



Akwesasne Curfew Laws

Kaiahnehronshera iehiontakwa Number: 2015-02

Akwesasne Emergency Curfew By-Law
Mohawk Council Resolution: 2003-2004-#233
Date Enacted: October 21, 2003

Akwesasne Curfew By-Law No. 16
Mohawk Council Resolution: 1973-#1372
Date Enacted: January 8, 1973

Akwesasne Curfew By-Law No. 2
Mohawk Council Resolution: 1971-#274
Date Enacted: August 5, 1971
(Registered as By-Law with DIAND)

Coming into Force: October 21, 2003

AKWESASNE MOHAWK COUNCIL RESOLUTION

2003/2004 - 233

FILE REFERENCE



| | | |
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| THE | MOHAWK COUNCIL OF AKWESASNE | THIS MEETING TOOK PLACE IN THE TERRITORY OF AKWESASNE, WITH THE FOLLOWING MEMBERS OF THE AKWESASNE MOHAWK COUNCIL PRESIDING. |
| AGENCY | SOUTHERN ONTARIO DISTRICT | |
| PROVINCE | ONTARIO / QUEBEC | RECORDED VOTE: FOR: 11 AGAINST: 0 ABSTENTION: 0 |
| PLACE | ADMINISTRATION BUILDING I BOARDROOM | |
| DATE | 21 October 2003 <small>DAY MONTH YEAR</small> | |

DO HEREBY RESOLVE:

MOVED: Florence Phillips
 SECONDED: Mike Mitchell

WHEREAS, the Mohawks of Akwesasne have the existing and inherent right of self-determination, which includes the inherent jurisdiction over their lands, peoples and territory;

AND WHEREAS, the Mohawks of Akwesasne have aboriginal and treaty rights, and other rights and freedoms that are recognized and affirmed in the Constitution of Canada, which include the inherent right of self-determination and jurisdiction over their lands, peoples and territory;

AND WHEREAS, the Mohawk Council of Akwesasne is the community government within the territory of Akwesasne and has inherent jurisdiction to make laws, regulations and policies to meet the needs and concerns of the Mohawks of Akwesasne;

AND WHEREAS, the Mohawk Council of Akwesasne intends to preserve the cultural, political and economic integrity of the Mohawk territory and community of Akwesasne;

WHEREAS, the Mohawk Council of Akwesasne would like to ensure the safety of the community during the Halloween season; and

WHEREAS, the following Mohawk Council of Akwesasne Emergency Curfew By-Law will be implemented to address the safety concerns; and

THEREFORE BE IT RESOLVED, that the Mohawk Council of Akwesasne hereby accepts and approves the attached Mohawk Council of Akwesasne Emergency Curfew By-Law effective immediately and until further notice.

CARRIED

| | | |
|--|---|---|
| <u>Raymond Mitchell</u> <small>CHIEF</small> | <u>Angie Barnes</u> <small>GRAND CHIEF</small> | <u>Ronald Sunday</u> <small>CHIEF</small> |
| <u>Mike Mitchell</u> <small>CHIEF</small> | <u>William Phillips</u> <small>CHIEF</small> | <u>Sandra Thompson</u> <small>CHIEF</small> |
| <u>Florence Phillips</u> <small>CHIEF</small> | <u>Tom Johnson</u> <small>CHIEF</small> | <u>A. Francis Boots</u> <small>CHIEF</small> |
| <u>Larry King</u> <small>CHIEF</small> | <u>Mona Thompson</u> <small>CHIEF</small> | <u>Louis Lazore</u> <small>CHIEF</small> |

