



**GITWINKSIHLKW VILLAGE GOVERNMENT**

# **STREET AND TRAFFIC ACT**

Gitwinksihlkw Village Government enacted this law on \_\_\_\_\_

Signed by

\_\_\_\_\_  
Chief Ron Nyce  
Chief Councillor of the Gitwinksihlkw Village Government

STREET AND TRAFFIC ACT

**Table of Contents**

1. Interpretation ..... 5  
 2. Application ..... 8

**Part 1 – Authorities**

3. Director of Engineering ..... 8  
 4. Peace Officers ..... 8  
 5. Enforcement Officer ..... 9  
 6. Fire Chief ..... 9

**Part 2 – Traffic Regulations**

7. Pedestrian Regulations ..... 9  
 8. Traffic Control Devices ..... 10  
 9. Conformance ..... 10  
 10. Damage to Devices ..... 10  
 11. Obey Commands ..... 10  
 12. Speed Limits ..... 10  
 13. Noise Increase or Flame Prohibited ..... 10  
 14. Cycles and Skateboards ..... 10

**Part 3 – Parking and Stopping Regulations**

15. Unlawful Parking ..... 11  
 16. Prohibited Parking ..... 11  
 17. Residential Area Length Restriction ..... 12  
 18. Limited Time Parking Areas ..... 12  
 19. Right-Hand Side from Curb ..... 13  
 20. Double Parking ..... 13  
 21. Loading Zones ..... 13  
 22. Angle Parking ..... 13  
 23. School Bus Stop Zone ..... 13  
 24. Handicapped Zone ..... 13  
 25. Residential Parking Permit ..... 13  
 26. Removal of Traffic Violation Notices or Chalk Marks ..... 13

STREET AND TRAFFIC ACT

**Part 4 – Loads & Tires**

|  |    |
|--|----|
| 27. General Restrictions.....          | 14 |
| 28. Traffic and Load Restrictions..... | 14 |
| 29. Overload, Oversize Permits.....    | 15 |
| 30. Load Weighing.....                 | 15 |

**Part 5 – General Street Regulations**

|  |    |
|--|----|
| 31. General Prohibition.....                       | 15 |
| 32. Funeral Processions.....                       | 15 |
| 33. Parade or Procession Permits.....              | 16 |
| 34. Stunt Driving.....                             | 16 |
| 35. Noise and Advertising.....                     | 16 |
| 36. Littering.....                                 | 16 |
| 37. Leaflets and Flyers.....                       | 16 |
| 38. Chattels and Obstructions.....                 | 16 |
| 39. Merchant Sidewalk Sales or Street Vending..... | 16 |
| 40. Liquid Waste, Earth, Etc.....                  | 16 |
| 41. Debris from Accidents.....                     | 17 |
| 42. Skidding.....                                  | 17 |
| 43. Fireworks and Firearms.....                    | 17 |
| 44. Excavations.....                               | 17 |
| 45. Property Access.....                           | 17 |
| 46. Boulevards and Sidewalk Crossings.....         | 17 |
| 47. Trees and Shrubs Set-back.....                 | 18 |
| 48. Snowmobiles.....                               | 18 |
| 49. Cleaning of Sidewalk.....                      | 18 |
| 50. Debris on Street.....                          | 18 |
| 51. Snow Removal Route.....                        | 18 |
| 52. Snow on Street.....                            | 18 |

**Part 6 – Impoundments**

|   |    |
|---|----|
| 53. Impoundment of Vehicles, Cycles & Chattels..... | 19 |
| 54. Removal of Vehicles on Private Property.....    | 19 |

**STREET AND TRAFFIC ACT**

---

**Part 7 – Permits – Compliance, Revocation**

55. Conditions of Permits Must be Complied With ..... 20

56. All Permits Revocable ..... 20

**Part 8 – Offences, Penalties and Enforcement**

57. Offence, Penalties and Enforcement ..... 20

58. Default ..... 20

59. Responsibility of Owner ..... 21

60. Notices ..... 21

61. Commencement ..... 21

**Schedules**

Schedule A – Traffic Violation Notice

## STREET AND TRAFFIC ACT

---

**Interpretation**

1. In this Act, unless the context otherwise requires, the expressions and definitions contained within the *Motor Vehicle Act*, the *Motor Carrier Act*, the *Transportation Act*, the *Local Government Act*, the *Nisga'a Interpretation Act* and the *Commercial Transport Act* and regulations thereto, shall be applicable and these additional interpretations shall prevail throughout:

“access” means a driveway intended for ingress and/or egress to an abutting property from a street;

“access permit” means a permit which authorizes the provision of access to an abutting property from an adjacent street;

“angle parking” means the parking of a vehicle other than parallel to a curb;

“boulevard” means that portion of a street between the curb lines or the lateral lines of a roadway and the adjoining property line, exclusive of any sidewalk, and includes curbs, sidewalks, and ditches;

“chattel” means any article of movable, personal property;

“Chief of Police” means the senior resident member of the Royal Canadian Mounted Police or the Nisga'a Police Force;

“*Commercial Transport Act*” means the *Commercial Transport Act*, R.S.B.C. 1996 Ch. 58, and any amendments thereto, replacements thereof or regulations made thereunder;

“commercial vehicle” means a vehicle defined as such and licensed under the *Commercial Transport Act* and a vehicle not so licensed but used for collection or delivery of merchandise or other commodities in the ordinary course of a business undertaking;

“curb” means the raised element which may be installed at the outside edge of a street 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, but which does not include a skateboard or a child's tricycle;

“designated person” means any person to whom the Nisga'a Village has issued a placard under this Act;

“Director of Engineering” means the person appointed as such by the Nisga'a Village Government, and any person delegated to assist him or her in carrying out his or her duties under this Act;

“double parking” means the standing of a vehicle in the traveled portion of the street, adjacent to a parked vehicle or parking space;

“driveway” means every road or driveway which is not a street;

“Enforcement Officer” means the person appointed as such by the Nisga'a Village Government for the purposes of enforcing this Act and carrying out the obligations of the Enforcement Officer under this Act, a member of the Nisga'a Police Service, or a member of the Royal Canadian Mounted Police;

“Fire Chief” means the person appointed as such by the Nisga'a Village Government and any person delegated to assist him or her in the performance of his or her duties;

STREET AND TRAFFIC ACT

---

“handicapped zone” means that portion of a street designated by a traffic device for exclusive use of vehicles displaying an authorized handicapped identification label;

“helmet” means a protective device intended to be worn on the head that must:

- a) have a smooth, rigid and durable outer surface;
- b) be constructed so that the helmet is capable of absorbing energy on impact;
- c) be strongly attached to a strap designed to be fastened under the chin of the person wearing it; and
- d) be undamaged from use or misuse;

“highway” means:

- a) every highway within the meaning of the *Transportation Act*;
- b) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles; and
- c) every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited.

“*Interpretation Act*” means the *Nisga'a Interpretation Act*, and any amendments thereto, replacements thereof or regulations made thereunder;

“lane” means a street which is not designed for general travel and which is used primarily as a means of access to the rear of residences and business establishments;

“loading zone” means that portion of a street designated by a traffic control device for the exclusive use of vehicles loading or unloading passengers or property;

“*Local Government Act*” means the British Columbia *Local Government Act*, R.S.B.C. 1996 Ch. 323, and any amendments thereto, replacements thereof or regulations made thereunder;

“*Motor Carrier Act*” means the *Motor Carrier Act*, R.S.B.C. 1996 Ch. 315, and any amendments thereto, replacements thereof or regulations made thereunder;

“*Motor Vehicle Act*” means the *Motor Vehicle Act*, R.S.B.C. 1996 Ch. 318, and any amendments thereto, replacements thereof or regulations made thereunder;

“Nisga'a Village” means the Nisga'a Village of Gitwinksihlkw;

“Nisga'a Village Government” means the governing council of the Nisga'a Village;

“Nisga'a Village Lands” means Nisga'a Lands that are designated as Nisga'a Village Lands of the Nisga'a Village by the Nisga'a Lisims Government;

“parade” means the procession or group of pedestrians (except members of the Armed Forces) numbering more than twenty, standing, marching, or walking on any street or sidewalk, or any group of vehicles numbering ten or more (except funeral processions) standing or moving on any street;

“park” means the standing of a vehicle, whether occupied or not, upon the street, other than the temporary standing of a commercial vehicle for the purpose of and while actually engaged in loading or unloading merchandise at the front entrance of a place of business, where there is no loading zone available and no facilities for loading or unloading at the rear entrance of the place of business, or the standing of a vehicle

