

**BYLAW No 2002-03
OF THE
VILLAGE OF ANDREW**

**BEING A BYLAW OF THE VILLAGE OF ANDREW TO PROVIDE FOR THE
IMPLEMENTATION AND PROVISIONS OF A CURFEW.**

WHEREAS Statutes of Alberta, 1994, Chapter M-26.1 of the Municipal Government Act provides that a Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people, and the protection of people and property.

AND WHEREAS the Council of the Village of Andrew is intent upon protecting the public from the illegal acts of minors committed during the hours of darkness, with protecting minors from criminal activity that occurs during the hours of darkness and with helping parents control their children, the Council of the Village of Andrew deems it necessary and in the best interest of the community as a whole to enact a Bylaw regulating the time after which children under a specific age shall not be allowed in the highways or other public places without proper supervision.

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF ANDREW, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. Short Title

- (a) This Bylaw shall be referred to as the "Curfew Bylaw".

2. Definitions

- (a) Child – means a person who is under the age of majority.

- (b) Public Place – includes any place to which the public have access as of right or by invitation, express or implied and includes, without limiting the generality of the foregoing, the highways, streets, lanes and walkways, all public parks, all sporting facilities and any business enterprise in the Village of Andrew.

- (c) Parent – in addition to its ordinary meaning, means the person or persons with whom a child actually resides and who has the current capacity and responsibility to care for and provide the necessities for such child and includes a person who stands in loco parentis to the child.

3. Provisions

- (a) There shall be a curfew within the Village of Andrew for all persons under the age of majority.

- (b) Without the supervision of a parent, no child who has not yet attained the age of twelve (12) years, shall be on a highway or other public place in the Village of Andrew between the hours of 10:00 o'clock p.m. and 6:00 o'clock a.m.
- (c) Without the supervision of a parent, no child who has attained the age of Twelve (12) years but has not attained the age of fifteen (15) years, shall be on a highway or other public place in the Village of Andrew between the hours of 11:00 o'clock a.m. and 6:00 o'clock a.m.
- (d) Without the supervision of a parent, no child who has attained the age of Fifteen (15) years but has not attained the age of majority, shall be on the highway or other public place in the Village of Andrew between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m.
- (e) No parent shall allow a child to contravene the provisions of this Bylaw.
- (f) No person having charge of a sporting facility or business enterprise in the Village of Andrew shall allow a child to contravene the provisions of this Bylaw.

4. Enforcement

- (a) A Peace Officer who finds a child who is or, in the absence of evidence to the contrary, appears to be under the ages specified in Section 3 and is on a highway or other public place between the hours specified in Section 3, may arrest the child, detain if necessary, or return the child to the child's parents as deemed appropriate.

5. Penalties

- (a) Where a parent or guardian of a child permits or allows the child to contravene this Bylaw, the parent or guardian is guilty of an offense and is liable, on summary conviction, to a first offence, to a reprimand or to a fine of fifty (50) dollars and for a second or any subsequent offense, to a fine of one hundred (100) dollars or to imprisonment for a term of not more than one (1) month, or both such fine and imprisonment.
- (b) Where a person in charge of sporting facility or a business enterprise in the Village of Andrew permits or allows a child to contravene this Bylaw, that person is guilty of an offense and is liable, on summary conviction, for a first offence, to a fine of fifty (50) dollars and for a or subsequent offence, to a fine of one

hundred (100) dollars, or to imprisonment for a term of not more than one (1) month, or to both such fine and imprisonment.

- (c) Upon being served with a Notice of Violation of this Bylaw, a parent or person in charge of a sporting facility or business enterprise may, during regular working hours, voluntarily pay the penalty noted in subsection 5 (a), and upon payment as so provided, shall not be liable to prosecution of the offense.

6. General

- (a) Notwithstanding any other provision of this Bylaw, the Council of the Village of Andrew may, by way of a Resolution of Council, alter or suspend the hours of curfew for any designated day or days.
- (b) Where a child, by reasons of employment or family obligations or such other reasons which the Village of Andrew deems good and sufficient, is required or likely to attend in Public Places in the Village of Andrew in breach of curfew hours, a Parent may apply to have a waiver issued by the Village of Andrew Chief Administrative Officer or Village Clerk or a Peace Officer exempting the child from the Bylaw on such terms and conditions as may be deemed appropriate.
- (c) In the event that a Court of competent jurisdiction, or any other body with jurisdiction, determines that any provision herein is unlawful or beyond the jurisdiction of the Village of Andrew, said provision shall be severable from this Bylaw and the remainder of the terms of this Bylaw shall remain in full force and effect.

7. Bylaw No. 73-3 is hereby rescinded.

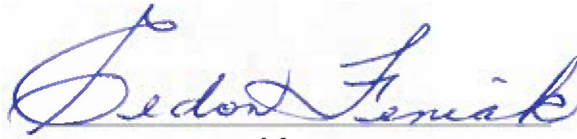
8. Effective Date

- (A) This Bylaw shall come into force and takes effect upon being read a third time and passed by Council

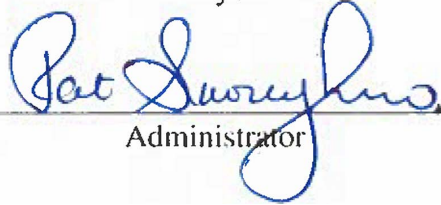
READ for a first time this 11th day of September 2002.

READ a second time this 23 day of October 2002

READ a third time and finally passed this 23 day of October, 2002.

A handwritten signature in blue ink that reads "Dedon Fenick". The signature is written in a cursive style with a horizontal line underneath it.

Mayor

A handwritten signature in blue ink that reads "Pat Swartz". The signature is written in a cursive style with a horizontal line underneath it.

Administrator