MOHAWK COUNCIL OF AKWESASNE EMERGENCY CURFEW BY-LAW

CURFEW VIOLATION

- A. A person commits the offense of curfew violation if while he or she is the custodial parent, legal guardian or other adult person having the care, custody, or supervision of a juvenile under the age of (18) years, the juvenile is on or remains on or loiters in, about or upon any place private or public within the jurisdiction of the Mohawk Council of Akwesasne away from the dwelling house or usual place of abode of the juvenile, between the hours of 11:00 p.m. and 5:00 a.m. the following day.
- B. The Provisions of this by-law shall not apply under the following circumstances:
1. When the juvenile is accompanied by his or her custodial parent, legal guardian or other adult person having the care, custody, or supervisions of the juvenile; or
 2. Where the juvenile is on an emergency errand where the health or safety of an individual is endangered; or
 3. Where the juvenile is in transit from a public or private school event of function which began prior to 11:00 p.m. of the same day and he or she is using the most direct route from the event or function to his or her dwelling house or usual place of abode; or
 4. Where the juvenile is lawfully employed and is en route to or from the employment or is engaged in lawful activities related to the employment.
- C. Any juvenile found to be in violation of the curfew hours, as set forth in paragraph “A,” above, shall be apprehended by the Akwesasne Mohawk Police. The juvenile shall be immediately returned to the custody of the juvenile’s custodial parent, legal guardian, or other adult person having the care, custody or supervision of the juvenile, by detaining officer. If the whereabouts of the juvenile’s custodial parent, legal guardian, or other adult person having the care, custody, or supervision of the juvenile can not be immediately determined y the detaining officer after reasonable efforts, the juvenile shall be turned over to the care and custody of the Akwesasne Child & Family Services. The detaining officer shall continue to attempt to establish contact with the juvenile’s custodial parent, legal guardian, or other adult person having the care, custody or supervision of the juvenile for the purpose of giving notice of the juvenile’s custody with the Akwesasne Child & Family Services.
- D. It shall be a violation of this By-Law if any person, regardless of age, is operating an ATV at any time between the hours of 11 p.m. and 5 a.m., unless said person is operating ATV on his/her personal property and in a manner that is not disruptive to any neighbor or person.

- E. A custodial parent, legal guardian, or other adult person having the care, custody or supervision of the juvenile found to be in violation of the emergency curfew by-law shall be sentenced to the following:
1. 1st OFFENSE: Akwesasne Mohawk Police shall transport the juvenile home and speak with the juvenile's custodial parent, legal guardian, or other adult person having the care, custody, or supervision of the juvenile for the purpose of explaining the violation. An appearance ticket may be issued. If appearance ticket is issued the fine shall be no less than \$25.00 and will not exceed \$50.00.
 2. 2nd OFFENSE: Akwesasne Mohawk Police will apprehend and transport the juvenile back to the police station. The juvenile's custodial parent, legal guardian, or other adult person having the care, custody, or supervision of the juvenile shall be notified to pick up juvenile. An appearance ticket will be issued, the fine shall be not less than \$50.00 and shall not exceed \$250.00.
 3. 3rd OFFENSE: An appearance ticket shall be issued, a fine to be no less than \$150.00 and shall not exceed \$500.00. Akwesasne Mohawk Police will contact the Akwesasne Child & Family Services.
 4. For a fourth or subsequent offense, an appearance ticket shall be issued, the fine shall be no less than \$250.00 and no more than \$500.00.
 5. The above fines are mandatory and may not be suspended nor converted to community services; and
 6. The custodial parent, legal guardian, or other adult person having the care, custody, or supervision of the juvenile shall be ordered to make restitution for any and all damage done to public or private property by the juvenile during the time he or she was in violation of this by-law. Further, this by-law shall take precedence over any and all by-laws dealing with restitution to any public or private property.
 7. Any juvenile residing outside the Mohawk Council of Akwesasne's jurisdiction, in violation of this by-law will be turned over to the appropriate agencies. (Violations may involve children who reside on the Southern portion of Akwesasne but violations were committed within the Mohawk Council of Akwesasne's jurisdiction.)

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| Chronological No. - Numéro consécutif | 437 |
| File Reference - N° de réf. du dossier | |

BAND COUNCIL RESOLUTION 1372
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
NOTA: Les mots "des fonds de notre bande", "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

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|--|--|---|----------|
| THE COUNCIL OF THE CONSEIL DE LA BANDE INDIENNE | Iroquois of St. Regis | Current Capital Balance Solde de capital | \$ _____ |
| DISTRICT | St. Regis - Kingston District | Committed - Engagé | \$ _____ |
| PROVINCE | Ontario & Quebec | Current Revenue balance Solde de revenu | \$ _____ |
| PLACE NOM DE L'ENDROIT | St. Regis Akwesasne Hall | Committed - Engagé | \$ _____ |
| DATE | 8th January AD 19 73 DAY - JOUR MONTH - MOIS YEAR - ANNÉE | | |

HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

To accept the attached By-Law No. 16 pertaining to "A By-Law to provide for the regulation of the activities of boys and girls on the Akwesasne (St. Regis) Indian Reserve No. 15 and Cornwall Island No. 59, actually or apparently under 16 years of age.

