



## MAKWA SAHGAIEHCAN FIRST NATION

### BY-LAW NO. 2010-0001 By-Law Respecting a Curfew for Youth

**WHEREAS** paragraphs 81(1)(c, (d), (q) and ® of the Indian Act, R.S.C., chi. I-5, empowers the Chief and 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 therefore;

**AND WHEREAS** the Chief and Council of the Makwa Sahgaiehcan First Nation is of the opinion That children and adolescents should not remain unattended and without adult supervisions in public places during the evenings, for the welfare and safety of the youth and also for the First Nation community:

**THEREFORE**, the Council of Makwa Sahgaiehcan First Nation enacts this by-law as follows:

#### Short Title

1. This by-law may be cited as the “Curfew By-law”
2. In this by-law  
“**Adolescent’s**” any person who is 12 to 15 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 other social event recognized as such by the Council of the Makwa Sahgaiehcan 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 of the Criminal Code, R.S.C. 1985, and C.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 seven o’clock in the morning of the following day during the calendar months of each year

“**First Nation**” means the Makwa Sahgaiehcan First Nation No. 129

“**Summer Hours** means ½ hour to sunrise and ½ hour to sunset

## **Prohibition**

3. (I) 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 a Band Council Resolution (BCR) by the Chief and Council
- (II) 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 a Band Council Resolution (BCR) by the Chief and 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 16, 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's 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 15, in a public place during the prohibited hours contrary to section 3, may give the adolescent a warning and immediately escort such person's 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 the 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 (3) days, the child or adolescent and the parent(s) of such child or adolescent may be directed, by a Band Council Resolution of the Chief and Council, to meet and discuss such By-Law infraction with the Chief and Council or anyone appointed by the Chief and Council through the Band Council Resolution for the purpose.
- (2) A copy of the Band Council Resolution of the Chief and 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.

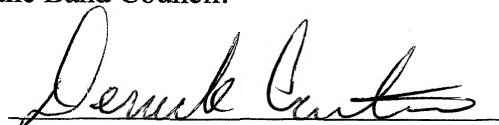
## **Penalty**


6. (1) After meeting with the Chief and Council or any other person appointed by the Chief and 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 Chief and Council or any other person appointed by the Chief and Council, an adolescent who is found to be in any public place during the prohibited hours, contrary to section 3, commits an offence.
- (3) Parent(s) 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 \$50.00 (Fifty dollars) or the child to do community work.

This By-Law is hereby made at a duly convened meeting of the Chief and Council of the Makwa Sahgaiehcan First Nation this 25<sup>th</sup> day of May 2010.

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

  
Chief Richard Ben

  
Councillor Derrick Cantre

  
Councillor Glen Cantre

  
Councillor Joyce Cantre

  
Councillor Robert Mitsuing

  
Councillor Ronald Mitsuing

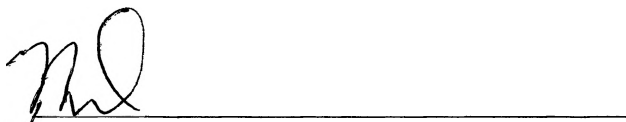
  
Councillor Walter Mitsuing

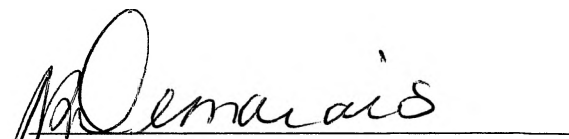
Being the majority of those members of the Chief and Council of the Makwa Sahgaiehcan First Nation present at the aforesaid meeting of the Band Council.

The quorum of the Band Council is five (5) members.

Number of members of the Chief and Council present at the meeting: 7

I, Richard Ben, Chief of the Makwa Sahgaiehcan 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 Ottawa, Ontario office of the department pursuant to subsection 82(1) of the Indian Act, this 25 day of May, 2010.

  
Witness

  
Witness