

A bylaw to regulate traffic within the Tk'emlúps te Secwépemc

Bylaw Number 2020-04
Approved by Chief and Council the 2nd day of November, 2020

Tk'emlúps te Secwépemc
Bylaw No. 2020-04
A bylaw providing for the regulations of traffic

WHEREAS section 35 of the *Constitution Act*, 1982 recognizes and affirms the existing aboriginal self-government and treaty rights of the aboriginal peoples of Canada;

AND WHEREAS the Council of the Tk'emlúps te Secwépemc desires to make a bylaw governing the regulation of traffic on the Reserve;

AND WHEREAS the Council of the Tk'emlúps te Secwépemc is empowered to make such a bylaw pursuant to paragraphs 81(1) (b), (q) and (r) of the *Indian Act*;

AND WHEREAS it is considered to be expedient and necessary for the safety and convenience of the inhabitants of the Tk'emlúps te Secwépemc to regulate traffic on the Reserve;

NOW THEREFORE the Council of the Tk'emlúps te Secwépemc hereby makes the following bylaw.

1. SHORT TITLE

This bylaw may be cited as the Tk'emlúps te Secwépemc Traffic Bylaw No. 2020-04.

2. DEFINITIONS

"ACCESS" means a driveway intended for ingress and/or egress to abutting property from a Highway.

"ACCESS PERMIT" means a Permit which authorizes provision of Access to an abutting property from an adjacent Highway.

"ALLOTMENT LANDS" means Lands allotted to a member of TteS by way of a Certificate of Possession (as defined in the *Indian Act*), or Lands permitted to be used by a particular member(s) of TteS through TteS customs or traditional holdings.

"BAND" means the Tk'emlúps te Secwépemc, or any successor to such Band pursuant to a Federal statute or otherwise.

"BOULEVARD" means that portion of a Highway between the Curb line or the lateral line of a roadway and the adjoining property or roadway and includes Curbs, Sidewalks, ditches and Cycle Lanes.

"BUS" means a motor vehicle which is designed, constructed and used for the transportation of more than nine passengers.

"BUS ROUTE SIGN" means a sign designated and issued by the Urban Transit Authority at which Public Transit Buses may stop and allow the ingress and/or egress of passengers.

"BUS STOP ZONE" means that entire length of the Curb lane within an area extending from 20 m on the near side to 7.5 m on the far side of any Bus route sign indicating a Bus stop or any length of Curb area delineated by a red Curb.

"COMMERCIAL VEHICLE" has the same meaning as Commercial Vehicle in the *Commercial Transport Act*.

"COUNCIL" means the Chief and Councillors of the Band duly elected or holding office and sworn into office in good standing under the relevant provisions of the Band's Custom Elections Regulation.

"CURB" means the raised structural element which may be installed at the outside edge of a Highway or median Parking area, primarily for a gutter.

"CYCLE" means a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skate board, roller skates or inline roller skates.

"CYCLE LANE" means a portion of Highway designated for Cycles and identified by a sign or marking.

"DOUBLE PARK" means the standing of a vehicle in the travelled portion of the Highway, adjacent to a parked vehicle, or Parking space.

"FIRE CHIEF" means the person appointed as such by the TteS and any person delegated to assist him in carrying out his duties under this bylaw.

"FUNERAL PROCESSION" to be defined as per Tkemlúps te Secwépemc Traditions and Customs.

"FUNERAL PROCESSION ROUTE" means a portion of the Highway, or a series of connected Highways, designated by the Commission as a "funeral procession route".

"GROSS VEHICLE WEIGHT" means the number of kilograms derived by adding the weights on all the axles of a Commercial Vehicle.

"HEAVY TRUCK" means a Commercial Vehicle having a Gross Vehicle Weight in excess of 10,000 kg (22,046 lbs.).

"HIGHWAY" includes all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches and any other public way or right-of-way designed or intended for or used by the general public for the passage of vehicles.

"INDIAN ACT" means *Indian Act*, R.S.C., 1985, c. I-5.

"LAND" means lands set apart by Her Majesty the Queen in right of Canada as lands reserved for the use and benefit of TteS, within the meaning of subsection 91(24) of the *Constitution Act, 1867*.

"LOCAL RESIDENTIAL TRAFFIC ROUTE" means a portion of the Highway, or a series of connected Highways, designated by the Commission as a "local residential traffic route" on which a vehicle operated by a Resident may use and travel on at any and all times.

