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**RESOLUTION
OF THE
COUNCIL OF THE NAICATCHEWENIN FIRST NATIONS**

BY-LAW NO: 001

A BY-LAW RESPECTING A CURFEW FOR CHILDREN

ENACTED THIS 27th DAY OF October 1998

WHEREAS:

1. Subsection 81(1)(c), (d), (q) and (r) of the Indian Act, R.S., 1985, c. 1-5, empower the Council of a First Nation to make by-laws for the observance of law and order, the prevention of disorderly conduct, matter ancillary to the exercise of these powers, and violation of these by-laws;
2. The Council of Naicatchewenin First Nation is of the opinion that for the welfare and safety of those children and the First Nation Community: children should not remain unattended and without adult supervision in public places during community social events.

NOW THEREFORE the Council of the Naicatchewenin First Nation enacts the following by-law:

1. **Short Title**

This by-law may be cited as the "Naicatchewenin First Nations Curfew By-Law".

2. **Interpretation**

In this by-law:

- a) "child" means any person who is or appears to be under the age of sixteen (16) years;
- b) "Council" means the Council of Naicatchewenin First Nations;
- c) "community social event" means a wedding, sports event, religious celebration, or other social event recognized as such by the Council of Naicatchewenin First Nations;

- d) "parent" mean a father, mother, tutor, guardian or person having the custody or care of a child in law or in fact;
- e) "peace officer" means a peace officer as defined in section 2 of the Criminal Code, R.S.C. 1985, c.C-46'
- f) "prohibited hours" means that period of time;
 - i) between the hours of ten o'clock (10:00 pm) in the evening of one day and six o'clock (6:00 am) in the morning of the following day, for those days immediately precede any school days: and,
 - ii) between the hours of eleven o'clock (11:00 pm) in the evening of one day and six o'clock (6:00am) in the morning of the following day, for all other days of the calendar year;
- g) "public place" means any place at the reserve other than a residential dwelling;
- h) "reserve" means the Naicatchewenin First Nations, Northwest Bay Ontario

3. **Prohibition**

No parent shall permit his or her child to be in any public place during the prohibited hours unless such child:

- a) is accompanied by his or her parent;
- b) with the authorization of that child's parent, is accompanied by a person who is at least eighteen (18) years of age;
- c) is attending or is directly returning home from a community social event.

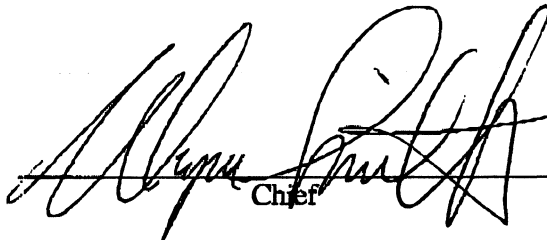
4. **Powers of the Peace Officer**

- a) A peace officer who finds a child in a public place at the reserve during the prohibited hours shall warn the child to immediately return to his or her residence.
- b) If after warning the child refuses or neglects to immediately return to his or her residence, a peace officer may use such reasonable force as is necessary to escort the child to the child's residence, and shall issue a notice of offence to the parent of the child.
- c) A peace officer shall issue a notice of offence to the parents of the child, on the second and each subsequent occasion that the child is found in a public place during the prohibited hours.

5. Penalty

Any parent who permits his or her child to be in a public during the prohibited hours, has committed an offence under this By-Law and is liable upon summary conviction to a fine of not greater than one thousand (\$1,000.00) dollars, or imprisonment for a period not exceeding thirty (30) days, or both.

THIS BY-LAW IS HEREBY ADOPTED AND APPROVED by Resolutioun of the Council of the Naicatchewenin First Nations this 28th day of October, 1998


Chief


Councillor


Councillor

Quorum 3

being the majority of those members of the council of the Naicatchewenin First Nations present at the aforesaid meeting of the Council.

The Quorum of the Council is 3 members.

Number of members of the Council present at the meeting: 3

I, Wayne Smith, Chief of Naicatchewenin First Nations, do hereby certify that a true copy of the foregoing By-Law was mailed to the Minister of Indian Affairs and Northern Development at the offices in Thunder Bay, Ontario, pursuant to subsection 82(1) of the Indian Act, this 28th day of October 1998.

WITNESS:
as to the signature(s) of:

