



BCR#09/10-92

4215-138  
cc: 4215-4-158

**BAND COUNCIL RESOLUTION**

Chronological no. 1780
File reference no.

**NOTE:**

The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.

The council of the <b>NAOTKAMEGWANNING FIRST NATION</b>		Cash free balance	
		Capital account	\$ _____
Date of duly convened meeting (YYYY-MM-DD) 2009-06-09	Province ONTARIO	Revenue account	\$ _____

DO HEREBY RESOLVE:

**PAGE 1 of 9**

**WHEREAS** by Band Council of Nautkamegwaning First Nation has the authority to make by-laws under the Indian Acts R.S., c 1-6, s. 1.81 (1) (c), (d), (q) and (r) for the observance of law and order, the prevention of disorderly conduct, matters ancillary thereto, and a penalty for the violation thereof;

**WHEREAS** by Band Council of Nautkamegwaning is of the opinion that children and adolescents should not remain unattended and without adult supervision in public places during the evenings, for maintenance of law and order and for the welfare and safety of the youth and the Reserve Community;

**THEREFORE** the Band Council of Nautkamegwaning First Nation hereby enacts this by-law as follows:

**Purpose**

- The purpose of this by-law is to provide for the regulation of the activities of children and adolescents at the Nautkamegwaning First Nation, 16 years of age or under in order to prevent misconduct and mischief.

**Short Title**

- This by-Law may be cited as "The Curfew By-Law".

**Interpretation**

- In this by-law

**CIDM THU DOC**  
# 2710956

JUN 16 2009  
INDIAN AFFAIRS

Quorum _____	_____ (Chief)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)	_____ (Councillor)

**FOR DEPARTMENTAL USE ONLY**

Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue	Expenditure	Authority (Indian Act Section)	Source of funds <input type="radio"/> Capital <input type="radio"/> Revenue
Recommending officer			Recommending officer		
Signature _____		Date _____	Signature _____		Date _____
Approving officer - Approuvé par			Approving officer		
Signature _____		Date _____	Signature _____		Date _____



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DO HEREBY RESOLVE:

**"Adolescent"** means any person who has attained 12 years of age and is younger than 16 years of age; (i.e.) 12, 13, 14 or 15 years old)

**"adult"** means a person who has attained the age of 18 or a "parent";

**"child"** mean any person who is younger than 12 years old of age;

**"community"** means the entire boundary of Whitefish Bay 32A Indian Reserve;

**"Disturbing the peace"** means in contravention of community rules regarding appropriate conduct;

**"entertainment"** means school and community sponsored or organized events and functions;

**"guardian"** means school and adult with legal responsibility for the child or adolescent and includes foster parents or caregivers;

**"non-school night"** means a night which immediately proceeds a day that is not a scheduled school day.

Quorum \_\_\_\_\_

\_\_\_\_\_ (Chief)

\_\_\_\_\_ (Councillor)      \_\_\_\_\_ (Councillor)      \_\_\_\_\_ (Councillor)

\_\_\_\_\_ (Councillor)      \_\_\_\_\_ (Councillor)      \_\_\_\_\_ (Councillor)

\_\_\_\_\_ (Councillor)      \_\_\_\_\_ (Councillor)      \_\_\_\_\_ (Councillor)

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By Law- 2008-02

**"parent"** means both biological and legal parents, foster parents and grandparents who at the time in question are actively involved in, or responsible for, supervising a child, adolescent or young adult;

**"place of safety"** means youth's residence when a parent is present, a licensed foster home, a licensed group home a police station or supervised nursing station.

**"prohibited hours"** means on a school night the hours between 10:00pm and 6:00am and on a non-school night" the hours between 11:00pm and 6:00am.

**"public place"** means the property located outside of a 10 metre radius from the home in which the home in which the person is ordinary resident.

**"public place"** means the property located outside of a radius from the home in which the person is ordinarily resident"

**"school night"** means a night which immediately precedes a scheduled school day.

Quorum _____	_____	_____
	(Chief)	
_____	_____	_____
(Councillor)	(Councillor)	(Councillor)
_____	_____	_____
(Councillor)	(Councillor)	(Councillor)
_____	_____	_____
(Councillor)	(Councillor)	(Councillor)

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**"young adult"** means a person who has attained the age of 16 years of age and is less than 18 years of age) (i.e. 16 or 17 years old).

**"young adult prohibited hours"** means on a "school night" the hours between 11:00pm and 6:00 am and on a "non-school night" the hours between 12:00 am and 6:00 am

**Prohibited**

4. a) No adolescent or child shall be in a public anywhere within the community during the prohibited hours unless accompanied by their own parent or guardian.
- b) No young shall be in a public place anywhere within the community during the young adult prohibited hours unless accompanied by their parent or guardian.
5. An individual failing to comply with the terms of this By-law will be deemed to be "disturbing the peace" and Police Officers may take appropriate action.