Carried.....

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|------------------------------------|--|---|
| (Councillor - conseiller) | Lawrence Francis (Chief - Chef) | Louis Sunday (Councillor - conseiller) |
| (Councillor - conseiller) | John Charrow (Councillor - conseiller) | Mike Adams (Councillor - conseiller) |
| (Councillor - conseiller) | Francis San (Councillor - conseiller) | (Councillor - conseiller) |
| (Councillor - conseiller) | William Francis (Councillor - conseiller) | (Councillor - conseiller) |
| (Councillor - conseiller) | Angus Mitchell (Councillor - conseiller) | (Councillor - conseiller) |

| FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE | | | | | |
|--|--|---------------------------|----------------------------|---|--|
| 1. Band Fund Code Code du compte de bande | 2. COMPUTER BALANCES - SOLDES D'ORDINATEUR | | 3. Expenditure Dépenses | 4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens | 5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu |
| | A. Capital \$ | B. Revenue - Revenu \$ | \$ | | |
| 6. Recommended - Recommandé | | | Approved - Approuvé | | |
| Date | | | Date | | Approving Officer - Approuvé par |
| Recommending Officer - Recommandé par | | | | | |

The Council of the AKWESASNE (St. Regis) Band of Indian at a meeting held January 8th, 1973, makes the following by-law pursuant to paragraphs (c), (d), (q) and (r) of Section 80 of the Indian Act.

By-Law No. 16

A by-law to provide for the regulation of the activities of boys and girls on the AKWESASNE (St. Regis) Indian Reserve No. 15 & Cornwall Island No. 59, actually or apparently under 16 years of age.

- (a) No boy or girl on the AKWESASNE (St. Regis) Indian Reserve actually or apparently under 16 years of age, shall loiter any place within the said Indian Reserve after ten o'clock in the afternoon.
- (b) No boy or girl on the AKWESASNE (St. Regis) Indian Reserve actually or apparently under 16 years of age, shall be in any place of entertainment, street, lane, by-way or common within the said Reserve, or shall be in the course of returning from any place of entertainment off the said Reserve after the hour of ten o'clock in the afternoon unless accompanied by his or her parent or an adult appointed by a parent to accompany such child.
- (c) A boy or girl on the AKWESASNE (St. Regis) Indian Reserve found violating the provisions of paragraph (a) or (b) may be warned and conducted home by a police officer. (R.C.M.P. OFFICER or INDIAN CONSTABLE.)
- (d) A parent who permits his child to violate paragraph (a) or (b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$10.00 or imprisonment for a term not exceeding seven days, or both fine and imprisonment.
- (e) This By-Law supercedes the previous approved Curfew By-Law of this Band.

To: Mr. Francis Sam
for info.

Department of
Indian Affairs and
Northern Development



Ministère des
Affaires indiennes et
du Nord canadien

3545

District Supervisor,
Kingston District

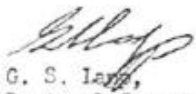
Toronto 101, September 21, 1971
not to be refiled: K481/3-10-2 (CA3)
your file: K481/3-6-(2)
K481/3-10

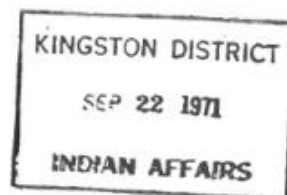
Amendment to Curfew By-Law No. 2,
Iroquois of St. Regis Band

I refer to your memorandum of August 16, 1971 which accompanied Iroquois of St. Regis Band Council Resolution No. 274, which requested the amendment of By-law No. 2. By Band Council Resolution No. 274 an increase in the maximum fine from \$5.00 to \$10.00 was requested in their curfew by-law.

This By-law has been approved pursuant to sub-section 2 of Section 82 (formerly Section 81) of the Indian Act and came into effect following the expiration of the forty-day stipulated period.

According to our calculation, this was on or about September 13, 1971.


G. S. Lang,
Regional Superintendent of
Community Affairs, Ontario



Rec'd. Sept 27/71

Adjustment to by-law to be made.

