

**MUNICIPAL DISTRICT OF BIG LAKES**

**BY-LAW NO. 10-2010**

**A BYLAW OF THE MUNICIPAL DISTRICT OF BIG LAKES, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF IMPOSING PROTECTIVE CURFEW REGULATIONS**

WHEREAS, under the provisions of the Municipal Government Act, RSA 2000, M-26, and amendments thereto, the Council of the Municipal District of Big Lakes has the authority to pass such a Bylaw.

AND WHEREAS, the Council of the Municipal District of Big Lakes is of the opinion that it would be in the best interest of the residents of the Hamlets of the Municipal District of Big Lakes that a Bylaw be passed to regulate the time after which a child shall not be in a public place without a parent or guardian present.

NOW THEREFORE, the Council of the Municipal District of Big Lakes, duly assembled, enacts as follows:

**SECTION 1 – SHORT TITLE**

1.1 This Bylaw may be cited as the “Curfew Bylaw”.

**SECTION 2 – DEFINITIONS**

2.1 For the purposes of this Bylaw, the following words shall have the following meanings:

- 2.1.1 “Child” means a person fifteen (15) years of age or younger.
- 2.1.2 “Curfew Period” means the period of time between 11:00 p.m. and 5:00 a.m. on the following day.
- 2.1.3 “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 collision, or any situation beyond the control of anyone and requiring immediate action to prevent injury or death.
- 2.1.4 “Hamlet” means an area within the Municipal District with defined boundaries and established by a Bylaw in accordance with the Municipal Government Act.

- 2.1.5 "Parent or Guardian" means that actual parent or guardian or foster parent of a Child and shall include any other person over eighteen (18) years of age having the care and control of a Child.
- 2.1.6 "Peace Officer" means a member of the Royal Canadian Mounted Police or a Community Peace Officer or a Bylaw Enforcement Officer appointed under Bylaw # 21-2008.
- 2.1.7 "Public Place" means a place within the boundaries of a Hamlet to which the public have or are permitted to have access as of right or by invitation, expressed or implied.

### **SECTION 3 – CHILDREN IN PUBLIC PLACES**

- 3.1 No Child shall be in a Public Place during the Curfew Period unless accompanied by a Parent or Guardian.
- 3.2 No Parent or Guardian shall suffer, permit or allow any Child who is in his or her custody, care or control, to be in a Public Place during the Curfew Period unless that Child is accompanied by a Parent or Guardian.
- 3.3 Notwithstanding anything contained herein, it shall not be a violation of the Bylaw for a Child to be in a Public Place during the Curfew Period when:
- 3.3.1 involved in an Emergency as defined in this Bylaw or within the definition of an Emergency as established by a Peace Officer;
- 3.3.2 in a motor vehicle traveling from one point to another without any detour;
- 3.3.3 on the sidewalk abutting the Child's residence;
- 3.3.4 acting in the interests of an employer or voluntary organization or while directly returning home, without detour, as soon as reasonably practical, from an organized school, religious, sporting, or cultural event or any other recreational activity, as determined by the Peace Officer, which has been supervised by an adult.

### **SECTION 4 – ENFORCEMENT**

- 4.1 Enforcement of this Bylaw lies within the sole discretion of the Peace Officer.
- 4.2 Where a Child is found to be in contravention of this Bylaw, a Peace Officer may:
- 4.2.1 advise the Child to go directly to his or her home;

- 4.2.2 take the Child to his or her home and deliver the Child into the care of the Child's Parent or Guardian;
- 4.2.3 phone the Child's Parent or Guardian and request that the Parent or Guardian attend at a mutually agreed upon location, to receive the Child into the care of the Parent or Guardian or
- 4.2.4 turn over care of the Child to an appropriate agency.

## **SECTION 5 – OFFENCES**

- 5.1 No person shall obstruct, interfere with or hinder any Peace Officer in the carrying out of their duties and responsibilities under this Bylaw.
- 5.2 No Child shall fail or refuse to comply with an order made by a Peace Officer under section 4.2.1.

## **SECTION 6 – PENALTIES**

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) and not less than the specified penalty listed in this section and in default of payment of any fine imposed to imprisonment for a term not exceeding Six (6) months.
- 6.2 Any Parent or Guardian who contravenes section 3.2 of this Bylaw is guilty of an offence and liable upon conviction to:
  - 6.2.1 For a first offence to a fine of One Hundred and Fifty (\$150.00) dollars.
  - 6.2.2 For a second and subsequent offence(s) to a fine of Three Hundred (\$300.00) dollars.
- 6.3 Any Child who contravenes section 3.1 or 5.2 of this Bylaw is guilty of an offence and liable upon conviction to:
  - 6.3.1 For a first offence to a fine of Fifty (\$50.00) dollars.
  - 6.3.2 For a second and subsequent offence(s) to a fine of One Hundred (\$100.00) dollars.
- 6.4 Any person who contravenes section 5.1 of this Bylaw is guilty of an offence and liable upon conviction to:
  - 6.4.1 For a first offence to a fine of Two Hundred and Fifty (\$250.00) dollars.



6.4.2 For a second and subsequent offence(s) to a fine of Five Hundred (\$500.00) dollars.

#### SECTION 7 – VIOLATION TICKET

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c.P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 7.2 Where there is a specified penalty listed for an offence in section 6 of this Bylaw, a Peace Officer may issue a violation ticket allowing for a voluntary payment of the specified penalty to be made pursuant to the Provincial Offences Procedures Act, RSA 2000, c.P-34, as amended, and such voluntary payment shall be accepted by the Municipal District in lieu of prosecution for the offence.
- 7.3 If the person upon whom a violation ticket is served fails to pay the required sum within the time specified in the violation ticket, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
- 7.4 This section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provision of the Provincial Offences Procedures Act, RSA 2000, c.P-34, as amended.

#### SECTION 8 – EFFECTIVE DATE

- 8.1 This Bylaw shall come into force and effect upon third reading.

Read a first time this 26<sup>th</sup> day of May, 2010.

Read a second time this 26<sup>th</sup> day of May, 2010.

Read a third time this 9<sup>th</sup> day of June, 2010 and finally passed.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER

  
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DATE OF FINAL SIGNATURE