"NO HEAVY TRUCK ROUTE" means a portion of a Highway, or a series of connected Highways, designated by the Commission as a "No Heavy Truck Route" and on which a Heavy Truck is prohibited from use of or presence thereof, and on which no person shall drive or operate a Heavy Truck at any time, except that a person may operate a Heavy Truck on a No Heavy Truck Route while engaged in the construction, upkeep, maintenance of such designated Highways and any utility installed thereon.

"OFF-ROAD VEHICLE" has the same meaning as defined in the *Off-Road Vehicle Act*, S. BC. 2014, c. 5.

"OFFICER" means any police, Royal Canadian Mounted Police, Commercial Vehicle Safety and Enforcement Officer or Bylaw Enforcement Officer, or any other person charged with the duty to preserve and maintain the public peace and any person appointed by Council for the purposes of maintaining law and order on the Reserve.

"OPERATOR" means any person who drives, operates, propels or is in physical control of a vehicle, and shall be deemed to include the person in whose name the vehicle is registered.

"OWNER" means as applied to a vehicle:

- (1) the person who holds the legal title to the vehicle; or
- (2) the person who is entitled to be and is in possession of the vehicle; or
- (3) the person in whose name the vehicle is registered.

"PARK" when prohibited, means the stopping or standing of a vehicle, whether occupied or not, upon a Highway, except when standing temporarily for the purpose of, and while actually engaged in loading or unloading.

"PARKING STALL" means a portion of a Highway or TteS Parking lot indicated by a Traffic Control Device as a Parking place for one vehicle.

"PERMIT" means a document in writing issued pursuant to this bylaw.

"PERSONS" means human beings, male or female, and includes a company or body corporate.

"PLANNING AND ENGINEERING MANAGER" means the person appointed as such by the TteS, and any person delegated to assist him in carrying out his duties under this bylaw.

"PUBLIC TRANSIT BUS" means any vehicle operated under the auspices of the Urban Transit Authority for use by general public.

"RECREATION VEHICLE" means a chassis-mounted camper, motor home, holiday Trailer, or boat Trailer intended exclusively for recreational use.

"RESERVE" means the following TteS Indian Reserves:

- (i) Kamloops 1
- (ii) Kamloops 2
- (iii) Kamloops 3
- (iv) Kamloops 4
- (v) Kamloops 5
- (vi) Hihium Lake 6,

and any other Band reserves or special reserves (as defined in the *Indian Act*), any other Land over which the Band has jurisdiction to pass bylaws or to manage Land or development or both, and designated lands (as defined in the *Indian Act*).

"RESIDENT" means a person who has a principal residence located on Reserve and any guest and invitee of such person.

"ROAD RIGHT-OF-WAY" means that portion legally dedicated as Highways between adjacent property boundaries, and shall include the Boulevard, roadway, Sidewalk and Cycle Lane.

"SHOULDER" means the portion of the Highway between the travelled portion of an uncurbed Highway and the ditch; or if there is no ditch, the area between the travelled portion of the Highway and the Boulevard.

"SIDEWALK" means the portion of a Highway intended exclusively for use by pedestrians.

"SIDEWALK CROSSING" means the alteration portion of a Sidewalk or Curb for passage of vehicular traffic.

"TIME" means either Pacific Standard Time, or Pacific Daylight Saving Time, whichever is proclaimed to be in effect by the Province of British Columbia.

"TRAFFIC NOTICE" means a notice of traffic or Parking violation.

"TRAFFIC CONTROL DEVICE" means a sign, traffic control signal, line, Parking meter, marking, space, barricade, or other device, placed or erected under this bylaw.

"TRAILER" means a vehicle without motor power designed to be drawn by, or used in conjunction with, a motor vehicle and includes a semi-Trailer as defined in the *Commercial Transport Act*.

"TRUCK ROUTE" means a portion of a Highway, or a series of connected Highways, designated by the Commission as a "truck route" on which a Heavy Truck may use and travel on.

"TteS" means the Tk'emlúps te Secwépemc.

"WALKWAY" means a public way designed and intended exclusively for use by pedestrians.

3. AUTHORITIES

(1) Commission

(a) There shall be a Tk'emlúps te Secwépemc Traffic Commission, consisting of the following:

- (i) The Manager of the Planning and Engineering Department or designate;
- (ii) One Council member or designate;
- (iii) One Officer or designate.

(2) The Commission may:

(a) Designate locations on or adjacent to a Highway at which Traffic Control Devices shall be erected;

- (b) Designate speed limits for Highways or portions thereof;
- (c) Designate Local Residential Traffic Routes;
- (d) Designate No Heavy Truck Routes;
- (e) Designate Truck Routes;
- (f) Designate Cycle Lanes;
- (g) Designate Funeral Procession Routes;
- (h) Designate Parking areas on or adjacent to Highways, and areas in which Parking is prohibited;
- (i) Designate area of Reserve Land to be Highways;
- (j) Impose regulation which include but are not limited to dates, times and duration for Parking; and,
- (k) Perform such other functions as are set out for it in this bylaw.

(3) Designations

- (a) A copy of any designation made pursuant to this bylaw shall be posted on the Band's website.
- (b) A designation comes into effect thirty (30) days after the day it was first posted pursuant to subsection (3) (a).

(4) Officers may:

- (a) Issue Traffic Notices for violations of this bylaw;
- (b) Impound any vehicle, Trailer, off road vehicle or Cycle that is in violation of this bylaw;
- (c) Place temporary "NO Parking" signs and barricades or other applicable Traffic Control Devices;
- (d) direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any Traffic Control Device;
- (e) require the driver of any vehicle to weigh same at any weigh scale forthwith.

- (5) Fire Chief may:
 - (a) Direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any Traffic Control Device;
 - (b) Impound if necessary, for the purpose of carrying out required duties, any vehicle or Trailer;
 - (c) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

4. GENERAL TRAFFIC REGULATIONS

- (1) Notwithstanding any other provision of this bylaw, all Traffic Control Devices installed on the Reserve, by the Tk'emlúps te Secwépemc Planning and Engineering department, shall be deemed to be duly authorized Traffic Control Devices under this bylaw.
- (2) No person shall Park, drive or operate a vehicle or Cycle, in contravention of a Traffic Control Device.
- (3) No person shall drive or walk on or over a newly painted line or marking, nor remove or alter any Traffic Control Device.
- (4) Every person shall at all times comply with any lawful order, direction, signal or command made or given by a Peace Officer, Bylaw Enforcement Officer, Fireman, Flagman, Ambulance Attendant or Tk'emlúps te Secwépemc Emergency Preparedness Team.
- (5) No person shall operate a vehicle on a Highway at a greater rate of speed than 50 km/h unless otherwise posted.
- (6) No person shall operate a vehicle within a construction zone speed greater than 30 km/h unless otherwise posted.
- (7) No person shall operate a vehicle on a Highway at a speed greater than what is posted on a Traffic Control Device.
- (8) No person operating a vehicle shall Park, drive in, over or upon any Walkway, Sidewalk, Curb or Boulevard so as to encumber, obstruct, or damage the same.

- (9) When a Sidewalk Crossing is not available, crossing by a vehicle will be permitted upon adequate provision being made to protect the Sidewalk or Boulevard from damage by the use of suitable planking or other material, having due consideration for the size and weight of the vehicle and load.
- (10) No person operating a vehicle shall block an intersection or a marked crosswalk, notwithstanding any traffic control signal.
- (11) The driver of a vehicle on or near a Highway which a sign or signal is displayed indicating the school Bus is receiving or discharging school children, must stop the vehicle before reaching the Bus and not proceed until the Bus resumes motion or the driver of the Bus signals to other drivers that it is safe to proceed.
- (12) Vehicle Wheels
 - (a) No person shall, without a Permit, operate on a Highway a vehicle having wheels, tires, or tracks constructed or equipped with projecting spikes, cleats, ribs, clamps, flanges, lugs, or other attachments or projections which extend beyond the tread or traction surface of the wheel.
 - (b) Nothing in this section is intended to prohibit the use of snow chains or studded tires during the period from October 1 in any calendar year to April 30 of the following year.
- (13) No person shall, without a Permit issued under authority of this bylaw and subject to the provisions of this bylaw, operate on a Highway a vehicle or combination of vehicles and Trailers having a weight not conforming to the requirements of the *Commercial Transport Act* and Regulations thereto.
- (14) No person shall, without a Permit, and subject to the provisions of this bylaw, operate on a Highway a vehicle or combination of vehicles and Trailers having a size not conforming to the requirements of the *Motor Vehicle Act* and *Commercial Transport Act* and Regulations thereto.
- (15) Where in the opinion of the Planning and Engineering Manager, any Highway is liable to damage through extraordinary traffic thereon, he may regulate, limit or prohibit the use of the Highway by any person operating or in charge of the extraordinary traffic or owning the goods carried therein or the vehicles used therein.
- (16) Overload & Oversize Permit
 - (a) Overload and/or Oversize Permits may be issued to Persons transporting extraordinary commodities.

