

Order Number: 026-2009

Date Enacted: April 3, 2009



TSAWWASSEN FIRST NATION
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Community Governance Act

TRAFFIC AND PARKING REGULATION

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Traffic and Parking Regulation

Whereas the *Tsawwassen First Nation Final Agreement* authorizes the Tsawwassen Government to make laws in respect of traffic, parking, transportation and highways on Tsawwassen Lands to the same extent as Local Governments; and

The *Community Governance Act* authorizes the Executive Council of the Tsawwassen First Nation to make community regulations in respect of traffic, parking, highway control, access, subject to the *Motor Vehicle Act* (British Columbia);

The Executive Council of the Tsawwassen First Nation enacts as follows:

Citation and Short Title

- 1.1 This Regulation may be cited as the Tsawwassen First Nation Traffic Regulation, 2009.
- 1.2 This Regulation applies to highways and private access roads within the Tsawwassen Lands, other than a Crown Corridor.
- 1.3 If it is not possible for a person to comply with both this Regulation and a Federal or Provincial Law, the Federal or Provincial Law prevails to the extent of the conflict.

Interpretation

- 2.1 Unless specifically defined herein, words and phrases used in this Regulation shall be construed in accordance with the meanings assigned to them in the *Tsawwassen First Nation Final Agreement*, the *Community Governance Act*, or the *Motor Vehicle Act of British Columbia*, as the context and circumstances require.
- 2.2 In this Regulation:
 - “**Act**” means the *Community Governance Act* of the Tsawwassen First Nation;
 - “**Administrator**” means the person holding the position of Chief Administrative Officer for the Tsawwassen Government;
 - “**Executive Council**” means the Chief and the legislative members of the Tsawwassen Government as elected or appointed pursuant to the *Government Organization Act* (Tsawwassen);
 - “**heavy truck**” means a motor vehicle that:
 - (a) has a gross vehicle weight in excess of 4600 kilograms; or
 - (b) comprises a tractor towing one or more trailers or semi-trailers;
 - “**highway**” has the same meaning as in the *Motor Vehicle Act*;
 - “**Motor Vehicle Act**” means the *Motor Vehicle Act* of British Columbia and any regulations thereto, as amended or replaced from time to time;
 - “**peace officer**” means any police officer, police constable, or other person charged with the duty to preserve and maintain the public peace, and a Regulation enforcement officer or any other person appointed by the Executive Council for the purpose of maintaining law and order;
 - “**private access road**” means a driveway that is situated on land that is:
 - (a) leased, subject to a certificate of possession or occupation, or otherwise privately occupied; or

- (b) that provides access to and from a highway in respect of which no right or invitation to pass has been extended to the general public by the person in possession or occupation thereof; and

“traffic control device” means any sign, marker or mechanical or electrical device designated for the purpose of regulating traffic, parking or the weight of vehicles.

- 2.3 If any part, section, subsection or phrase of this Regulation is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Regulation will be deemed to have been enacted without the invalid portion.

Traffic Control Devices

- 3.1 The Executive Council may determine the location of all traffic control devices and may direct the Administrator or another person to place and maintain, or cause to be placed and maintained, all such traffic control devices.
- 3.2 The Administrator or other person directed by the Executive Council shall ensure that traffic control devices are erected at locations designated by the Executive Council.
- 3.3 On every traffic control device that is erected in accordance with subsection 3.1, there shall appear in the lower right hand corner the words “by authority of the Tsawwassen First Nation”.
- 3.4 A peace officer, fire chief or deputy fire chief acting in the course of his or her duties, or another person authorized by the Executive Council, may place or cause to be placed temporary traffic control devices on a highway:
 - (a) at the scene of an accident or to permit proper action in an emergency;
 - (b) to facilitate repair, cleaning, snow clearance, placement of markings, signs, traffic control devices, decoration, or other work on or near a highway or road allowance;
 - (c) where construction, reconstruction, widening, repair, marking or other work is being carried out, to indicate that persons or equipment are working on the highway, or to regulate or prohibit traffic in the vicinity of such work;
 - (d) along the route of any parade or procession or in the vicinity of a gathering or special event; or
 - (e) in the interest of public safety.
- 3.5 A person operating a vehicle shall obey all traffic control devices erected pursuant to this Regulation, unless otherwise directed by a peace officer or other person authorized by the Executive Council to direct traffic.
- 3.6 A person must not remove, attempt to remove, obscure, deface, destroy, or otherwise interfere with any traffic control device erected in accordance with this Regulation.

