

BY-LAW NO. 1575

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

A By-Law of the Town of Fort Macleod 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, the Municipal Government Act, being Chapter M26.1 of the Revised Statutes of Alberta, 1994 provides a council may pass by-laws for the safety, health and welfare of people and the protection of people and property; *and*

WHEREAS, the Council of the Town of Fort Macleod is of the view that it would be in the best interests of the residents of the Town of Fort Macleod that a by-law 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 Town of Fort Macleod duly assembled enacts as follows:

This by-law may be cited as the “Curfew By-Law”.

1. **DEFINITIONS:**

- a) “**Child**” means a child, male or female, seventeen (17) years of age or under;
- b) “**Council**” means the Council of the Town of Fort Macleod;
- 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 Fort Macleod 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) “**Manager**” means the Manager of the Town of Fort Macleod;
- 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) “**Town**” means the Town of Fort Macleod.

2. **CONTROL:**

- a) No child shall be in a public place within the corporate limits of the Town of Fort Macleod after the hour of 12:00 o’clock midnight on any day and before the hour of 6:00 o’clock a.m., following without a guardian present.
- b) Any child to whom this by-law applies who is found in a public place without a guardian present after the hour of 12:00 o’clock midnight and before the hour of 6:00 o’clock a.m. following, 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.

3. **EMERGENCY CIRCUMSTANCES:**

- a) 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;
- b) On proclamation, and for such period as may be fixed by such proclamation, the following curfew shall be in force:
 - i) No child shall be in a public place within the corporate limits of the Town of Fort Macleod after the hour of 8:00 o’clock p.m. on any day and before the hour of 7:00 o’clock a.m. following without a guardian present.

4. PENALTIES:

- a) Any parent or guardian who permits his/her child to contravene this by-law is guilty of an offence and liable upon summary conviction to:
 - i) for the first offence to a fine of one hundred dollars (\$100.00);
 - ii) for the second offence to a fine of two hundred dollars (\$200.00);
 - iii) for the third or subsequent offence to a fine of three hundred dollars (\$300.00);
 - iv) in each case in default of payment to a term of imprisonment not more than three (3) months.

5. EFFECTIVE DATES:

This by-law shall come into force and effect upon the third and final reading.

READ A FIRST TIME THIS 23 DAY OF SEPTEMBER 1996 A.D.

MAYOR

MUNICIPAL MANAGER

READ A SECOND TIME THIS 15 DAY OF OCTOBER 1996 A.D.

MAYOR

MUNICIPAL MANAGER

READ A THIRD TIME AND FINALLY DECLARED PASSED BY COUNCIL THIS 15 DAY OF OCTOBER 1996 A.D.

MAYOR

MUNICIPAL MANAGER