



BCR #00/01-823

BAND COUNCIL RESOLUTION

Chronological no. 4216-144
cc: 4215-4-144
File Reference no. 2000-01/496

The Council of the MOOSE CREE FIRST NATION	
Date February 27, 2001	Quorum Six (6)

Curfew By-Law

By-Law repealing and replacing By-Law No. 1965-01
Of the Moose Cree First Nation

A By-Law to Regulate the Activities of Children
Under 16 Years of Age on the Reserve

66 7-MAR '01

WHEREAS the Council of the Moose Cree First Nation desires to make a by-law for the regulation of the activities of children under 16 years old;

AND WHEREAS the Council of the Moose Cree First Nation is empowered to make such by-law dealing with the prevention of disorderly conduct and nuisances, and with respect to any matter arising out of or ancillary to the exercise of the power, and for the imposition of a penalty for a violation thereof, pursuant to paragraphs 81 (1) (d) and (r) of the Indian Act;

AND WHEREAS it is deemed to be beneficial for the welfare of the members of the Moose Cree Indian Reserve No. 1 to regulate the activities of children under 16 years of age;

NOW THEREFORE the Council of the Moose Cree First Nation hereby repeals the old by-law and replaces it with the following by-law:

Short Title

1. This by-law may be cited as the "Moose Cree First Nation Curfew By-law".

Interpretation

2. In this by-law,

"*Council*" means the Council, as defined in the Indian Act, of the Moose Cree First Nation;

"*child or children*" means a person who is under 16 years of age;

"*officer*" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve;

"*reserve*" means the reserve of the Moose Cree First Nation No. 1;

"*being at large*" means being in a public place;



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“curfew period” means:

- (a) for a child under twelve years of age;
 - (i) on a school night from 8:00 p.m. until 6:00 a.m. the following morning;
 - (ii) on a night that is not a school night, from 9:00 p.m. until 6:00 a.m. the following morning;
- (b) for a child twelve years of age or older but less than sixteen years of age;
 - (i) on a school night, from 9:00 p.m. until 6:00 a.m. the following morning;
 - (ii) on a night that is not a school night, from 11:00 p.m. until 6:00 a.m. the following morning;

“school night” means an evening that is followed by a day of regular school attendance

“guardian” means person having lawful custody and/or person authorized by the person having lawful custody.

General Prohibition

- 3. No child shall be at large during the curfew period.
- 4. A child found violating the provision of paragraph two shall be taken home by a constable and the parent/guardian may be warned once.

Offences

- 5. No person having lawful custody of a child or a person authorized by the person with lawful custody shall permit a child to be at large during the curfew period.

Exemptions

- 6. A child is not at large if the child is participating in a school, religious, cultural or First Nation function under the supervision of an adult person.



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Penalty

7. A person who violates any of the provisions of this by-law commits an offence and is liable on summary conviction of a fine of not more than:

- \$ 50.00 on the first offence;
- \$ 75.00 on the second offence;
- \$100.00 on the third offence;
- \$100.00 on each subsequent offence.

If there is a lapse in time between offences of six months, then a person shall be liable on the next offence as a first offence.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Moose Cree First Nation this 27th day of February 2001.

Voting in favour of the by-law are the following members of the Council:

 Member of the Council	 Member of the Council	 Member of the Council
 Member of the Council	 Member of the Council	 Member of the Council
 Member of the Council	 Member of the Council	 Member of the Council
 Member of the Council	 Member of the Council	 Member of the Council

Being the majority of those members of the Council of the Moose Cree First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is six members.
Number of members of the Council present at the meeting: 12.

I, Norman Hardisty Jr., Chief/Councillor of the Band, 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 Thunder Bay office of the department pursuant to subsection 82(1) of the Indian Act, this 27th day of February, 2001.

Chief/Councillor

Witness