## STREET AND TRAFFIC ACT

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in obedience of a traffic control device or a Peace Officer. A vehicle shall be deemed to be continuously parked until it has been moved out of the block in which the same was originally parked;

“parking space” means any portion of a street marked by painted lines or other device indicating that it is intended for the parking of a vehicle;

“Peace Officer” means any member of the Royal Canadian Mounted Police or an Enforcement Officer appointed by the Nisga'a Village Government under this Act;

“pedestrian” means a person afoot, or an invalid or child, in a wheelchair or carriage;

“placard” means any placard issued by the Nisga'a Village for the purpose of bestowing on a person the status of a designated person;

“pneumatic tire” means a tire made of rubber or other resilient material and which depends upon compressed air for the support of the load;

“public place” means any place, building or conveyance to which the public has access by right or by invitation;

“residential area” means any area zoned for residential land use in the Nisga'a Village *Zoning Act*;

“roadway” means that portion of a street improved, designed or intended for vehicular use;

“sidewalk” means that portion of a street intended exclusively for the use of pedestrians;

“sidewalk crossing” means that portion of a street between the roadway and the property line adjoining the street that is improved or designed for the passage of vehicular traffic;

“skateboard” means all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power, but which does not include cycles;

“snow vehicle” means a motor vehicle that:

- a) is designed for:
  - i) travel on snow or ice, and
  - ii) the transportation of passengers or equipment, or both, and
- b) is self-propelled by means of one or more endless belts driven in contact with the ground;

“solid tire” means a tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

“street” includes a road, highway, bridge, viaduct, lane and sidewalk and any other way normally open to the use of the public, but does not include a private right of way on private property;

“street line” means the dividing line between a street and a parcel of land;

“traffic control device” means a sign, traffic control signal, line, parking meter, marking, space, barricade, or other device, placed or erected under this Act;

## STREET AND TRAFFIC ACT

“traffic violation notice” means a notice of a traffic or parking violation and shall be in the form as set out in Appendix A of this Act;

“*Transportation Act*” means the *Transportation Act*, R.S.B.C. 1996 Ch. 44, and any amendments thereto, replacements thereof or regulations made thereunder;

“vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a street, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks; and

“weapon” means and includes all types of firearms as well as air guns, air rifles, air pistols, spring guns, catapults, slingshots, longbows and crossbows.

**Application**

2. This Act applies to all lands and persons within the jurisdiction of the Nisga'a Village.

**Part 1 – Authorities****Director of Engineering**

3. (1) Unless otherwise authorized by any provision of this Act, any order made by the Director of Engineering pursuant to this Act, must be approved by resolution of the Nisga'a Village Government and shall come into force immediately upon such approval being given unless a later date is specified in the order.
- (2) The Director of Engineering, or any person duly authorized, may:
  - (a) direct that on any street where construction, re-construction, widening, repair, marking or other work is being carried out, traffic control devices be erected or placed to indicate such work and to regulate or prohibit traffic in the vicinity of such work and/or limit the rate of speed of vehicles;
  - (b) by order pursuant to section 3(1), place, replace or alter traffic control devices at any location required to give effect to the provisions of the *Motor Vehicle Act* and this Act;
  - (c) issue permits where so specified and required under this Act; and
  - (d) place or erect traffic control devices establishing certain types of zones as the Director of Engineering deems necessary, such as loading zones, commercial loading zones, bus zones, passenger zones, taxi zones, handicapped parking zones, building zones, fire zones and limited parking zones.

**Peace Officers**

4. (1) Peace Officers, or any person duly authorized, may:
  - (a) issue traffic violation notices for violations of this Act;

STREET AND TRAFFIC ACT

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- (b) direct and regulate traffic in any manner deemed necessary and, in doing so, may disregard any traffic control device;
- (c) impound any vehicle, trailer, cycle or skateboard in violation of this Act; and
- (d) require the driver of any vehicle to weigh the vehicle at any weigh scale forthwith.

**Enforcement Officer**

5. (1) The Enforcement Officer may:
- (a) issue traffic violation notices for violations of this Act;
  - (b) place temporary “No Parking” signs and barricades or other applicable traffic control devices; and
  - (c) issue residential parking permits as authorized by this Act.

**Fire Chief**

6. (1) The Fire Chief, or any person duly authorized, may:
- (a) direct and regulate traffic in any manner deemed necessary and, in doing so, may disregard any traffic control device; and
  - (b) designate in any manner, a line or lines near the location of a fire or other emergency, beyond which the public shall not pass.

