

Title

KAHNAWA:KE TRAFFIC LAW

K.R.L. c. T-4

[Enacted on 13 Ohiari:ha/June 1953]

~~[Repealed & Replaced on 18 Ohiarhkó:wa/July 1970]~~

[Repealed & Replaced on 24 Enníska/February ,1977]

[Amended on 20 Tsothóhrha/December 1980]

[Amended by MCR # 13/1983-84 on Kenténha/October 1983]

[Amended by MCR # 193/1991-92 on 15 Ohiari:ha/June 1992]

Preamble

WHEREAS the following by-law was duly adopted by the Mohawk Council of Kahnawake of the Caughnawaga Indian Reserve No. 14 in the Province of Quebec at a meeting duly convened and held at the Band Council Office, Caughnawaga, on February 24th 1977 at 7:00 P.M. (Repealing all other by-laws dealing with the matters provided herein or inconsistent with the present by-law); and,

SECTION I

"Application"

1. APPLICATION

1.1 This by-law shall apply to all roads situated within the Kahnawake Indian Reserve.

"Paramountcy"

2. PARAMOUNTCY

2.1 In the case of a French interpretation, the English version will prevail.

2.2 The Highway Code of the Province of Quebec including the definitions therein and amendments thereto except as the same may be inconsistent with this by-law including its definitions shall apply to all roads and persons within the Kahnawake Indian Reserve and thereto shall be enforced by all the Peace Officers.

"Definitions"

3. DEFINITIONS

3.1 Whenever the following words occur in this by-law, they shall, unless the context otherwise requires, be understood as follows : -

"Commercial Vehicle"

Commercial Vehicle - means autobus, trucks of all types or any kind of vehicle whether motor driven or horse drawn used for the transport of goods of all descriptions and for public conveyance.

"Driver"	<p>Driver - the person in charge of a vehicle and the person who pushes or propels a vehicle of any description.</p>
"Noise"	<p>Noise - signifies a sound or groups of sounds, harmonious or not, perceptible by the ear.</p>
"Owner"	<p>Owner - any person who has acquired a vehicle and possesses it under an absolute title or a conditional one which gives him the right to become owner thereof or to use same as owner.</p>
"Peace Officer"	<p>Peace Officer - includes any member of the Caughnawaga Police Force or any of members of the Kahnawake Peacekeepers, having jurisdiction on the Kahnawake Indian Reserve.</p>
"Public Road"	<p>Public Road - includes any roadway, driveway, street, land, right of way, or other place open to the public for the passage of vehicles.</p>
"Rescue Vehicle"	<p>Rescue Vehicle - apparatus or vehicles of the Police Force or Fire Department, ambulances and all other vehicles authorized by the Council or affecting the protection of the life and the property of residents, during the execution of their respective duties.</p>
"Signs"	<p>Signs - any sign, marking and device other than a traffic light signal, placed or erected by order of the Council for the purpose of warning, guiding or directing the persons on a public thoroughfare.</p>
"Vehicle"	<p>Vehicle - any conveyance on wheels or runners driven or propelled by animal, muscular, mechanical or electrical power or any other form of power.</p>
<p><u>SECTION II</u></p>	
"Authority"	<p>4. <u>AUTHORITY</u></p> <p>4.1 The Mohawk Council of Kahnawá:ke may order, by resolution, the erection of mechanical devices or traffic light signals at certain intersections; of stop signs on certain streets and of signs in any place of a public road, park and playground.</p>
"Responsibility of Vehicle Driver"	<p>5. <u>RESPONSIBILITY OF VEHICLE DRIVER</u></p> <p>5.1 The driver of a vehicle is responsible for all infractions to the present by-law committed with his vehicle and he is subject to the penalty of the said by-law.</p>

