

GRAND RAPIDS FIRST NATION

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**Grand Rapids First Nation
(hereafter known as G.R.F.N.)
BY-LAW RESPECTING CURFEW**

BY-LAW NO. 1998 - 01

Preamble

Whereas the people of the GRFN have a right to public and private enjoyment of peace and tranquillity and to security of the person and property;

And Whereas GRFN entered into solemn treaty arrangements with Her Majesty's Government of the Dominion of Canada by adhesion to Treaty #5, which holds in part:

AND the undersigned Chiefs on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will in all respects obey and abide by the law and they will maintain peace and good order between themselves and other Tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tracts, and they will not molest the person or property of any inhabitant of such ceded tracts, or the property of Her Majesty the Queen.

AND WHEREAS GRFN did not, through said Treaty, give up their authority to be a self governing people;

AND WHEREAS the people of GRFN are concerned about a variety of problems affecting youth on the reserve, including poor school attendance, poor school performance, substance abuse, noise and nuisance, vandalism, damage to property, and public enjoyment of peace and tranquillity;

AND WHEREAS the people of GRFN seek to combat such problems and promote family bonds and peace and tranquillity in the community;

AND WHEREAS Section 81(1)(c), (d), (q) and (r) of the Indian Act, R.S.C. 1970, Ch. 1-6 as amended empowers the Chief and Council of GRFN to make By-Laws for the observance of law and order, the prevention of disorderly conduct and nuisances, matters ancillary thereto and penalties for the violation thereof;

AND WHEREAS the Chief and Council of GRFN, after due consultation with the people of GRFN, is of the opinion that a curfew on the reserve, establishing prohibited hours, should be implemented for the welfare and safety of the children and other members of the community on the reserve;

THEREFORE, the Chief and Council of GRFN enacts this By-Law as follows:

Short Title

1. This By-Law may be cited as the "GRFN Curfew By-Law No.1998-01".

Definitions

2. In this By-Law:

"Child" means any person who is under the age of majority.

"Community Social Event" means a wedding, winter carnival, sports event, religious celebration, or other social event recognized as such by the Chief and Council of the GRFN and includes, inter alia, the Grand Rapids Winter Festival, and Maytahway Days.

"Parent" means a father, mother, tutor, guardian or person having 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, and for greater certainty shall include members of the GRFN Police Department.

"Public Place" means any place to which the public have access as of right or by invitation, express or implied and includes, without limiting the generality of the foregoing, the highways, streets, lanes and walk - ways, all public parks, all sporting facilities and any business enterprise on GRFN Reserve.

"Prohibited Hours" ordinarily means that period of time when a child is prohibited from being in a public place unaccompanied, as follows:

AGE	CURFEW TIME
Under 12	10:00 p.m. - 6:00 a.m.
12 - 14	11:00 p.m. - 6:00 a.m.
15 - 17	12:00 a.m. - 6:00 a.m.

"Reserve" means the GRFN Reserve.

Prohibition

3. No Parent(s) shall permit his or her Child to be in any public place on the Reserve 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 the authorization of that 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 18 years in a public place on Reserve during the Prohibited Hours contrary to Section 3, 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,
- c) if after so warning, the Child refuses to neglects to return to his or her residence forthwith, the Peace Officer may use such reasonable force as is necessary to escort such Child to the Child's residence and the care of the Child's Parents(s), or may arrest the Child, detain them as necessary, and return them to their Parents(s) as deemed appropriate;
or;
- d) if the Parent(s) cannot be found, escort the child to a Child and Family Services Worker.

Notification of Parent(s)

5. A Peace Officer who finds a Child in a public place during Prohibited Hours contrary to Section 3, shall verbally or in writing, notify the Child's Parents 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 contrary to Section 3, for a second and/or subsequent time within a thirty day period, shall 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 breach of this By-Law.

