

By-Law 1535

A By-Law of the Town of Cardston, in the Province of Alberta, to regulate the time which minors shall not be in a public place at night without proper guardianship within the corporate boundaries of the Town of Cardston.

WHEREAS, Section 7 of the Municipal Government Act, being Chapter M26-1, RSA 1994, as amended, provides that Council may by by-law regulate the time which minors shall not be in a public place at night without proper guardianship.

WHEREAS the Council of the Town of Cardston is of the view that it would be in the best interest of the residents of the Town of Cardston that a by-law be passed to regulate the time after which minors shall not be in a public place at night without proper guardianship.

NOW THEREFORE, the Municipal Council of the Town of Cardston, in the Province of Alberta, duly assembled enacts as follows:

1. That By-Law Number 1363 be, and the same is , hereby repealed;
2. This By-Law shall be known as the "Curfew By-Law";
3. Definitions:
 - a) "Child" shall mean a child male or female really or apparently under the age of sixteen (16);
 - b) "Peace Officer" shall mean a member of the (1) Royal Canadian Mounted Police of (2) a Special Constable, or (3) a By-Law Officer Enforcement for the Town of Cardston;
 - c) "Proper Guardianship" shall mean in the direct care or supervision of a parent, legal guardian or any person of the age of sixteen (16) years authorized by a parent or legal guardian;
 - d) "Public Place" shall mean any street, public lane, public building or any private property to which the public has access.
4. No child shall be in a public place within the corporate limits of the Town of Cardston after the hour of 12:30 o'clock am on any day and before the hour of 6:00 o'clock am on the same day without proper guardianship;
5. Any child to whom the By-Law applies who is found in a public place without proper guardianship between the hour of 12:30 o'clock am and 6:00 o'clock am on any day 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 detained and taken to his/her home or shelter by the Peace Officer;
6. This By-Law does not apply to any person under the age of sixteen (16) years who is in a public place in the Town of Cardston between the hours of 12:30 o'clock am - 6:00 o'clock am on any day, should they be there;
 - a) in connection with a legitimate employment, business or trade;
or,
 - b) on an emergency errand.

7. Any parent or guardian who permits his/her child to contravene this By-Law, and any child who contravenes this By-Law, is guilty of an offence and liable upon summary conviction to:
- a) For the first offence, to a fine of FIFTY (\$50.00) DOLLARS:
 - b) For the second offence, to a fine of ONE HUNDRED (\$100.00) DOLLARS;
 - c) For the third or subsequent offence, to a fine of TWO HUNDRED (\$200.00) DOLLARS.

and in each case in default of payment to a term of imprisonment not more than three months.

This By-Law shall take effect on the date of the third and final reading.

Received first reading this 23rd day of March 2005
Received second reading this 23rd day of March 2005
Received third and final reading this 27th day of April 2005

Mayor

Municipal Administrator