

ALEXIS NAKOTA SIOUX NATION
BY-LAW # _____ 2008
CURFEW

WHEREAS the Alexis Nakota Sioux Nation has First Nation and treaty rights and other rights and freedoms that are recognized and affirmed by the Constitution of Canada;

AND WHEREAS the Alexis Nakota Sioux Nation is committed to pursuing initiatives that promote and protect the health, safety and welfare of its residents;

AND WHEREAS Chief and Council, as the elected government of the Alexis Nakota Sioux Nation, has jurisdiction to pass laws for the good government of Alexis members, lands and resources, and for the purpose of regulating the use of such lands and for the purpose of protecting and promoting the health, safety and welfare of residents on Reserve and is empowered to make this By-law by virtue of Section 81 of the *Indian Act*, R.S.C. 1985, c. I-5, as amended and pursuant to the Alexis Nakota Sioux Nation's inherent and treaty rights;

NOW THEREFORE THE COUNCIL OF THE ALEXIS NAKOTA SIOUX NATION makes the following By-law:

1. This By-law may be cited as the ***Alexis Nakota Sioux Nation Curfew By-law***.

Definitions

2. In this By-law:
 - a. "Chief and Council" means the elected Chief and Council of the Alexis Nakota Sioux Nation.
 - b. "Child" means any member of the Alexis Nakota Sioux Nation under the age of 17.
 - c. "Curfew Period" means the period of time between 10:00 p.m. and 6:00 a.m.
 - d. "Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a By-law officer or any other person appointed by Chief and Council for the purpose of maintaining law and order on the Reserve.
 - e. "Parent or Guardian" means the actual parent, guardian or foster parent of a Child and shall include any other person 18 years of age or over having the care and control of a Child.
 - f. "Public Place" includes any place whether publicly or privately owned or leased, to which the public have access as a right or by invitation, express or implied.
 - g. "Reserve" means the reserves of the Alexis Nakota Sioux Nation.

Prohibitions

3. No Child shall be in a Public Place within the reserve during the Curfew Period, unless accompanied by a Parent or Guardian.
4. No Parent or Guardian shall suffer, permit or allow any Child who is in his or her custody, care or control to be in a public place during the Curfew Period unless that Child is accompanied by a Parent or Guardian.

Exceptions

5. Notwithstanding anything contained herein, it is not an offence under this By-law for a Child to be in a public place during the Curfew Period in the event of an emergency, or if the Child is:
 - a. acting in the interests of an employer or voluntary organization, or
 - b. returning home as soon as is reasonably practical from an organized event that has been supervised by an adult, or from an educational activity.

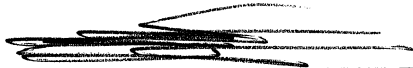
Enforcement

6. Should a Child be in a Public Place within the reserve during the Curfew Period, and is not accompanied by a Parent or Guardian, an Officer shall attempt to contact the Parent or Guardian, and will make arrangements to have the Child returned to the care of their Parent or Guardian.
7. If an Officer cannot contact the Parent or Guardian of the Child, the Officer may make arrangements to have the Child returned to the care of one of the Child's extended family members, providing that the extended family member is 18 years of age or older.
8. If an Officer cannot contact the Parent or Guardian or extended family member of the Child, the Officer will bring the Child to a designated, supervised area, and the Child shall remain there until a Parent or Guardian attends to pick up the Child, or until the end of the Curfew Period for that day.
9. In appropriate circumstances, including but not limited to instances where an Officer has reasonable or probable grounds to believe that a Child may be in danger, or is at risk of being harmed, the Officer may contact Children's Services.
10. A Parent or Guardian who permits his Child to contravene this By-law is guilty of an offence, and upon summary conviction, is liable to a fine not exceeding \$250.00, or imprisonment for a term not exceeding 30 days, or both.
11. No action lies against the Alexis Nakota Sioux Nation or an Officer, or any person acting under the direction of the Alexis Nakota Sioux Nation for anything done or omitted to be done in good faith in the administration or discharge of any powers or duties that under this By-law are intended or authorized to be executed or performed.

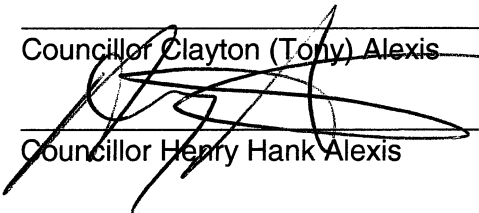
Severability

- 12. Should a court determine that a provision of this By-law is invalid for any reason, the provision shall be severed from the By-law and the validity of the rest of the By-law shall not be affected.
- 13. Nothing in this By-law should be read as affecting any other applicable laws in force.

Voting in favor of the **Alexis Nakota Sioux Nation Curfew By-law** are the following members of the Council:



Chief Cameron Alexis



Councillor Clayton (Tony) Alexis

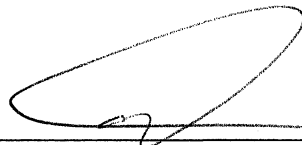


Councillor Henry Hank Alexis


Councillor Bruce Potts



Councillor Gloria Potts



Councillor Darwin Alexis



Councillor Sandy Alexis



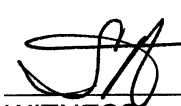
Councillor Elmer Potts

being the majority of those members of the Council of the Alexis Nakota Sioux Nation present at the aforesaid meeting of the Council, held on ~~December 20~~, 2008. ⁹

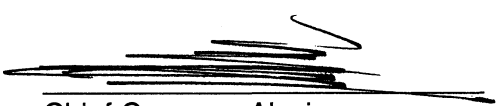
The quorum of the Council is 5 members. ^{January}

Number of members of the Council present at the meeting: 6

I, Chief Cameron Alexis of the Alexis Nakota Sioux 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 Regional office pursuant to subsection 85.1(3) of the *Indian Act*, this 23 day of ~~December~~, 2008. ⁹



WITNESS



Chief Cameron Alexis