

By-Law No. 1997-8
Mikisew Cree First Nation
By-law Respecting a Curfew for Children
Enacted on the 24 day of June, 1997

WHEREAS paragraphs 81(1)(c), (d), (q) and (r) of the Indian Act, R.S.C., ch. I-5, empowers the Council of a Band to make by-laws for the observance of law and order, the prevention of disorderly conduct, matters ancillary thereto, and a penalty for the violation thereof;

AND WHEREAS the Council of the Mikisew Cree 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 the youth and also for the Reserve community;

THEREFORE, the Council of the Mikisew Cree First Nation enacts this by-law as follows:

Short Title

1. This by-law may be cited as the Mikisew Cree First Nation "Curfew By-law".

2. In this by-law

(a) "child" means any boy or girl of the age of 16 years or under;

(b) "community social event" means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by the Council of the Mikisew Cree First Nation;

(c) "Council" means the council, as defined in the Indian Act, of the Mikisew Cree First Nation;

(d) "officer" means any peace officer, police constable or other person charged with the duty to preserve and maintain the public peace, and a by-law enforcement officer or any other person appointed by the Council for the purpose of maintaining law and order on the reserve pursuant to a resolution of the Council;

(e) "parent" includes the father, mother, guardian or person having the care and custody or care, in law or in fact, of a child;

(f) "prohibited hours" means and includes that period of time between the hour of 10:00 pm. of the evening of one day and the hour of 6:00 am. of the following day for all school nights and between the hour of 11:00 pm of the evening of one day and the hour of 6:00 am. of the following day for non-school nights;

(g) "reserve" means that tract of land the legal title to which is vested in Her Majesty that has been set apart by Her Majesty for the use and benefit of the

Mikisew Cree First Nation and which is known as the Mikisew Cree First Nation Reserves Nos. 217, 218, 219, 220, 221, 222, 223, 224, and 225;

Prohibition

3.(1) No parent shall permit their child to be in any public place during the prohibited hours unless such child:

- (a) is accompanied by a parent or a person who is 18 years of age or over and has the authorization of that child's parent;
- (b) is accompanied by a person who is 18 years of age or over, 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 the Officer

4.(1) An officer who finds a child who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years or younger, in a public place during the prohibited hours, unless in accordance with section 3, may give the child a warning and immediately escort such person home. In the instance that the parents are not home, the officer shall leave the child with a known adult family member until such time that the parents can be located and notified.

(2) An officer shall notify the parent(s) that the child was found in a public place during the prohibited hours, contrary to section 3, and was immediately escorted home.

Meeting with parents

5. (1) If, after the warning referred to in subsection 4(1) of this by-law, the warning is disregarded or the child is found disobeying this by-law a second time within thirty days, the parents of such child may be directed, by resolution of the Council, to meet and discuss such bylaw infractions with the Child Welfare Committee or any other person appointed by the Council for the protection of children.

(2) A copy of the resolution of the Council referred to in subsection 5(1) shall be sent by first class mail or delivered by hand to the child's parent not less than two (2) clear days prior to the proposed meeting.

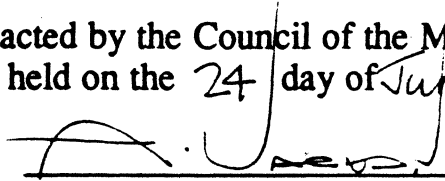
Penalty

6.(1) After meeting with the Child Welfare Committee or any other person appointed by the Council, a parent who permits a child to be in any public place during the prohibited hours, contrary to section 3, commits an offence.

(2) Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term of not exceeding 30 days or both a fine and imprisonment.

Enactment

This By-law is hereby enacted by the Council of the Mikisew Cree First Nation at a duly convened meeting held on the 24 day of June, 1997.


Chief


Councillor


Councillor

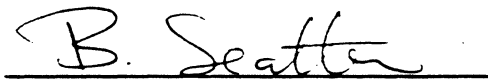

Councillor


Councillor


Councillor


Councillor

I, ARCHIE WAQUAN, Chief / Councillor of the Mikisew Cree First Nation do hereby certify that a true copy of the foregoing By-Law No.1997-8 was forwarded to the Minister of Indian Affairs and Northern Development pursuant to section 82(1) of the Indian Act, this 24 day of June, 1997


Witness


Chief / Councillor