- (b) Applications are processed through the Planning and Engineering Department.
 - (c) Permit Cost - No charge, except for any direct costs incurred due to utility relocation.
- (17) Cycles
- (a) No person shall ride a Cycle on a Sidewalk or Walkway.
 - (b) No person shall leave a Cycle on a Highway or public place in a position which obstructs the free movement of pedestrian or vehicle traffic, and where a Cycle is found as stated herein, the said Cycle may be impounded forthwith.
 - (c) Cycles impounded will be sold at public auction after 30 days, unless claimed by the Owner.
- (18) Proof of Payment for any Parking or Traffic Notice shall be an official receipt obtainable at TteS.
- (19) No person, other than the Owner or Operator of a vehicle, shall remove from a vehicle any Traffic Notice issued under the authority of this bylaw.
- (20) Impoundment of Vehicles
- (a) A Peace Officer finding a vehicle unlawfully occupying any portion of a Highway or public place, may detain, remove or impound such vehicle, and thereupon shall cause it to be taken to a place of storage.
 - (b) All costs and charges for the removal, care, or storage of a motor vehicle removed under this bylaw shall be paid by the Owner of the motor vehicle, and shall be a lien thereon in favour of the keeper of any repair shop, garage or storage place in which that motor vehicle is stored, and the same may be enforced by him in the manner provided by the *Repairers Lien Act or the Warehouse Lien Act*.
- (21) All Highways and TteS Parking lots, where Parking is permitted or restricted are hereby designated as regular Parking zones and Traffic Control Devices may be placed from time to time to indicate such regulations or restrictions.

- (22) Unless otherwise provided in this bylaw, standards, protocols and procedures contained in the provincial *Motor Vehicle Act*, and regulations made pursuant thereto, and are hereby adopted and made part of this bylaw as the standards, protocols and procedures applicable to Highway use within the Reserves.

5. PEDESTRIAN REGULATIONS

- (1) No pedestrian shall stand on the travelled portion of a Highway while waiting to cross a Highway.
- (2) No pedestrian shall leave the Curb, or other place of safety and walk or run into the path of a vehicle that is so close that it is impractical for the driver to stop.
- (3) No pedestrian shall cross a Highway in front of a Bus which has stopped to load or unload passengers except at an intersection controlled by a traffic control signal.
- (4) No pedestrian shall walk on the travelled portion of a Highway if a Sidewalk or Shoulder or other space is available as a walking area.
- (5) No pedestrian, crossing a Highway where marked crosswalks exist, shall cross outside the limits of the markings.
- (6) No pedestrian shall cross a Highway in a crosswalk in contravention of a traffic control signal.
- (7) No pedestrian shall stand upon or walk along a travelled portion of the Highway for the purpose of soliciting a ride.
- (8) Every pedestrian crossing a Highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall give the right of way to all vehicles on the Highway.

6. TRAFFIC CONTROL DEVICE

- (1) The erecting and maintenance of the Traffic Control Devices shall be done by the Tk'emlúps te Secwépemc Planning and Engineering department.
- (2) The Operator of a vehicle shall obey all Traffic Control Devices erected pursuant to this bylaw, except where otherwise directed by an Officer or by a person authorized by the Commission to direct traffic.

- (3) No person shall remove, attempt to remove, deface, destroy or otherwise interfere with any Traffic Control Device erected in accordance with this bylaw.

