

COUCHICHING FIRST NATION

By-Law No. _____

A BY-LAW RESPECTING A CURFEW FOR CHILDREN

ENACTED THIS 27 DAY OF FEBRUARY , 1995 .

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, matters ancillary to the exercise of these powers, and penalties for violation of these by-laws;
2. The Council of Couchiching First Nation is of the opinion that children should not remain unattended and without adult supervision in public places during the evenings, for the welfare and safety of those children and the First Nation community;

NOW THEREFORE the Council of Couchiching First Nation enacts the following by-law:

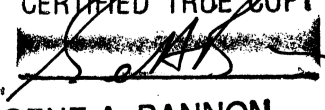
1. Short Title

This by-law may be cited as the "Couchiching First Nation 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 Couchiching First Nation;
- c) "*community social event*" means a wedding, sports event, religious celebration, or other social event recognized as such by the Council of Couchiching First Nation;
- d) "*parent*" means 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:
 - i) between the hours of ten o'clock (10:00 p.m.) in the evening of one day and six o'clock (6:00 a.m.) 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 (11:00 p.m.) in the evening of one day and six o'clock (6:00 a.m.) 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 Couchiching Indian Reserve #16A, Fort Frances, Ontario.

CERTIFIED TRUE COPY

GENE A. BANNON
JUSTICE OF THE PEACE
IN & FOR THE PROVINCE OF 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. Meeting with Parent

- a) If a child has violated any part of Section 5(a) of this By-Law, the Council may by resolution direct the parent of such child to meet with the Council or anyone appointed by the Council, in order to discuss the child's behavior.
- b) A copy of any resolution of the Council made pursuant to subsection 1 shall be sent by registered mail or hand delivered to the child's parent, at least seven (7) days prior to the meeting.

6. Penalty

Any parent who permits his or her child to be in a public place during the prohibited hours, or refuses or neglects to attend the meeting directed by the Resolution of Council has committed an offence under this By-Law and is liable upon summary conviction to a fine not of not less than one hundred--xx/100 (\$100.00) dollars, and not greater than one thousand---xx/100 (\$1,000.00) dollars, or imprisonment for a period not exceeding thirty (30) days, or both.

THIS BY-LAW IS HEREBY ADOPTED AND APPROVED by Resolution of the Council of Couchiching First Nation this 27 day of February , 1995.

