



4216-00130
4215-4-00130

DECISION #: _____
DATE: AUGUST 21, 1997
FILE #: 08-03-97
PAGE: 1 OF 3

9267 '97 SEP 25 12:30
RESOLUTION

BCR 9778-166

OF THE

COUNCIL OF THE RAINY RIVER FIRST NATIONS

*enacted 970922
mailed 970923
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Holiday 971102
(Sun)*

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BY-LAW NO.: 001-97

A BY-LAW RESPECTING A CURFEW FOR CHILDREN

ENACTED THIS 22 DAY OF September, 1997

WHEREAS:

1. Subsection 81(1)(c), (d), (q) and (r) of the Indian Act, R.S., 1985, c. I-5, empower the Council of a First Nation to make by-laws for the observance of law and order, the prevention of disorderly conduct, matter ancillary to the exercise of these powers, and penalties for violation of these by-laws;
2. The Council of Rainy River First Nations is of the opinion that for the welfare and safety of those children and the First Nations Community; children should not remain unattended and without adult supervision in public places during the evenings,

NOW THEREFORE the Council of the Rainy River First Nations enacts the following by-law:

1. Short Title

This by-law may be cited as the "Rainy River First Nations Curfew By-Law".

2. Interpretation

In this by-law:

- a) "child" means any person who is or appears to be under the age of sixteen (16) years;
- b) "Council" means the Council of Rainy River First Nations;
- c) "community social event" means a wedding, sports event, religious celebration, or other social event recognized as such by the Council of Rainy River First Nations;
- d) "parent" mean a father, mother, tutor, guardian or person having the custody or care of a child in law or in fact;
- e) "peace officer" means a peace officer as defined in section 2 of the Criminal Code, R.S.C. 1985, c.C-46'
- f) "prohibited hours" means that period of time:

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2. Interpretation (cont'd)

- i) between the hours of ten o'clock (10:00 pm) in the evening of one day and six o'clock (6:00am) in the morning of the following day, for those days that immediately precede any school days; and,
- ii) between the hours of eleven o'clock (11:00pm) in the evening of one day and six o'clock (6:00am) in the morning of the following day, for all other days of the calendar year;
- g) "public place" means any place at the reserve other than a residential dwelling;
- h) "reserve" means the Rainy River First Nations, Manitou Rapids #11, Emo, Ontario

3. Prohibition

No parent shall permit his or her child to be in any public place during the prohibited hours unless such child:

- a) is accompanied by his or her parent;
- b) with the authorization of that child's parent, is accompanied by a person who is at least eighteen (18) years of age;
- c) is attending or is directly returning home from a community social event.

4. Powers of the Peace Officer

- A) A peace officer who finds a child in a public place at the reserve during the prohibited hours shall warn the child to immediately return to his or her residence.
- B) If after warning the child refuses or neglects to immediately return to his or her residence, a peace officer may use such reasonable force as is necessary to escort the child to the child's residence, and shall issue a notice of offence to the parent of the child.
- C) A peace officer shall issue a notice of offence to the parents of the child, on the second and each subsequent occasion that the child is found in a public place during the prohibited hours.

5. Penalty

Any parent who permits his or her child to be in a public place during the prohibited hours, has committed an offence under this By-Law and is liable upon summary conviction to a fine of not greater than one thousand (\$1,000.00) dollars, or imprisonment for a period not exceeding thirty (30) days, or both.

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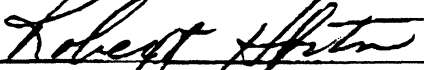
THIS BY-LAW IS HEREBY ADOPTED AND APPROVED by Resolution of the Council of the Rainy River First Nations this 22 day of September, 1997.



(CHIEF)

QUORUM FOUR

(COUNCILLOR)



(COUNCILLOR)



(COUNCILLOR)

(COUNCILLOR)



(COUNCILLOR)

being the majority of those members of the council of the Rainy River First Nations present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 4

I, Jim Leonard II, Chief of Rainy River First Nations, 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 offices in Thunder Bay ONTARIO, pursuant to subsection 82(1) of the Indian Act, this 23 day of September, 1997.

WITNESS:
as to the signature(s) of:)
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