Chief and Council or members of the Halalt First Nation; or
 - (c) privately owned vehicles driven to or from the owner's residence abutting any road thereon.

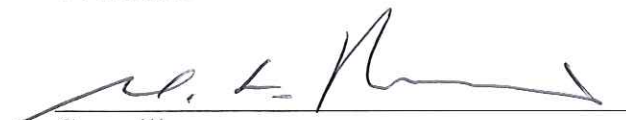
MISCELLANEOUS

12. The provisions of this Bylaw are severable, and where any provision of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Bylaw and the decision that it is invalid must not affect the validity of the remaining portions of this Bylaw.
13. Schedule A forms part of this Bylaw.
14. Where a provision in this Bylaw is expressed in the present tense, the provision applies to the circumstances as they arise.
15. This Bylaw shall be construed as being remedial and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objectives.
16. Words in this Bylaw that are in the singular include the plural, and words in the plural include the singular.
17. Reference in this Bylaw to an enactment is a reference to the enactment as it exists from time to time and includes any regulations made under the enactment.
18. Headings form no part of the enactment, but shall be construed as being inserted for convenience of reference only.
19. This Bylaw shall come into force and effect upon the approval by the Minister.

THIS BYLAW IS HEREBY DULY ENACTED by Chief and Council of Halalt First Nation at a duly convened meeting held on the 7th day of March, 2016, in the Province of British Columbia.


Chief


Councillor


Councillor

Quorum for Halalt
First Nation : 2

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APPENDIX A

Section 5

In the application for a permit referred to in Section 5, specific information must be provided therein advising as to:

1. Name and address of Owner;
2. Details of Commercial Transportation Vehicle, including make, model, registration plate and axle system supporting load;
3. Type of load (e.g. machinery, timber, etc.);
4.
 - (a) Amount of Cubic Metres of Timber Load being transported; or
 - (b) Weight of Industrial Load other than Timber being transported; or, if no Timber or other Industrial Load being transported
 - (c) Weight of Empty Commercial Transportation Vehicle; and
5. Route, time and estimated duration of journey.

Commercial Transportation Vehicle Permit Fees

Permit Fee based on per entry basis of Commercial Transportation Vehicles using any Road on any Halalt First Nation Reserve or at a rate agreed upon by application to Chief and Council:

- \$150.00 per Commercial Transportation Vehicle; or
- At a rate agreed upon by application to the Chief and Council, payable on a monthly basis, and subject to the terms of the Road Use Agreement.