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

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| Chronological No. - Numéro consécutif <p align="center">274</p> |
| H.Q. Reference - N° de réf. du b. pr. |

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande" doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

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|---|--------------------------------------|-------------------------------------|----------|
| THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE | Iroquois of St. Regis | Capital balance Solde de capital | \$ _____ |
| AGENCY AGENCE | St. Regis Indian Agency | Committed - Engagé | \$ _____ |
| PROVINCE | Ontario & Quebec | Revenue balance Solde de revenu | \$ _____ |
| PLACE NOM DE L'ENDROIT | St. Regis Akwesasne Council Hall | Committed - Engagé | \$ _____ |
| DATE | 5 August AD 19 71 | | |
| | DAY - JOUR MONTH - MOIS YEAR - ANNÉE | | |

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

to increase the said \$5.00 fine to \$10.00 in the Curfew by-laws, section (d) effective immediately.

Carried

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| John Sharrow (Councillor - conseiller) | William Sunday (Chief - Chef) | |
| William Francis (Councillor - conseiller) | Angus Mitchell (Councillor - conseiller) | |
| Beatrice Burns (Councillor - conseiller) | Lawrence Francis (Councillor - conseiller) | |
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| FOR HEADQUARTERS USE ONLY - RÉSERVÉ AU BUREAU PRINCIPAL | | | | | |
|---|---|---------------------|----------------------------|--|---|
| 1. TRUST ACCT COMPTE DE FIDUCIE | 2. CURRENT BALANCES - SOLDES COURANTS | | 3. Expenditure Dépenses | 4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens | 5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue |
| | A. Capital | B. Revenue - Revenu | | | |
| \$ | \$ | \$ | | | |
| 6. Recommended - Reconnu | | | | | |
| Date | Authorized Officer - Fonctionnaire autorisé | | Date | Assistant Deputy Minister - Sous-ministre adjoint | |



CANADA

MINISTER OF CITIZENSHIP AND IMMIGRATION

By-Law # 1

I HEREBY declare the following by-law made by the Council of the Iroquois of St. Regis Band of Indians in the Province of Quebec, at a meeting held November 2, 1959, to be in force:

By-law No. 1 - A by-law to provide for the regulation of the activities of boys and girls actually or apparently under 16 years of age on the St. Regis Indian Reserves at Chenail, and St. Regis Village, in the Province of Quebec.

Dated at Ottawa this *12th* day of November, 1959.

Ellen Fairclough
Ellen L. Fairclough,
Minister of Citizenship and Immigration.



The following is the text of By-Law No. 2, which was allowed by the Ministry of Indian Affairs in 1960 and the listed fine was later amended in 1971. This law is superseded by the Curfew By-Law enacted in 1973.

The Council of the Iroquois of St. Regis Band of Indians at a meeting held November 23, 1959, makes the following by-law pursuant to paragraphs (c), (d), (q) and (r) Section 80 of The Indian Act.

By-Law No. 2

A by-law to provide for the regulation of the activities of boys and girls actually or apparently under 16 years of age on the St. Regis Indian Agency and living on Cornwall Island in the province of Ontario.

- (a) No boy or girl actually or apparently under 16 years of age on the Indian Reserves at the Cornwall Island in the Province of Ontario shall loiter any place within the said Indian Reserve after nine o'clock in the afternoon from September the 15th till December the 15th, from January the 15th till June the 15th and minus a few days the school is not in session at Easter, and after ten'clock in the afternoon from June 16th till September the 14th, from December the 16th till January 14th and also the days that school is not in session at Easter.
- (b) No boy or girl actually or apparently under 16 years of age on the Indian Reserve at Cornwall Island in the Province of Ontario shall be in any place of entertainment, street, lane, by-way or common within the said Reserves or shall be in the course of returning from any place of entertainment off the said Reserve after the hour of nine o'clock in the afternoon from September the 15th till December the 15th, from January the 15th till June 15th and minus a few days that school is not in session at Easter, unless accompanied by his or her parent or an adult appointed by a parent to accompany such child.
- (c) A boy or girl on the Indian Reserve at the Cornwall Island in the Province of Ontario found violating the provisions of paragraph (a) or paragraph (b) may be warned and conducted home by a police officer.
- (d) A parent who permits his child to violate paragraph (a) or paragraph (b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$10.00 or imprisonment not exceeding seven days, or both fine and imprisonment.

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