Quorum _____	_____	_____
	(Chief)	
_____	_____	_____
(Councillor)	(Councillor)	(Councillor)
_____	_____	_____
(Councillor)	(Councillor)	(Councillor)
_____	_____	_____
(Councillor)	(Councillor)	(Councillor)

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_____ Signature		_____ Date	_____ Signature		_____ Date





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Table with columns for 'The council of the', 'Date of duly convened meeting (YYYY-MM-DD)', 'Province', 'Cash free balance', 'Capital account', and 'Revenue account'.

DO HEREBY RESOLVE:

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(3) A peace officer who finds an young adult who is, or in the absent of evidence to the contrary, appears to be over the age of 15 and less than the age of 18 in a public place during the prohibited hours contrary to section 4, may give the adolescent a warning and have such person escorted to their own residence or a place of safety.

(3) A copy of any warning issued under subsection 8(1) or 8(2) shall be delivered to the child or adolescent's parent or guardian.

Meeting with Parents

9. (1) If a child or adolescent disregards the peace officer's warning or is found by a peace officer to be disobeying this by-law a second time within a period of thirty (30) days, the child or adolescent and the parent(s) of such child or adolescent may be directed, by resolution of the council, to meet and discuss such by-law infraction with the council or anyone appointed by the council through a Band Council Resolution for that Purpose.

(2) A copy of the resolution of Council referred to in subsection 5 (1) shall be delivered by hand to the child's or adolescent's parent(s) not less than (7) full days prior to the proposed meeting.

Quorum section with three columns of signature lines for (Chief), (Councillor), and (Councillor).

FOR DEPARTMENTAL USE ONLY

Table for departmental use with columns for Expenditure, Authority (Indian Act Section), and Source of funds (Capital/Revenue). Includes rows for Recommending officer and Approving officer with signature and date fields.



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Offence

- 10 (1) After meeting with the Band Council or any other person appointed by the Band Council, a parent who permits a child under the age 12 to be in any public place during the prohibited hours, contrary to section 4, commits an offence.
- (2) After meeting with the band Council or any other person appointed by the Band Council, an adolescent who is found to be any public place during the prohibited hours, contrary to section 4, commits an offence.
- (3) A Young Adult who is found in a public place, contrary to section 4, commits to an offence.
- (4) Any parent, young adult, or youth who fails to attend a meeting scheduled pursuant to section 9, commits an offence.

Penalty

11. Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of more than \$300 or to imprisonment.

Quorum \_\_\_\_\_

_____ (Chief)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)
_____ (Councillor)	_____ (Councillor)	_____ (Councillor)

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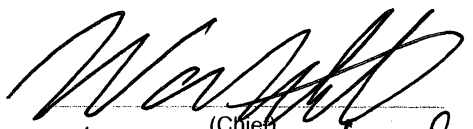
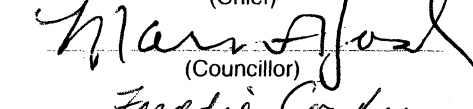
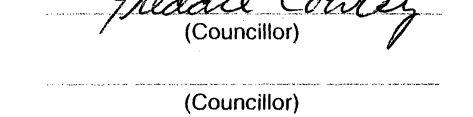
**By-Law 2008-02-Respecting a Curfew for Youth  
Alternative Justice Program**



- 15. In the event that the community has contributed a functioning Elders Council or Alternative Justice Program or if the Chief and Council are declared an Alternative Justice Program, any person who is prepared to plead guilty to an offence under this by-law may chose to appear before a Council of Elders or Tribunal established as part of an Alternative Justice Program within of being charged under this by-law.
- 16. By voluntarily electing to appear before an Elders Council or Alternative Justice Tribunal any person who is guilty of an offence under this by-law agrees to expose themselves to the penalties describe in subsection 14.

**Enforcement**

- 17. This By-Law will be enforced by the following, Band Constable, Band Constables, Peace officers, Ontario Provincial Police, Treaty Three Police, the Canadian Royal Mounted Police and Naotkamegwaning By-Law Enforcement Officers.
- 18. Should a Court of competent jurisdiction strike down a section a section of this By-Law, the remaining portions of the By-Law shall continue to stand.
- 19. On the first business day following September 1<sup>st</sup> of each year, the Band Council shall request in writing, disbursement of any fines collected pursuant to this by-law to the community to support Alternative Justice Program

Quorum 5 \_\_\_\_\_  
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 (Councillor)  
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 (Councillor)  
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 (Councillor)

  
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 (Chief)  
  
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