



**THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA
BY-LAW 706-2011
CURFEW BY-LAW**

A Bylaw of the Town of Fox Creek to regulate the time after which children shall not be in a public place at night without proper guardianship.

WHEREAS it is deemed necessary and desirable by the Municipal Council of the Town of Fox Creek to regulate the time after which children shall not be in a public place at night without proper guardianship; 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

WHEREAS the Municipal Council of the Town of Fox Creek is committed to preserving a community quality of life which emphasizes individual safety of children, and well being as well as the protection from harm of public and private property;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act* the Council of the Town of Fox Creek enacts as follows:

SECTION 1 – DEFINITIONS

In this By-Law:

- a) **“CAO”** means the Chief Administrative Officer of the Town of Fox Creek;
- b) **“Child”** means a male or female seventeen (17) years of age or under;
- c) **“Council”** means the Town of Fox Creek Council;
- d) **“Peace Officer”** means a member of the Royal Canadian Mounted Police (RCMP), Community Peace Officer or Bylaw Enforcement Officer appointed by the Town;
- e) **“Public Place”** means a place to which the public have or are permitted to have access including:
 - i. municipally owned or leased real property, and property under the direction, control and management of the Town, and without restricting the generality of the foregoing includes streets, sidewalks, lanes, parks and recreation areas; and
 - ii. privately owned or leased real property, which is accessible to members of the public, and without restricting the generality of the foregoing the common areas of schools, health care facilities, apartment houses, office buildings, movie theatres, retail outlets and transportation facilities and other similar properties;
- f) **“Proper Adult Guardianship”** means under the care and control of, and accompanied by a Guardian or Temporary Guardian;
- g) **“Guardian”** means parent, legal guardian or foster parent;
- h) **“Temporary Guardian”** means an adult person who has been given prior permission by a Guardian to look after a Child for a specified time period;
- i) **“Offender”** means a Child or Guardian charged with an offense under this bylaw;
- j) **“Legitimate Excuse”** includes only the following:
 - i. traveling directly to and from a place of employment whether paid or volunteer work;
 - ii. working at a job (whether paid or volunteer) that requires the Child to be

- iii. in a public place;
 - iii. an unforeseen combination of circumstances or the resulting event that requires immediate action. This would include but is not limited to a fire, natural disaster, motor vehicle collision or any situation beyond the control of anyone and requiring immediate action to prevent injury or death;
 - iv. in a motor vehicle traveling from one point to another without any detour;
 - v. on the sidewalk abutting the Child's residence; and
 - vi. while directly returning home, without detour, as soon as reasonably practical, from an organized school, religious, sporting or cultural event or any other recreation activity, as determined by the Peace Officer, which has been supported by an adult
- k) **"Town"** is the Town of Fox Creek, in the Province of Alberta, a municipal corporation;
- l) **"Violation Tag"** means a tag, in a form approved by the CAO, pursuant to this bylaw.
2. No Child shall be in a Public Place within the corporate limits of the Town after the hour of 11:01 pm and before 6:00 am the following day without Proper Adult Guardianship or a Legitimate Excuse.
 3. Any Child who is found in a Public Place after 11:01 pm and before 6:00 am of the following day without Proper Adult Guardianship or Legitimate Excuse is guilty of an offense and is liable to a fine of not less than one hundred dollars (\$100.00).
 4. No Guardian or Temporary Guardian shall suffer, permit or allow a child who is in his or her custody, care or control to be in a Public Place after 11:01 pm and before 6:00 am of the following day without Proper Adult Guardianship or Legitimate Excuse. A Guardian in breach of this provision is guilty of an offense and is liable to a fine of not less than one hundred dollars (\$100.00).
 5. Under no circumstances shall any person contravening any provision of this bylaw be subject to penalty of imprisonment.
 6. Notwithstanding Section 3, a Child who violates this Bylaw will not receive a monetary penalty.
 7. Where a Child is found to be in contravention of this Bylaw, a Peace Officer may:
 - a) advise the Child to go directly to his or her home;
 - b) take the Child to his or her home and deliver the Child into the care of the Child's Guardian or Temporary Guardian; or
 - c) phone the Child's Guardian or Temporary Guardian and request that the Guardian Temporary Guardian attend at a mutually agreed upon location, to receive the Child into the care of the Guardian or Temporary Guardian.
 8. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to a Guardian or Temporary Guardian, who the Peace Officer has reasonable and probable grounds to believe has contravened this bylaw. 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 by "Registered Mail".
 9. The Violation Tag shall be in a form approved by the CAO and shall state:
 - a) the name of the Offender;
 - b) the offense;
 - c) the appropriate penalty for the offense as specified in clause 4 above;
 - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - e) any other information as may be required by the CAO.
 10. Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided however, no more than one (1) Violation Tag may be issued for each day that a contravention continues.

11. Where a Violation Tag is issued pursuant to Section 8 of this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to the Town the penalty specified on the Violation Tag.
12. In those cases where a Violation Tag has been issued and if the penalty specified on the violation has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offenses Procedure Act*, R.S.A. 2000, c.P-34 as amended.
13. Notwithstanding Section 12 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offenses Procedure Act*, R.S.A. 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.
14. Should any provision of this bylaw be invalid then such invalid provision shall be severed and the remaining bylaw be maintained.
15. This bylaw comes into full force and effect upon third and final reading.

Read a first time in Council this 12th day of September, 2011

Read a second time in Council this ____ day of _____, 2____

Read a third time in Council and finally passed in Council this ____ day of _____, 2____

Leora MacKinnon
Mayor

Ken Gwozdz
Chief Administrative Officer