



**ONION LAKE INDIAN BAND
BY- LAW NO. _____
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 Onion Lake Indian Band is of the opinion that children and adolescents/youth 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 Onion Lake Indian Band.

THEREFORE the Council of the Onion Lake Indian Band enacts this by-law as follows :

SHORT TITLE

1. This by-law may be cited as the “ Onion Lake Indian Band Curfew By-Law ”

INTERPRETATION

2. In this by-law

“Adolescents ” means any youth who is 12 to 15 years of age;

“ Youth ” means any youth who is 16 to 18 years of age;

“Child” means any person who is under the age of 12 years;

“Community Social and Cultural Event ” means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by the Council of the Onion Lake Indian Band;

“Parent” means a father, mother, tutor, guardian or person having the custody or care, in law or in fact, of a child or adolescent/youth.

“Peace Officer” means a peace officer as defined in Section 2 of the Criminal Code, R.S.C. 1985, c. C-46;

“Prohibited hours” defined as follows:

“Child” that period of time between the hour of **9:00** o'clock in the evening of one day and the hour of **7:00** o'clock in the morning of the following day during the calendar months of July and August of each year; and between the hours of **9:00** o'clock in the evening of one day and the hour of **7:00** o'clock in the morning of the following day during the remaining calendar months of each year;

“Adolescent/youth” that period of time between the hour **11:00** o'clock in the evening of one day and the hour of **7:00** o'clock in the morning of the following day during the calendar months of July and August of each year and between the hour of **10:00** o'clock in the evening of one day and the hour of **7:00** o'clock in the morning of the following day during the remaining calendar months of each year;

“Public place” means any public place/facility out of the home of the residents of the Onion Lake Indian Band members;

“Onion Lake Indian Band” means the Onion Lake Indian Band No. 119, 119A, 120, 120A and all other lands owned by the Onion Lake Indian Band;

“Peacekeepers” means the personnel employed by the Onion Lake Indian Band as the protectors of the Onion Lake Indian Band;

PROHIBITION

- 3 (1) No parent shall permit their child to be in any public place during the prohibited hours unless the 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;
- (2) No adolescent/youth shall be in any public place during the prohibited hours unless such adolescent/youth;
 - (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/youth's parent;

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 a person home.
- (2) A peace officer who finds an adolescent/youth 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/youth a warning and immediately escort such a person home.
- (3) A peace officer shall notify the parent(s) that the child or adolescent/youth 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/youth disregards the peace officers 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/youth and the parent(s) of such a child or adolescent/youth will be directed, by resolution of the Council, to meet and discuss such by-law infraction with the Tribal Justice Committee 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 or delivered by hand to the child's or adolescent/youth's parents not less than seven (7) full days prior to the proposed meeting.

PENALTY

- 6.(1) After meeting with the Tribal Justice Committee, 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 Tribal Justice Committee, an adolescent/youth 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;
 - a) Second offence: Both the child/adolescent/youth and parent(s) must participate in a Tribal Justice Committee Healing Circle for counseling;
 - b) Subsequent offences: Both the child/adolescent/youth and parent(s) must participate in a Tribal Justice Committee Sentencing Circle. The Tribal Justice Committee will sentence both the child/adolescent/youth and the parent to perform community service hours;

- c) In the event the offender and the parent do not adhere to (3) and (3) (b), the Tribal Justice Committee will refer the matter to the RCMP. The offender and parent will then be liable on summary conviction to a fine of not more than three hundred dollars (\$300.00) or to imprisonment for a term of thirty days (30), or to both a fine and imprisonment.

WHEREAS a majority of the electors of the Band who attended a meeting of the Onion Lake Indian Band on the 9th day of June, 2005, called by the Council of the Onion Lake Indian Band on 3rd day of June, 2005, for the purpose of considering the contents of this By-law, consented to the contents of this By-law.

Approved and passed at the duly convened meeting of the Onion Lake Indian Band this 9th day of June, 2005.

MOVED BY: Marvin Meesto

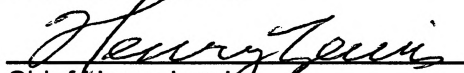
SECONDED BY : Dorothee Waskewitch

IN FAVOR: 95

OPPOSED : 0

This by-law enacted at a duly convened meeting of the Council of the Onion Lake Indian Band on the 17th day of June, 2005.

Voting in favour of the by-law are the following members of the Onion Lake Indian Band Chief and Council:



Chief Henry Lewis


Councillor Joe Dillon


Councillor Oliver Fox

Councillor Dan Chief

Councillor Darrell Carter


Councillor Joe Waskewitch Sr.

Councillor Clement Cardinal

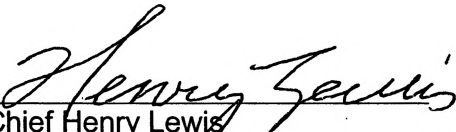

Councillor Philip Chief

Councillor Pat Dillon

Being the majority of those members of the Onion Lake Indian Band Council present at the aforesaid meeting of the Council.

The quorum of Council is five (5) members.

I, Henry Lewis, Chief of the Onion Lake Indian Band, do hereby certify that an original of the foregoing by-law was mailed to the Minister of Indian Affairs Canada at the Hull office pursuant to subsection 82(1) of the *Indian Act* this 17th day of June, 2005.


Chief Henry Lewis
Onion Lake Indian Band


Witness