

## CURFEW BY-LAW

### The Yellow Quill First Nation

By-Law No. 2015-10-05-01

#### By-Law Respecting a Curfew for Children

**WHEREAS** the inherent right of self-government empowers and paragraphs 81(1)(c),(d), (q) or (r) of the *Indian Act*, R.S.C. ch. I-5 recognizes 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 Yellow Quill Band #90 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 those children, for the prevention and avoidance of crime, particularly theft, and also for the welfare of the reserve community;

**THEREFORE**, the Council of the Yellow Quill Band #90 enacts a by-law as follows:

#### Short Title

1. This by-law may be cited as "Yellow Quill First Nation Reserve Curfew By-law".

#### Interpretation

2. In this by-law

"**child**" means any person who is under the age of 17 years;

"**community social event**" means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by the Council of Yellow Quill Band #90;

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

"**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 ten 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 July and August 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, which months comprise and are considered school time.

"**reserve**" means the Yellow Quill Band Reserve No. 90.

### Prohibition

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

- a) is accompanied by his parent;
- b) is accompanied by a person who is eighteen (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;
- d) is authorized by resolution of Council.

### Powers of the 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 seventeen (17) years and is in a public place during the prohibited hours contrary to section 3 may warn such child to immediately return to the child's residence and, if after so warning, the child refuses or neglects to return to his residence forthwith, the peace officer may use such reasonable force as is necessary to escort such child to the child's residence. The peace officer may also warn verbally or in writing the parents of the child of the breach of section 3.

### Meeting with parents

5. (1) If, after, the warning referred to in section 4, the warning is disregarded by the child or parent, or if the child is found disobeying this by-law a second time within a period of thirty (30) days of the initial warning, the parent or parents of such child may be directed, by resolution of the Council, to meet and discuss the situation with the Council, the Human Resources Team, and Indian Child and Family Services worker, 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 parent not less than seven (7) clear days prior to the proposed meeting.

(3) Following the meeting referred to in section 5(1), should it be deemed necessary in the best interests of the child and band, and upon the written recommendations of the Human Resources Team of the Indian Child and Family Services worker, and upon Band Council Resolution, the child may be placed in a child care facility for a period of time not exceeding thirty (30) days to ensure compliance with this by-law.

### Penalty

6. A parent who permits his child to be in any public place during the prohibited hours, contrary to section 3, commits an offence and is liable on summary conviction to a fine not exceeding one thousand (\$1,000.00) dollars or imprisonment for term not exceeding thirty (30) days or to both fine and imprisonment.

This by-law is hereby made at a duly convened meeting of the Council of Yellow Quill First Nation this 5 day of October, 2015.

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

John Mackintosh  
Chief

Donna Borman  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

Pauline Whitehead  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

being the majority of the those members of the Council of the Yellow Quill Band #90 present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

No. of members of the Band Council present at the meeting: 8.

I, John Mackintosh, Chief of the Yellow Quill Band #90, 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 Regional office pursuant to the inherent right of self-government and consistent with subsection 82(1) of the *Indian Act*, this 2 day of Oct, 2015.

[Signature]  
Witness

John Mackintosh  
Chief