

BYLAW NO. PI 2/04

BEING A BYLAW OF THE TOWN OF GIBBONS, IN THE PROVINCE OF ALBERTA TO REGULATE THE TIME AFTER WHICH MINORS SHALL NOT BE IN A PUBLIC PLACE AT NIGHT WITHOUT PROPER GUARDIANSHIP

WHEREAS, the Council of the Town of Gibbons is of the view that it would be in the best interests of the residents of the Town of Gibbons 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 Council of the Town of Gibbons 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, RSA 2000, Chapter M26.1 the Council of the Town of Gibbons in the Province of Alberta duly assembled enacts as follows:

This Bylaw shall be known as the “**Curfew Bylaw**”.

1. 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; in the sole discretion of a Peace Officer;
- 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) “**Legitimate Excuse**” shall mean the following:
 - travelling 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; or
 - attendance at or travel directly to or from adult supervised public, school or religious events;
- d) “**Minor**” shall mean a person who is or who appears to be under 16 years of age, in the sole discretion of a Peace Officer;

- e) **“Peace Officer”** shall mean a member of the Royal Canadian Mounted Police, Special Constable or Bylaw Enforcement Officer for the Town of Gibbons.
- f) **“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;
- g) **“Public Place”** means a place within the corporate limits of the Town of Gibbons 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;
- h) **“Temporary Guardianship”** means an adult person over the age of 18 who has been given prior permission in writing by a guardian to look after a child for a specified period of time;
- i) **“Town”** shall mean the Town of Gibbons

2. REGULATIONS

- a) No child shall be in a public place during the curfew hours without proper guardianship, unless the child has a legitimate excuse.
- b) No parent or legal guardian or foster parent shall 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.
- c) Notwithstanding anything contained herein, it shall not be an offence under this bylaw for a child to be in 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.
- d) 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 fifty (\$50.00) dollars; in the case of a first offence; and
 - To a specified penalty of one hundred (\$100.00) dollars in the case of a second or subsequent offence committed within the same calendar year.

- e) Any parent, 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 a second and subsequent offence(s) committed within the same calendar year, to a fine of one hundred (\$100.00) dollars.
- f) Any child who is found in a public place during curfew hours without proper guardianship and/or 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 a second and subsequent offence(s) committed within the same calendar year, to a fine of one hundred (\$100.00) dollars.
- g) Where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, such officer may be serve upon such person a Violation Ticket 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.

3. ENFORCEMENT

- a) 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.
- b) A “Violation Tag” may be issued to such person personally or 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 at least 18 years of age.
- c) The Violation Tag shall be in a form approved by the Town of Gibbons 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 30 days of the issuance of the Violation Tag;
 - Any other information as may be required by the Town of Gibbons Chief Administrative Officer.
- d) Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer.

Disclaimer

This Bylaw is an electronic reproduction made available for information only. It is not an official version of the bylaw. The Town of Gibbons does not warrant the accuracy or completeness of this electronic version. These bylaws cannot be distributed or used for commercial purposes. They may be used for other purposes only if you repeat this disclaimer. Official versions of all bylaws can be obtained from the Town of Gibbons.