

# ANISHINAABEG OF NAONGASHIING

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By-Law No. 003-05

### A BY-LAW RESPECTING A CURFEW FOR CHILDREN

ENACTED THIS 7<sup>TH</sup> DAY OF JUNE 2005

#### 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 of the exercise of these powers, and penalties for violation of these by-laws.
2. The Council of the Anishinaabeg of Naongashiing is of the opinion that children should not be left attended in public places without adult supervision, especially in the evenings, for the safety and well-being of all children and members of the Anishinaabeg of Naongashiing community.

NOW THEREFORE the Council of the Anishinaabeg of Naongashiing enacts the following by-law:

1. Short Title

This by-law may be cited as the "Anishinaabeg of Naongashiing Curfew By-Law."

2. Interpretation

In this by-law:

- a) "*child*" means any person who is under the age of (16) years;

- b) “**Council**” means the Council of the Anishinaabeg of Naongashiing First Nation;
- c) “**community social event**” means a wedding, sports event, cultural celebration, or other social event recognized as such by the Council of the Anishinaabeg of Naongashiing;
- d) “**parent**” means a father, mother, grandparent, tutor, guardian or person having the custody or care of a child in law or 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 nine thirty (9:30 p.m) in the evening of one day and six thirty (6:30 a.m.) in the morning of the following day, for those days that immediately precede any school days; and,
  - ii. between the hours of ten thirty (10:30 p.m.) in the evening of one day and eight o’clock (8:00 a.m.) in the morning of the following day, for all other days of the calendar year.

### **3. Prohibition**

No parent will 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 written authorization of that child’s parent is accompanied by a person who is at least (21) 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 will 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 which outlines the necessity to refrain from the behaviour.

- 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 the Parents**

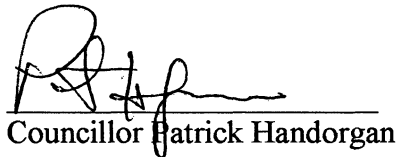
- a) If a child has violated any part of Section 3 of this By-Law, the Council may by resolution direct the parents of such child to meet with Council and the Family Services program staff, in order to discuss the child's behaviour.
- b) A copy of any resolution of the Council made pursuant to the previous subsection will 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 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 greater than one thousand--xx/100 (\$1000.00) dollars, or imprisonment for a period not exceeding thirty (30) days, or both.

**THIS BY-LAW IS HERBY ADOPTED AND APPROVED** by Resolution of the Council of the Anishinaabeg of Naongashiing this 7<sup>th</sup> day of June, 2005.

  
Chief Albert Handorgan

  
Councillor Patrick Handorgan

  
Councillor Carl Big George