

TOWN OF BIGGAR

BYLAW NO. 18-813

A BYLAW TO PERMIT THE IMPLEMENTATION AND ENFORCEMENT OF A CURFEW IN THE MUNICIPALITY OF BIGGAR

The Council of the Municipality of Biggar, in the Province of Saskatchewan, enacts:

SECTION 1: SHORT TITLE, APPLICATION AND INTERPRETATION

1. SHORT TITLE

1.1 This Bylaw may be cited as "*The Curfew Bylaw*".

2. APPLICATION AND PURPOSE

2.1 The provisions and enactments in this Bylaw shall relate to and be in full force and effect within the limits of the Municipality.

2.2 The headings throughout this Bylaw are for convenience only and are not intended to be used to construe the intent of this Bylaw or any part, and are for general reference only.

2.3 If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall be severed from the remainder of the Bylaw and the remainder shall be valid and remain in force.

2.4 The purpose of this bylaw is to regulate the time when minors may be in public places without proper guardianship and supervision.

3. INTERPRETATION

3.1 In this Bylaw, unless the context otherwise requires, the expression:

- (a) "CHIEF ADMINISTRATIVE OFFICER" means the Chief Administrator of the Municipality;
- (b) "CHIEF OF POLICE" means the officer in charge of the Biggar Detachment of the Royal Canadian Mounted Police;
- (c) "CHILD" means any person under the age of 16 years;
- (d) "CHILD AND FAMILY SERVICES" means the branch of the Department of Community Resources & Employment responsible for children and family issues;
- (e) "COMMUNITY SOCIAL EVENT" means a wedding reception or dance, school event, winter carnival, sports event, religious celebration or other social event open to members of the community to attend;
- (f) "COUNCIL" means the Council for the Town of Biggar;
- (g) "CURFEW" means the period of time from 11:00 p.m. to 6:00 a.m. daily when a child may not be in a public place unless accompanied by his or her parent;
- (h) "MUNICIPALITY" means the Municipal Corporation of the Town of Biggar, in the Province of Saskatchewan and includes its territorial boundaries;
- (i) "MUNICIPAL ENFORCEMENT OFFICER" means the Municipal or Bylaw Enforcement Officer appointed or designated by Council for the Municipality;
- (j) "PARENT" means an adult person responsible for the care and supervision of a child and includes the child's biological, adoptive or step father or mother, a person or guardian granted by a court of competent jurisdiction with custody of that child, a person who stands *in loco parentis* to that child, or a person who otherwise in law or *in fact* is responsible for that child's care and supervision;

- (k) "PEACE OFFICER" means any police officer, police constable, bailiff, sheriff, member of the Royal Canadian Mounted Police or of a municipal police force; and
- (l) "PUBLIC PLACE" means any place which the public has access as of right or by invitation, express or implied, and includes, without limiting the generality of the foregoing, the highways, streets, lanes, walkways, public parks, sporting facilities, and any business enterprise in the municipality.

SECTION II: PROHIBITION

4. PROHIBITIONS AND PENALTIES

- 4.1 No parent shall permit his or her child to be in any public place during curfew hours unless such child is:
 - (a) accompanied by his or her parent or legal guardian;
 - (b) accompanied by a person eighteen (18) years or more with the prior written authorization of such child's parent on his or her person;
 - (c) attending or is returning directly home from a community social event;
 - (d) attending or is returning directly home from his or her place of employment; or
 - (e) seeking or responding to render aid or obtain assistance to an emergency event or crisis which has caused or likely to cause significant personal harm to the child or another person, or significant property damage to private or public property.
- 4.2 A peace officer who on reasonable grounds believes that a person appears to be a child and is in a public place within the municipality during the curfew hours may:
 - (a) require the child to produce proof of identity and of age;
 - (b) require the child to identify and provide the contact information for his or her parent;
 - (c) verbally or in writing warn such child to immediately return to the child's residence and, if after such warning, the child refuses or neglects to return to his or her residence forthwith, the peace officer may contact that child's parent to request he or she promptly attend to the location of the child and escort the child to his or her residence; and
 - (d) in circumstances where the parent of the child cannot be identified or the parent neglects or refuses to attend and escort the child home within a reasonable period, the peace officer may arrest and detain that child as necessary under this bylaw, and thereafter contact and place that child into the custody of a worker employed by Child and Family Services.
- 4.3 It is an offence for a parent or child to fail to comply with the lawful directions of a peace officer enforcing this bylaw or to provide the information requested by a peace officer enforcing this bylaw.
- 4.4 Any parent who without reasonable excuse permits his or her child to contravene this bylaw is guilty of an offence and liable on summary conviction to fine of \$50.00 for the first offence and to a fine of \$100.00 per second and additional offence thereafter.
- 4.5 Any child who contravenes this bylaw is guilty of an offence and liable on summary conviction to fine of \$50.00 for the first offence and to a fine of \$100.00 per second and additional offence thereafter.
- 4.6 Any person charged with an offence under this bylaw may attend the head office of the municipality during regular business hours and voluntarily pay the penalty stated in the Notice of Violation to a clerk or administrator of the municipality within the time frames specified in the Notice of Violation and that person shall not be liable to further prosecution of the offence.
- 4.7 A Notice of Violation may be issued by any peace officer who has reasonable grounds to believe an offence has been committed under this bylaw.

- 4.8 A Notice of Violation shall include the date and time of the alleged offence, the identity of the offending child and/or parent, the approximate location within the municipality where the offence was observed, and the amount of the fine.
- 4.9 The Chief Administrative Officer of the municipality may only cancel a Notice of Violation where, in his or her opinion, that Notice of Violation was issued improperly or in error.
- 4.10 A person charged with an offence under this bylaw and wishes to dispute the allegation shall be tried before a Provincial Magistrate or Justice of the Peace pursuant to *The Summary Offences Procedures Act*.

5. EFFECTIVE DATE

- 5.1 This Bylaw shall come into force and be in effect on the final passing thereof.

Given 1st reading the 20th day of November, 2018

Given 2nd reading the 20th day of November, 2018

Given 3rd reading and hereby adopted the 20th day of November, 2018

Mayor

(SEAL)

Chief Administrative Officer

SCHEDULE "A" TO BYLAW
NO. 18-813

NOTICE OF VIOLATION

TOWN OF BIGGAR, P.O. Box 489, Biggar, Saskatchewan, SOKOMO

I, _____, a Peace Officer for the Province of Saskatchewan, do believe upon reasonable grounds that at or near the Town of Biggar, Saskatchewan at approximately _____ a.m. / p.m. on or about the _____ day of _____, 20____ that:

NAME OF OFFENDER: _____

ADDRESS OF OFFENDER: _____

Committed an offence under Section(s): _____ of *The Curfew Bylaw* for the Town of Biggar, Saskatchewan in that the offender did:

Description and location of offence:

The penalty for the above violation is (*check one*):

\$50.00 for a first offence

\$100.00 for a subsequent offence

DATED at Biggar, Saskatchewan this _____ day of _____, A.D. 20____ .

PEACE OFFICER

NOTICE: You, the offender named in this Notice of Violation, may voluntarily pay the above penalty to the clerk or administrator at the municipal office of the Town of Biggar during regular business hours or by mail postmarked within 10 days from the date of service of this Notice of Violation. If you fail to make voluntary payment or wish to dispute this Notice of Violation, you will be subject to prosecution and upon summary conviction, liable for the penalties permitted by *The Curfew Bylaw*.