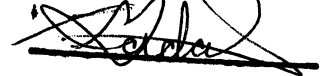


FORT SEVERN FIRST NATION

CERTIFIED TRUE COPY



BY-LAW RESPECTING CURFEW

BY-LAW NO. 1995-02

WHEREAS paragraphs 81(1)(c), (d), (q) and (r) of the Indian Act, R.S.C. 1985, c. I-5, as amended, empowers the Council of a First Nation to make by-laws for the observations of law and order, the prevention of disorderly conduct, matters ancillary thereto, and a penalty for the violation thereof;

AND WHEREAS the Council of Fort Severn First Nation is of the opinion that a curfew should be established, for the welfare and safety of the children and the community on the reserve;

BE IT THEREFORE RESOLVED, that the Council of Fort Severn First Nation adopt the following bylaw in an express exercise of its rights under section 81 of the Indian Act.

SHORT TITLE

1. This bylaw may be cited as the "Fort Severn First Nation Reserve Curfew By-law".

DEFINITION

2. In this bylaw:

"adult" means any person 18 years of age or older;

"child" means any person under the age of 16 years;

"community social event" means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by the Council of Fort Severn First Nation;

"Council of the First Nation" means the Council of Fort Severn First Nation, a council of the band as defined in section 2(1) of the Indian Act, R.S.C. 1985, c. I-5, as amended;

"First Nation" means the Fort Severn First Nation, an Indian band as defined in section 2(1) of the Indian Act, R.S.C. 1985, c. I-5, as amended;

"normal residence" means that residence where the child normally resides with his or her parent;

"parent" means a mother, father, guardian or person having custody or care in law or in fact of a child;

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

"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 remaining calendar months of each year;

"prohibited places" means those places, including public places, other than the child's normal residence and the residences of other members of the child's or parents' families;

"public place" means any part of the reserve that is not used or occupied by family residences;

"reserve" means the reserves of the First Nation as defined in section 2(1) of the Indian Act;

PROHIBITION

3. No parent shall allow his or her child to be away from their normal residence or in any public place during the prohibited hours unless the child is:
 - a. is accompanied by his or her parent;
 - b. is accompanied by a person who is eighteen (18) years of age or older, with the authorization of that child's parent;
 - c. is attending or is directly returning home from a community social event; or
 - d. is authorized by resolution of the Council of the First Nation.

POWERS OF PEACE OFFICERS

4. 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 16 years, in a prohibited place during the prohibited hours contrary to section 2 may warn such child to immediately return to the child's residence and, if after so warning, the child refuses or neglects to return to his or her residence immediately, the peace officer may use such reasonable force as is necessary to escort such child to the child's residence.

WARNING BY ADULTS

5.
 - a. Any adult, whether a member of the First Nation or not, who finds a child who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years, in a prohibited place during the prohibited hours contrary to section 3 may warn such child to immediately return to the child's residence.
 - b. Should the child refuse or neglect to return to his or her residence immediately, the adult making the warning is NOT entitled or permitted to use any force whatsoever to escort such child to the child's residence.
 - c. The adult may report the breach of this bylaw by a child to any peace officer or member of the Council of Fort Severn First Nation within twenty-four hours of the time of the breach of this bylaw.

MEETING WITH PARENTS

6.
 - a. If, after the warnings referred to in sections 4 or 5(a) of this bylaw, the warning is disregarded by the child, or if the child is found to be disobeying this bylaw a second time within a period of thirty (30) days, the parents of such child may be directed, by resolution of the Council of the First Nation, to meet with and discuss the situation with the Council or anyone appointed by the Council by resolution for that purpose.
 - b. A copy of the resolution requiring a meeting with the child's parents shall be delivered by hand to the child's parents not less than two (2) days prior to the meeting.

CHARGE FOR BREACH OF BYLAW

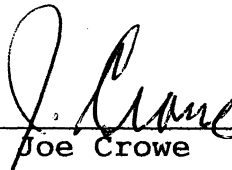
7. In addition to the authority of a peace officer to lay a charge for breach of this bylaw, the Council of the First Nation shall also have the authority to instruct by resolution that a charge for breach of this bylaw be laid, by a peace officer, or other person.

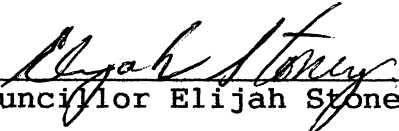
PENALTY

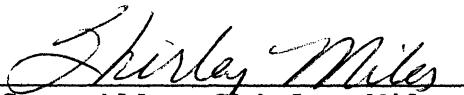
8. A parent who permits his or her child to be in any prohibited place during the prohibited hours, contrary to section 3, commits an offence and is liable on summary conviction to a fine not exceeding one hundred (\$100.00) dollars or imprisonment for a term not exceeding seven (7) days or to both fine and imprisonment.

This bylaw is hereby made at a duly convened meeting of the Council of Fort Severn First Nation this 21st day of July, 1995.

Voting in favour of the bylaw are the following members of the Council:


Chief Joe Crowe


Councillor Elijah Stoney


Councillor Shirley Miles


Councillor Moses Kakekaspan, Jr.

being a majority of those members of the Council of Fort Severn First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three members. The number of members of the Council present at the meeting was four.