

MUNICIPALITY OF CROWSNEST PASS

BY-LAW NO. 789, 2010

A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA
TO PROTECT CHILDREN WHO ARE IN A PUBLIC PLACE
AT NIGHT WITHOUT PROPER GUARDIANSHIP

WHEREAS it is deemed necessary and desirable by the Municipal Council of the Municipality of Crowsnest Pass to regulate the time after which children shall not be in a public place at night without proper guardianship, and

WHEREAS a child protection 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 Municipality of Crowsnest Pass is committed to preserving a community quality of life which emphasizes individual safety and well being as well as the protection of the use of public and private property;

NOW THEREFORE by authority of the Municipal Government Act, RA 1994, Chapter M-26.1, R.S.A. 1994, the Municipal Council of the Corporation of the Municipality of Crowsnest Pass, in the Province of Alberta, duly assembled, enacts as follows:

Definitions:

- 1) "Child" means a person who is or apparently is under seventeen (17) years of age.
- 2) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Special Constable, By-law Enforcement Officer, or a person employed for the purpose of preserving and maintaining the public peace.
- 3) "Public Place" shall mean:
 - a. Provincially and municipally owned or leased real property, and without restricting the generality of the foregoing includes streets, sidewalks, lanes, parks and recreation areas, and
 - b. Coffee shops, restaurants, shopping malls, movie theatres and stores.
 - c. Other privately owned or leased real property, upon complaint only by owner or tenant.
- 4) "Proper Adult Guardianship" means under the care and control of, and accompanied by a Guardian or Temporary Guardian.
- 5) "Guardian" means the following persons:
 - i. parent, legal guardian, or foster parent.
- 6) "Adult" is defined as a person 18 years of age or older.
- 7) "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 who stand in Loco parentis to the child
- 8) "Offender" means a Child or Guardian charged with an offence under this bylaw
- 9) "Legitimate Excuse" includes only the following:

- a. traveling directly to and from a place of employment whether paid or volunteer work.
 - b. working at a job (whether paid or volunteer) that requires the Child to be in a public place; or
 - c. traveling directly home from an organized sporting event; school or Youth Club dance, or movie show which has been properly supervised by Adults.
- 10) “Violation Tag” means a ticket, in a form approved by the Chief Administrative Officer of the Town, issued pursuant to the Municipal Government Act, Chapter M.26.1, R.S.A. 1994.
- 11) “Town” means Municipality of Crowsnest Pass.
- 12) “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 1988, c.p-215.

Control

- 13) No Child shall be in a Public Place within the corporate limits of the Municipality of Crowsnest Pass after the hour of 11:00 o’clock p.m. on any day and before 6:00 o’clock a.m. on the following day without Proper Adult Guardianship or a Legitimate Excuse.
- 14) Any child who is found in a Public Place after 11:00 p.m. and before 6:00 a.m. without proper Adult guardianship or a legitimate excuse 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 a Peace Officer.

Penalties

- 15) Any Child who is found in a Public Place after 11:00 p.m. and before 6:00 a.m. without Proper Adult Guardianship or Legitimate Excuse is guilty of an offence and is liable upon summary conviction to:
- a. a fine of twenty-five (\$25.00) dollars in the case of a first offence;
 - b. a fine of two hundred (\$200.00) dollars in the case of a second offence;
 - c. a fine of three hundred (\$300.00) dollars in the case of a third and subsequent offences.
- 16) Any Guardian whose Child is in a Public Place after 11:00 p.m. and before 6:00 a.m. without Proper Adult Guardianship or Legitimate Excuse is guilty of an offence for lack of supervision and is liable upon summary conviction to:
- a. a fine of one hundred (\$100.00) dollars in the case of a first offence;
 - b. a fine of two hundred (\$200.00) dollars in the case of a second offence;
 - c. a fine of three hundred (\$300.00) dollars in the case of a third and subsequent offences.
- 17) Under no circumstances shall any person contravening any provision of this bylaw be subject to penalty of imprisonment.

- 18) 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.
- 19) 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.
- 20) Where a Violation Tag is issued pursuant to section 18 of this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 21) 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 Tag pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 1988, cP-21.5 as amended.
- 22) Notwithstanding section 21 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 1988 cP-21.5 as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 23) Should any provision of this bylaw be invalid then such invalid provisions shall be severed and the remaining bylaw shall be maintained.
- 24) This bylaw comes into full force and effect upon third and final reading.

READ A FIRST TIME THIS 16th DAY OF February, 2010 A.D.

JOHN IRWIN
MAYOR

ORIGINAL SIGNED

GORDON O. LUNDY
CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME THIS 16th DAY OF February, 2010 A.D.

JOHN IRWIN
MAYOR

ORIGINAL SIGNED

GORDON O. LUNDY
CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME THIS 2nd DAY OF March, 2010 A.D.

JOHN IRWIN

MAYOR

ORIGINAL SIGNED

GORDON O. LUNDY

CHIEF ADMINISTRATIVE OFFICER