7. PARKING REGULATIONS

- (1) No person shall Park a vehicle in any public place unless such person shall comply with all conditions of this bylaw and other regulations posted by Traffic Control Devices.
- (2) Motor Vehicle left on private property
 - (a) Where a vehicle or Trailer is left, without consent of the occupier of private property on such private property on the TteS Reserve, the Owner of a vehicle or Trailer shall be deemed to have authorized and empowered the occupier to be his agent for the purpose of towing the vehicle or Trailer to a place of storage and of storing it.
 - (b) The agent has a lien against the motor vehicle or Trailer for all reasonable advances made or charges incurred in connection with the towing and storing of the motor vehicle or Trailer in the course of the agency.
 - (c) The procedure respecting enforcement of the lien shall be governed by the *Warehouse Lien Act*.
- (3) Notwithstanding any other provisions of this part, no person shall Park a vehicle on any Highway for more than forty-eight (48) hours continuously.
- (4) No person, where vehicles are Parked parallel to the edge of the roadway, shall Park a vehicle closer than 1 m from any other Parked vehicle.
- (5) Except when necessary to avoid conflict with traffic or to comply with the law or the directions of an Officer or traffic-control device, no person shall stop, stand, or Park a vehicle;
 - (a) On a Sidewalk or Boulevard;
 - (b) In front of a public or private driveway in a residential district;
 - (c) In front of nor within 2 m of a public or private driveway in a commercial or industrial area;

- (d) Within an intersection;
- (e) Within 6 m of an intersection;
- (f) Within 5 m of a fire hydrant measured from a point in the Curb or edge of the Highway which is closest to the fire hydrant;
- (g) On a crosswalk;
- (h) Within 6 m of the approach side of a crosswalk;
- (i) Within 6 m upon the approach to any flashing beacon, stop sign, or traffic-control device located at the side of a Highway;
- (j) Within 15 m of the nearest rail of railway crossing;
- (k) Alongside or opposite a Highway excavation or obstruction when stopping, standing or Parking obstructs traffic;
- (l) on a Highway in such a manner as to obstruct or impede the normal flow of traffic; or on a marked lane of a laned Highway;
- (m) Upon a bridge or other elevated structure on a Highway except as permitted by a traffic-control device;
- (n) Upon any Highway for the purpose of:
 - (i) Displaying a vehicle for sale;
 - (ii) Advertising, greasing, painting, wrecking, storing, or repairing any vehicle, except where repairs are necessitated by an emergency;
 - (iii) Displaying signs;
 - (iv) Selling any product;
- (o) In a place in contravention of a Traffic-Control Device that gives notice that stopping, standing, or Parking is prohibited or restricted;
- (p) In such a manner as to obstruct the visibility of any Traffic Control Device;

- (q) In such a manner as to block the exit of a vehicle already Parked.
- (6) No person shall Park or leave standing a vehicle whether attended or unattended, upon a Highway or any part thereof in such manner that it might interfere with or obstruct snow removal or winter maintenance operations.
- (7) No person shall Park a vehicle on a Highway except on the right-hand side thereof, and the right-hand wheels shall be no further than 30 cm from the face of the Curb.
- (8) No person shall Double Park a vehicle on a Highway.
- (9) No person shall Park any Trailer upon any Highway unless in emergency situations or the Trailer is attached to a vehicle by which it may be propelled or drawn.
- (10) No person shall Park a vehicle on a Highway on the side adjacent to a school or playground where such school or playground is unfenced, or within 8 m from an opening in a fenced school or playground, between 8:00 hours and 17:00 hours in a school zone on days when school is normally in session, and between dawn and dusk in a playground zone on any day.
- (11) No person shall stop or Park a vehicle in a Bus Stop Zone.
- (12) No person shall Park a vehicle in a Parking space designated for use by handicapped Persons, unless such vehicle displays a valid handicap numbered S.P.A.R.C. certificate or other authorized certificates.
- (13) Notwithstanding any other provisions of this bylaw no person shall Park any vehicle having a Gross Vehicle Weight exceeding 5,500 kg, or a length in excess of 7.5 m on a local street within a residential area for a consecutive period longer than two (2) hours
- (14) No person shall Park a vehicle or Trailer on any Highway, Boulevard, Sidewalk, or other public place without having valid vehicle insurance, and a numbered plate affixed to and issued for the lawful operation of the vehicle or Trailer upon a Highway.
- (15) Overnight camping for self-contained Recreational Vehicles only shall be permitted in designated park or recreation areas.