**Part 2 – Traffic Regulations****Pedestrian Regulations**

7. No pedestrian shall:
- (a) Stand on the travelled portion of a street while waiting to cross a street;
  - (b) 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 vehicle operator to stop;
  - (c) Walk on the travelled portion of a street if a sidewalk or shoulder or other space is available as a walking area;
  - (d) When crossing a street where marked crosswalks exist, cross outside the limits of the markings;
  - (e) Cross a street in a crosswalk in contravention of a traffic control device;

**STREET AND TRAFFIC ACT**

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- (f) Stand upon or walk along a travelled portion of the street for the purpose of soliciting a ride; or
  - (g) Cross a street at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection.

**Traffic Control Devices**

- 8. (1) Notwithstanding any other provisions of this Act, all traffic control devices installed by the Nisga'a Village shall be deemed to be duly authorized traffic control devices under this Act.
- (2) Such traffic control devices shall include, but not be limited to, signs in locations which prohibit parking except for the parking of vehicles which display a placard.

**Conformance**

- 9. No person shall park, drive or operate a vehicle or cycle in contravention of a traffic control device.

**Damage to Devices**

- 10. No person shall drive or walk on or over a newly painted line or marking, nor remove, alter, damage or deface any traffic control device.

**Obey Commands**

- 11. Every person shall at all times comply with any lawful order, direction, signal or command made or given by a Peace Officer, Enforcement Officer, Fire Chief, fire fighter, flagman, ambulance attendant or school patrol acting in the course of their official duties.

**Speed Limits**

- 12. No person shall operate a vehicle on any street at a greater rate of speed than 30 km/h unless otherwise posted.

**Noise Increase or Flame Prohibited**

- 13. Pursuant to the Motor Vehicle Act Regulation No. 26/58, Division (7), section 7.03 (5), no person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is attached any device which increases the noise of the expulsion of the gases from the engine or allows a flame to be emitted from the exhaust system.

**Cycles and Skateboards**

- 14. No person shall:

## STREET AND TRAFFIC ACT

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- (a) ride a cycle on any sidewalk;
  - (b) leave a cycle or skateboard on a street or public place in a position which obstructs the free movement of pedestrian or vehicle traffic;
  - (c) use roller blades, skateboards, skis or other similar means of conveyance on any street;
  - (d) use roller blades, skateboards, skis or other similar means of conveyance on any sidewalk without reasonable consideration for other persons using the sidewalk;
  - (e) use roller blades, skateboards, skis or other similar means of conveyance on any sidewalk unless that person is properly wearing a helmet on his or her head;
  - (f) use roller blades, skateboards, skis or other similar means of conveyance while being towed by a vehicle, person, cycle or animal;
  - (g) use roller blades, skateboards, skis or other similar means of conveyance on a sidewalk in any position other than standing; and
  - (h) use cycles, roller blades, skateboards, skis or other similar means of conveyance on any street or sidewalk, as applicable, in such a manner as to pose a hazard to traffic.

**Part 3 – Parking and Stopping Regulations****Unlawful Parking**

15. No person shall park a vehicle in any public place except in compliance with all conditions of this Act and other regulations posted by traffic control devices.

**Prohibited Parking**

16. Except when necessary to avoid conflicts with traffic or parking or to comply with the law, the directions of a Peace Officer or a traffic control device and except when operating a Nisga'a Village utility vehicle or a vehicle of a public utility corporation while engaged in official duties of the corporation, or except when operating a vehicle so mechanically disabled as to render it immobile, no person shall stop, stand or park a vehicle:
- (a) on a sidewalk or boulevard;
  - (b) within 6m of an intersection;
  - (c) in any lane unless actively engaged in the loading or unloading of goods, providing such vehicle does not stop the normal flow of traffic in the lane;
  - (d) within 5m of a fire hydrant measured from a point on the curb or edge of the roadway which is closest to the fire hydrant;
  - (e) within 6m of the approach side of a crosswalk;

STREET AND TRAFFIC ACT

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- (f) within 6m of the approach to a stop sign or traffic control device located at the side of a roadway;
- (g) where vehicles are parked parallel to the edge of the roadway, no closer than 1m to any other parked vehicle;
- (h) upon any street 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) making a “U” turn;
- (i) in such a manner as to obstruct the visibility of any standard traffic sign;
- (j) subject to section (3) above, on any street, unless so authorized by a traffic control device, or permit or authorized by the chief administrative officer of the Nisga'a Village for holding a feast or other event;
- (k) between the hours of 9:00 p.m. in the afternoon and 6:00 a.m. in the forenoon of the following day on any street in a residential area, if it is a commercial vehicle of either:
  - (i) a gross vehicle weight of 4 tonne (8,000 lbs.) or greater; or
  - (ii) a manufacturer's rated capacity of 1 tonne (1 ton) or more;
- (12) within 15m of the nearest rail of a railway crossing.

