

**HAMLET OF KUGLUKTUK
KUGLUKTOM KATIMAYEEN**

BY-LAW NUMBER 208

BEING A BY-LAW OF THE HAMLET OF KUGLUKTUK AND TO AMEND BY—LAW #64 TO PROHIBIT CHILDREN IN THE HAMLET OF KUGLUKTUK BEING ON THE STREETS AT NIGHT, AND TO PROVIDE A CURFEW. Pursuant to the provisions of the Curfew Act, R.S.N.W.T. (1988), VOL.1,c.C-26, s.3, and of the Hamlets Act, R.S.N.W.T. (1988) VOL.II,c.H-1, s. 173.

WHEREAS, it is deemed desirable to repeal the Hamlet of Coppermine By-law being No. 64.

NOW THEREFORE, THE COUNCIL OF THE HAMLET OF KUGLUKTUK, at a duly assembled meeting, enacts as follows:

1. SHORT TITLE

This By-law may be cited as the "CURFEW BY-LAW"

2. INTERPRETATION

In this By-law:

- (a) "By-law Officer" means a person appointed by a By-law of the Hamlet as a By-law Officer.
- (b) "Child" means a boy or a girl under the age of sixteen (16) years of age; More specifically, for purposes of this By-law a young child is identified as a child between the ages of 0 to 7 years of age. A middle year child between the ages of 8-12 and older child between the ages of 12 and 16.
- (c) "Hamlet" means the Hamlet of Kugluktuk in Nunavut
- (d) "night-time" means the period of curfew so designated in Schedule 1, attached to and forming part of this By-law and;
- (e) "public place" means any street, road, laneway or place to which the public has access means any street, road, laneway or place to which the public has access and/any vehicle, vessel or equipment thereon.

3. CURFEW

No child shall, without reasonable excuse, be on any street or road or in a public place during the night-time unless accompanied by his or her, father, mother, legal guardian, or a person eighteen years of age or older, having or, entitled to have lawful custody, care or control of the child.

4. A By-law Officer or member of the Royal Canadian Mounted Police who finds a child violating section 3 of this By-law;

(a) may warn the child to go home, and;

(b) if applicable will contact Health and Social Services to follow the laws inherent in the Child Protection Act to ensure the safety of the child.

OFFENSES AND PENALTIES

1. By-Law Officer shall issue a written order to the parent or guardian of a child who has violated or, is violating this by-law and is liable upon summary conviction;

2. A parent or guardian who fails to obey an order issued under subsection (1) is guilty of an offence under this by-law and is liable upon summary conviction;

(a) for a first offence to a fine or not more than five (\$5.00) dollars;

(b) and for each subsequent offence to a fine not more than one hundred (\$100.00) dollars, or in default of payment of the fine a period not exceeding fifty (50) hours community service work.

(c) A By-Law Enforcement Officer who finds a parent/guardian continually violating Section 5 (1) of this by-law may, by order, request the parent or guardian and child to appear before a responsible body to answer the violation.

5. A person charged, by means of a ticket, with an offence under Section 5 of this by-law, may, in lieu of prosecution pay the ticket, with a fixed penalty of:

(a) \$5.00 for a first offence.

(b) For each subsequent offence to a fine of not more than one hundred (\$100.00) dollars, as indicated on the ticket.

REPEAL

By-Law No. 64 is hereby repealed.

Read a first time this ¹⁴~~23~~ day of ^{June}~~May~~, 2007 A.D.

Read a second time this ¹⁴~~23~~ day of ^{June}~~May~~, 2007 A.D.


Mayor


Senior Administrative Officer

Read a third time and finally passed this ²⁶~~23~~ day of ^{June}, 2007 A.D.


Mayor


Senior Administrative Officer

HAMLET OF KUGLUKTUK
BY-LAW #208

Schedule Number 1

NIGHT-TIME

1. (1) Subject to subsection (2), night-time means;
 - (a) the period commencing at 10:00 p.m. on every night immediately preceding a day on which school attendance is required, until 07:00 a.m. the following morning, and;
 - (b) When there is no school the following day curfew is as per the following schedule:
 - Young Children between the ages of 0 and 7 are not allowed outside of the vision of the parent(s) or guardian at any time.
 - Middle year children between the ages of 8 and 11 will be in their homes at 10:00 p.m. until 07:00 a.m.
 - Older children between the ages of 12 and 16 will be in their homes at 1:00 a.m. until 07:00 a.m.
2. Upon application by any person or upon its' own initiative, the Council may, by resolution, declare that night-time shall not be in effect upon a certain day or days, to withstanding that school attendance may be required on the following day.

HAMLET OF KUGLUKTUK
BY-LAW #208

Schedule 2

NOTICE TO PARENT/GUARDIAN

Re: By-law #208 "Curfew By-law"

To: _____

The Hamlet of Kugluktuk, By-law #208 states provides protection for children under the age of sixteen (16) via the Curfew By-Law.

It is my understanding you are the legal guardian of _____, who is
a) a young child between the ages of 0 and 7. (child must be within the parent(s)/ legal guardian vision).

b) a middle year child between the ages of 8 and 12 (Must be in their homes from 10:00 p.m. to 07:00 a.m. the night before school or between from 10:00 p.m. to 7 a.m. on a night where there is no school the following day.

c) an older child between the ages of 13 and 16 must be in their homes from 10:00 p.m. to 7:00 a.m. the night before school or between 1:00 a.m. and 07:00 on a night in which there is no school the following day.

As you are aware it is the parent's responsibility to ensure the child is safely at home during night-time hours therefore this is to advise you have violated the Curfew By-Law because your child was found on ___ day of _____, 20__ at _____ (name of street).

Please be advised that if you violate the Curfew By-law once more as the parent/guardian you, will be held accountable and prosecuted for any further offences.

THIS IS A ONE TIME WARNING ONLY.

By-law Officer of the Hamlet of Kugluktuk, NU

Date: _____

Hamlet of Kugluktuk
By-law # 208
Schedule 3

Hamlet of Kugluktuk
By-Law # 208
Kugluktuk, NU

AFFIDAVIT OF SERVICE ON A PARENT/GUARDIAN

I, _____, a Peace Officer of the Hamlet of Kugluktuk in Nunavut

MAKE OATH AND SAY AS FOLLOWS:

That I did, on the ___ day of _____, 20___, serve the parent/guardian, within named _____, with an original copy of the within notice in the manner indicated below:

- a) by delivering to him/her personally
- b) by leaving the original notice for him/her at his last place of residence, with _____, a residence who appeared to be at least sixteen years of age, because the said parent/guardian could not conveniently be found.

By-law Officer of the Hamlet of Kugluktuk

Date