

**The Fort Nelson Indian Band
By-law No. 1997-01
By-law Respecting a curfew for youth**

WHEREAS the Council of the Fort Nelson Indian 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 Fort Nelson Indian Band enacts this by-law as follows:

Short Title

1. This by-law may be cited as the "Fort Nelson Reserve curfew By-law".

Interpretation

2. In this by-law

"child" means any person who has not reached their 12th birthday,

"adolescent" means any person who has reached their 12th birthday and has not reached their 18th birthday,

"community social event" means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by Council of the Fort Nelson Indian Band.

"parent" 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-46;

"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

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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 Fort Nelson Indian Reserve No. 543.

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 person who is 18 years of age or over and has the authorization of that child's parent, (the validity of the authorization will be determined to the satisfaction of the peace officer);
 - b) is accompanied by a person who is 18 years of age or over, with authorization of that child's parent, (the validity of the authorization will be determined to the satisfaction of the peace officer).
 - 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 18 years of age or over, with the authorization of that adolescent's parent, (the validity of the authorization will be determined to the satisfaction of the peace officer);
 - 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

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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 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.
- (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 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 will be directed to Social Services.
- (2) 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 the Band Council Resolution for that purpose.
- (3) 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

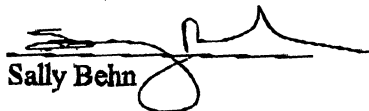
6. (1) After meeting with the Band Council or any other person appointed by the Band Council, a parent who permits a child under the age of 12 to be in a public place during the prohibited hours, contrary to section 3, commits an offense.
- (2) After meeting with the Band Council or any other person 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 offense.
- (3) Every person who contravenes any of the provisions of this by-law is guilty of an offense and is liable on summary conviction to a fine of not more than \$1000.00 or to imprisonment for a term of 30 days or to both fine and imprisonment.

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THIS BY-LAW IS HEREBY enacted at a duly convened meeting of the Council of the Fort Nelson Indian Band this 15th day of January 1997.

Voting in favor of the By-law are the following members of the Council:


Harvey Behn


Sally Behn

Mike Capot-Blanc

Sam Capot-Blanc


Reynold Dickie

being a majority of those members of the Council of the Fort Nelson Indian Band present at the foresaid meeting of the Council.

The Quorum of the Council is three (3) members. Number of members of the Council present at the meeting 3.

I, Harvey Behn, Chief Councilor of the Fort Nelson Indian Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Regional office in Vancouver pursuant to subsection 82(1) of the Indian Act, this 24 day of January 1997.


(witness)


Chief Councilor