

**Constance Lake First Nation  
By-Law No. 1998.3  
By-law Respecting A Curfew for Youth  
Being a By-law to repeal and replace  
By-law No.2  
Enacted on the 9<sup>th</sup> day of June, 1967**

**WHEREAS** paragraphs 81 (1) (c), (d), (q) and (r) of the Indian Act, R.S.C., ch. 1-5, empowers the Council of a First Nation to make by-laws 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 Constance Lake First Nation is of the opinion that children and adolescents should not remain unattended and without adult supervision in public places during the evenings, for the welfare and safety of the youth and also for the Reserve community;

**AND WHEREAS** the Council of the Constance Lake First Nation did enact By-law No. 2 on the 2<sup>nd</sup> day of June, 1967, which by-law is hereby repealed;

**THEREFORE**, the Council of the Constance Lake First Nation enacts this by-law as follows:

**Short Title**

- 1. This by-law may be cited as the "Constance Lake First Nation 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 event*" means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by the Council of the Constance Lake First Nation;

"*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, and also a peacekeeper designated by the Band Council from \_\_\_\_\_ to \_\_\_\_\_.

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**'prohibited hours'** means that 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 remainder calendar months of each year;

**"reserve"** mean the Constance Lake First Nation Indian Reserve No. 182.

**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 accompanied by a person who is 18 years of age or over, with the authorization of that child's parent;**
- c) is attending or directly returning home from a community social event; or,**
- d) is authorized by resolution of Council.**

**(2) 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 directly returning home from a community social event; or,**
- d) is authorized by resolution of Council.**

**Powers of the 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 an 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.**

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- (3) A peace officer shall notify the parent (s) that the child or adolescent was found in a public place during 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 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 Band Council Resolution for that purpose.
- (2) A copy of the resolution of the Council referred to in subsection 5 91) 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 any 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 any 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 of not more than \_\_\_\_\_ (specify an amount not exceeding \$1,000) or to imprisonment for a term of \_\_\_\_\_ (specify a length of term which does not exceed 30 days), or to both a fine and imprisonment.

