



WAYWAYSEECAPPO FIRST NATION TREATY FOUR

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WAYWAYSEECAPPO FIRST NATION
BY-LAW NO. 1997 .1
BY- LAW RESPECTING A CURFEW FOR YOUTH
ENACTED ON THE 15 th day of December, 1997

WHEREAS Paragraph 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 a penalty for the violation thereof;

AND WHEREAS the Council of the Waywayseecappo First Nation is of the opinion that children and adolescents should not remain unattended and without the 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 Waywayseecappo First Nation enacts this by-law as follows;

SHORT TITLE

1. This by-law may be cited as the "WAYWAYSEECAPPO FIRST NATION CURFEW BY-LAW".

" INTERPRETATION "

2. In this by-law

" Adolescent " means any person who is 12 years of age to a person who is under the age of 18 years.

" 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 Waywayseecappo First Nation;

" Council " means the Chief and Council of Waywayseecappo 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;

" Prohibited Hours " means that period of time 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 calendar months of May, June, July and August 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 Waywayseecappo First Nation.

" 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 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;
- 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 child 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 age of 12 and under the age of 18 in a public place during the prohibited hours contrary to section 3, may give the adolescent a warning and immediately escort the adolescent 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, 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(1) shall be sent by first class mail or delivered by hand to the child's or adolescent's parents no less than seven (7) full days prior to the proposed meeting.

" PENALTY "

6. (1) After meeting with the Council or any other person appointed by the 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 Council or any other person appointed by the Band Council, a parent who permits an adolescent to be in a public place during the prohibited hours contrary to Section 3 commits an offense.

(3) After meeting with Council or any other person appointed by Council an adolescent who is found to be in a public place during the prohibited hours contrary to Section 3, commits an offense.

(4) Every person who contravenes any of the provisions of this by-law is guilty of an offense and liable on summary conviction to a fine of not more than \$ 1,000.00 or to 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 WAYWAYSEECAPPO FIRST NATION this 15 th day of December,

Voting in favor of the by-law are the following members of the Chief and Council:


CHIEF MURRAY CLEARSKY


COUNCILLOR


COUNCILLOR


COUNCILLOR


COUNCILLOR


COUNCILLOR


COUNCILLOR

The quorum of the Council is four members.

Number of members of the Council present at the meeting: 6

We, Chief/Councillor of the Waywayseecappo First Nation, 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 Winnipeg office of the department pursuant to subsection 82 (1) of the Indian Act, this 15 th day of December, 1997.


Witness


Chief/Councillor