LAW

Taza Development Parking Law

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasaala.

A Document to Ratify the L.RF.YYDD
Within the Tsuut'ina First Nation Lands.

Enacted on [Month, Day of 2020] in Tsuut'ina Nation
Coming Into Force: [Month, Day, Year]

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NOTICE – DRAFT ONLY

This document is a non-binding draft of proposed legislation under development by the Tsuut'ina Nation. It has not been enacted and carries no legal force or effect. This draft is subject to review, revision, and formal approval by the Head Chief and Minor Chiefs of Tsuut'ina Nation. It may be amended or withdrawn at any time. Do not rely on this document for legal, regulatory, or development-related purposes

Preamble

WHEREAS the Tsuut’ina Nation Head Chief and Minor Chiefs desire to make a Law governing the Taza Development Parking on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under Section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Tsuut'ina Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

AND WHEREAS Head Chief and Minor Chiefs have the authority to enact this Law pursuant to the Legislative Process Act;

NOW THEREFORE: Head Chief and Minor Chiefs hereby enact this Law pursuant to the Tsuut’ina Legislative Process.

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Definitions

1. In this Law, the following terms have the following meanings:

(a) **"Act"** means the Traffic Safety Act (R.S.A. 2000 c. T-6), as amended from time to time,

(b) **"Appointed Authority"** means: (i) a designated department or division of the Tsuut'ina Nation; or (ii) an entity which has, in accordance with a Band Council Resolution, entered into a servicing agreement or other contractual agreement with the Tsuut'ina Nation, in either case in which such Appointed Authority has been appointed to provide licensing, permitting, administration and other applicable services on behalf of the Tsuut'ina Nation and within the Lands.

(c) **"Boulevard"** means, in an urban area, that part of a highway that:

i. Is not a roadway, and

ii. Is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.

(d) **"Cross Walk"** means:

i. That part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on the opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or

ii. Any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or by other markings on the road surface.

(e) **"Highway"** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:

i. A Sidewalk (including the boulevard portion of the Sidewalk),

ii. If a ditch lies adjacent to and parallel to the roadway, the ditch, and

iii. If a Highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

But,

iv. Does not include a place declared by the Lieutenant Governor in Council not to be a highway,

v. **"Peace Officer"** has the same meaning as a Peace Officer within the Tsuut'ina Nation Offences Procedures Bylaw, 1998, as amended from time to time,

(f) **"Law"** means the *Taza Development Parking Law,*

(a) **"Officer"** includes a member of Tsuut'ina Nation Police Service.

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(b) **"Park"**, when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place, except:

i. When standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or

ii. When standing in obedience to an Officer or a Traffic Control device.

(c) **"Sidewalk"** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and include that part of a highway between:

i. The curb line, or

ii. Where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not it is paved or improved.

(d) **"Traffic Control Device"** means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, waring or guiding traffic.

(e) **"Tsuut'ina Nation"** means the sovereign Nation previously referred to as the "Sarcee Nation", acting through its duly enacted Head Chief and Minor Chiefs and, where the context requires or allows, includes its authorized administrative departments, officers, employees, and designated agents.

2. Words which have been defined in the Act have the same meaning when used in this Law unless otherwise defined under Section 1 or where the context expressly requires otherwise.

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Name and Application

Name

3. This Law may be cited as the "*Taza Development Parking Law.*"

Prohibition

4. Unless required or permitted by the Act or by a Traffic Control Device, or in compliance with the directions of an Officer, or to avoid conflict with other traffic, a driver of a vehicle shall not stop or park that vehicle:

(f) On a Sidewalk or Boulevard,

(g) On a Crosswalk or on any part of a Crosswalk,

(h) Within an intersection other than immediately next to the curb in a "T" intersection,

(i) At an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when the driver's vehicle is parked in a space where a parking meter or other Traffic Control Device indicates parking is permitted,

(j) Within 5 metres on the approach to a stop sign or yield sign,

(k) Within 5 metres of any fire hydrant, or when the hydrant is not located at the curb, within 5 metres of the point on the curb nearest the hydrant,

(l) Within 1.5 metres of an access to a garage, private roadway or driveway, or a vehicle crossway over a Sidewalk,

(m) Within 5 metres of the near side or of a marked Crosswalk,

(n) Alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic,

(o) On any bridge or in any subway or on the approaches to either of them,

(p) At any other place where a Traffic Control Device prohibits stopping or parking, during the times stopping or parking is so prohibited,

(q) On the roadway side of a vehicle parked or stopped at the curb or edge of the roadway, or

(r) At or near the sire of any fire, explosion, accident or other incident, if stopping or parking would obstruct traffic or hinder police officers, firemen, ambulance drivers or assistants or rescue officers or volunteers.