Speed Limits

- 4.1 The speed limit for any highway or road within the Tsawwassen Lands shall be 30 kilometres per hour, except where otherwise designated by the Executive Council and marked on a traffic control device.
- 4.2 The Executive Council may designate speed limits for reserve roads or portions thereof.
- 4.3 A person must not operate a vehicle within the Tsawwassen Lands at a rate of speed in excess of the speed limit.

Parking

- 5.1 A person must not park a vehicle:
 - (a) within 6 metres of a stop sign;

- (b) within 5 metres of a fire hydrant, measured from a point on the curb or edge of the roadway which is closest to the fire hydrant;
- (c) on any highway for a continuous period exceeding seventy-two (72) hours;
- (d) so as to obstruct or interfere with the normal flow of traffic on any highway;
- (e) so as to obstruct the visibility of any traffic control device;
- (f) in contravention of a restriction or prohibition indicated on a traffic control device;
- (g) on any portion of any highway for a longer period of time than indicated on a traffic control device applicable to that portion of the highway; or
- (h) on any road unless there is sufficient room for another vehicle to pass and the parked vehicle can be clearly seen from a distance of 60 metres in either direction along the highway; or

5.2 The Executive Council may designate areas on or adjacent to highways in which parking or stopping a vehicle is prohibited or restricted to certain times and days.

Weight Restrictions

- 6.1 A person must not operate a heavy truck within the Tsawwassen Lands except in accordance with a permit issued under this Section.
- 6.2 The Executive Council may designate weight restrictions for vehicles using highways within Tsawwassen Lands.
- 6.3 Subject to a permit issued under subsection 6.5, a person must not operate on a highway a vehicle the weight of which, including the load carried, exceeds the maximum weight designated for that vehicle on that highway as indicated on a traffic control device on the highway.
- 6.4 A person may apply to the Administrator for a temporary permit that would allow a vehicle to use a highway that exceeds the weight restriction indicated on a traffic control device.
- 6.5 The Administrator may issue a temporary permit:
- (a) referred to in subsection 6.1, for a vehicle to use a highway to deliver up to three (3) loads of materials for domestic landscaping, where the Administrator is of the opinion that the use of the vehicle will not damage the highway; or
 - (b) referred to in subsection 6.4, where the circumstances are urgent and the Administrator is of the opinion that the use of the vehicle for which the temporary permit is granted will not damage the highway. In issuing a temporary permit under this section the Administrator may impose any restrictions and conditions he or she deems to be necessary or appropriate in the circumstances.
- 6.6 A person who has been refused a permit under this Section may appeal to the Executive Council by submitting reasons in writing to the Administrator, who shall provide the submission at the next regular meeting of the Executive Council.
- 6.7 A person who has been issued a temporary permit under this Section shall comply with any restrictions or conditions imposed in the permit.
- 6.8 A person who is required to obtain a permit under this Section must carry the permit in his possession at all time while operating the truck and must produce it at the request of an enforcement officer or of a peace officer.

Notice and Reconsideration of Designation

7.1 A notice of any designation made by the Executive Council shall be posted in the office of the Tsawwassen Government and the date the notice is posted shall appear on the notice.

- 7.2 Within 30 days of the date a notice designation is posted, any resident of the Tsawwassen Lands may request that the Executive Council reconsider a designation by filing a notice of appeal in writing with the Administrator, accompanied by a statement as to the reasons for the appeal.
- 7.3 If no request for reconsideration is filed with the Administrator within the time limit established in subsection 7.2, a designation becomes effective when a traffic control device showing the designation is placed at the appropriate location.

