

BYLAW 1192-10
A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
IN THE PROVINCE OF ALBERTA

A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE OF ALBERTA TO REGULATE THE TIME AFTER WHICH CHILDREN AND YOUNG PEOPLE SHALL NOT BE IN A PUBLIC PLACE IN THE HAMLET OF LUNDBRECK AT NIGHT UNLESS ACCOMPANIED BY A GUARDIAN OR HAVING A LEGITIMATE EXCUSE.

WHEREAS the ***Municipal Government Act***, R.S.A. 2000, c. M-26, as amended from time to time, provides that a municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the ***Municipal Government Act***, R.S.A. 2000, c. M-26, as amended from time to time authorizes municipalities to regulate activities and things in, on or near public places or places that are open to the public;

AND WHEREAS some children and young people within the Hamlet of Lundbreck are on the streets and in public places late at night unsupervised by adults and this activity may present a danger to the health, safety and welfare of the children and young people;

AND WHEREAS a Curfew Bylaw will assist parents and legal guardians in exercising authority over their children to keep their children safe from harm; and

AND WHEREAS the Municipal District of Pincher Creek Council deems it necessary and desirable to protect Children and Young People by regulating the time after which Children and Young People shall not be in a public place within the Hamlet of Lundbreck at night unless accompanied by a Guardian or having a Legitimate Excuse;

NOW THEREFORE by authority of the ***Municipal Government Act***, R.S.A. 2000, c. M-26, as amended from time to time, Council for the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

- a. This Bylaw may be cited as the Municipal District of Pincher Creek's "Curfew Bylaw".

2. DEFINITIONS:

- a. "Bylaw" means this Curfew Bylaw No. 1192-10,
- b. "Child" means a person who is or, in the absence of evidence to the contrary, appears to be less than 12 years old;
- c. "Curfew Period" means the hours between 11:01pm of one day and 6:00am of the following day;
- d. "Emergency" means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes but is not limited to, a fire, natural disaster, a motor vehicle accident, or any situation requiring immediate action to prevent serious injury or death or property damage;
- e. "Guardian" means a person who is the legal parent or guardian of a Child or Young Person, including a foster parent or any other person over the age of 18 years who has the care and control of the Child or Young

Person on either a permanent or temporary basis with permission from the legal parent or guardian of the Child or Young Person;

f. "Legitimate Excuse" means:

- i. An Emergency;
- ii. The Child or Young Person is on the sidewalk or street directly abutting the Child or Young Person's residence or the residence of his/her Guardian;
- iii. The Child or Young Person is acting in the interests of an employer or voluntary organization or while travelling directly to and from a place of employment for the purpose of performing either paid or volunteer work; or
- iv. The Child or Young Person is returning directly to his/her residence or the residence of his/her Guardian as soon as reasonably practical, from a formal and organized sporting event, religious event, cultural event, school event or any other recreational activity which has been sponsored, conducted and supervised by a church, school, sports organization, or other recognized community group;

as may be determined and accepted by the attending Peace Officer in his/her sole discretion;

g. "MD" means the Municipal District of Pincher Creek No. 9;

h. "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a Sheriff, a Bylaw Enforcement Officer or a Peace Officer appointed under the ***Peace Officer Act***,

i. "Public Place" means any property located within the boundaries of the Hamlet of Lundbreck which the public has or is permitted to have access, including:

- i. Property which is owned, leased, occupied or otherwise under the direction and control of the MD including but not limited to streets, sidewalks, lanes, parks, and recreation areas, and;
- ii. Property which is privately owned, leased or occupied, including but not limited to coffee shops, restaurants, shopping malls, stores, movie theatres, school grounds, and parking lots;

j. "Violation Tag" means a tag or similar document issued by the MD pursuant to the ***Municipal Government Act***, R.S.A. 2000, c.M-26 as amended from time to time;

k. "Violation Ticket" means a ticket issued pursuant to Part II of the ***Provincial Offences Procedure Act***, R.S.A. 2000, c. P-34, as amended from time to time and regulations enacted thereunder; and

l. "Young Person" means a person who is or, in the absence of evidence to the contrary, appears to be 12 years old or older but less than 18 years old.