Copies of this notice shall be forwarded to the Child and Family Services Agency serving GRFN and to the GRFN Justice Committee.

7. A Peace Officer who finds a Child in a public place on Reserve during Prohibited Hours contrary to Section 3, for a third time and/or subsequent time, within thirty days of the second breach, shall provide a written notice to the Parent(s) or Guardian(s) of the Child in the form set out in Section 5, and shall request that representatives of the Child and Family Services Agency and/or GRFN Justice Committee interview the Child and the Parent(s) to determine if they require advice or assistance.

Meeting with Parents

8. The Chief and Council may direct, by way of resolution delivered by hand or sent by first class mail, any Parent(s) who has received two or more notices as set out in Section 6, to meet and discuss the situation with Chief and Council or any person, agency or body appointed by the Chief and Council through Band Council Resolution for that purpose.

Enforcement of By-Law

9. Every individual person shall comply with this By-Law, and with resolutions enacted pursuant to this By-Law.

Offenses and Penalties

10. Any Parent(s) having care and control of a Child, who:
- a) permits his or her Child to be in any public place during the Prohibited Hours, contrary to Section 3;
 - b) refuses to be interviewed by Child and Family Services contrary to

Section 7; or,

- c) fails, upon receiving notice of resolution, to meet with the Chief and Council or person, agency or body appointed by Chief and Council, contrary to Section 8;

commits an offense and is liable, on summary conviction to a fine not exceeding \$1,000 dollars or imprisonment for a term not exceeding 30 days, or both.

Power to Alter Curfew

11. Notwithstanding any other provision in this By-Law, the Chief and Council may, by way of valid Band Council Resolution alter or suspend the hours of curfew for any designated day or days.

Waiver

12. Where a Child, by reason or employment or family obligations, or other such reasons which the **Peace Officer** deems good and sufficient, is required or likely to attend in public places on Reserve during Prohibited Hours, then the **Peace Officer** may issue a permit of Waiver exempting the Child from the By-Law on such terms and conditions as the **Peace Officer** may deem appropriate.

Severability

13. In the event that a court of competent jurisdiction or any other body with jurisdiction determines that any provision herein is unlawful or beyond the jurisdiction of the Council and/or the Government of Canada, said provision shall be severable from this By-Law and the remainder of the terms of this By-Law and any resolutions enacted under this By-Law shall remain in full force and effect.

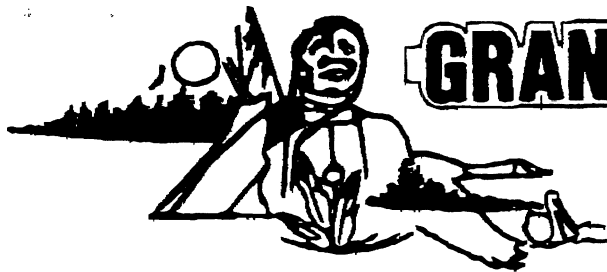
Amendment

14. This By-Law may be amended from time to time by the Chief and Council of GRFN, as it deems necessary, in accordance with the provisions of Sections 81 and 82 of the Indian Act.

SEP-28-98 09:41AM FROM-GRAND RAPIDS FIRST NATION

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PASSED AND ACCEPTED AT A DULY CONVENED MEMBERSHIP MEETING OF
GRAND RAPIDS FIRST NATION ON THE 3RD DAY OF JUNE, A.D. 1998

CHIEF

COUNCILLOR

COUNCILLOR

COUNCILLOR

ELDERS COMMITTEE ON JUSTICE

ELDER

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ELDER

ELDER

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ELDER

ELDER

I, Harold T. Small, CHIEF of GRAND RAPIDS FIRST NATION do hereby certify that a true copy of the foregoing By-Law was forwarded to the Minister of Indian Affairs and Northern Development, JANE STEWART, pursuant to Section 82(1) of the Indian Act this 3rd day of June, A.D. 1998.

Chief

Witness