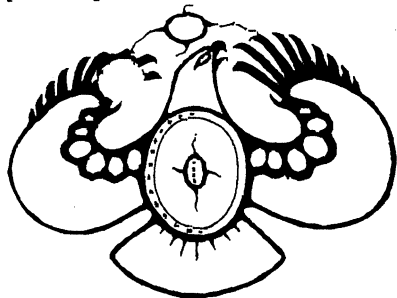


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LAC LA CROIX FIRST NATION

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By-Law Respecting Curfew 35338

By-Law No. 2003-02

0416-7-MAR-03

Whereas the citizens of Lac La Croix First Nation have, collectively, the inherent right to govern themselves on their traditional and ancestral territories as provided by the Creator, that this fundamental right has always rested with our people, and that the inherent right of self determination is an existing aboriginal and treaty right recognized and affirmed under section 35 of the Constitution Act, 1982;

And Whereas the exercise of the inherent right of self determination involves, amongst other things, the enactment of laws and regulations for the maintenance of social order and quality of life on reserve;

And Whereas the Council of Lac La Croix First Nation desires for the better government of the First Nation and for the health, welfare, and safety of the First Nation to enact a curfew By-law for the welfare and safety of the children and the community on reserve;

And Whereas paragraphs 81(1)(c),(d),(q) and (r) of the Indian Act, R.S.C. 1985, c. 1-5, as amended, hereinafter referred to as the "Indian Act", empowers the Council of a First Nation to make By-laws for the observations of law and order, the prevention of disorderly conduct, matters ancillary thereto, and a penalty for the violation thereof;

Be it Therefore Resolved, that the Council of Lac La Croix First Nation at a duly convened meeting enacts the following By-law in an express exercise of its rights pursuant to the inherent right of self determination and section 81 of the Indian Act.

Short Title

1. This By-law maybe cited as the "Lac La Croix First Nation Curfew By-law".

Interpretation

2. In this By-law:

“adult” means any person 18 years of age or older;

“child” means any person 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 Lac La Croix First Nation;

“Council” means the Council of Lac La Croix First Nation, a council of the band as defined section 2(1) of the Indian Act;

“First Nation” means the Lac La Croix First Nation, an Indian Band as defined in section 2(1) of the Indian Act;

“normal residence” means that a residence where the child normally resides with his or her parent;

“officer” means any peace officer as defined in section 2 of the Criminal Code of Canada, R.S.C. 1985, c. C-46, as amended; or other person charged with the duty to preserve and maintain public peace, and any By-law enforcement officer or other person appointed by Council for the purpose of maintaining law and order on reserve, pursuant to such By-laws as have been or may be enacted from time to time by Council;

“parent” means a mother, father, guardian or person having custody or care in law or in fact of a child;

“prohibited hours” means

i. for the months of September to June of each year, that period of time:

(1) between the hour of ten o'clock in the evening of one day and the hour of six o'clock in the morning of the following day for Sunday to Thursday each week, and

- (2) **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 for Friday and Saturday of each week; and**
- ii. **for the months of July and August of each year 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;**

“prohibited places” means those places, including public places, other than the child’s normal residence and the residence and the residences of other members of the child’s or parents’ families;

“public place” means any part of the reserve that is not used or occupied by family residences;

“reserve” means the reserves of First Nations as defined in section 2(1) of the Indian Act;

Prohibition

3. **No parent shall allow his or his child to be away from their normal residence or in any public place during the prohibited hours unless the child is:**
- a. **is accompanied by his or her parent;**
 - b. **is accompanied by a person who is eighteen(18) years of age or older, 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 Officers

4. **An officer who finds a child who is or, in the absence of evidence to the contrary, appears to under the age of 16 years, in a prohibited place during the prohibited hours contrary to section 2 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 or her residence immediately, the peace officer may use such reasonable force as is necessary to escort such child to the child’s residence.**

Warning by Adults

5. a. Any adult, whether a member of the First Nation or not, 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 prohibited place during the prohibited hours contrary to section 3 may warn such child to immediately return to the child's residence.
- b. Should the child refuse or neglect to return to his or her residence immediately, the adult making the warning is not entitled or permitted to use any force whatsoever to escort such child to the child's residence.
- c. The adult may report the breach of this By-law by a child to any peace officer or member of the Council of Lac La Croix within twenty-four hours of the time of the breach of this By-law.

Meeting with Parents

6. a. If, after warnings referred to in sections 4 or 5(a) of this By-law, the warning is disregarded by the child, or if the child is found to be disobeying the By-law a second time within a period of thirty(30)days, the parents of such child maybe directed, by resolution of Council, to meet with and discuss the situation with the Council or anyone appointed by the Council by resolution for that purpose.
- b. A copy of the resolution requiring a meeting with the child's parents shall be delivered by hand to the child's parents not less than two(2)days prior to the meeting.

Charge for Breach of By-law

7. In addition to the authority of a peace officer to lay a charge for breach of this By-law, the Council of the First Nation shall also have the authority to instruct by resolution that a charge of this By-law be laid, by a peace officer, or other person.

Penalty

8. A parent who permits his or her child to be in any prohibited place during the prohibited hours, contrary to section 3, commits an offence and is liable on summary conviction to a fine not exceeding one hundred(\$100.00)dollars or imprisonment for a term not exceeding seven(7)days or both fine and imprisonment.

Lac La Croix First Nation By-law No, 2003-02
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This By-law is hereby made at Lac La Croix First Nation, Ontario, at a duly convened meeting of the Council of Lac La Croix First Nation called for this purpose, this 5th day of March, 2003.

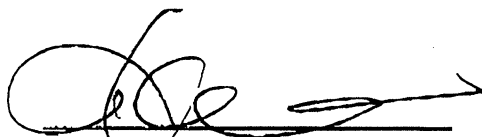
Voting in favour of this By-law are the following members of the Council:



Chief Robert Atatise



Councillor Teddy Atatise



Councillor Henry Ottetail



Councillor Clayton Ottetail

being a majority of those members of the Council of Lac La Croix First Nation present at the aforesaid meeting of the Council. The quorum of the Council is 3 members. The number of members of the Council present at the meeting was 3.