

Bylaw 571 Curfew Bylaw

A BYLAW OF THE VILLAGE OF BERWYN IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING THE TIMES AFTER WHICH A CHILD SHALL NOT BE IN A PUBLIC PLACE AT NIGHT WITHOUT A GUARDIAN PRESENT.

WHEREAS, Section 7 of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000, provides that Council may pass bylaws for the safety, health and welfare of people and the protection of people and property; and

WHEREAS, the Council of the Village of Berwyn is of the view that it would be in the best interests of the residents of the Village of Berwyn that a bylaw be passed to regulate the time after which a child shall not be in a public place at night without a guardian present.

NOW THEREFORE, The Council of the Village of Berwyn, in the Province of Alberta, duly assembled, hereby enacts as follows:

This bylaw may be cited as the “Curfew Bylaw”.

1. DEFINITIONS:

- a) **“Child”** means a child, male or female, seventeen (17) years of age or under;
- b) **“Council”** means the Council of the Village of Berwyn
- c) **“Emergency Circumstances”** shall mean a condition or state of emergency or danger, or apprehended emergency or danger, to the property or personal safety of the residents of Berwyn or some of them, as may be declared and notified by the Mayor (acting reasonably);
- d) **“Guardian”** includes the parent(s) or a person authorized by the parent;
- e) **“Chief Administrative Officer”** means the Chief Administrative Officer of the Village of Berwyn.
- f) **“Peace Officer”** means
 - i) a member of the Royal Canadian Mounted Police;
 - ii) a Special Constable;
 - iii) a By-Law Enforcement Officer
- g) **“Public Place”** means any place to which the public has access as a right or by invitation, expressed or implied, and includes the interior of any motor vehicle in a public place;
- h) **“Village”** means the Village of Berwyn.

2. EMERGENCY CIRCUMSTANCES:

1) The Mayor may by proclamation declare that a state of emergency circumstances exists so as to bring into full force and effect the operation of this by-law, for a period of up to 72 hours as the Mayor may determine, or for such longer period as may be determined by Council;

2) On proclamation, and for such period as may be fixed by such proclamation, the following curfew shall be in force:

a) No child shall be in a public place within the corporate limits of the Village of Berwyn after the hour of 10:00 o'clock p.m. on any day and before the hour of 6:00 o'clock a.m. on the following day without a guardian present, or designated times as may be determined by Council.

b) Any child to whom this Bylaw applies who is found in a public place without a guardian present after the hour of 10:00 o'clock p.m. on any day and before the hour of 6:00 o'clock a.m. on the following day or at the designated times as determined by Council 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 shelter by the Peace Officer.

c) For the purpose of this By-Law, a child is not in a public place without a guardian present if he/she is carrying out his/her duties of any lawful employment.

3. PENALTIES:

Any parent or guardian who permits his/her child to contravene this bylaw is guilty of an offence and liable upon summary conviction to:

a) for the first offence to a fine of one hundred dollars (\$100.00);

b) for the second offence to a fine of two hundred dollars (\$200.00);

c) for the third or subsequent offence to a fine of three hundred dollars (\$300.00);

d) in each case in default of payment to a term of imprisonment not more than three (3) months.

4. EFFECTIVE DATES:

This bylaw shall come into force and effect upon the third and final reading.

READ THE FIRST TIME THIS 12 DAY OF July 2007.

Ron Longtin, Mayor

Harry Aspin, CAO

READ THE SECOND TIME THIS 9 DAY OF August 2007.

Ron Longtin, Mayor

Harry Aspin, CAO

READ THE THIRD TIME AND FINALLY PASSED THIS 9 DAY OF
August 2007.

Ron Longtin, Mayor

Harry Aspin, CAO