Refuse

- 8.1 A person must not throw, drop, deposit, leave or let fall from or out of any vehicle or conveyance, any refuse, litter, garbage, debris, soil, object or material, on or upon a highway.
- 8.2 Except as expressly permitted in writing by a peace officer, the Administrator, or the Executive Council, a person must not:
- (a) place or store any object, container, structure, or material on a highway;
 - (b) allow or permit any earth, rock, stones, trees, logs, stumps or other substances or materials to cave, fall, crumble, slide, accumulate or to otherwise be deposited on a highway;
 - (c) drag or skid any thing along or over a highway; or
 - (d) dig up, break up or remove any part of a highway; cut down or remove trees or timber growing within a roadway, or excavate in or under a highway.

Licence & Insurance

- 9.1 A person who operates a motor vehicle shall comply with all requirements of the *Motor Vehicle Act* in relation to licensing and insurance.
- 9.2 Without limiting subsection 9.1, a person shall have in his or her possession at all times while operating a motor vehicle:
- (a) a valid and subsisting driver's licence of a class appropriate to the category of motor vehicle driven or operated;
 - (b) the certificate of registration of the motor vehicle; and
 - (c) proof of a valid insurance policy for the motor vehicle.
- 9.3 Every person who is in possession or control of a motor vehicle shall produce or exhibit a driver's licence, certificate of registration and proof of motor vehicle insurance when requested by a peace officer to do so.

Equipment

- 10.1 A person must not operate a vehicle that is in a dangerous or unsafe condition, or a motor vehicle that is not equipped as required by the *Motor Vehicle Act* for operation on a highway.

Rules of the Road

- 11.1 A person must not operate a vehicle:
- (a) without due care and attention;
 - (b) without reasonable care and consideration for other persons on the road or highway; or
 - (c) at a speed that is excessive relative to road, traffic, visibility and weather conditions.
- 11.2 The operator of a vehicle shall keep to the right hand half of a highway, except:
- (a) when overtaking and passing a vehicle proceeding in the same direction;

- (b) when the right hand half of the highway is closed for traffic while under construction or repair;
or
 - (c) where necessary because of the operation of road grading or snow removal equipment.
- 11.3 The operator of a vehicle must not cause or permit the vehicle to follow another vehicle more closely than is reasonable and prudent, having regard to the speed of the vehicles and the amount and nature of the traffic on, and the condition of, the highway.
- 11.4 The operator of a vehicle must not pass or attempt to pass another vehicle travelling in the same direction:
 - (a) when proceeding uphill;
 - (b) when on a curve; or
 - (c) when approaching within 30 metres of another road or a railway crossing.
- 11.5 The operator of a vehicle shall, before turning the vehicle, signal in sufficient time to provide reasonable warning to other persons.
- 11.6 Where a flag person is stationed, or a barricade or traffic control device is erected to direct traffic in connection with any construction or other work on the road, the operator of a vehicle shall obey the directions given by the flag person, or if none, by the barricades or traffic control device.
- 11.7 The operator of a vehicle about to enter a highway from a private access road shall yield the right of way to traffic on the highway being entered on, unless otherwise indicated by a traffic control device.

School Bus

- 12.1 If a vehicle bearing the sign "SCHOOL BUS" and displaying alternately flashing red lights is stopped on any highway or private access road, the operator of a vehicle approaching the school bus from either direction on a highway shall stop before reaching the school bus.
- 12.2 A person operating a school bus or a vehicle in the vicinity of a stopped school bus shall comply with the *Motor Vehicle Act* respecting the operation of school buses and vehicles in the vicinity of school buses.

