



Shoal Lake Cree Nation

BY LAW NO.001/2010

A BYLAW OF THE RESERVE OF SHOAL LAKE  
TO PROVIDE FOR THE IMPLEMENTATION AND PROVISION OF A CURFEW

WHEREAS Section 81, and 83, of The Indian Act authorizes Chief and Council to  
Pass a Bylaw to regulate the time and age under which minor shall not be in  
a public place at night without proper guardianship except for some unavoidable cause.

NOW THEREFORE, the Council of the Reserve of Shoal Lake, in open meeting assembled,  
Enacts as follow:

**SHORT TITLE AND PURPOSE**

- 1 a) This Bylaw shall be called the "Curfew Bylaw".
- b) The purpose of this bylaw is to regulate the time during which minors are allowed to be in public places at night without proper guardianship except for some unavoidable cause.

**DEFINITIONS**

2. In this Bylaw,
  - a) "Child means any person who is under the age of majority.
  - b) "Child and Family Services" means the branch of the department of Community Resources & Employment dealing with children and family Issues.
  - c) "Community Social Event" means a wedding, winter carnival, sports event, Religious celebrations, or other social event recognized as such by the Council.
  - d) "Council" means the Chief & Council of the Reserve of Shoal Lake.
  - e) "Parent" means a father, mother, tutor, guardian, or person having custody Or care in law or in fact of a child.
  - f) "Peace officer" means a peace officer as defined in section 2 of the Criminal code, R.S.C. 1985. C. C-46
  - g) "Prohibited hours" means that period of the time when a child is prohibited From being unaccompanied in a public place, as follows:

Curfew Time: Week Days Kindergarten to Grade 6 8:00 P.M. to 7:00 A.M.

Grade 7 to 12 9:00 PM to 7:00 A.M.

Weekends 11:00 p.m. to 7:00 a.m.

Age: Under 18

- h) "Public Place" means any place to which the public has access as of right or by invitation, express or implied, and includes, without limiting the generality of the foregoing, the highways, streets, lanes, walkways, public parks, sporting facilities and any business enterprises in the Reserve
- i) "Reserve" means the Reserve of Shoal Lake.

### **PROHIBITION**

No parent(s) 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(s)
- b) is accompanied by a person who is eighteen (18) years of age or over, with prior written authorization of such child's parent(s)
- c) is attending, or is directly returning home, from a community social event;  
or
- d) is authorized by resolution of Council.

### **POWERS OF A PEACE OFFICER**

- 4. A Peace Officer who finds a child who is, or, in the absence of evidence to the contrary, appears to be under the age of eighteen (18) years in a public place in the Reserve during the prohibited hours may:
  - a) require the child to produce identification and proof of age:
  - b) warn such child to immediately return to the child's residence and, if after said warning, the child refuses or neglects to return to his or her residence forthwith, the peace officer may use such reasonable force as necessary to escort such child to the child's residence and the care of the child's parent(s), or may arrest the child, detain him or her as necessary, and return him or her to his or her parent(s) as deemed appropriate: or
  - c) if the parent(s) cannot be found, escort the child to a Child and Family Service Worker.

### **NOTIFICATION OF PARENT(S)**

- 5. A Peace Officer who finds a child in a public place during prohibited hours may verbally or in writing notify the child's parent(s) that the child was in breach of curfew, and shall advise of the time and place the breach was observed.
- 6. A Peace Officer who finds a child in a public place during prohibited hours, for a second time within a thirty-day period of the first breach, may serve a written

notice on the child's parent(s) containing the following information.

- a) the time and place of the breach
- b) the time and place of the previous breach;
- c) a recommendation that the child be more closely supervised;
- d) a listing of the phone numbers and address of the Child and Family Services Agency;
- e) information as to potential fines and penalties for the breach of this Bylaw.

Copies of said written notice may be forwarded to the Child and Family Services Agency serving the Community.

7. A Peace Officer who finds a child in a public place in the Reserve during prohibited hours, for a third time within a thirty-day period of the breach, may provide a written notice to the child's parent(s) containing the information set out in Section 5 thereof, and may request that representatives of the Child and Family Services Agency interview the child and his or her parents(s) to determine if they require advice or assistance.
8. A Peace Officer may issue a Notice of Violation to the parent(s) without providing previous warnings if the Peace Officer feels it is so justified.

#### **MEETING WITH PARENTS**

9. The Peace Officer may direct any parent(s) who has received two or more notices, as set out in Sections 5 and 6 hereof, to meet and discuss the situation with the child and Family Services Agency.

#### **ENFORCEMENT OF BYLAW**

10. Any parent(s) who:
  - a) permits his or her child to be in any public place during the prohibited hours;
  - b) refuses to be interviewed by the child and Family Services Agency, as requested per Section 7 thereof; or
  - c) fails, to meet with the child and Family Services Agency; as per Section 8 hereof

commits an offence and upon being served with a Notice of Violation, a violator of this bylaw, may during regular office hours, voluntarily pay the penalty as stated below to the Shoal Lake Cree Nation, and upon payment as so provided, that person shall not be liable to prosecution of the offence:

First offence - \$50.00  
Second and subsequent offences - Within a 30 day period - \$100.00

**POWER TO ALTER CURFEW**

12. Notwithstanding any other provisions in this Bylaw, The Chief & Council may, by way of resolution, alter or suspend the hours of curfew for any designated day or days.

**WAIVER**

13. Where a child, by reason of employment or family obligations, or other such reasons which the RCMP/Peace Officer deems good and sufficient, required or likely to attend public places in the Reserve of Shoal Lake Cree Nation during prohibited hours, then the RCMP/Peace Officer may issue a permit of waiver, exempt the child from the Bylaw on such terms and conditions as the RCMP/Peace Officer may deem appropriate.

**SEVERABILITY**

In the event that a court of competent jurisdiction or any other body with jurisdiction determines that any provisions herein is unlawful or beyond the jurisdiction of the Chief & Council, said provision shall be severable from this Bylaw and the remainder of the terms of this Bylaw and any resolutions enacted under this Bylaw shall remain in full force and effect.

This By-Law number 001/2010 is hereby passed this 25 Day of August 2010

Chief Kevin Bear *Kevin Bear*

Acting Chief Norma Bear *Norma Bear*

Councillor Rayme Whitecap *Rayme Whitecap*

Councillor Gordon Flett *Gordon Flett*

Councillor Carlton Bear *Carlton Bear*

WITNESS: *[Signature]*