

Slave the of Upper Hay River Band - Reserve No. 209

Re: By-Law 209-3 Curfew By-Law

Section-1- By-Law 209-3 being a by-law establishing a Curfew Regulating the movement of the Children after school hours on Reserve No. 209 of the Slave of the Upper Hay River Band in the Province of Alberta

Section-2- Definitions

- (a)- Band means Reserve No. 209 of the Slave of the Upper Hay River
- (b)-Band Council means the Chief and Councilors who adminster Reserve No.209.
- (c)-By-Law Enforcement Officer means-
 - (i)-a member of the R.C.M.P.
 - (ii) a special Constable appoined for duty on Reserve No. 209 pursuant to the Alberta Police Act.
 - (iii)- or any other person the band Council may authorize.
- (d) Child- means a child who has not attained the age of sixteen years.
- (e)-Reserve- means reserve No. 209 of the Slaves of the Upper Hay River Band.

Section-3- No child shall be permitted to be found in a public place or any area other than a dwelling house within Reserve No.209 between the hours of 9:00 o'clock p.m. on the evening and 6:00 o'clock a.m. Local time the next morning when school days are in effect.

Section-4- No child shall be permitted to be found in a public place or any area other than a dwelling house within Reserve No.209 between the hours of 10:30 o'clock p.m. on the evening and 6:00 a.m. Local time the next morning when school days are not in effect.

Section-5- A child may be excused for the following reason.

- (a) The child is accompanied by a parent, guardian or other adult person having the care or legal custody of the child.
- (b) Is attending a school or organized function Supervised by an adult.

Section-6- The Band council may appoint person to be called a by-law enforcement officer to enforce the provision of this by-law and for that purpose a by-law enforcement officer has the power of a peace officer.

Section-7- Without restricting the generality of section.6 a by-law enforcement officer may:

- (a) enter any place where he believes or has reasonable grounds to believe, that there are children who are in contravention of the provisions of this by-law.
- (b) investigate any violation of this by-law.
- (c) serve written notice upon the parent, guardian or person having the care or legal custody of the child to cause the child to cease his violation there after.

Section 8-Where a notice has been served in accordance with section 7 (c) with respect to a child who has violated the provisions of this by-law, and the child is again in violation of this by-law within twelve months of the date of the notice, the person upon whom the notice was served is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred Dollars or to imprisonment for a term not exceeding thirty days or both fine and imprisonment.

Section 9-Where a person who has been served with a notice in accordance with section 7 (c), it is not necessary within a period of thirty days there after to serve that person with any other notice in respect of further non-compliance with the provisions of this by-law and when ever such person within the period of thirty days fails to cause a child with respect to whom the notice was served or any other child of whom he has charge or control to comply to the provisions of this by-law such person is guilty of an offence and liable to the penalties imposed by section 8 as if he or she had been served with the notice.

Section 10-A by-law enforcement officer may take into custody a child whom he believes on reasonable grounds to be violating the provisions of this by-law and may convey the child to his or her normal place of residence using as much force as the circumstance require.

Section 11-A child who persists in the violation of the provisions of this curfew by-law shall be deemed to be a juvenile delinquent act and may be referred to such authorities for further action