8. WEIGHT RESTRICTIONS

- (1) The Commission may designate weight restrictions for vehicles using a Highway.
- (2) The Planning and Engineering Manager may issue temporary Permits allowing vehicles exceeding weight restrictions to use a Highway where the circumstances are urgent and the Planning and Engineering Manager is of the opinion that the use of the vehicle granted the temporary Permit would not damage the Highway.
- (3) No person shall operate a motor vehicle on a Highway the weight of which, including the load carried, is more than the maximum weight designated for that motor vehicle on that Highway and posted by a Traffic Control Device on the Highway.

9. USE OF HIGHWAYS

- (1) No person shall alter or stop the flow of water through any drain, sewer, ditch or culvert on any Highway.
- (2) Littering
 - (a) No person shall operate on a Highway, a vehicle or combination of vehicle and Trailer unless it is so constructed, loaded, or covered as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom.
 - (b) Should any material, due to any cause whatsoever, fall from the vehicle, the Operator shall forthwith take all reasonable safeguard traffic from the consequences thereof and shall remove such material from the spillage area.
 - (c) No person shall place, throw, deposit or discard on any Highway any rubbish, litter or waste material of any description.
 - (d) No person shall transport rubbish or refuse of any description in a motor vehicle unless the portion of the motor vehicle in which the refuse is transported is completely covered or enclosed so as to prevent refuse from spilling or escaping from the vehicle.
- (3) Construction

- (a) No person shall excavate or construct any works or occupy the Highway for purposes of construction adjacent to the Highway unless otherwise authorized by Permit.
 - (b) Where authorized works are carried out on, over, or under any Highway, appropriate signs, flashers, barricades or other warning devices shall be provided around the construction zone to the satisfaction of the Planning and Engineering Manager.
- (4) No person shall cut, saw, break, split, place or pile firewood, lumber, blocks, stone, debris, or other material or mix mortar or do any act upon any Highway which impedes traffic or causes damage to same.
- (5) No person shall operate upon a vehicle any calliope, loudspeaker or other noise-making device upon the streets of the TteS for advertising or other purposes unless a Permit has been applied for and granted by the Traffic Commission.
- (6) Every person being the Owner or occupier of real property shall cause all trees, shrubs or other vegetation to be properly trimmed and cut back, so as to prevent physical obstruction and visibility impairment to pedestrian and vehicle traffic on the Sidewalk or Highway.
- (7) No Owner or occupier of any real property shall shovel, place, move or otherwise deposit or suffer or permit the shoveling placing, moving or depositing of snow or ice from any real property owned or occupied by them or any Sidewalk, footpath, driveway Access, or Boulevard abutting the real property owned or occupied by them, onto a Road Right-Of-Way or Highway.
- (8) Structures Over Highways
 - (a) No person shall, except as provided herein or by any other bylaw, or unless otherwise authorized by the Planning and Engineering Manager, erect or maintain any structure which encroaches on or over any Highway or public land.
 - (b) Approved structures overhanging the Highway shall have a minimum clearance of 2.5 m above any Sidewalk or Walkway and 5 m above any roadway.
 - (c) No person shall place, erect, remove or alter any sign, structure or other device on or over a street or land without the express consent of the Planning and Engineering Manager.
- (9) Funeral Procession

- (a) No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while it is in motion. This provision shall not apply at Intersections where traffic is being controlled by traffic Control Device or Peace Officers.
 - (b) Funeral Processions shall be identified as such by each vehicle therein having its headlights and hazard lights illuminated.
- (10) No person shall alter an existing Access to a property or construct a new Access to a property without obtaining an Access Permit from the Planning and Engineering Manager.

10. OFF-ROAD VEHICLES

- (1) No person shall operate, or authorize or permit any other person to operate, any Off-Road Vehicle on any Lands that are allotted to the Band (in accordance with the *Indian Act*).
- (2) No person shall operate, or authorize or permit any other person to operate, any Off-Road Vehicle on Allotment Lands, without having obtained prior written permission from the member of TteS holding the relevant Certificate of Possession, or the person otherwise occupying such Allotment Lands.
- (3) Council may by resolution designate, either temporarily or permanently and upon such terms and conditions as the resolution may specify any area or areas within the Reserve as being exempt under this bylaw and in such event the provisions of this bylaw shall not apply to such designated area or areas.