**Residential Area Length Restrictions**

17. No person shall park a commercial vehicle, trailer or combination thereof, in excess of 7.5m in length on a local street within a residential area, except for loading and unloading purposes.

**Limited Time Parking Areas**

18. (1) No person shall stop, stand, park or overpark a vehicle on a street, for any length of time, in excess of the maximum period of the posted parking time.
- (2) Notwithstanding subsection 18(1), the maximum period of parking time for vehicles displaying a valid numbered “Seniors” placard or “Handicap” placard issued by the Nisga'a Village is twice the maximum posted parking time.

**STREET AND TRAFFIC ACT****Right-Hand Side from Curb**

19. No person shall park a vehicle on a street except on the right-hand side thereof, and the right-hand wheels shall be not further than 30cm from the face of the curb.

**Double Parking**

20. No person shall double park a vehicle on a street.

**Loading Zones**

21. No person shall park a vehicle in a loading zone unless the vehicle is being actively used in the loading or unloading of goods or passengers from a vehicle, and then the maximum duration of parking shall be ten minutes unless otherwise posted.

**Angle Parking**

22. (1) No person shall park a vehicle within a zone designated for angle parking except so as to park within 0.3m of and at an angle with the curb as indicated by the lines, markings or other signs placed for that purpose.
- (2) No person shall park a vehicle having an overall length in excess of 6m in a zone designated for angle parking.

**School Bus Stop Zone**

23. No person shall stop or park a vehicle in a school bus stop zone.

**Handicapped Zone**

24. No person shall park a vehicle in a parking space designated for use by handicapped persons, unless such vehicle displays a valid handicap numbered certificate from the Social Planning and Review Council of British Columbia (S.P.A.R.C.), a valid numbered "Handicap" placard, or in a case of an out-of-province vehicle, any similarly authorized permit.

**Residential Parking Permit**

25. No person shall park a vehicle on a street in a residential area contrary to a traffic control device unless such person has acquired a valid residential parking permit, and such permit is displayed on the vehicle and the vehicle is parked in accordance with the conditions of that permit.

**Removal of Traffic Violation Notices or Chalk Marks**

26. (1) No person, other than the owner or operator of a vehicle, shall remove from a vehicle any traffic violation notice issued under the authority of this Act.

## STREET AND TRAFFIC ACT

- (2) No person shall remove, obliterate, or otherwise interfere with any markings used to determine the length of a time a vehicle remains parked in one location.

**Part 4 – Loads and Tires****General Restrictions**

27. No person shall, without a permit issued by the Director of Engineering pursuant to this Act, drive or operate on any street:
- (a) a vehicle, any wheel of which is not equipped with a pneumatic tire in good order or with a solid tire, the thickness of which is less than 35mm between the rim of the wheel and the surface of the street;
  - (b) a vehicle having wheels, tires or tracks constructed or equipment with projecting spikes, cleats, ribs, clamps, flanges, lugs or other attachments or projections which extend beyond the tread or traction surface of the wheel, tread or track but not to prohibit the use of tire chains of reasonable proportion when required for safety and/or winter studded tires pursuant to the *Motor Vehicle Act*;
  - (c) a vehicle that is not constructed or loaded so as to prevent any of its load:
    - (a) from dropping, sifting, leaking or otherwise escaping therefrom;
    - (b) from shifting or swaying in such a manner as to affect the safe operation of the vehicle;
  - (d) a vehicle, the load of which and any covering or coverings thereof which is not securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street; or
  - (e) a vehicle, with or without load, which is in excess of:
    - (i) 4.15 m in height; or
    - (ii) 2.6 m in width.

