

**BY LAW NO. 438-16**  
**PROVINCE OF ALBERTA**  
**SUMMER VILLAGE OF WEST COVE**

**A BYLAW OF THE SUMMER VILLAGE OF WEST COVE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF IMPOSING PROTECTIVE CURFEW REGULATIONS WITHIN THE BOUNDARIES OF THE SUMMER VILLAGE OF WEST COVE.**

**WHEREAS** the *Municipal Government Act* provides that a council may pass bylaws for municipal purposes including safety, health and welfare of people and the protection of people and property and people, activities and things in, or near a public place or place that is open to the public;

**AND WHEREAS** some minors within the Summer Village of West Cove are on the streets and in public places late at night unsupervised by adults and this may present a danger to the health, safety and welfare of such minors;

**NOW THEREFORE** the Council of the Summer Village of West cove, duly assembled, enacts as follows:

**SECTION 1 – SHORT TITLE**

1.1 This bylaw may be cited as the Summer Village of West Cove "Curfew Bylaw"

**SECTION 2 - DEFINITIONS**

2.1 For the purpose of this Bylaw, the following words shall have the following meanings:

2.1.1. "Curfew Period" means the period of the time between 11:00 p.m. and 6 a.m. in the same day.

2.1.2 "Emergency" means an unforeseen combination of circumstance or the resulting event that requires immediate action. This includes but is not limited to a fire, natural disaster, a motor vehicle collision, or any situation beyond the control of anyone, and requiring immediate action to prevent injury or death.

2.1.3 "Minor" means a person who is under 18 years of age.

2.1.4 "Parent or Guardian" means the actual parent or guardian or foster parent of a Minor and shall include any other person over 18 years of age having the care and control of a Minor.

2.1.5 "Peace Officer" means a member of the Royal Canadian Mounted Police or Special Constable appointed by the Province of Alberta.

2.1.6 "Public Place" means a place to which the public have or are permitted to have access including, but not limited to streets, highways, parks and parkways.

### **SECTION 3 – MINORS IN PUBLIC PLACES**

3.1 No Minor shall be in a Public Place during the Curfew Period unless accompanied by a Parent or Guardian.

3.2 No Parent or Guardian shall suffer, permit or allow any Minor who is in his or her custody, care or control, to be in a Public Place during the Curfew Period unless that minor is accompanied by a Parent or Guardian.

3.3 Notwithstanding anything contained herein, it shall not be a violation of this Bylaw for a Minor to be in a Public Place during the Curfew Period when:

3.3.1 involved in an Emergency as defined in the Bylaw or within the definition of an Emergency as established by a Peace Officer;

3.3.2 in a motor vehicle travelling from one point to another without any detour;

3.3.3 acting in the interest of an employer or voluntary organization or while directly returning home, without detour, as soon as reasonably practical, from an organized school, religious, sporting, or cultural event or any other recreational activity, as determined by the Peace Officer, which has been supervised by an adult.

### **SECTION 4 – PUBLIC PARKS**

4.1 All public parks within the Summer Village of West Cove are closed to the public between the hours of 11:00 p.m. and 6:00 a.m. unless prior written approval of access is granted in writing by the Chief Administrative Officer.

### **SECTION 5 – ENFORCEMENT**

5.1 Enforcement of this Bylaw lies within the sole discretion of the Peace Officer.

5.2 Notwithstanding Sections 3.1 and 5.1 and Sections 7 and 8, a Minor who violates this Bylaw will not receive a monetary penalty.

5.3 Under no circumstances shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.

5.4 Where a Minor is found to be in contravention of this Bylaw, a Peace Officer may:

- 5.4.1 advise the Minor to go directly to his or her home;
- 5.4.2 take the Minor to his or her home and deliver the Minor into the care of the Minor's Parent or Guardian; or
- 5.4.3 phone the Minor's Parent or Guardian and request that the Parent or Guardian attend at a mutually agreed upon location, to receive the Minor into the care of the Parent or Guardian.

## **SECTION 6 - PENALTIES**

- 6.1 Any Parent or Guardian who contravenes Sections 3.2 or 4.1 or any other section of this Bylaw is guilty of an offence and liable upon conviction to:
  - 6.1.1 For a first offence to a fine of One Hundred (\$100.00) dollars.
  - 6.1.2 For a second and subsequent offence(s) to a fine of Two Hundred (\$200.00) dollars.

## **SECTION 7 – VIOLATION TAGS**

- 7.1 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 any portion of this Bylaw.
- 7.2 A Violation Tag may be issued to such person;
  - 7.2.1 either personally, or
  - 7.2.2 by mailing a copy to such person at his/her last known post office address.
- 7.3 The Violation Tag shall be in a form approved by the Village and shall state:
  - 7.3.1 the name of the person;
  - 7.3.2 the offence;
  - 7.3.3 the appropriate penalty for the offense as set out in this Bylaw;
  - 7.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - 7.3.5 any other information as may be required the Village.
- 7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

- 7.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to the Summer Village of West Cove the penalty specified on the Violation Tag.
- 7.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

**SECTION 8 – VIOLATION TICKET**

- 8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.
- 8.2 Notwithstanding Section 7.1 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* as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

**SECTION 9 – ENFORCEMENT OF THIS BYLAW**

- 9.1 The Summer Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Summer Village may take into account any practical concerns, including available municipal budget and personnel resources.

**SECTION 10 – EFFECTIVE DATE**

- 10.1 This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaw 292-09, is hereby repealed.

READ A FIRST TIME IN COUNCIL	THIS 15 <sup>th</sup> DAY OF December 2016
READ A SECOND TIME IN COUNCIL	THIS 15 <sup>th</sup> DAY OF December 2016
READ A THIRD TIME IN COUNCIL	THIS 15 <sup>th</sup> DAY OF December 2016

**SUMMER VILLAGE OF WEST COVE**

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 Ren Giesbrecht  
 Mayor

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 Wendy Wildman  
 Chief Administrative Officer