Duties of the Operator

- 13.1 The operator of a vehicle must bring the vehicle to a stop when directed to do so by any peace officer.
- 13.2 The operator or any other person in charge of a vehicle that is directly or indirectly involved in an accident or collision shall:
 - (a) remain at or immediately return to the scene of the accident;
 - (b) render all reasonable assistance to anyone injured in the accident; and
 - (c) produce in writing to any other operator involved in the accident or to anyone sustaining loss or injury and, on request, to a peace officer:
 - (i) the name, address and telephone number of the operator;
 - (ii) the name, address and telephone number of the registered owner of the vehicle;
 - (iii) the licence number of the vehicle; and
 - (iv) particulars of any insurance policy on the vehicle, or such of that information as is requested.
- 13.3 The operator or any person in charge of a vehicle that collides with an unattended vehicle shall:
 - (a) stop;
 - (b) locate and notify in writing the person in charge of or the owner of the unattended vehicle, or leave a written notice on the vehicle containing:

- (i) the name, address and telephone number of the operator;
- (ii) the name, address and telephone number of the registered owner of the vehicle; and
- (iii) the licence number of the vehicle.

13.4 Where a vehicle that is operated on a reserve road causes injury to a person, or causes damage to property exceeding \$500.00, the operator of that vehicle shall report the injury or damage to a peace officer or to the Administrator, and shall provide a report in writing if requested.

Removal and Detention of Vehicles

14.1 Where a vehicle is situated on or adjacent to a highway, whether attended or unattended, in such a position that:

- (a) it contravenes any of the provisions of Section 5 of this Regulation;
- (b) it interferes with the removal of snow from the highway;
- (c) it interferes with firefighting or other emergency operation or equipment; or
- (d) it is likely to be vandalized;
- (e) a peace officer or any person authorized by the Executive Council may:
 - (i) remove the vehicle, or require the operator or person in charge of the vehicle to remove it, to the custody of a person deemed suitable by the peace officer or other person authorized to remove the vehicle; and
 - (ii) take the vehicle into custody and cause it to be removed to, detained and stored in a suitable place.

14.2 A vehicle that has been removed, detained or stored under subsection 14.1 may be recovered by the owner upon presenting proof of ownership, and upon payment in full of all charges, costs and expenses incurred in connection with the removal and storage to:

- (a) the keeper of any repair shop, garage, impoundment or storage place where the vehicle is stored; or
- (b) the Tsawwassen Government during regular business hours.

14.3 The keeper of any repair shop, garage or storage place where a vehicle is stored pursuant to section 14.1 is under no obligation to return the vehicle to the owner until all of the charges, costs and expenses referred to in subsection 14.2 have been paid.

Offence, Penalties and Enforcement

15.1 A person who contravenes, violates any of the provisions of this Regulation, who suffers or permits any act to be done in violation of this Regulation, or who fails or neglects to do anything required to be done by any provision of this Regulation, commits an offence, and each day that the offence continues shall constitute a separate offence.

15.2 This regulation may be enforced:

- (a) by an enforcement officer in a proceeding under the *Tsawwassen First Nation Laws Enforcement Act*;
- (b) by the Police Department for the Corporation of Delta in accordance with Part 8 of the *Community Charter (British Columbia)* and the *Community Charter Bylaw Enforcement Ticket Regulation* under the Act; or

15.3 A person convicted of an offence under this Regulation is liable to:

- (a) if the proceeding was commenced by the Police Department for the Corporation of Delta by issuance of a ticket,

- (i) a fine established under the *Municipal Ticketing Information Bylaw* No.6639, 2007 (Delta) for an offence related to a bylaw that is substantially similar to the provision of this Regulation for which the person has been convicted; or
 - (ii) where subparagraph 15.3 (a)(i) does not apply, a fine of \$200;
 - (b) a fine not exceeding \$10,000 if a proceeding is brought by way of an information approved by a justice of the peace; or
 - (c) to community service in lieu of or in combination with a fine, as ordered by the court.
- 15.4 This Regulation may be enforced by a peace officer or a regulation enforcement officer.
- 15.5 This Regulation comes into force on the Effective Date of the Tsawwassen First Nation Final Agreement.