

**BYLAW NO. 231/00**

**BEING A BYLAW OF THE  
MUNICIPAL DISTRICT OF MACKENZIE NO.23  
IN THE PROVINCE OF ALBERTA**

**TO CONTROL THE NUMBER OF UNSUPERVISED CHILDREN  
ON THE STREETS AT NIGHT**

**WHEREAS**, pursuant to Section 7, Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1994 and amendments thereto the Council of the Municipal District of Mackenzie may pass bylaws for the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public, and

**WHEREAS**, a certain number of young people in the Municipal District of Mackenzie no. 23 are on the streets and in public places late at night unsupervised by adults and this presents a danger to the health, safety, and welfare of such persons;

**AND WHEREAS**, Council for the Municipal District of Mackenzie No. 23 deems it appropriate to protect the safety and health of children and to enact a Curfew Bylaw to accomplish those objectives;

**NOW THEREFORE**, the Council of the Municipal District of Mackenzie No. 23, in the province of Alberta, duly assembled, enacts as follows:

**Title**

1. This bylaw may be cited as "The Curfew Bylaw".

**Definitions**

2. For the purposes of this bylaw the following words shall have the noted definitions:
  - (a) "Child" means a person who is or who appears to be under 16 years of age;
  - (b) "Council" means the municipal council of the Municipal District of Mackenzie No. 23, duly assembled and acting as such.

- (c) "Curfew period" means the period of time between 10:30 p.m. and 6:00 a.m. of the next day on a school night and between 12:00 a.m. and 6:00 a.m. of the same day on a non-school night;
- (d) "Peace officer" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or a Special Constable appointed pursuant to the provisions of the Police Act, a Statute of Alberta;
- (e) "Parent or guardian" means the actual parent, guardian or foster parent of a child and shall include any other person 18 years of age or over empowered by the actual parent, guardian, foster parent or the court to maintain the well being of the child.
- (f) "Public place" includes any place whether publicly or privately owned or leased, to which the public has access as a right or by invitation, express or implied.
- (g) "School night" means any day, after 8:00 p.m. that precedes a day in which attendance at school by a child is required;

### **Curfew Restrictions**

3. No child shall be in a public place during the curfew period unless accompanied by a parent or guardian.
4. No parent or guardian shall suffer, permit or allow any child, who is in his or her custody, care or control to be in a public place during the curfew period unless that child is accompanied by a parent or guardian.
5. That a child to whom the bylaw applies who is found, unless accompanied by a parent or guardian, in a public place after the time so fixed, may be warned to go home by a Peace Officer and if after the warning the child refuses or fails to go home, he or she may be taken to his or her home or to a shelter by the Peace Officer.
6. Notwithstanding anything contained herein, it shall not be an offence under this bylaw for a child to be in a public place during the curfew period while acting in the interests of an employer or voluntary organization or while returning home as soon as reasonably practical from an organized sporting or other event which has been supervised by an adult.

**Penalties**

- 7 (1) Any person who contravenes or fails to comply with any provisions of this bylaw is guilty of an offense and is liable upon summary conviction to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand (\$1000.00) and in default of payment to imprisonment not exceeding six (6) months.
- (2) A Peace Officer may commence a summons in the form of a violation ticket or long information for the contravention.
8. Notwithstanding the provisions of Section 7 (1) and 7(2), where a Peace Officer has reason to believe a person has contravened a provision of this bylaw, the Peace Officer may serve upon such a person a violation ticket allowing payment of a specified penalty in the amount of one hundred (\$100.00) for a first offence and two hundred dollars (\$200.00) for a second and each subsequent offence thereafter.
- 9 Where a violation ticket is issued, it shall be issued in accordance with the Provincial Offenses Procedure Act.

**Effective Date**

10. This Bylaw shall come into effect upon the third and final reading thereof.

First Reading given on the 3<sup>rd</sup> day of October, 2000.

"B. Neufeld" (Signed)  
Bill Neufeld, Reeve

"E. Schmidt" (Signed)  
Eva Schmidt, Executive Assistant

Second Reading given on the 7<sup>th</sup> day of November, 2000.

"B. Neufeld" (Signed)  
Bill Neufeld, Reeve

"E. Schmidt" (Signed)  
Eva Schmidt, Executive Assistant

