

By-law number 2005.01
of the Tl'azt'en Nation Band.

A By-law Respecting a Curfew for Youth.

WHEREAS: paragraphs 81(1)(c), (d), (q), and (r) of the *Indian Act* empower the council of a Band to make By-laws for the observance of law and order, the prevention of disorderly conduct, matters arising ancillary to any of the items mentioned in S. 81, and the assignment of penalties for their violation,

AND WHEREAS: the Council of Tl'azt'en Nation is of the opinion that children and adolescents should not remain unattended and without adult supervision in public places during the evening, as this imperils both children and/or adolescents concerned and the whole of the Reserve Community.

THEREFORE: the Council of Tl'azt'en Nation enacts this By-law as follows.

1. Short Title

This By-law may be cited as “the Curfew By-law”.

2. Interpretation

(1) in this By-law:

“Adolescent” refers to any person who is between the ages of 12 and 17 years, inclusive.

“By-law Control Officer” refers to any person appointed by Tl'azt'en Nation Chief and Council for the purpose of enforcing By-laws enacted by Tl'azt'en Nation Band Council.

“Council” means the Chief and Council of Tl'azt'en Nation, and has the same meaning as “Band Council”.

“Child” refers to any person who is 11 years of age or younger.

“Community Social Event” means any social event recognized as such by a Band Council Resolution of Tl'azt'en Nation's Chief and Council.

“Direct route” means, for the purposes of this By-law, the safest route of least distance from any point to any other point.

“Executive Director” means the Executive Director of Tl'azt'en Nation.

“Healing Circle” refers to a restorative justice process, created to allow for mediation of disputes, and administered by the agents of the Tl'azt'en Nation Community Justice Office, and approved by Council.

“Parent” refers to a father, mother, guardian, or any other person, who has custody or care, in law or in fact, of a child or an adolescent.

“Peace Officer” means a peace officer as defined in S. 2 of the *Criminal Code of Canada*, R.S.C, 1985, c. C-46.

“Prohibited Hours” means the period of time between 11.00 pm of one day and 6.00 am of the next day during the calendar months of June, July, and August, and the period time between 9.00 pm of one day and 6.00 am of the next day during the remaining months of the year.

“Public Place” refers to any non-private area within the areas included within the definition of “reserve”, as set out in this section.

“Reserve” means all of the reserve lands belonging to Tl'azt'en Nation including, but not limited to:

Tache Village (Tl'azt'en Nation Indian Reserve #1)
Binchie Village (Tl'azt'en Nation Indian Reserve #2)
Grand Rapids (Tl'azt'en Nation Indian Reserve #5)
Middle River (Tl'azt'en Nation Indian reserve #9)

and any other occupied reserves.

- (2) The singular indicates the plural and the plural indicates the singular, where such is consistent with the context.
- (3) The masculine implies the feminine and the feminine implies the masculine, where such is consistent with the context.

3. Prohibition.

- (1) No person included within the definition of “parent” in Section 2 of the present By-law shall permit the child or children in her or his care to be in any public place during the prohibited hours, unless;
 - (a) that child is accompanied, with the full knowledge and authorization of that child’s parent, by a person who is 18 years of age or older;
 - (b) that child is attending a Community Social Event, and the conditions placed on the Community Social Event do not prohibit the child from being there.

- (c) that child is returning, on a direct route, home from a community social event;
 - (d) is specifically exempted, by Band Council Resolution, from this By-law.
- (2) no adolescent shall be in any public place during the prohibited hours, unless;
- (a) that adolescent is accompanied by her or his parent.
 - (b) that adolescent is accompanied by a person who is 18 years of age or older, with the full knowledge and authorization of the adolescent's parent.
 - (c) that adolescent is attending a Community Social Event, and the conditions placed on the Community Social Event do not prohibit the adolescent from being there.
 - (d) that adolescent is returning home, along the safest direct route possible under the circumstances.
 - (e) that adolescent is specifically exempted by Band Council resolution from this By-law.
- (3) Exemptions from this By-law under Section 3(1)(d) or Section 3(2)(e) shall be carried on the person of the child, adolescent, or the parent, or any of those persons specified in Section 3(1)(a), or Section 3(2)(a), as the case may be, and shall specify,
- (a) the name of the individual to which the exemption applies, and
 - (b) the reason for the exemption, and
 - (c) the times to which the specific exemption pertains, and
 - (d) any conditions relating to that exemption.
- (4) If a peace officer or By-law control officer finds a child or an adolescent in a public place during the prohibited hours, and
- (a) the child or adolescent can not or will not produce her or his exemption, or,
 - (b) the peace officer or By-law control officer believes on reasonable grounds that the child or adolescent has violated or intends to violate any of the conditions of that exemption,
- that peace officer or By-law control officer shall deem that child or adolescent to be in violation of this By-law.

4. Enforcement.

- (1) A peace officer or By-law control officer who finds a child who is, or in the absence of evidence to the contrary, appears to be under 12 years of age, in a public place during prohibited hours, unless in accordance with the exemptions included under Section 3, may,
- (a) give that child a verbal warning and escort that child home, or
 - (b) serve that child's parents a written warning, informing the parents of the circumstances, or
 - (c) perform the actions specified in either (a) or (b) above, and cause a letter to be delivered to Chief and Council informing them of the situation, by depositing the letter with the Executive Director.
 - (d) if the child states that the home is unsafe or potentially unsafe for any reason, including but not limited to;
 - (i) the presence of an unsafe person in the home,
 - (ii) the abuse of alcohol or illegal or prescription drugs in the home,
 - (iii) a social event not conducive to the health, general safety, and proper social development of a child.
 - (iv) the presence of any of the conditions described in Section 13 of the *Child, Family, and Community Services Act*.
- the peace officer or By-law control officer shall determine the location of a safe relative of the child, and shall cause the child to be delivered there.
- (e) if the peace officer or By-law control officer is unable to locate a safe relative for the child, that peace officer or By-law control officer shall immediately contact the Ministry of Child and Family Development to report the situation and receive guidance.
 - (f) in situations such as those described in subsections (d) or (e), the peace officer or By-law control officer shall ensure, by the most expedient means reasonably available, and with due care towards protecting her or his personal safety, that the child's parent is informed of the location of the child.
- (2) A peace officer or By-law control officer who finds an adolescent who is, or in the absence of evidence to the contrary, appears to be between the ages of 13 and 17, inclusive, in a public place during the prohibited hours, unless in accordance with the exemptions included under Section 3 of this By-law, may

