

BYLAW 13-98

A BYLAW OF THE TOWN OF OKOTOKS 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 it is deemed necessary and desirable by the Municipal Council of the Town of Okotoks 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 Okotoks 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 Municipal Council of the Corporation of the Town of Okotoks, in the Province of Alberta, duly assembled, enacts as follows:

1. **Definitions:**

- (a) "Child" means a male or female fifteen (15) years of age or under.
- (b) "Peace Officer" means a member of the Royal Canadian Mounted Police.
- (c) "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 without restricting the generality of the foregoing includes streets, sidewalks, lanes, parks and recreation areas, and;
 - (ii) 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, and movie theatres.
- (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:
 - (i) 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 specified time period.
 - (g) "Offender" means a Child or Guardian charged with an offense under this bylaw.
 - (h) "Legitimate Excuse" includes only the following:
 - (i) traveling directly to and from a place of employment whether paid or volunteer work; or
 - (ii) working at a job (whether paid or volunteer) that requires the Child to be in a Public Place.
 - (i) "Violation Tag" means a tag, in a form approved by the Chief Administrative Officer of the Town, pursuant to this bylaw.
2. No Child shall be in a Public Place within the corporate limits of the Town of Okotoks after the hour of 12:01 a.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 12:01 a.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.
 4. Any Child between the ages of 12 and 15 inclusive who is found in a Public Place after 12:01 a.m. and before 5:00 a.m. following without Proper Adult Guardianship or Legitimate Excuse is guilty of an offense and is liable to a fine of one hundred (\$100.00) dollars.
 5. Any Guardian whose Child is in a Public Place after 12:01 a.m. and before 5:00 a.m. following without Proper Adult Guardianship or Legitimate Excuse is guilty of an offense for lack of supervision and is liable to a fine of one hundred (\$100.00) dollars.;
 6. Under no circumstances shall any person contravening any provision of this bylaw be subject to penalty of imprisonment.
 7. 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.

8. 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.

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

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 Violation Tag may be issued for each day that a contravention continues.

11. Where a Violation Tag is issued pursuant to section 7 or 10 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 a 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 II of the Provincial Offenses Procedure Act, S.A. 1988, c.P-21.5 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 II of the Provincial Offenses 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.

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

15. This bylaw comes into full force and effect upon third and final reading.

READ A FIRST TIME this 26th day of January 1998

- Original Signed -

Mayor

- Original Signed -

Municipal Secretary

READ A SECOND TIME this 20th day of April 1998

READ A THIRD TIME this 20th day of April 1998

- Original Signed -

Mayor

- Original Signed -

Municipal Secretary