

2006-2007/032

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
NOTA: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

The council of the Le conseil de		PETER BALLANTYNE CREE NATION		Cash free balance - Solde disponible	
Date of duly convened meeting Date de l'assemblée dument convoquée		D-J	M	Y-A	Province
		0	9	0	SASK.
				Capital account Compte capital	\$ _____
				Revenue account Compte revenu	\$ _____

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

By-law No. 2006-01

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 a penalty for the violation thereof;

AND WHEREAS the Council of the Peter Ballantyne Cree Nation 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 Peter Ballantyne Cree Nation enacts this by-law as follows:

Short Title

1. This by-law may be cited as the "Curfew By-law."

Interpretation

2. In this by-law

"adolescent" means any person who is 12 to 16 years of age;

"child" means any person 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 Peter Ballantyne Cree 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 peace officer as defined in the Criminal Code of Canada

"bylaw enforcement officer" means a person appointed by Band Council Resolution to enforce the Curfew By-law.

"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 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 Peter Ballantyne Cree Nation Indian Reserve No. 200, 200A, and 209.

(Cont'd)

RECEIVED 2006/08/25

Quorum 8

Ernest Cook
(Councillor - Conseiller)

[Signature]
(Councillor - Conseiller)

[Signature]
(Councillor - Conseiller)

[Signature]
(Chief - Chef)

[Signature]
(Councillor - Conseiller)

Francis Highway
(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Expenditure - Dépenses	Authority (Indian Act Section / Autorité (Article de la Loi sur les Indiens))	Source of funds / Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue / Revenu	Expenditure - Dépenses	Authority (Indian Act Section / Autorité (Article de la Loi sur les Indiens))	Source of funds / Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue / Revenu
Recommending officer - Recommandé par			Recommending officer - Recommandé par		
Signature		Date	Signature		Date
Approving officer - Approuvé par			Approving officer - Approuvé par		
Signature		Date	Signature		Date

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DO HEREBY RESOLVE:
DECIDE, PAR LES PRÉSENTES:

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;
 - 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.
3. (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 and the By-law Enforcement Officer

4.(1) A peace officer or By-law enforcement 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 or By-law enforcement officer who finds an adolescent who, is or, in the absence of evidence to the contrary, appears to be under the age of 12 to 16, 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 or By-law enforcement 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 or By-law enforcement 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 in an amount not to exceed \$1000.00 or to imprisonment for a term which does not exceed 30 days, or to both a fine and imprisonment with the fine in an amount not to exceed \$1000.00 and the imprisonment for a term which does not exceed 30 days.

Quorum 8

Ernest Coop
(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

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(Chief - Chef)

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(Councillor - Conseiller)

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(Councillor - Conseiller)

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Recommending officer - Recommandé par			Recommending officer - Recommandé par		
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