

Lakalzap Band
By – law No. 1997.1
By – law respecting a curfew for youth.

Whereas paragraphs 81 (1) (c), (d), (q) and (r) of the Indian Act, R.S.C; ch. 1 – 5, empowers the Council of a Band to make by – laws for the observance of law and order, the prevention of disorderly conduct, matters ancillary thereto, and penalty for the violation thereof;

And Whereas the Council of the Lakalzap Band 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;

Therefore, the Council of the Lakalzap Band enacts this by – law as follows:

Short Title

1. This by – law may be cited as the “ Lakalzap Reserve Curfew By – Law”.

Interpretation

2. In this by – law

“**adolescent**” means any person who is 13 to 18 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 cultural events and other social event recognized as such by the Council of the Lakalzap Band;

“**parent**” means a father, mother, extended family (maternal and paternal), 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 that period of time between the hour of **eight 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 September, October, November, December, January, February, March, April, May and June of each year; **and** between the hour of **ten 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; for the **ages of 12 and under**. It further means that period of time between the hour of **nine o'clock in the evening** of one day and hour of **six o'clock in the morning** of the following day during the calendar months of September, October, November, December, January, February, March, April, May and June of each year; **and** 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 remaining calendar months of each year; for the **ages of 13 to 18** years.

“ **reserve**” means the Lakalzap Indian Reserve No.9

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 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 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 19 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 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 13 to 18, in a public place during the prohibited hours contrary to section 3, may give

the adolescent a warning and immediately escort such person home or to the extended family.

- (3) A peace officer shall notify the parent (s) or extended family 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 and extended family

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 (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 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 \$1,000 or imprisonment for a term of 30 days, or to both a fine and imprisonment.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Lakalzap Band this 10th day of November, 1997.

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

Horace M. Stevens DEPUTY CHIEF
(Member of the Council)

Wilfred Jait
(Member of the Council)

V. McKay
(Member of the Council)

Robert A. Adams
(Member of the Council)

Sherry Small
(Member of the Council)

Horace S. Stevens
(Member of the Council)

Jim Moore
(Member of the Council)

Lydia Stephens
(Member of the Council)

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

The quorum of the Council is 8 members.

Number of members of the Council present at the meeting: 8

I, Alvin A. McKay Chief/Councillor of the Band, do hereby certify that an original of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Hull office pursuant to subsection 82 (1) of the Indian Act, this day of November 20, 1997.

Wallace Clark
(Witness)

x Alvin McKay
(Chief/Councillor)