11. SUN RIVERS COMMUNITY

- (1) Subject to section 11 (4), the Homeowner must not Park, and must not permit to be Parked, any vehicle including, without limitation, detached campers and Trailers, boats, golf carts and snowmobiles, on or alongside any Community or Neighborhood roadway except in designated Parking areas and in compliance with any Sun River Laws.
- (2) The Homeowner must not Park and must not permit to be Parked, any vehicle including, without limitation, detached campers and Trailers, boats, golf carts and snowmobiles, in the Parking lanes on the roadways or any Parking space designated by the Owner Association to be reserved for temporary Parking by visitors to a Homeowner (“Visitor Parking”). In addition, the Homeowner must not use Visitor Parking for the Parking of

automobiles owned by the Homeowner or residents of the Home-Site, and must ensure the automobiles belonging to Persons visiting the Homeowner are not Parked in Visitor Parking for a period exceeding 48 hours, without the permission of the Owner Association.

- (3) Each Home-Site must be developed to provide one Parking space per bedroom either within the garage or driveway of the Home-Site and for all vehicles normally expected to be at the Home-Site on a regular basis. Home-Sites approved for Secondary Suites or Bed and Breakfast use must provide on-site Parking for the Secondary Suite tenants or Bed and Breakfast guests, as approved by the Sun Rivers Administrator.
- (4) The Homeowner must not Park or store vehicles designed for and used solely for commercial purposes, including, without limitation, Trailers, on the Home-Site unless located within a garage.
- (5) Except in the case of Multi-Family Developments, the Homeowner may Park Recreational Vehicles including, without limitation, campers, Trailers, boats and snowmobiles, in the driveway of the Home-Site during the season in which such vehicle(s) is in use provided that:
 - (a) the Homeowner must not Park such vehicle(s) in the driveway of the Home-Site during the off-season for such vehicle(s); and
 - (b) the Homeowner must Park any specific Recreational Vehicle(s) in the location as may be directed by Sun Rivers from time to time. In the case of Multi-Family Developments, the Homeowner must Park and store any Recreational Vehicle(s) as set out in the Neighborhood Guidelines.

12. INTERPRETATION

- (1) If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.
- (2) Words or phrases defined in the British Columbia *Motor Vehicle Act*, or any successor legislation shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Section 3 of this bylaw are used in the body or schedules of this bylaw, they have the meaning ascribed to them as set out in Section 3.
- (3) Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended,

revised, consolidated, or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of Tk'emlúps te Secwépemc, as amended, revised, consolidated, or replaced from time to time.

- (4) The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

13. OFFENCE AND PENALTIES

- (1) Every person who contravenes any of the provisions of this bylaw is guilty of an offense and is liable on summary conviction to a fine of not more than One Thousand Dollars (\$1000) or to imprisonment for a term not exceeding thirty (30) days or both.
- (2) The Owner of a vehicle shall incur the penalties provided for any violation of this bylaw with respect to any vehicle owned by him unless at the Time of such violation the vehicle was in the possession of some person other than the Owner without the Owner's consent; but nothing in this section shall relieve the Operator of a vehicle not being the Owner, from incurring the penalties provided for such violation.
- (3) The onus of establishing that the vehicle was in the possession of some person other than the Owner rests with the Owner.

14. FEES AND FORMS

- (1) The Commission may establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this bylaw and will post notice of same on the Band's website.

DATES OF ADOPTION


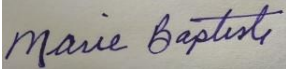

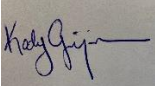

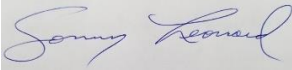
READ A FIRST TIME the 27th day of May, 2019.

READ A SECOND TIME the 19th day of August, 2019

READ A THIRD TIME the 2nd day of November, 2020

This bylaw is hereby passed at a duly convened meeting of the Council of the Tk'emlúps te Secwépemc the 2nd day of November, 2020.

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

<hr/> <p>Chief – Rosanne Casimir</p>  <hr/> <p>Thomas Blank</p>	 <hr/> <p>Marie Baptiste</p>  <hr/> <p>Justin Gottfriedson</p>
 <hr/> <p>Katy Gottfriedson</p>	 <hr/> <p>Jeanette Jules</p>
 <hr/> <p>Sonny Leonard</p>	

Being the majority of those members of the Council of the Tk'emlúps te Secwépemc present. There are seven (7) Council members and a quorum of Council is five (5) members.

Number of members of the Council present at the meeting: 6.

This bylaw comes into force on the day on which it is first published.