**Traffic and Load Restrictions**

28. (1) The Director of Engineering may, at his or her discretion, designate truck routes and non-truck routes within the Nisga'a Village and may prohibit persons from driving or operating a vehicle or combination of vehicles and trailers, having a weight not conforming to the requirements of the *Commercial Transport Act* and Regulations thereto on any street designated as a Truck Route unless that person has obtained a permit issued by the Director of Engineering pursuant to this Act.
- (2) The Director of Engineering may, at his or her discretion, limit or prohibit the use of the street by any vehicles in excess of 12,000 kg or in excess of 60% legal axle weight in order to prevent or minimize damage to the street.

STREET AND TRAFFIC ACT

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**Overload, Oversize Permits**

29. The Director of Engineering may issue, at his or her discretion, permits for overloaded and/or oversized vehicles to persons transporting extraordinary commodities on streets otherwise prohibited from use by such vehicles.

**Load Weighing**

30. The driver of a vehicle on a street, when so required by a Peace Officer, or other person duly authorized, shall:
- (a) stop the vehicle at the time and place specified for the purpose of weighing the whole, or part thereof, by means of a portable or stationary scale, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried thereon, or for any other purpose to ensure compliance with this or any other Act;
  - (b) drive the vehicle to scales situated elsewhere within the jurisdiction of the Nisga'a Village for the purpose of weighing the vehicle and load; and
  - (c) remove the whole or part of the load from the vehicle in order to comply with this Part before continuing to drive or operate the vehicle.

**Part 5 – General Street Regulations****General Prohibition**

31. No person shall, without written permission from the Enforcement Officer, conduct any activities on streets that may interfere with or delay traffic including, but not limited to, sporting activities, social gatherings and festivals.

**Funeral Processions**

32. (1) The operator of a vehicle in the lead of funeral procession approaching an intersection where a traffic control device exists, shall comply with the instruction of such device and shall not enter the intersection until it is safe to do so.
- (2) Every person operating a vehicle in a funeral procession shall have the headlamps of such vehicle on for the duration of the procession.
- (3) No driver of a vehicle shall drive between the vehicles comprising a funeral procession or other authorized procession while it is in motion, except in obedience of the directions of a traffic control device or of a Peace Officer, provided that during daylight hours a vehicle shall be deemed not to be in a procession unless the headlamps thereof are highlighted.

## STREET AND TRAFFIC ACT

**Parade or Procession Permit**

33. No person shall be a member or take part in any parade or procession, with the exception of funeral processions, on any street, without a permit from the Director of Engineering, or permission from the chief administrative officer of the Nisga'a Village.

**Stunt Driving**

34. No person shall operate on a street any vehicle for the purposes of stunt riding/driving.

**Noise and Advertising**

35. No person shall operate on a street any vehicle equipped with a loudspeaker or other noise-making device for advertising or other purposes without a permit from the Director of Engineering.

**Littering**

36. No person shall place, throw, deposit or discard on any street any rubbish, litter or waste material of any description.

**Leaflets and Flyers**

37. Except for the issuance of traffic violation notices by authorized persons, no person shall distribute leaflets, flyers, pamphlets, circulars or other printed matter upon any street by placing same on the windshield of a motor vehicle parked upon the street.

**Chattels and Obstructions**

38. Unless a permit has been obtained from the Director of Engineering, no person shall place deposit or leave upon or in any street or public place any chattel, obstruction or other thing which is, or is likely to be, a nuisance, cause damage to the street or impede traffic. This section is not intended to apply to moving vans and/or delivery vehicles actively engaged in the delivery or pickup of goods or merchandise.

**Merchant Sidewalk Sales or Street Vending**

39. No person or merchant shall use a street for merchant sidewalk sales or street vending without a valid permit under the Gitwinksihlkw Village Government *Business License Act*, as may be amended from time to time.

**Liquid Waste, Earth, Etc.**

40. No owner or occupier of property abutting a street shall allow or permit any earth, rocks, stones, liquids, logs or stumps or other things to cave, fall, crumble, slide, flow or accumulate from such property onto or over such street without a permit issued by the Director of Engineering.

STREET AND TRAFFIC ACT

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**Debris from Accidents**

41. The operator of a tow-truck, or any other person who has removed a wrecked or damaged vehicle from the scene of an accident, shall be responsible for cleaning the street of any glass or other debris from the accident site.

**Skidding**

42. No person shall drag or skid anything along or over a street so that the surface of the street is, or is likely to be, damaged.