3. SCOPE

- a. This Bylaw applies to all Public Places located within the boundaries of the Hamlet of Lundbreck, as outlined on Schedule "A", attached hereto and forming part of this Bylaw.
- b. No Child or Young Person shall be in a Public Place during the Curfew Period without being accompanied by a Guardian or without having a Legitimate Excuse.
- c. No Guardian shall permit or allow a Child or Young Person under his/her care and control to enter or remain in a Public Place during the Curfew Period unless the Child or Young Person is accompanied by a Guardian or has a Legitimate Excuse.
- d. It is an offence for any person to provide a Peace Officer with false information or to otherwise interfere or obstruct the Peace Officer in his/her enforcement of this Bylaw.

4. ENFORCEMENT

- a. A Peace Officer is a designated officer for the purposes of enforcing this Bylaw and is authorized and empowered to issue Violation Tags or Violation Tickets in accordance with this Bylaw.
- b. If a Peace Officer finds any Child or Young Person in a Public Place during the Curfew Period who is not accompanied by a Guardian or who does not have a Legitimate Excuse, the Peace Officer may take any or all of the following action:
 - i. Advise the Child or Young Person to go directly to his/her residence or the residence of his/her Guardian;
 - ii. Take the Child or Young Person to his/her residence or the residence of his/her Guardian and deliver the Child or Young Person into the care of his/her Guardian;
 - iii. Phone the Child or Young Person's Guardian and request that the Guardian attend at a mutually agreed upon location to receive the Child or Young Person into the care of the Guardian; or
 - iv. Contact Alberta Child and Youth Services Department if the Child or Young Person does not appear to have a residence or a Guardian who is willing or able to take the Child or Young Person into his/her care.
- c. Where a Peace Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Peace Officer is authorized and empowered to issue a Violation Tag to person whom the Peace Officer has reasonable grounds to believe is responsible for the contravention.
- d. Under no circumstances, shall a Child receive a monetary penalty or be charged with an offence under this Bylaw.

- e. A Violation Tag shall be served upon such a person in one of the following manners:
 - i. Personally on the person who contravened this Bylaw;
 - ii. By mailing a copy by registered mail to such a person at his/her last known mailing address; or
 - iii. Leaving it with a person at the person's last known mailing address who has the appearance of being at least eighteen (18) years of age.
- f. A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer for the MD and shall state:
 - i. the name of the person;
 - ii. the date of issuance;
 - iii. A description of the offence, the section number of the Bylaw, and the date on which the offence occurred;
 - iv. the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - v. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - vi. any other information as may be required by the Chief Administrative Officer for the MD.
- g. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the MD the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the person and within fourteen (14) business days of the date of mailing if served by mail.
- h. In those cases where a Violation Tag has been issued and if the penalty specified in a violation has not been paid within the prescribed time, the Peace Officer is then authorized to issue a Violation Ticket pursuant to Part 2 of the ***Provincial Offences Procedure Act***, to any Person the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- i. Notwithstanding Section 5(g). of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the ***Provincial Offences Procedure Act***, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

5. PENALTIES

- a. Any Young Person who enters into or remains in a Public Place during the Curfew Period without being accompanied by a Guardian or without having a Legitimate Excuse is guilty of an offence and is liable upon summary conviction to a fine as set out in Schedule "B" attached to this Bylaw.

- b. Any Guardian who permits or allows a Child or Young Person to enter into or remain in a Public Place during the Curfew Period without being accompanied by a Guardian or without having a Legitimate Excuse is guilty of an offence and is liable upon summary conviction to a fine as set out in Schedule "B" attached to this Bylaw.
- c. Any person, other than a Child, who gives a Peace Officer false information or otherwise attempts to interfere with or obstruct the Peace Officer's ability to enforce this Bylaw is guilty of an offence and is liable upon summary conviction to a fine as set out in Schedule "B" attached to this Bylaw.
- d. Under no circumstances, shall any person who contravenes any provision of this Bylaw be subject to the penalty of imprisonment.

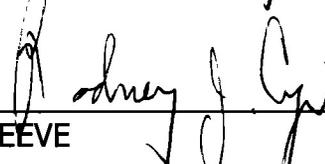
6. GENERAL

- a. Nothing in this Bylaw relieves any person from compliance with any and all applicable Federal and Provincial laws and/or regulations, and/or other Bylaws and/or regulations of the Municipality.
- b. Should any provision of this Bylaw be invalid then such invalid provisions shall be severed and the remaining Bylaw shall be maintained.
- c. The MD is not liable for exercising its discretion to not take action pursuant to this Bylaw if that decision is made in good faith.
- d. This Bylaw comes into full force and effect upon third and final reading.

