

WATERHEN LAKE FIRST NATION

Box 9, Waterhen Lake, SK S0M 3B0
Telephones: 236-6717, 236-4632, 236-6764, 236-6929
Fax: 236-4866

CURFEW BY-LAW

WATERHEN LAKE FIRST NATION BAND BY-LAW NO. 1, 1996/97. BY-LAW RESPECTING A CURFEW FOR CHILDREN

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 of the violation thereof;

AND WHEREAS the Council of the Waterhen Lake First Nation Band of Indians is of the opinion that children should not remain unattended and without adult supervision in public places during the evenings, for the welfare and safety of those children and also for the welfare of the Reserve community;

THEREFORE, the Council of the Waterhen Lake Band of Indians enacts a by-law as follows:

Short Title

1. This by-law may be cited as the "Waterhen Lake Reserve Curfew By-Law."

Date:	WATERHEN LAKE
Section:	s. 81(1)(c,d)
Date passed:	23 APR 1996
Date mailed:	HAND DEL. 23 APR 96
Date received:	23 APR 96
40 day:	
Date effective:	JUNE 1996

RECEIVED
Hand delivered by John Michael
23 1996
DIANO-NORTHWEST DISTRICT

Interpretation

2. In this by-law:

"Child" means any person who is under the age of 16 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 Waterhen Lake Band;

"Parent" means a father, mother, tutor, guardian or person having the custody or care in law or in fact of a child;

"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 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 Waterhen Lake First Nation Indian Reserve No. 130_.

Prohibition

3. No parent shall permit his child to be in any public place during the prohibited hours unless the child:

- a) is accompanied by his parent;
- b) is accompanied by a person who is eighteen (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.

Powers of the Peace Officer

4. 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 years, in a public place during the prohibited hours contrary to Section 3 may warn such child to immediately return to the child's residence and, if after so 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.

Meeting with Parents

5. (1) If, after the warning referred to in Section 4, 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 of such child may be directed, by resolution of the Council, to meet and discuss the situation 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 parent not less than seven (7) clear days prior to the proposed meeting.

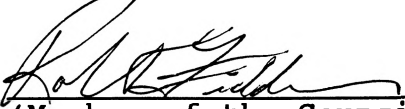
Penalty

6. A parent who permits his child to be in any public place during the prohibited hours, contrary to Section 3, commits an offence and is liable on summary conviction to a fine not exceeding twenty (\$20.00) dollars or imprisonment for a term not exceeding seven (7) days or to both fine and imprisonment. If there is a 2nd, 3rd and or 4th repeat offence, the fine would double up each time of offence to a maximum of \$200.00 fine with imprisonment for a term not exceeding (7) days or to both fine and imprisonment.

Repeal

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Waterhen Lake First Nation Band this 23rd ___ day of April, 1996.

Voting in favour of the by-law are the following members of the Council:



(Member of the Council)



(Witness)



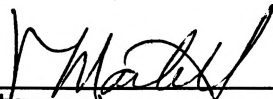
(Member of the Council)



(Witness)



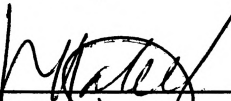
(Member of the Council)



(Witness)



(Member of the Council)




(Witness)

being the majority of those members of the Council of the Waterhen Lake Band present at the aforesaid meeting of the Council.


The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 7.

I, Chief Richard Fiddler of the Waterhen Lake 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 District office pursuant to Subsection 82(1) of the Indian Act, this 23rd ___ day of April _____, 1996.



(Witness)



(Chief Richard Fiddler)