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"adult" means a person who has a	ttained the age	of 18 or a "parent	",	
"child" mean any person who is yo	ounger than 12 y	ears old of age;		
"community" means the entire bo	undary of Whit	efish Bay 32A India	n Reserve;	
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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.

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Exceptions

- 6. The Band Council may authorize by resolution or declaration, exceptions to the prohibition.
- 7. Children or adolescents or young adults participating, with the prior knowledge and approval of their parents or guardians, in entertainment that is supervised by an adult are not committed an offence under this by-law.

Powers of the Peace Officer

1. (1) A peace officer who finds a child who is, or in the absence of evidence to the contrary, appears to be under the age of 13, in a public place during the prohibited hours contrary to section 4, shall give the child a warning and arrange to have such person escorted to their own residence or a place of safety.

By-Law 2008-02 - Respecting a Curfew for Youth

(2) A peace officer who finds an adolescent who is, or in the absence of evidence to the contrary, appears to be over the age 12 and is less than the age of 16 in a public place during the prohibited hours contrary, appears to be over the age of 12 and less then the age of 16 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.

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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.

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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 offense.

Penalty

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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.

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- 12. The Elders Council or Tribal established as part of an Alternative Justice Program will consider and imposed an appropriate sentence which may include, but are limited to;
 - a) Requiring the accused person to apologize to individuals or the broader community for any wrong doing in person or in writing;
 - b) Requiring the accused person to consult, over the course of a reasonable time frame, with a professional counsellor;
 - c) Requiring the accused person to do community service work or pay restitution; or
 - d) Any other sentence that may appropriate under the circumstances, including the penalties outlined in subsection 11.
- 13. No court shall impose a sentence under the by-law if an accused person has agreed to plead and elected to appear before a functioning Elders Council or Alternative Justice Program and completed the full terms of any sentence imposed.
- 14. A person who has failed to adhere to the conditions of a sentence imposed under subsection 14 commits an offence under this by law and is subject to the penalties described in subsection 11 without an option to elect the alternative justice program 12-15 inclusive.

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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 Naotkamegwanning 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 1st 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

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