READ a first time this 23 day of February, 2010

READ a second time this 23 day of February, 2010

READ a third time and finally passed this 23 day of February, 2010.



 REEVE



 CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "B"

FINES

OFFENCE

VIOLATION TAG

VIOLATION TICKET

First Offence

\$25.00

\$50.00

Second Offence in a 12
month period

\$200.00

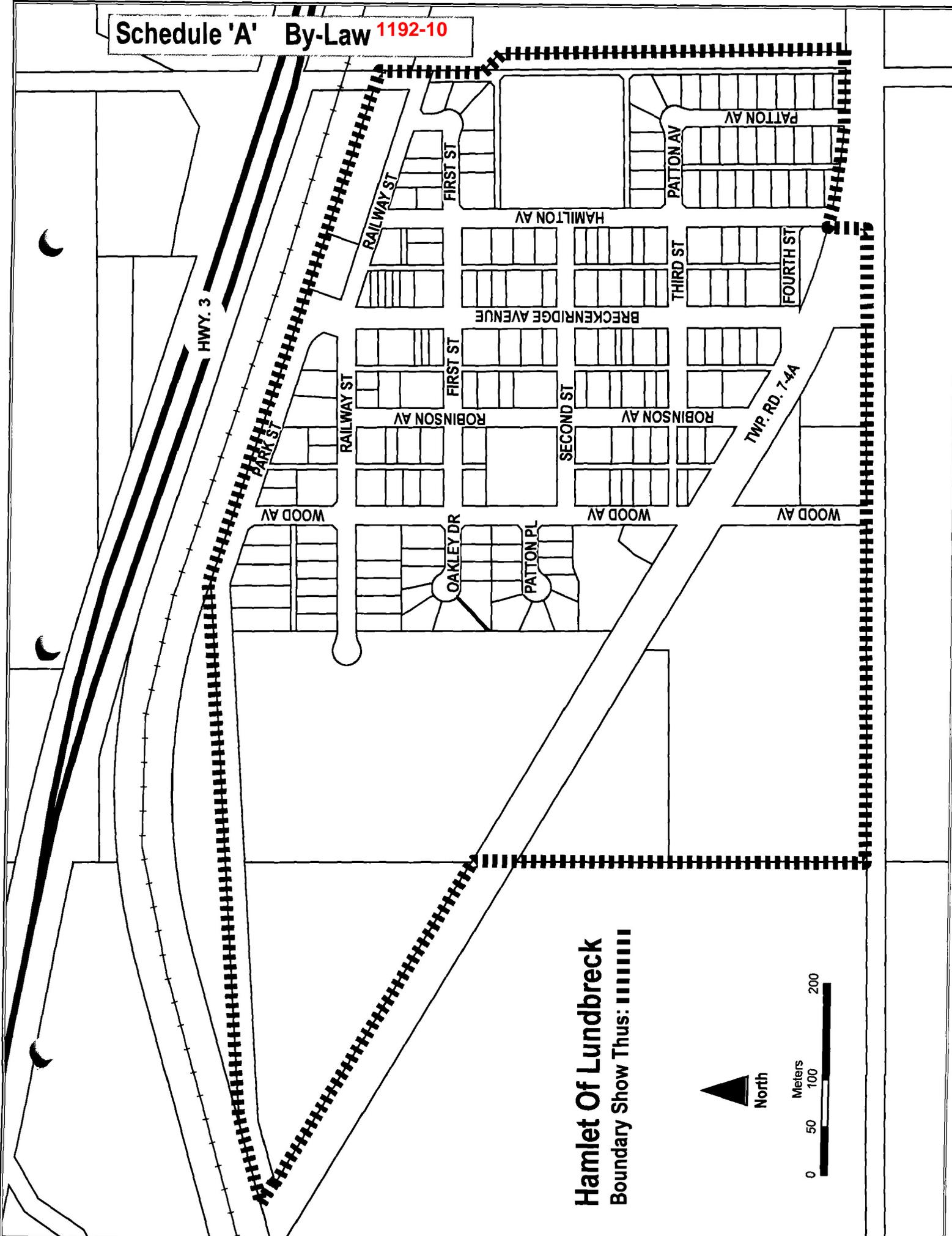
\$300.00

Third and subsequent
Offences in a 12 month
period

\$300.00

\$400.00

Schedule 'A' By-Law 1192-10



Hamlet Of Lundbreck
Boundary Show Thus: 



North

