

By-law No. 4
BY-LAW RESPECTING A CURFEW FOR YOUTH

Enacted on the 15 day of November, 2006.

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 Band is of the opinion that children and adolescents 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 Duncan's First Nation Band enacts this by-law as follows:

Short Title

1. This by-law may be cited as the "Curfew By-law".

Interpretation

2. In this by-law

"adolescent" means any person who is 13 to 17 years of age;

"child" means any person who is under the age of 13 years;

"community social event" means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by the Council of the Band;

"parent" means a father, mother, tutor, guardian or person having the custody or care, in law or in fact, of a child or adolescent;

"peace officer" means a peace officer as defined in section 2 of the *Criminal Code*, R.S.C.1985, c. C-46;

"prohibited hours" means that period of time between the hour of *eleven o'clock in the evening* of one day and the hour of *six o'clock in the morning* of the following day during the calendar months of June, July, August and September of each year; and between the hour of *nine o'clock in the evening* of one day and the hour of *six o'clock in the morning* of the following day during the remaining calendar months of each year;

"reserve" means the Indian Reserves No.151A and No.151K.

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.

(2) No adolescent shall be in any public place during the prohibited hours unless such adolescent:

a) is accompanied by a parent;

b) is accompanied by a person who is 18 years of age or over, with the authorization of that adolescent'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 Peace Officer

4.(1) 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 13, 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.

(2) A peace officer who finds an adolescent who is or, in the absence of evidence to the contrary, appears to be between the ages of 13 to 17, in a public place during the prohibited hours contrary to section 3, may give the adolescent a warning and immediately escort such person home.

(3) A peace officer shall notify the parent(s) that the child or adolescent 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 a child or adolescent disregards the peace officer's warning or is found by a peace officer to be disobeying this by-law a second time within a period of thirty (30) days, the child or adolescent and the parent(s) of such child or adolescent may be directed, by resolution of the Council, to meet and discuss such by-law infraction with the Council or anyone appointed by the Council through Band Council Resolution for that purpose.

(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 or adolescent's parents not less than seven (7) full days prior to the proposed meeting.

Penalty

6.(1) After meeting with the Band Council or any other person appointed by the Band Council, a parent who permits a child under the age of 13 to be in any public place during the prohibited hours, contrary to section 3, commits an offence.

(2) After meeting with the Band Council or any other person appointed by the Band Council, an adolescent who is found to be in any public place during the prohibited hours, contrary to section 3, commits an offence.

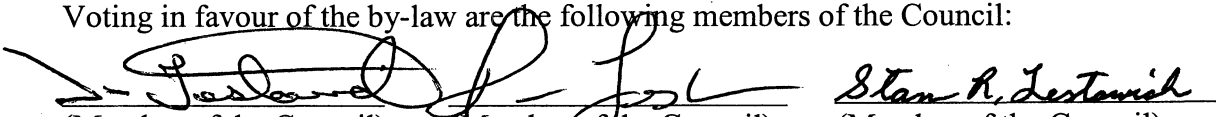
(3) Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term of 30 days, or to both a fine and imprisonment.

7. Should a court determine that a provision of this by-law is invalid for any reason, the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.

8. This by-law comes into force 40 days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Duncan First Nation Band this day of November, 2006.

Voting in favour of the by-law are the following members of the Council:


(Member of the Council) (Member of the Council) Stan R. Lestovich
(Member of the Council)

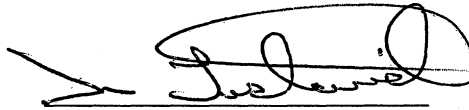
being the majority of those members of the Council of the Band present at the aforesaid meeting of the Council.

The quorum of the Council is two (2) members.

Number of members of the Council present at the meeting: 3.

I, Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was **mailed** to the Minister of Indian Affairs and Northern Development at the Alberta Regional office of the department pursuant to subsection 82(1) of the Indian Act, this 5 day of November, 2006 .


WILLIAM PATRICK GLABB
BARRISTER & SOLICITOR


(Chief/Councillor)