

## BYLAW 46-2016

### A BYLAW OF THE TOWN OF BRUDERHEIM, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF IMPOSING PROTECTIVE CURFEW REGULATIONS

WHEREAS the Municipal Government Act, RSA 2000, c. M-26 provides that a council may pass bylaws for municipal purposes including the safety, health and welfare of people and the protection of people and property and people, activities and things in, on or near a public place or place that is open to the public;

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

NOW THEREFORE the Council of the Town of Bruderheim, duly assembled, enacts as follows:

#### SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as the Town of Bruderheim "Curfew Bylaw".

#### SECTION 2 – Definitions

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

- a) "Curfew Period" means the period of time between 11:00 p.m. and 6:00 a.m. in the same day.
- b) "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.
- c) "Minor" means a person who is under 15 years of age.
- d) "Parent or Guardian" means the actual parent or guardian or foster parent of a Minor and shall include any other person over 15 years of age having the care and control of a Minor.
- e) "Peace Officer" means a member of the Royal Canadian Mounted Police or a Bylaw Officer or Special Constable appointed by the Province of Alberta.
- f) "Public Place" means a place to which the public have or are permitted to have access including, but not limited to streets, highways, parks and the common areas of schools, health care facilities, apartment houses, offices, buildings, movie theatres, retail outlets and transportation facilities.

#### SECTION 3 – MINORS IN PUBLIC PLACES

- 3.1 No Minor 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 Minor who is in his or her custody, care or control, to be in a Public Place during the Curfew Period unless that Minor is accompanied by a Parent or Guardian.
- 3.3 Notwithstanding anything contained herein, it shall not be a violation of this Bylaw for a Minor to be in a Public Place during the Curfew Period when:
  - a) involved in an Emergency as defined in this Bylaw or within the definition of an Emergency as established by a peace officer;
  - b) in a motor vehicle travelling from one point to another without any detour;
  - c) on the sidewalk abutting the Minor's residence;
  - d) 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 Notwithstanding Sections 3.1 and 4.1 and Sections 6 and 7, a Minor who violates this Bylaw will not receive a monetary penalty.
- 4.3 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 4.4 Where a Minor is found to be in contravention of this Bylaw, a Peace Officer may:
  - a) advise the Minor to go directly to his or her home;
  - b) take the Minor to his or her home and deliver the Minor into the care of the Minor's Parent or Guardian; or
  - c) phone the Minor's Parent or Guardian and request that the Parent or Guardian attend at a mutually agreed upon location, to receive the Minor into the care of the Parent or Guardian.

#### **SECTION 5 - PENALTIES**

- 5.1 Any Parent or Guardian who contravenes Section 3.2 of this Bylaw is guilty of an offence and liable upon conviction to:
  - a) For a first offence to a fine of One Hundred (\$100.00) dollars.
  - b) For a second and subsequent offence(s) to a fine of Two Hundred (\$200.00) dollars.

#### **SECTION 6 - VIOLATION TAGS**

- 6.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.2 A Violation Tag may be issued to such person:
  - a) either personally, or
  - b) by mailing a copy to such person at his/her last known post office address.
- 6.3 The Violation Tag shall be in a form approved by the Town and shall state:
  - a) the name of the person;
  - b) the offence;
  - c) the appropriate penalty for the offence as set out in this Bylaw;
  - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - e) any other information as may be required by the Town.
- 6.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 6.5 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 County Treasurer the penalty specified on the Violation Tag.
- 6.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

**SECTION 7 - VIOLATION TICKET**

- 7.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34.
- 7.2 Notwithstanding Section 6.1 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure 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.

**SECTION 8 - EFFECTIVE DATE**

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

Read a first time this 15 day of June, 2016

Read a second time this 6 day of July, 2016

Read a third time and finally passed this 6 day of July, 2016.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ADMINISTRATION