5. A person shall not park a vehicle that is being displayed for sale or that is displaying advertising directing persons to be a commercial premises on a highway.

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Parallel Parking

6. When parking on a roadway, a driver of a vehicle shall park that vehicle with the sides of it parallel to the curb or edge of the roadway and:

   (a) With the right hand wheels of it not more than 500 millimetres from the right hand curb or edge of the roadway, or

   (b) In the case of a one-way Highway where parking on either side is permitted, with the wheels closest to a curb or edge of the roadway no more than 500 millimetres from that curb or edge and with the vehicle facing the direction of travel authorized for that Highway.

7. This section does not apply where angle parking is permitted or required.

Angle Parking

8. When:

   (a) A sign indicates that angle parking is permitted or required, and

   (b) Parking guidelines are visible on the roadway,

   A person may only park a vehicle with the vehicle's sides between and parallel to any 2 of the guidelines, and

   (c) A wheel of the vehicle not more than 500 millimetres from the curb or edge of the roadway, and

   (d) The vehicle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the vehicle is parked.

9. When:

   (a) A sign indicates that angle parking is permitted or required, and

   (b) No parking guidelines are visible on the roadway,

   A person may only park a vehicle with the vehicle's sides at an angle of between 30 and 60 degrees to the curb or edge of the roadway and:

   (c) A wheel of the vehicle not more than 500 millimetres from the curb or edge of the roadway, and

   (d) The vehicle angled in the direction of travel authorized for the traffic lane that is adjacent to the lane on which the vehicle is parked.

Parking Adjacent to Painted Lines on a Roadway

10. Despite sections 45 and 46 of the Use of Highway and Rules of the Road Regulation, AR 304/2002, where a traffic control device indicates that parking is permitted adjacent to a painted line on a roadway, that line is deemed to be the curb for the purposes of sections 6 to 9 of this Law.

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Parking on Hills

11. No person shall permit a vehicle to stand unattended on any grade or slope without first having:

    (a) Effectively set the vehicle's brake, and

    (b) Turned the front wheels to the nearest curb or edge of the roadway in such a manner as to impede any movement of the vehicle.

Vehicle on a Jack

12. No person shall leave a vehicle unattended on a highway if the vehicle has been placed on a jack or a similar device and:

    (a) One or more wheels have been removed from the vehicle, or

    (b) Part of the vehicle is raised.

Abandoning Vehicles

13. Except as otherwise permitted under this Law, a person shall not:

    (a) Abandon a vehicle on a highway, or

    (b) Abandon a vehicle on public or private property without the consent of the owner or person in possession or control of the property.

14. A vehicle that is:

    (a) Left standing on a highway for more than 72 consecutive hours, unless otherwise provided for in a bylaw or law, or

    (b) Left standing on public or private property for more than 72 consecutive hours without the consent of the owner or person in possession or control of the property,

    Is deemed to have been abandoned at that location.

Owner Liable

15. If a vehicle is involved in an offence referred to in this Law, the owner of that vehicle is guilty of an offence.

16. Section 15 does not apply if the owner of the vehicle satisfies the Court that the owner did not park the vehicle, and that the person who parked the vehicle did so without the owner's express or implied consent.

Traffic Tags

17. Where an Officer believes that a vehicle is parked in contravention of this Law, he may:

    (a) Place a tag on the vehicle, or

    (b) Send a tag to the registered owner of the vehicle by ordinary mail.

18. A tag must set out a specified penalty for the contravention and may provide for early payment amounts.

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19. If a person who is responsible for a contravention of a provision of this Law pays an early payment amount of the specified penalty amount within the times and in the manner set out on the tag, such payment will be accepted in lieu of prosecution.