**Fireworks and Firearms**

43. No person shall:
- (a) without a permit issued by the Fire Chief, explode any firecrackers or other fireworks upon or from any street or other public place; or
  - (b) without express written consent from the Chief of Police, discharge any weapon, the projectile from which may enter, cross or traverse any street or public place within the jurisdiction of the Nisga'a Village.

**Excavations**

44. (1) No person, except the agents or employees of the Nisga'a Village acting in the course of their employment, shall excavate in or disturb the surface of any street without a permit issued by the Director of Engineering who may impose such terms and conditions as deemed necessary.
- (2) Where authorized excavation or other works are carried out on, over, or under any street, the persons authorized to carry out such excavation or other works shall, upon request, provide appropriate signs, flashers, barricades or other warning devices to the satisfaction of the Director of Engineering.

**Property Access**

45. No person shall alter any existing access to a property or construct a new access to a property without obtaining an access permit from the Director of Engineering.

**Boulevards and Sidewalk Crossings**

46. (1) No person shall at any time destroy or injure any tree, shrub, flower, foliage, grass or other growing things upon any boulevard.

**STREET AND TRAFFIC ACT**

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- (2) No person shall drive upon or over any sidewalk, boulevard or curb so as to encumber, obstruct, or damage the same.
  - (3) Subject to approval by the Director of Engineering, where 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.

**Trees and Shrubs Set-Back**

47. (1) No person shall plant any tree, shrub, bush or hedge closer than one-half meter (0.5 m) from the street line.
- (2) Every 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 adjacent sidewalk or street.

**Snowmobiles**

48. No person shall operate any snowmobile on any street.

**Cleaning of Sidewalk**

49. Every person being an occupant or owner of any property abutting or fronting upon a portion of a sidewalk in a commercially zoned area shall cause such portion of the sidewalk to be cleared and kept clear of all snow, ice, dirt, litter and rubbish and shall dispose of same otherwise than by leaving it upon the street.

**Debris on Street**

50. Every owner or occupier of property abutting on a street shall not allow or permit any earth, rocks, stones, logs, stumps, snow or ice to cave, fall, crumble, slide, or accumulate from any such property upon a street, or being there, to remain thereon.

**Snow Removal Route**

51. Each and every highway and portion of highway within the jurisdiction of the Nisga'a Village shall be designated as a "Snow Removal Route".

**Snow on Street**

52. Except as authorized by a permit issued by the Director of Engineering pursuant to this Act, no person shall place, or permit or allow to be placed, any snow or ice upon a street.

## STREET AND TRAFFIC ACT

**Part 6 – Impoundments****Impoundment of Vehicles, Cycles and Chattels**

53. (1) A Peace Officer may seize any chattel, including any vehicle, cycle, skateboard or any obstruction that is unlawfully occupying a portion of a street or public place and may retain custody of same until the determination of the charge respecting such unlawful occupation.
- (2) The owner shall, before the release of such chattel or obstruction seized under subsection 53(1), satisfy the costs of seizure and storage.
- (3) If a motor vehicle is seized under subsection 53(1), written notice shall be given to the registered owner at the owner's address shown on the records of the *Registrar of Motor Vehicles* advising the owner of the seizure, the sum payable to release the vehicle and the date of advertising for sale by public auction if the vehicle remains unclaimed by the specified date.
- (4) Any vehicle, chattel or obstruction not claimed by its owner within thirty (30) days of its impounding or detention may be sold at public auction which auction shall be advertised at least once in a newspaper circulating within the jurisdiction of the Nisga'a Village.
- (5) The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to the fees, costs and expenses of the Nisga'a Village or its contractors and thirdly the balance, if any, shall be held by the Nisga'a Village for one (1) year from the date of the sale for the owner. Any amounts unclaimed at the expiry of the one (1) year period shall be paid into the General Revenue of the Nisga'a Village.

**Removal of Vehicles on Private Property**

54. Where a vehicle is standing or parked on private property in violation of this Act, a Peace Officer or a person authorized by the Nisga'a Village Government may, with the permission of the owner of the private property on which the vehicle is standing or parked:
- (a) move the vehicle, or require the driver or person in control of the vehicle to move the vehicle, to a position determined by the Peace Officer or other authorized persons; or
- (b) move the vehicle or take the vehicle into custody and cause it to be taken to and stored at a safe and otherwise suitable place; or
- (c) Notwithstanding section 54 (a) & (b), where a vehicle is standing or parked in violation of the Act on private property in respect of which off-street parking has been provided in accordance with any Act, the owner or occupier of that private property on which the vehicle is standing or parked shall move the vehicle or require the driver or person in charge of the vehicle to move it.

