

Emergency Curfew Law EL.04.2020.01

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasaala.

A Document to Ratify the Emergency Curfew Law Within the Tsuut'ina First Nation Lands, Alberta, Canada

**Enacted on April 25, 2020 in Tsuut'ina Nation
Coming Into Force: April 25, 2020**



Preamble

WHEREAS the Tsuut'ina Nation Chief and Council desire to make a Law governing Emergency Curfew Law on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Nation;

AND WHEREAS it is considered to be necessary for the benefit, security and preservation of the Tsuut'ina Nation and culture;

NOW THEREFORE: the Tsuut'ina Nation Chief and Council hereby enact this Law through the Tsuut'ina Legislative Process Act and give authority to Chief and Council to ratify this Law:

Contents

Preamble.....	2
Title, Purpose, and Application	4
Definitions.....	4
Prohibitions.....	5
Exceptions	5
Apprehension	5
Offence	6
Severability	6
Chief and Council Signatory Page	8

Title, Purpose, and Application

1. This law may be Cited as the “Emergency Curfew Law”.
2. This purpose of this Law is to govern curfew enforcement during a Tsuut’ina Nation State of Local Emergency wherein the Tsuut’ina Nation is threatened by an emergency, and in order to ensure safety and security during such an emergency, must enact temporary measures to preserve the health and safety of the Tsuut’ina Nation Citizens, residents, and visitors.
3. This Law is applicable within the Tsuut’ina Nation Lands.

Definitions

4. In this Law, unless context otherwise requires, the following terms have the following meanings respectively ascribed thereto:
 - (a) **“Adult”** means a person eighteen (18) years of age and older;
 - (b) **“Breach”** means a violation or infraction of this Law;
 - (c) **“Child” or “Children”** means any individual or individuals under the age of eighteen (18);
 - (d) **“Citizen”** means a member of the Tsuut’ina Nation as described by the Tsuut’ina Nation Citizenship Code First Amendment and regulation thereto;
 - (e) **“Curfew Period”** means the period of time between 10:00 pm and 6:00 am;
 - (f) **“Law Enforcement Officer”** means an authorized representative of Tsuut’ina Nation and includes a Peace Officer authorized by Tsuut’ina Nation Chief and Council to issue a notice to a person under this Law;
 - (g) **“Offender”** means a person who commits a Breach under this Law;
 - (h) **“Peace Officer”** means any police officer or police constable of the Tsuut’ina Nation Police Service (Tosguna) or affiliated police service;
 - (i) **“Public Place”** means any place within Tsuut’ina Lands which persons have access, and includes, but is not limited to, streets, highways, sidewalks, alleys, parking lots, transport facilities, common areas of schools, hospitals, apartment houses, recreational facilities, shops, casinos, hotels, and other buildings open to the general public, including those that serve food and drink or provide entertainment, and the doorways and entrances to such buildings and the grounds enclosing them;
 - (j) **“Nation”** means the Tsuut’ina Nation;
 - (k) **“Residence”** means the area within fifty (50) metres of the dwelling occupied by a Citizen of the Tsuut’ina Nation;
 - (l) **“State of Local Emergency”** means the existence of an emergency or an event within Tsuut’ina Lands that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of Nation Lands and Citizens,

and as a result, the Tsuut'ina Nation Chief and Council has passed a Band Council Resolution declaring a local state of emergency;

- (m) "**Tsuut'ina Lands**" means those lands designated as reserve lands of the Tsuut'ina Nation, more generally described as Reserve No 145;
- (n) "**Tsuut'ina Nation**" means the sovereign Nation previously referred to as the "Sarcee" Nation;
- (o) "**Tsuut'ina Nation Chief and Council**" means the elected governing body for the Tsuut'ina Nation.

Prohibitions

- 5. During a State of Local Emergency, no person shall be in a Public Place within Tsuut'ina Lands during the Curfew Period.
- 6. During a State of Local Emergency, no Adult shall allow or permit a Child who is under his or her custody, care or control, to be in a Public Place within Tsuut'ina Lands during the Curfew Period.

Exceptions

- 7. Notwithstanding anything contained herein, during a State of Local Emergency, it is not an offence under this Law for a person to be in a Public Place during the Curfew Period in the event of:
 - (a) An emergency, requiring a trip to or from a hospital or health care facility; or
 - (b) Travelling to or from their place of employment.
- 8. A person shall not be in Breach of this Law during a State of Local Emergency, if they are within their Residence during the Curfew Period.

Apprehension

- 9. Where an Offender has committed a Breach of this Law during a State of Local Emergency, a Peace Officer or Law Enforcement Officer may:
 - (a) Order the Offender to return to their Residence immediately;
 - (b) Apprehend the Offender without warrant;
 - (c) Issue a notice of appearance requiring the Offender to appear before a Court; or
 - (d) Use all reasonable measures, including restraint, physical force or powers of arrest to return the Offender to their Residence or remove them from Nation Lands.
- 10. A person other than a Peace Officer or Law Enforcement Officer who apprehends an Offender during a State of Local Emergency, shall notify and deliver the Offender to a Peace Officer or Law Enforcement Officer as soon as possible.

Offence

11. Where a Peace Officer or Law Enforcement Officer believes that a person has contravened any provision of this Law during a State of Local Emergency, the Peace Officer or Law Enforcement Officer may issue a violation ticket.
12. Any person who violates any provision of this Law during a State of Local Emergency, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one thousand (\$1,000) dollars or imprisonment for a term not exceeding thirty (30) days, or to a fine and imprisonment.
13. The minimum penalty which may be imposed for:
 - (a) A first offence in respect of a violation of any provision of this Law shall be a fine of one hundred and fifty (\$150) dollars;
 - (b) A second offence in respect of a violation of any provision of this Law shall be a fine of three hundred (\$300) dollars;
 - (c) A third offence in respect of a violation of any provision of this Law shall be a fine of five hundred (\$500) dollars.
14. This section shall not prevent a Peace Officer or Law Enforcement Officer from issuing a violation ticket requiring a court appearance against an Offender, or from laying information in lieu of a violation ticket, during a State of Local Emergency.
15. Nothing this Law shall limit the authority of a Peace Officer or a Law Enforcement Officer from taking steps to ensure compliance with this Law during a State of Local Emergency.
16. No action lies against the Tsuut'ina Nation, or a Peace Officer or Law Enforcement Officer, or any other person acting under the direction of Tsuut'ina Nation Chief and Council for anything done or omitted to be done in good faith in the administration or discharge of any powers or duties, which under this Law are intended or authorized to be executed or performed, during a State of Local Emergency.
17. The Tsuut'ina Nation shall have the authority to deduct from a Per Capita Distribution, or any other distribution to a Citizen, an amount to pay for any fine imposed pursuant to this Law.

Severability

18. Should a court of competent jurisdiction determine that a portion of this Law is invalid for any reason, the invalid provision shall be severed from this Law and the validity of the rest of this Law shall not be affected.

[Page intentionally left blank]

Chief and Council Signatory Page

THIS LAW IS HEREBY made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 25th day of April, 2020 by Nation Council Resolution.

Voting in favour of the Emergency Curfew Law, as evidenced by signatures, are the following members of the Chief and Council:



Tsuut'ina Nation Chief



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



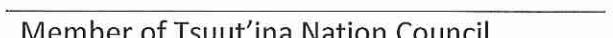
Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council



Member of Tsuut'ina Nation Council