

CURFEW BYLAW 2001/14/P

Being a Bylaw of the Town of Drayton Valley, in the Province of Alberta to regulate the time after which children shall NOT be in a public place at night without proper guardianship

- WHEREAS the Council of the Town of Drayton Valley is of the view that it would be in the best interests of the residents of the Town of Drayton Valley that a Bylaw be passed to regulate the time in which minors shall not be in a public place at night without proper guardianship.
- WHEREAS, the Municipal Council of the Town of Drayton Valley is committed to preserving a community quality of life which emphasizes individual safety and well being as well as the protection from harm of public and private property;
- WHEREAS, a curfew bylaw would assist parents and legal guardians in exercising authority over their children to keep their children safe from harm
- NOW THEREFORE by authority of the Municipal Government Act, R.S.A. 1994, Chapter M26- 1, the Municipal Council of the Corporation of the Town of Drayton Valley, in the Province of Alberta duly assembled, enacts as follows:

This bylaw shall be known as the “Curfew Bylaw”

Definitions

For the purpose of this bylaw the following words shall have the following meanings:

- a) “Child” shall mean a person who is or who appears to be under 16 years of age to a Peace Officer in his sole discretion;
- b) “Curfew Hours” shall mean the hours to which this bylaw shall apply. Specifically those hours after 11:00 o’clock p.m. on any day and before the hour of 6:00 o’clock a.m. of the following day.
- c) “Peace Officer” shall mean a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer for the Town of Drayton Valley,
- d) “Public Place” means a place within the corporate limits of the Town of Drayton Valley to which the public has or is permitted to have access, express or implied, including: provincially or municipally owned or leased property, and without restricting the generality of the foregoing includes streets, sidewalks, lanes, parks and recreational areas; privately owned and or leased property, and without restricting the generality of the foregoing includes coffee shops, restaurants, shopping malls and movie theatres;
- e) “Proper Guardianship” means being under the care and control of and accompanied by a parent, legal guardian, foster parent or any other adult person who has been given prior permission by a Child's parent, legal guardian or foster parent to assume care and control over and accompany a Child for a specified time period;
- f) “Temporary Guardianship” means an adult person over the age of 18 years who has been given prior permission in writing by a Guardian to look after a Child for a specified time period;
- g) “Legitimate Excuse” MEANS the following:
 - traveling directly to OR from a place of employment whether paid, or volunteer work; or
 - working at a job (whether paid or -volunteer) that requires the Child to be in a Public Place;
 - attendance at or travel directly to or from adult supervised public; school or religious events;
- h) “Town” shall mean the Town of Drayton Valley;

REGULATIONS

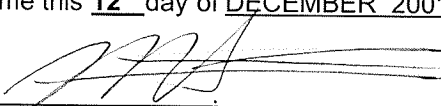
1. No child shall be in a public place during the curfew hours without proper guardianship, unless the child has a legitimate excuse.
2. No parent or legal guardian or foster parent shall suffer, permit or allow any child who is in his or her custody, care or control to be in a public place during the curfew hours without proper guardianship, unless that child has a legitimate excuse.
3. Notwithstanding anything contained herein, it shall not be an offence under this bylaw for a child to be in a public place during the curfew hours while acting in the interests of an employer or voluntary organization or while returning home as soon as reasonably practical from an organized sporting or other event which has been supervised by an adult.
4. Any person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to:
 - a specified penalty of \$50.00 in the case of a first offence and
 - to a specified penalty of \$100.00 in the case of a second or subsequent offence committed within the same calendar year.
5. Any parent, legal guardian or foster parent whose Child is found in a Public Place during the curfew hours without proper guardianship, unless that child has a legitimate excuse, is guilty of an offence and liable upon summary conviction to:
 - For a first offence, to a fine of fifty (\$50.00) dollars,
 - For the second and subsequent offence(s) committed within the same calendar year, to a fine of one hundred (\$100.00) dollars.
6. Any Child who is found in a Public Place during curfew hours without Proper Guardianship and without a legitimate excuse, is guilty of an offence and liable upon summary conviction to:
 - for a first offence, to a fine of fifty (\$50,00) dollars,
 - for the second and subsequent offence(s) committed within the same calendar year, to a fine of one hundred (\$100.00) dollars.
7. Where a peace officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, such officer may serve upon such person a violation tag allowing payment of the specified penalty to the Provincial Treasurer, which payment shall be accepted by the Provincial Treasurer in lieu of prosecution for the offence.

ENFORCEMENT


8. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, whom the Peace Officer has reasonable and probable grounds to believe, has contravened any Provision of this bylaw.
9. A "Violation Tag" may be issued to such person: personally, by mailing a copy to such person at his last known post office address; or by leaving it for the defendant at his residence with a person on the premises who appears to be a least 16 years of age;
10. The Violation Tag shall be in a form approved by the Town's Chief Administrative Officer and shall state:
 - the name of the defendant;
 - the offence;
 - the appropriate penalty for the offence as specified in this bylaw;
 - that the penalty shall be paid within 14 days of the issuance of the Violation Tag;
 - any other information as may be required by the Town's Chief Administrative Officer.
11. Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer.
12. Nothing in this bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
13. A peace officer shall make every attempt to contact the parent or guardian before considering incarceration.

14. A peace officer shall attempt to deliver the offender to their usual place of abode or have the guardian pick up the child prior to incarceration.
15. A juvenile shall not be incarcerated in the same room as an adult offender.
16. Any person to whom a Violation Tag has been issued may make voluntary payment in respect of the Violation Tag by delivering the Violation Tag along with an amount equal to that specified for the offense as set out in this bylaw, to the Civic Centre office specified on the Violation Tag.
17. IF ANY PERSON TO WHOM A VIOLATION TAG HAS BEEN ISSUED FAILS TO PAY THE PENALTY SPECIFIED WITHIN THE TIME LIMITED, THE FOREGOING PROVISIONS RESPECTING VIOLATION TAGS SHALL NO LONGER APPLY AND THE ALLEGED OFFENDER SHALL BE LIABLE TO PROSECUTION FOR THE ALLEGED OFFENCE PURSUANT TO THE PROVISIONS OF THE *PROVINCIAL OFFENCES PROCEDURES ACT*.
18. If any provision of this by-law is deemed to be invalid, illegal, or incapable of being enforced by any reason, all other provisions of this bylaw shall remain in full force and effect.
19. No provision of this bylaw shall be deemed to be dependent on any other provision unless expressly so stated.
20. This bylaw shall come into full force and effect upon third and final reading.

READ a first time this 12th day of DECEMBER 2001.




Moe Hamdon
Mayor



M. Deol
Chief Administrative Officer

READ a second time this 20 day of Feb. 2002.

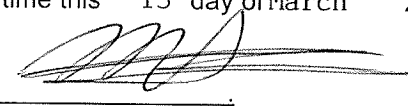


Moe Hamdon
Mayor



M. Deol
Chief Administrative Officer

READ a third time this 13 day of March 2002



Moe Hamdon
Mayor



M. Deol
Chief Administrative Officer