20. If payments referred to in Section 19 are not made within the times and in the manner set out on the tag, a Violation Ticket may be issued to the registered owner of the vehicle in accordance with the Provincial Offences Procedures Act, R.S.A. 2000, c. S-1.

21. Nothing in this section shall:

    (a) Prevent any person from exercising his right to defend any charge of committing a breach of any Section of this Law, or

    (b) Prevent any Officer, in lieu of serving a tag, from issuing a Violation Ticket to a person or a registered owner pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c. S-1.

22. The specified penalties and early payment amounts referred to in this Section are as set out in Schedule “A” of this Law, which shall form part of this Law.

23. A person other than the owner or operator of a vehicle shall not remove any tag or notice placed on or affixed to a vehicle by an Officer in the course of this duties.

24. No person other than an Officer or another person authorized by the Chief of Police or by this Law shall place a tag on any vehicle.

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Amendments to this Law

Amendments

25. Amendments to this Law shall be made through the Tsuut'ina Legislative Process Act, as may be amended as from time to time.

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INSERT FIELD

Taza Development Parking Law

Appendix

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Schedule 'A'

Section	Offence	**Early Payment Amount 1** (If paid within 10 days after the date of the offence)	**Early Payment Amount 2** (If paid 10 to 30 days after the date of the offence)	**Provincial Specified Penalty**
4(a)	Stopping or Parking on a Sidewalk or Boulevard	$40.00	$50.00	$68.00
4(b)	Stopping or Parking on a Crosswalk	$40.00	$50.00	$68.00
4(c)	Stopping or Parking within an Intersection	$40.00	$50.00	$68.00
4(d)	Stopping or Parking too near Intersection	$40.00	$50.00	$68.00
4(e)	Stopping or Parking too near Stop or Yield Sign	$40.00	$50.00	$68.00
4(f)	Stopping or Parking too near Fire Hydrant	$40.00	$50.00	$68.00
4(g)	Obstructing Access to Private Property	$40.00	$50.00	$68.00
4(h)	Stopping or Parking too near Marked Crosswalk	$40.00	$50.00	$68.00
4(i)	Stopping or Parking too near Street Excavation or Obstruction	$40.00	$50.00	$68.00
4(j)	Stopping or Parking on Approaches to Bridge or Subway	$40.00	$50.00	$68.00
4(k)	Stopping or Parking where Prohibited by a Traffic Control Device	$40.00	$50.00	$68.00
4(l)	Stopping or Parking on the Roadway side of Another Vehicle	$40.00	$50.00	$68.00

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(m)	Stopping or Parking in a Manner that Obstructs Access by Emergency Personnel to the Site of an Incident	$120.00	$150.00	$203.00
5	Park a Vehicle on a Highway for Advertising	$40.00	$50.00	$68.00
6	Parallel Parking too far from Curb or facing the Wrong Way	$40.00	$50.00	$68.00
8 & 9	Improper Parking where Angle Parking is Indicated	$40.00	$50.00	$68.00
11	Unattended Vehicle on Slope without Proper Precautions	$40.00	$50.00	$68.00
12(a)	Unattended Vehicle on Jack with Wheel Removed	$40.00	$50.00	$68.00
12(b)	Unattended Vehicle on Jack with part of Vehicle Raised	$40.00	$50.00	$68.00
13(a)	Abandon a Vehicle on a Highway	$160.00	$200.00	$270.00
13(b)	Abandon a Vehicle on Public or Private Property	$160.00	$200.00	$270.00

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Head Chief and Minor Chiefs Signatory Page

THIS LAW IS HEREBY made at this duly convened meeting of the Head Chief and Minor Chiefs of the Tsuut'ina Nation this [___] day of [Month, Year] by Nation Council Resolution.

Voting in favour of the Taza Development Parking Law, as evidenced by signatures, are the following members of the Head Chief and Minor Chiefs:

Tsuut'ina Nation Head Chief

Member of Tsuut'ina Minor Chiefs	Member of Tsuut'ina Minor Chiefs
Member of Tsuut'ina Minor Chiefs	Member of Tsuut'ina Minor Chiefs
Member of Tsuut'ina Minor Chiefs	Member of Tsuut'ina Minor Chiefs
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