## STREET AND TRAFFIC ACT

**Part 7 – Permits – Compliance, Revocation****Conditions of Permits Must be Complied With**

55. All permits granted under the provisions of this Act shall be subject to all terms and conditions contained in such permit and it shall be an offence against the provisions of this Act for any person to act upon any such permit except in compliance with the terms and conditions of such permit.

**All Permits Revocable**

56. All permits granted under any of the provisions of this Act shall be revocable by the Nisga'a Village and the Nisga'a Village is hereby empowered to revoke the same unless the permit is issued for a stated period of time, provided however that the Nisga'a Village is empowered to cancel any permit issued pursuant to the provisions of this Act, if any of the terms or conditions of the permit or the provisions of this Act are violated.

**Part 8 – Offences, Penalties and Enforcement****Offence, Penalties and Enforcement**

57. (1) A person who contravenes or violates any of the provisions of this Act for which a specific penalty has not otherwise been designated, who suffers or permits any act to be done in violation of this Act, or who fails or neglects to do anything required to be done by this Act commits an offence and shall be liable to a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars for each offence.
- (2) Each day that a violation occurs or is permitted or continues shall constitute a separate offence.
- (3) This Act may be enforced:
- (a) under the *Nisga'a Offence Act*;
  - (b) by issuing a ticket for contravention in accordance with any Nisga'a Village Government ticketing law as may be adopted or amended from time to time; or
  - (c) by issuing a ticket under any applicable enactment by the Nisga'a Lisims Government authorizing the Nisga'a Village Government to issue tickets, fines or penalties in respect of a contravention of this Act.

**Default**

58. In addition to any other penalty which may be incurred, any person failing to comply with the provisions of Part 6 of this Act within the required time, or within a reasonable time upon receipt of notice from the Nisga'a Village, shall be liable for the costs incurred by the Nisga'a Village for affecting the required tasks, which are recoverable by the Nisga'a Village as a debt due by the owner, or person in possession or control of the vehicle, chattel, cycle, skateboard or obstruction to the Nisga'a Village.

STREET AND TRAFFIC ACT

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**Responsibility of Owner**

59. (1) The owner of a vehicle shall incur the penalties provided for any violation of this Act with respect to any vehicle owned by him or her 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.
- (2) The onus of establishing that the vehicle was in possession of some person other than the owner rests with the owner.

**Notices**

60. A notice or request required to be provided under this Act to an owner or person in possession or control of a vehicle, chattel, cycle, skateboard or obstruction may be:
- (a) sent by registered mail to the owner or person;
  - (b) personally delivered to the owner or person; or
  - (c) given by posting the notice or request at the principal administration offices of the Nisga'a Village,
- and will be deemed to have been delivered:
- (d) if mailed, on the fifth day following the date it is mailed to the postal address of the owner or person;
  - (e) if delivered, immediately upon being delivered to or being left at the residence of the owner or person; or
  - (f) if posted, on the tenth day following the date it is posted at the principal administration offices of the Nisga'a Village.

**Commencement**

61. This Act comes into force on the date of adoption.

**STREET AND TRAFFIC ACT**

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**Street and Traffic Act Read a first time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**Street and Traffic Act Read a second time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**Street and Traffic Act Read a third time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**Street and Traffic Act Adopted** the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Chief Councillor**

\_\_\_\_\_  
**Chief Executive Officer**

STREET AND TRAFFIC ACT

SCHEDULE A

GITWINKSIHLKW VILLAGE GOVERNMENT  
STREET AND TRAFFIC ACT

TRAFFIC VIOLATION NOTICE

Date: \_\_\_\_\_

Time: \_\_\_\_\_

License No.: \_\_\_\_\_

Location: \_\_\_\_\_

Make: \_\_\_\_\_

Type: \_\_\_\_\_

Officer: \_\_\_\_\_

You are charged with violation marked below:

Penalties for the above offense(s) to be paid at Nisga'a Village Offices at 3004 Ts'oohl Ts'ap Ave. Gitwinksihlkw, BC, between 8:30 a.m. and 4:30 p.m. Monday to Friday. A charge will be laid and a summons issued for any fine which remains unpaid more than five days from the date of the ticket.