



Ebb and Flow First Nation
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280-403
 WIN-E-4216-280
 acWIS-E-4215-4-290

EBB AND FLOW FIRST NATION BY-LAW # _____

Being a By-law to provide a curfew for children of the
 Ebb and Flow First Nation.

WHEREAS there is a demonstrated desire from the members of the Ebb and Flow First Nation to implement a curfew for children;

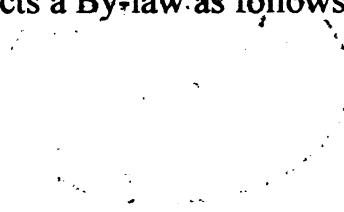
AND WHEREAS Section 81(1) (c), (d), (q) and (r) of the Indian Act permit the Council of a Band to make By-laws for the observance of law and order and for the prevention of disorderly conduct and nuisances;

AND WHEREAS there is strong community support for a curfew for children in order to maintain good order in the community, to reduce vandalism and youth crime, and for improved safety for children and improved quality of family life;

AND WHEREAS the Chief and Council of the Ebb and Flow First Nation deem it necessary and appropriate, in response to community demand, to regulate the time after which children shall not be in a public place at night without proper supervision;

AND WHEREAS a Curfew By-law will assist parents and legal guardians in exercising proper authority over their children for the sake of enhanced safety, quality of life, and health and welfare of families within the Ebb and Flow First Nation;

NOW THEREFORE the Chief and Council of the Ebb and Flow First Nation at a duly convened meeting held on the 31st day of August, 1999, enacts a By-law as follows:



2000/08/31 14:55:54 224063

SHORT TITLE

This By-law may be cited as the “Ebb and Flow First Nation Curfew By-law”.

In this By-law:

- a) “Band” means the Ebb and Flow First Nation.
- b) “Child or Children” means a person or persons under the age of 18 years.
- c) “Council” means the Council of the Ebb and Flow First Nation Band.
- d) “Community event” means a wedding, winter, carnival, sports event, religious celebration or other social event recognized as such by the Ebb and Flow First Nation Chief and Council.
- e) “Peace Officer” means any person defined as a Peace Officer in the Criminal Code of Canada, and without restricting the generality of the foregoing includes an R.C.M.P. Officer or a Band Constable.
- f) “Reserve” means the Ebb and Flow First Nation Band.
- g) “Supervision” means supervision by a responsible adult who is either the legal guardian of the child or children or an adult person with permission from the child’s legal guardian to supervise the child in lawful activity for a specified period of time.
- h) “Parent” means a father, mother, legal guardian or person having the custody or care in law or in fact.
- i) “Public Place” means places on the reserve other than a private residence attended with the permission of the resident.

1. No child of 17 years of age and under shall be in a public place on the Ebb and Flow First Nation Reserve after 10:00pm or before 6:00am seven (7) days a week, except as permitted in paragraph 4.
2. Any child found in contravention of this By-law shall be liable on summary conviction to a fine of not more than \$200.00.
3. No child shall be in contravention of this By-law if they are under supervision, nor while acting in the interest of an employer, volunteer or community organization, nor while returning as soon as reasonably practicable from an organized sporting or community event which was properly supervised.
4. Every parent or legal guardian or adult supervisor designated by a parent or legal guardian shall, while that child is under their care and supervision, ensure that such child shall not be found in contravention of this By-law.
5. Any parent or legal guardian or adult supervisor found in contravention of this By-law shall be subject to a fine of not more than \$200.00.
6. 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 18 years, in a public place in contravention of this By-law, may warn such child to immediately return to the child's residence. If after such warning, the child refuses or neglects to return to his residence forthwith, the Peace Officer may use such reasonable force as is necessary to escort such child to the child's residence.
7. Any adult who determines & encourages a child to break this By-law is subject to a fine of \$200.00 from the Ebb and Flow First Nation.
8. Where it appears to a Peace Officer that there is no reasonable provision for the child's supervision at this residence, the Peace Officer may detain the child as may be reasonably necessary to deliver him or her to the custody of the appropriate Family or Child Welfare Agency or immediate family.

9. If, after the warning referred to in Subsection #7, the warning is disregarded by the child or if the child is found disobeying this By-law, a second time within a period of thirty (30) days. The parent or parents or legal guardians of such a child may be directed by resolution of the Chief and Council, to meet and discuss the situation with the Chief and Council or anyone appointed by the Chief and Council through a Band Council Resolution for that purpose.
10. Chief and Council may, by resolution, direct the parents or legal guardian of any child in contravention of this By-law to attend family counselling with a family therapist approved by Chief and Council.
11. A copy of the Resolution of the Council referred to in Subsection #8 shall be sent by first class mail or delivered by hand to the child's parent(s) or legal guardian not less than seven (7) clear days prior to the proposed meeting.
12. Should any provision of this By-law be unenforceable at law, it shall be considered separate and severable from the remaining provisions of this By-law, which shall continue to be in force and be binding as though the unenforceable provision had not been included.
13. Adults liable to pay fines pursuant to this By-law who have failed or refused to pay the fine shall be liable, pursuant to the summary conviction provisions of the Criminal Code of Canada.
14. This By-law shall come into effect forty (40) days after a copy of the same has been forwarded to the Minister, unless it is disallowed within a forty (40) day period.
15. By-law #___ enacted on the 31st day of August, 1999, and being a By-law respecting curfew, be and the same is hereby repealed.

THIS BY-LAW IS HEREBY MADE AT A DULY CONVENED MEETING OF THE EBB AND FLOW FIRST NATION CHIEF AND COUNCIL THIS 31 DAY OF August, AD 1999.

VOTING IN FAVOUR OF THE BY-LAW ARE THE FOLLOWING MEMBERS OF THE EBB AND FLOW FIRST NATION:

Robert Malcolm
Witness by

[Signature]
Chief Ralph Beaulieu

Robert Malcolm
Witness by

[Signature]
Councillor Brenda Baptiste

Robert Malcolm
Witness by

[Signature]
Councillor Margaret Racette

Robert Malcolm
Witness by

[Signature]
Councillor Mervin Houle

Robert Malcolm
Witness by

[Signature]
Councillor George Mancheese