



LEGAL CODE of the MUSQUEAM NATION

CHAPTER CH- 1

CHILDREN'S CURFEW BYLAW

WHEREAS:

At a General Band Meeting of the members of the Musqueam Indian Band concerns were expressed about the welfare of boys and girls living on Musqueam Indian Reserve Number 2; and,

At a General Band Meeting of the members of the Musqueam Indian Band, Chief and Council were requested to take such measures as would insure that the welfare of boys and girls would be promoted by prohibiting the loitering of boys and girls during evening hours; and,

The Musqueam Indian Band deems it advisable and necessary to enact a by-law to provide for the regulation of the activities of boys and girls on the Musqueam Indian Reserve Number 2.

NOW THEREFORE BE AND IT IS HEREBY RESOLVED:

The following bylaw be and is hereby enacted for the purpose of providing regulation of the activities of boys and girls on Musqueam Indian Reserve Number 2, pursuant to the provisions of the Indian Act, R.S.C. 1985, c. I-5, and in particular to the provisions of section 81 (1) of the Indian Act, R.S.C. 1985, c. I-5.

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PART I

Interpretation

1. (a) "child" means any boy or girl under the age of seventeen years;
- (b) "Child Welfare Committee" means that committee appointed by the Chief and Council of the Musqueam Indian Band to hear all matters under this bylaw referred to the Child Welfare Committee by the Chief and Council or the Director of Social Development.
- (c) "Director of Social Development" means the Director of Social Development of the Musqueam Indian Band.
- (d) "Council" means the chief and council of the Musqueam Indian Band;
- (e) "parent" includes the father, mother or guardian of a child.
- (f) "prohibited hours" means and includes that period of time between the hour of eleven o'clock in the afternoon of one day and the hour of 6:00 o'clock in the morning of the following day, local time, for the calendar months of July and August, in each year; or between the hour of ten o'clock in the afternoon of one day and the hour of six o'clock in the morning of the following day, local time, for all other calendar months of each year; and
- (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 Musqueam Indian Band and known as the Musqueam Indian Reserve No. 2.

PART II

Prohibited Activities

2. No child shall loiter within the Reserve during the prohibited hours.
3. No child shall go to or from, or be in, a place of public entertainment, street, land, byway, or common, within the Reserve during the prohibited hours unless accompanied by a parent or an adult appointed by a parent for that purpose.

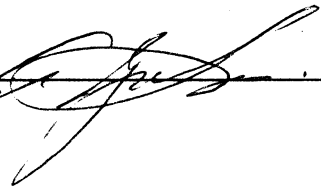
PART III

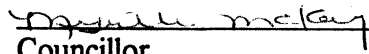
Penalties

4. (1) Subject to the provisions of clause 8 of this bylaw, a child found violating the provisions of this by-law may be warned and escorted home by a police officer, a by-law enforcement officer, or such other person appointed by resolution of the council to enforce this by-law.
- (2) A police officer, a by-law enforcement officer, or such other person appointed by law may apply subsection 4 (1) of this by-law in respect to any person whom he has reasonable grounds to believe is under the age of seventeen years.
5. If, after a warning referred to in subsection 4 (1) of this by-law has been given, the warning is disregarded or the child is found disobeying this by-law again, the parents of such child may be requested by the Director of Social Development to meet and discuss the situation with the Child Welfare Committee. If the parents chose not to meet with the Child Welfare Committee then the Director of Child Welfare shall refer the matter to Chief and Council for consideration under Clause 6 of this bylaw.
6. (1) If, after a warning referred to in subsection 4 (1) of this by-law has been given, the warning is disregarded or the child is found disobeying this by-law again, and the parents of the child, having been requested by the Director of Social Development to meet with the Child Welfare Committee, chose not to meet with the Child Welfare Committee, then the parents of such child may be requested, by motion of the council, to meet and discuss the situation with the Child Welfare Committee.
- (2) A copy of the motion of the council referred to in subsection 6 (1) shall be sent by first class mail or delivered by hand to the parent not less than two clear days prior to the proposed meeting.
- (3) A copy of the motion of council referred to in subsection 6 (1) shall be published in the Musqueam Community Newsletter or in a newspaper circulated in the community in no fewer than two separate issues.
7. (1) The Child Welfare Committee may recommend to a child found to be disobeying this bylaw, or the parents of a child found to be disobeying this bylaw, that the child or the parents or both the child and the parents perform such services for or to the community on such terms as may be deemed appropriate by the Child Welfare Committee.

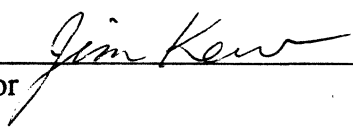
- (2) If a child found to be disobeying this bylaw, or the parents of a child found to be disobeying this bylaw, or both the child and the parents chose to accept the recommendations of the Child Welfare Committee made under section 7. (1) of this bylaw, the Child Welfare Committee shall, upon the completion of services for or to the community by a child found to be disobeying this bylaw, or the parents of a child found to be disobeying this bylaw, report to the Director of Social Development that the recommended service for or to the community has been completed and may recommend that the child, or the parents of the child, not be prosecuted for violation of any of the provisions of this bylaw.
8. If, in the opinion of the police officer, by-law enforcement officer, or such other person appointed by law, the child is or may reasonably appear to be a child in need of protection, the police officer, by-law enforcement officer, or such other person appointed by law, may instead of returning the child to the parents of the child, make such temporary arrangements, including but not limited to arranging for the care of the child by the Musqueam Safe Home, as may be necessary to protect the child pending notification of the Director of Social Development of the Musqueam Indian Band, or such other authorities as may be appropriate, at the earliest possible time that the child reasonably appears to be a child in need of protection and that appropriate action to provide protection has been taken pending action by the Director of Social Development or such other authorities as may be appropriate.
9. A parent who permits a child to violate any of the provisions of this by-law shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment for a term not exceeding thirty days, or both a fine and imprisonment.

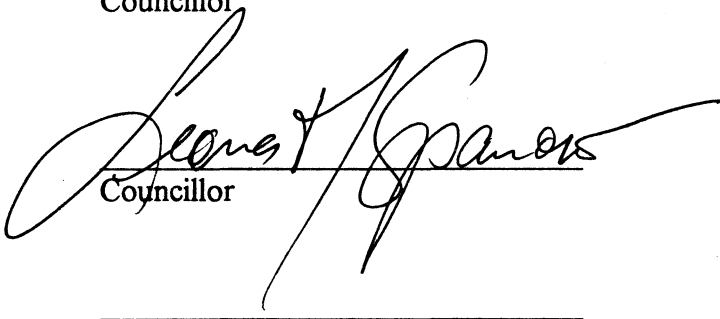
APPROVED AND PASSED at a duly convened meeting of the Chief and Council of the Musqueam Indian Band Administration Office, 6370 Salish Drive, Vancouver, British Columbia, this 19th day of July, 1993.

Chief 


Councillor

Councillor


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