

## **The Saugeen Band**

**By-Law No. 1996-30  
Being a By-law to repeal and replace  
By-law No. 1996-1  
Enacted on the 22nd day of April 1996.**

**WHEREAS** section 81(1) paragraphs, (c), (d), (q) and (r), of the Indian act R.S.C., ch. 1-5 empowers the Council of a Band of Indians to pass By-Laws to provide for the observance of law and order, the prevention of disorderly conduct, matters ancillary thereto, and a penalty for the violation thereof;

**AND WHEREAS** the Council of the Saugeen Indian Reserve # 29, did enact By-Law No. 1996-1 on the 22nd day of April 1996, which by-law is hereby repealed.

**AND WHEREAS** the said Council is of the opinion that such By-Law is not required at this time;

**NOW THEREFORE** the Council of the Saugeen Indian Reserve # 29, enacts this By-Law as follows;

## **SHORT TITLE**

1. This by-law may be cited as the "Saugeen Reserve Curfew By-law"

## **INTERPRETATION**

2. In this By-law

**"Adolescent"** means any person who is 12 to 16 years of age;

**"Child"** means any person who is under the age of 12 years;

**"Community social events"** means a wedding, winter carnival, sports event, religious celebration or other social event recognized as such by the Council of the Saugeen Band;

**"Parent"** means a father, mother, tutor, guardian or person having the custody or care, in law or in fact, of a child or adolescent;

**"Peace officer"** means a peace officer as defined in section 2 of the Criminal Code, R.S.C. 1985, c. C-46;

**"Prohibited hours"** means the period of time between the hour of eleven o'clock in the evening of one day and the hour of six o'clock in the morning of the following day during the calendar months of June, July, August and September of each year; and between the hour of nine o'clock in the evening of one day and the hour of six o'clock in the morning of the following day during the remaining calendar months of each year;

**"Reserve"** means the Saugeen Indian Reserve No. 29 and Chief's Point Indian Reserve No. 28.

**PROHIBITION**

- 3. (1)** No parent shall permit their child to be in any public place during the prohibited hours unless such child;
- (a)** is accompanied by a parent or a person who is 18 years of age or over and has the authorization of that child's parent;
  - (b)** is attending or is directly returning home from a community social event;  
or,
  - (c)** is authorized by a resolution of the Saugeen Band Council;
- 4.** No adolescent shall be in any public place during the prohibited hours unless such adolescent;
- (a)** is accompanied by a parent;
  - (b)** is accompanied by a person who is 18 years of age or over, with the authorization of that adolescent's parent;
  - (c)** is attending or is directly returning home from a community social event;  
or,
  - (d)** is authorized by resolution of the Saugeen Band Council.

### **POWERS OF A PEACE OFFICER**

- 4. (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 12, in a public place during the prohibited hours, unless in accordance with section 3, may give the child a warning and immediately escort such person home.
  
- (2)** A peace officer who finds a adolescent who is or, in the absence of evidence to the contrary, appears to be between the ages of 12 to 16, in a public place during the prohibited hours contrary to section 3, may give the adolescent a warning and immediately escort such person home.
  
- (3)** A peace officer shall notify the parent(s) that the child or adolescent was found in a public place during the prohibited hours, contrary to section 3, and was immediately escorted home.

### **MEETING WITH PARENTS**

- 5. (1)** If a child or adolescent disregards the peace officer's warning or is found by a peace officer to be disobeying the 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 Band Council Resolution for that purpose.
  
- (2)** A copy of the resolution of the Council referred to in subsection 5 (1) shall be sent by first class mail or delivered by hand to the child's or adolescent's parents not less than seven (7) full days prior to the proposed meeting.

**PENALTY**

- 6. (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 of 12 to be in a public place during the prohibited hours, contrary to section 3, 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 in a public place during the prohibited hours, contrary to section 3, commits an offence.
- (3)** Every 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 not exceeding \$200.00 or to imprisonment for a term not exceeding 30 days or to both a fine and imprisonment.

7. By-law number 1996-<sup>30A</sup> enacted on the 22nd day of April 1996, and being a By-law respecting curfew, be and the same is hereby repealed.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Saugeen Band Council this 18 day of July, 1996.

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

Lester Anagnost  
(Member of the Council)

James K. Kelly  
(Member of the Council)

Gene McPherson  
(Member of the Council)

Arnold Solomon  
(Member of the Council)

Randal Bate  
(Member of the Council)

Bryan Johnson  
(Member of the Council)

Carol Solomon  
(Member of the Council)

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(Member of the Council)

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(Member of the Council)

being the majority of those members of the Saugeen Band Council present at the aforesaid meeting of the Council.

The quorum of the Council is 7 members.

Number of members of the Council present at the meeting: 9.

I, Lester Anagnost Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was **mailed** to the Minister of Indian and Northern Affairs Canada at the Bruce District Office, pursuant to subsection 82 (1) of the Indian Act, this 18 day of July 1996.

Janet Bate  
(Witness)

Lester Anagnost  
(Chief/Councillor)