- (a) require that the adolescent immediately go directly home, or
- (b) escort the adolescent home, or
- (c) perform the actions in either (a) or (b) above, and serve that adolescent a written warning, or
- (d) perform the actions specified in either (a) or (b) above and cause a written warning to be delivered to the adolescent's parents, or
- (e) perform the actions specified in either (a) or (b) and (d), above, and cause a letter to be delivered to Chief and Council informing them of the situation by depositing the letter with the Executive Director.

5. Duties of the Council.

- (1) In the event that the Executive Director is informed of a situation under Section 4(1)(c), or 4(2)(e), the Executive Director shall cause the issue to be placed on the agenda of the next Chief and Council meeting.
- (2) In the event that Council is informed of a situation of the type described in either Section 4(1)(c), Section 4(2)(e), or Section 5(1), Council may require that the peace officer or By-law control officer who filed the report appear before council to give a fuller accounting of the situation.
- (3) On the basis of the report submitted to Council by the peace officer or By-law control officer, or of the information taken from the personal appearance of the peace officer or By-law control officer, or of both, the Council may,
 - (a) take no action,
 - (b) cause a letter to be delivered on behalf of Chief and Council to
 - (i) in the case of a child, to her or his parent
 - (ii) in the case of an adolescent, to the adolescentwhich will plainly describe the regulations contained in the By-law, and informing the recipient that these rules are to be respected, and spelling out the possible consequences of future breaches of this By-law, as provided for in the By-law and in the *Child, Family, and Community Services Act*.
 - (c) require that,
 - (i) in the case of a child, the child and her or his parent,

(ii) in the case of an adolescent, the adolescent,

appear before the Council to explain their perception of the situation, and to dialogue methods to avoid similar problems in the future.

(d) require that the case be referred to the Tl'azt'en Nation Community Justice Office for disposal through the Healing Circle process.

(4) All referrals to the Tl'azt'en Nation Community Justice Office's Healing Circle made according to Section 5(3)(d) of this By-law shall be accompanied with an indication to the Community Justice Coordinator of the individual who will be representing Council.

Legal Duty to Report

6(1). None of the forgoing is to be seen as limiting the responsibility of each citizen of British Columbia to report to the Ministry of Child and Family Services any situation which she or he believes to be harming, or to be capable of harming a child. Such situations include, but are not limited to situations where

- (a) the child is being physically hurt by her or his parent or guardian,
- (b) the child is being used sexually by the parent or guardian,
- (c) the parent or guardian is letting someone else hurt or use the child sexually, and the parent or guardian won't help the child,
- (d) the parent or guardian isn't giving the child the things he or she needs to live (like food and clothing and a place to live),
- (e) there will be emotional harm to the child because of the way the parent's are behaving (like the behaviour will make the child very depressed, nervous, or which may make the child want to hurt himself or herself),
- (f) the child's parent or guardian knowing the child needs health care, and not providing it,
- (g) the child's parent not being willing or able to care for the child, and not letting someone else do it,
- (h) the child is not at home, and is or may be in danger because of it,
- (i) the child has nobody to take care of him or her.

- (2) If a person knows of such a situation, that person must make a report
 - (a) by calling the Tl'azt'en Nation Community Justice Office, or
 - (b) by calling the RCMP, or
 - (c) by calling Nezul Be Hunnyeh, or
 - (d) by calling Ministry of Child and Family Development.
- (3) If a person calls to make a report to any of these groups in Section 6(2), they have the right to refuse to give their name.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of Tl'azt'en Nation this 26 day of July, 2006.

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)

Gloria Duncan
(Member of the Council)

(Member of the Council)

Alex R
(Member of the Council)

Amour G
(Member of the Council)

Being the majority of those Members of the Council of the Tl'azt'en Nation Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 Members.

The number of Council Members present at the meeting is 4.

I, Thomas Alexis, Chief/Council of the Band, do hereby certify that a true copy of the forgoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the district/regional/Hull office (as the case may be) pursuant to Subsection 82(1) of the *Indian Act*, this 26 day of July, 2006.

Erin Hatten
(Witness)

Thomas Alexis
(Chief/Councilor)

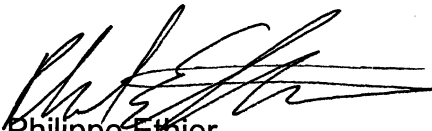
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Katherine Blair
A/Manager, Governance and Capacity Development

BY-LAW NO. 2005.01 - A BY-LAW RESPECTING A CURFEW FOR YOUTH

Please note that the First Nation Council was notified directly by Headquarters on September 1, 2006. Please retain two (2) certified true copies of the original by-law enclosed for your records and return to the First Nation Band Council the original by-law along with certified true copies made pursuant to s.86 of the *Indian Act*. Thank you.

Sincerely,



Philippe Ethier
A/Manager
Band Governance Directorate
Lands and Trust Services
(819) 997-6450