

**BYLAW NO. 2001-05
TOWN OF CALMAR**

BEING A BYLAW OF THE TOWN OF CALMAR, 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 Calmar, in the Province of Alberta, deems it necessary and desirable 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 Council of the Town of Calmar 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;

NOW THEREFORE by authority of the Municipal Government Act, R.S.A. 1994, Chapter M-26.1, the Council of the Town of Calmar, in the Province of Alberta, duly assembled enacts the following:

1. **Definitions:**

- (a) "Child" means a Person, male or female, sixteen (16) years of age or under.
- (b) "Peace Officer" means any member of the Royal Canadian Mounted Police, or Special Constable, or By-Law Enforcement Officer.
- (c) "Public Place" means a place to which the public have or are permitted to have access, including:
 - 1. municipally owned or leased real property, and without restricting the generality of the foregoing includes streets, sidewalks, lanes, parks and recreation areas, and;
 - 2. privately owned or leased real property, upon complaint only by owner or tenant, and without restricting the generality of the foregoing includes coffee shops, restaurants, shopping malls, convenience stores.
- (d) "Proper Adult Guardianship" means under the care and control of, and accompanied by a Guardian or Temporary Guardian.
- (e) "Guardian" means the following persons:
 - 1. Parent, legal guardian, or foster parent.
- (f) "Temporary Guardian" means an adult person who has been given prior permission by a Guardian to look after a Child for a specific time period.
- (g) "Offender" means a Child or Guardian charged with an offence under this bylaw.

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(h) "Legitimate Excuse" includes the following:

1. traveling directly to and from a place of employment whether paid or volunteer work; or
2. any school related event, sporting event, or recreational or cultural event,
3. signed, written permission from the parent or legal guardian.

(i) "Violation Tag" means a tag, in a form approved by the Town Manager of the Town, pursuant to this bylaw.

2. No child shall be in a Public Place within the corporate limits of the Town of Calmar after the hour of 11:00 p.m. and before 5:00 a.m. following without Proper Adult Guardianship or a Legitimate Excuse.
3. Any child who is found in a Public Place after 11:00 p.m. and before 5:00 a.m. following without Proper Adult Guardianship or Legitimate Excuse may be warned to go home by a Peace officer and if after the warning the child refuses or fails to go home he/she either may be taken to his/her home or a shelter by the Peace Officer.
4. Any child under the age of 16 who is found in a Public Place after 11:00 p.m. and before 5:00 a.m. following without Proper Adult Guardianship or Legitimate Excuse is guilty of an offence and is liable to a fine of one hundred (\$100.00) dollars.
5. Any Guardian whose Child is in a Public Place after 11:00 p.m. and before 5:00 a.m. following without Proper Adult Guardianship or Legitimate Excuse is guilty of an offence and liable upon summary conviction to:
 1. for the first offence to a fine of one hundred (\$100.00) dollars;
 2. for the second offence to a fine of two hundred (\$200.00) dollars;
 3. for the third or subsequent offence to a fine of three hundred (\$300.00) dollars;
 4. in each case in default of payment to a term of imprisonment not more than three (3) months.
6. 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 this bylaw.

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7. A Violation Tag may be issued to such person:
 - (a) either personally; or
 - (b) to the Guardian; or
 - (c) by mailing a copy to such person at his/her last known post office address.

8. The Violation Tag shall be in a form approved by the Town Manager and shall state:
 - (a) the name of the offender;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in clause 4 or 5 above;
 - (d) that the penalty be paid within 30 days of the issuance of the Violation Tag; or
 - (e) any other information as required by the Town Manager.

9. Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer.

10. Where a Violation Tag is issued for an above offence the person whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Tag.

11. In those cases where a Violation Tag has been issued and if penalty specified on a violation has been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1998, c.P-21.5 as amended.

12. Notwithstanding Section 11 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, S.A. 1988, c.P-21.5 as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

13. Should any provision of this bylaw be invalid then such invalid provision shall be severed and the remaining bylaw shall be maintained.

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- 14. That Bylaw No. 97-12 in this regard is hereby repealed.
- 15. This bylaw comes into full force and effect upon third and final reading.

READ A FIRST TIME this 7 day of August, 2001.

Mayor *J. Scott*

Town Manager *[Signature]*

READ A SECOND TIME this 7 day of August, 2001.

Mayor *J. Scott*

Town Manager *[Signature]*

READ A THIRD TIME this 7 day of August, 2001.

Mayor *J. Scott*

Town Manager *[Signature]*