

THE KITWILLUCHSILT BAND OF INDIANS

BY-LAWS NUMBER 2 - 1980

00002299



"Being a By-law to regulate the hours during which children may be on the streets and in public places of the Kitwilluchsilt I.R. No. 7"

WHEREAS paragraphs (c), (d), (m) and (r) of Section 81 of the Indian Act R.S., c. 149, s.1. empowers the Council of a Band to make By-laws for the observance of law and order, the prevention of disorderly conduct and nuisances, the control and prohibition of amusements, and the imposition of a fine for violation of any By-laws made under that Section.

AND WHEREAS it is deemed to be expedient to regulate the hours which children may be on the streets and in public places for the general welfare of the community.

NOW THEREFORE the Council of the Kitwilluchsilt Band of Indians enacts as a By-law thereof the following:

1. Definitions: In this By-law unless the context otherwise requires:
  - (a) Council Shall mean the Council, as defined in the Indian Act, of the Kitwilluchsilt Band of Indians;
  - (b) Child Shall mean any boy or girl under the age of sixteen (16) years;
  - (c) Exceptional Activity Shall mean any activity in the community orientated towards children in particular and shall include:
    - (i) such educational sponsored functions except dances; or
    - (ii) such community organization sponsored functions including such tribal activities except for dances.
  - (d) Home Shall mean the usual or temporary place of residence of the child.
  - (e) Public Place Shall mean any indoor or outdoor facility or place within Canyon City I.R. No. 7 other than:
    - (i) the child's home; or
    - (ii) a home at which a child is babysitting or visiting with the permission of the child's parents or guardian.

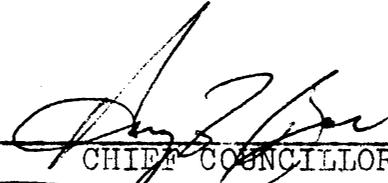
- 1) Student Dance C Shall mean any dance, sponsored by the school or other community organization, including a tribal sponsored dance, which is for children or at which there is a child in attendance unaccompanied by a parent or guardian after the hour of nine o'clock in the evening.
- 2) No child shall be on the street or in the public places of Canyon City I. R. No. 7 after the hour of ten o'clock in the evening during the months of July and August, and after the hour of nine o'clock in the evening during the other ten months of the year, unaccompanied by at least one of his or her parents or other proper guardian, unless for some unavoidable cause, or to participate in or observe an exceptional activity or student dance.
- 3) Any exceptional activity:
  - (i) shall be supervised by responsible adults; and
  - (ii) may be attended by a child unaccompanied by his or her parent or guardian; and
  - (iii) shall end no later than ten o'clock in the evening.
- 4) Any student dance:
  - (i) shall be supervised by responsible adults; and
  - (ii) may be attended by a child unaccompanied by his or her parent or guardian; and
  - (iii) shall end no later than twelve o'clock midnight.
- 5) Any child no accompanied by at least one parent or proper guardian shall go directly home at the conclusion of the exceptional activity or student dance attended.
- 6) No parent or guardian shall permit any child to be on the street or in a public place contrary to the provisions of this By-law.
- 7) No organization sponsoring a function shall allow any child to enter into or to remain in any premises where the activity

is taking place after the hour of ten o'clock in the evening during the months of July and August and nine o'clock in the evening during the other ten months of the year unless:

- (i) the child is accompanied by a parent or proper guardian; or
  - (ii) the function is an exceptional activity or student dance whereby Section 3, 4 and 5 of this By-law shall apply.
- 8) Any child found on the street or in a public place after the time hereby appointed shall be warned by Education Committee, Public Officer, or other Council Officer authorized to do so, to go directly home, and if such child refuses to obey such warning, or if after such warning the child is found loitering on the street or in a public place, it shall be the duty of such Officer to take the child home.
  - 9) Where a child refuses to accompany or eludes Education Comm., Public Officer, or other Council Officer authorized to take positive identification of the child and a visit to the child's home to ensure his or her absence therefrom shall be sufficient evidence to proceed with the appropriate charges under this By-law.
  - 10) Any parent or guardian guilty of an infraction of the provisions of this By-law, upon conviction before any Justice of the Peace or Police Magistrate having jurisdiction in the Canyon City I.R. No. 7 on the oath or affirmation of any credible witness shall forfeit and pay at the discretion of the said Justice of the Peace or Police Magistrate, a penalty not exceeding One Hundred Dollars (\$100.00) and in default of payment, the offender may be committed to the common jail for a term not exceeding fifteen (15) days, unless such penalty and costs, including the costs of the committal are sooner paid.
  - 11) Any organization guilty of an infraction of the provisions of this By-law, upon conviction before any Justice of the Peace or Police Magistrate having jurisdiction in the Canyon City I.R. No. 7 on the oath or affirmation of any credible witness, shall forfeit and pay at the discretion of the said Justice of the Peace or Police Magistrate, a penalty not exceeding One Hundred Dollars (\$100.00) and in default of payment, the Officers of the offending organizations may be committed to the common jail for a term not exceeding fifteen (15) days, unless such penalty and costs, including the costs of the committal are sooner paid.

This By-law may be cited "Canyon City Curfew By-law No. 2 - 1978."

Approved and passed at a duly convened meeting of the Council of the Kitwilluchsilt Band of Indians the 14 day of January 1980.

  
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CHIEF COUNCILLOR

  
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