<i>"Right of Way"</i>	<p>6. <u>RIGHT OF WAY</u></p> <p>6.1 Vehicles of the Police and Fire Department, ambulances, authorized processions, funeral processions and emergency vehicles of public utility companies authorized by the Band Council and/or the Chief of Police shall have the right of way over all other vehicles.</p>
<i>"Unlawful to Follow a Fire Truck"</i>	<p>7. <u>UNLAWFUL TO FOLLOW A FIRE TRUCK</u></p> <p>7.1 It is unlawful for all drivers of vehicles, unless he is on official duty, to follow a fire truck replying to a fire alarm, at a distance of less than two hundred feet or to drive or stop his vehicle in between intersections of streets on which the fire trucks are located.</p>
<i>"Tailboards"</i>	<p>8. <u>TAILBOARDS</u></p> <p>8.1 It is unlawful for all persons driving a truck to leave the tailboard open or partially open, only when it supports material, merchandise or other effects where the length will pass the enclosure of the truck which must then have a red signal flag attached to the exposed material.</p>
<i>"School Buses"</i>	<p>9. <u>SCHOOL BUSES</u></p> <p>9.1 When a motor vehicle being driven on any part of the Caughnawaga Indian Reserve overtakes or meets an autobus with flashing lights, engaged in the transportation of children, which is stationary, to take on or discharge children, whether such autobus is proceeding in the same direction as the motor vehicle or not, the driver of such motor vehicle shall come to a full stop at least ten feet from the rear or front of such autobus and shall not pass or drive beyond any part of such autobus, until all children have boarded the autobus or have left it and reached the side of the road and such autobus has again been put into motion.</p> <p>9.2 Any person contravening the provisions of article 9 of this by-law shall be liable on summary conviction:</p> <ul style="list-style-type: none"> a) to a fine of fifty dollars (\$50.00) for the first offence; b) to a fine of one hundred dollars (\$100.00) for the second offence; c) and to a fine of one hundred dollars and to imprisonment for thirty days for a third and subsequent offences.

<i>"Speed Limit in Mohawk Territory"</i>	10. <u>SPEED LIMIT IN MOHAWK TERRITORY</u>
	10.1 No motor vehicle will circulate in the territory at a speed more than 70 kilometers per hour on Routes 132 and 138, 50 kilometers per hour on Routes 207 and the Old Chateauguay Road, 30 kilometers per hour on all roads or streets in the village, hospital zone, school zone and other areas as designated.
	10.2 In the case of a speed offence, the minimum fine shall automatically be \$20.00 for the offence, plus \$1.00 per kilometer past the speed limit up to 15 kilometers past the speed limit, from 16 to 25 kilometers, the fine shall be \$20.00 plus an additional \$3.00 for every kilometer over the speed limit, and from 26 kilometers and up past the speed limit, the fine shall be \$20.00 plus \$5.00 for every kilometer past the speed limit.
	10.3 The installation of traffic signs is proof of the decision of the Mohawk Council of Kahnawake. The date and appropriate location of the installation of such signs, or of their removal, if such is the case, must be entered in a register kept by the Mohawk Council of Kahnawake.
	10.4 No person may drive at a speed in excess of the limits indicated on the traffic signs erected under this section.
<i>"Unusual Noise – Public Nuisance"</i>	11. <u>UNUSUAL NOISE - PUBLIC NUISANCE</u>
	11.1 Pulling out or circulating with a vehicle, it is unlawful to operate same in such a manner as to spin wheels or cause tires to screech on the public road, causing abnormal and unusual noise and such action is declared a public nuisance.
<i>"Splashing"</i>	12. <u>SPLASHING</u>
	12.1 When there is water, mud or other liquid substances on the roadway, the driver of all vehicles shall avoid splashing pedestrians.
<i>"Snowmobiles"</i>	13. <u>SNOWMOBILES</u>
	13.1 Registration of snowmobiles is mandatory and must be renewed every year prior to November 1st.
	13.2 The licence plate delivered by the Bureau des vehicules automobiles must be fastened to the side or the rear of the snowmobile.
	13.3 Anyone driving a snowmobile must carry both his driving permit and vehicle registration certificate.

	13.4	Minors, at least 10 years of age and under 18 years of age are permitted to drive a snowmobile. However, to obtain a snowmobile driver's permit, such persons must provide a written authorization form from their father, mother or tutor.
	13.5	Furthermore, even with such authorization, ten and eleven year olds are permitted to circulate in unrestricted areas only and must be under the constant supervision of an adult with a valid driver's permit. (Restricted area being the Main Highway, from tunnel to Hilltop Restaurant.)
	13.6	Likewise, persons twelve, thirteen, fourteen and fifteen years of age are only permitted to circulate in unrestricted areas, except on public highways, in particular.
<i>"Permit to Drive"</i>	14.	<u>PERMIT TO DRIVE</u>
	14.1	No person shall drive a motor vehicle within the Kahnawake Indian Reserve unless that person holds an operator's or chauffeur's permit and licence plates of the current year.
	14.2	In the case of driving without a permit to drive or licence plates of the current year the fine payable shall be ten dollars plus costs and shall double each time for each subsequent offence plus costs.
<i>"Parking"</i>		<u>PARKING</u>
<i>"Direction of Parking"</i>	15.	<u>DIRECTION OF PARKING</u>
	15.1	It is unlawful to stop or park in such a way as the left side of the vehicle is near the sidewalk or the side of the road from the cross located at the tunnel to the cross located at the Indian Village and/or designated areas.
<i>"Parking on Bridges & at Intersections"</i>	16.	<u>PARKING ON BRIDGES AND AT INTERSECTIONS</u>
	16.1	It is unlawful for vehicles to park on bridges and at a distance of at least 25 feet from the corner of a street of a designated area where sign posts indicate that it is forbidden to do so, erected by the by-law of the Band Council.
<i>"Double Parking"</i>	17.	<u>DOUBLE PARKING</u>
	17.1	It is unlawful for all drivers of vehicles to double park on the streets of the Reserve. In the case of illegal parking or stopping the minimum fine payable shall be \$5.00 in the case of a first offence and \$10.00 in the case of a subsequent offence.

<i>"Miscellaneous"</i>	<u>MISCELLANEOUS</u>
<i>"Hampering of Traffic is Prohibited"</i>	18. <u>HAMPERING OF TRAFFIC IS PROHIBITED</u>
	18.1 It is unlawful for all persons to throw, project, push or pile up or to have thrown, projected, pushed or piled up snow, ice, sand, soil or other materials resembling, originating from all yards, garages, homes, commercial or residential buildings <u>whatsoever on the streets, sidewalks or public places on the reserve.</u>
<i>"Snow Removal"</i>	19. <u>SNOW REMOVAL</u>
	19.1 All Peace Officers or the foreman of the department and/or his assistant are authorized to have removed, at the expense of the owner, all vehicles parked on a street or public place during the cleaning and removal of snow.
<i>"Seizure of Vehicle"</i>	20. <u>SEIZURE OF VEHICLES</u>
	20.1 All Peace Officers are authorized to bring to the Police Station all vehicles driven by an intoxicated person, contrary to some of the dispositions of the present by-law.
	20.2 The owner of said vehicle can always directly or by his agent reclaim the vehicles by paying the fine imposed by law or by the present by-law and the towing charges.
<i>"Using Street for Vehicle Repairs"</i>	21. <u>USING STREETS FOR VEHICLE REPAIRS</u>
	21.1 It is unlawful for all persons to repair automobiles trucks and all other vehicles on the streets, public roads, in the parks and alleys, except in an emergency/48 hours limit after warning.
<i>"Throwing Articles from Vehicles"</i>	22. <u>THROWING ARTICLES FROM VEHICLES</u>
	22.1 It is unlawful for any person to throw anywhere a bottle or any object from a motor vehicle in motion or stationary on or along the public road, or from any place on the public road or its vicinity.
<i>"Removing of Signs"</i>	23. <u>REMOVING OF SIGNS</u>
	23.1 It is unlawful to remove, deface, damage, deteriorate or interfere with traffic control devices and signs of any description placed by proper authority.

"Protective Helmet"	24. <u>PROTECTIVE HELMET</u>
	24.1 Any occupant of a snowmobile must wear a protective helmet complying with the standards decreed by law.
"Tires"	25. <u>TIRES</u>
	26. No person shall operate or draw any vehicle, tractor, farm wagon or trailer on the hard surface portion of any road unless the same is equipped with pneumatic tires, solid rubber tires or tires of some composition equally resilient, so as not to deface or mar the hard surface.
"Unlawful to get pulled"	26. <u>UNLAWFUL TO GET PULLED</u>
	26.1 It is unlawful for all persons riding bikes, motor bikes, a wagon, a toboggan, on skates or on a toy vehicle, to hang on, to be tied on, oneself or his/her vehicle to all other vehicles, moving on a public road.
"Notice of Infraction"	27. <u>NOTICE OF INFRACTION</u>
	27.1 It is unlawful for all persons, other than the driver of vehicle, to remove a notice which was placed on vehicle by a Police Officer.
	<u>SECTION III</u>
"Penalties"	28. <u>PENALTIES</u>
	28.1 Except as otherwise provided herein, the penalty for each infraction of a provision of this <i>Kaianerénhsera</i> (Law) shall be Ten (\$10.00) Dollars plus costs for the first offense, Twenty (\$20.00) Dollars plus costs for the second offense, Thirty (\$30.00) Dollars plus costs for the third offense and double the amount of the third offense plus costs for the fourth and subsequent offenses.
	28.2 Unless otherwise ordered, fines imposed for an infraction of this <i>Kaianerénhsera</i> (Law) are payable immediately, in lieu of which the Court of Kahnawá:ke may impose a term of imprisonment not exceeding thirty (30) days for each offense.
"Coming into Force"	29. <u>COMNG INTO FORCE</u>
	29.1 The present by-law shall come into force on the day that it is declared to be in force by the Minister of Indian and Northern Affairs or on the fortieth (40th) day following the transmission of the present by-law to the said Minister, whichever is the sooner.