

TOWN OF ROCKY MOUNTAIN HOUSE

BYLAW 98/35V

A bylaw of the Town of Rocky Mountain House to regulate the time after which minors shall not be in a public place at night without proper guardianship.

WHEREAS the Council of the Town of Rocky Mountain House is of the view that it would be in the best interests of the residents of the Town of Rocky Mountain House that a Bylaw be passed to regulate the time after which minors shall not be in a public place at night without proper guardianship.

NOW THEREFORE, by authority of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, the Municipal Council of the Town of Rocky Mountain House enacts as follows:

I. DEFINITIONS

1. a) **“Child”** shall mean a child male or female really or apparently under the age of sixteen (16) years
- b) **“Peace Officer”** shall mean a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer for the Town of Rocky Mountain House.
- c) **“Public Place”** means a place to which the public have or are permitted to have access, including:
 - provincially or municipally owned or leased property, and without restricting the generality of the foregoing includes streets, sidewalks, lanes, parks and recreation areas; and
 - privately owned or leased property, and without restricting the generality of the foregoing includes coffee shops, restaurants, shopping malls and movie theatres,
- d) **“Without Proper Guardianship”** means not under the care and control of and accompanied by a parent, legal guardian, foster parent or any other adult person who has been given prior permission by a Child’s parent, legal guardian or foster parent to assume care and control over and accompany a Child for a specified time period.

II.

1. Any parent, legal guardian or foster parent whose Child is found in a Public Place within the corporate limits of the Town of Rocky Mountain House after 12:00 o’clock a.m. on any day and before the hour 6:00 o’clock a.m. Without Proper Guardianship is guilty of an offence and liable upon summary conviction to
 - a) for a first offence, to a fine of Fifty (\$50.00) dollars,
 - b) for the second offence committed within the same calendar year, to a fine of One Hundred (\$100.00) dollars; and
 - c) for the third or subsequent offence committed within the same calendar year, to a fine of Two Hundred (\$200.00) dollars.
2. Any Child who is found in a Public Place within the corporate limits of the Town of Rocky Mountain House after the hour of 12:00 o’clock a.m. on any day and before the hour of 6:00 o’clock a.m. the following day Without Proper Guardianship is guilty of an offence and liable upon summary conviction to:
 - a) for a first offence, to a fine of Fifty (\$50.00) dollars,
 - b) for the second offence committed within the same calendar year, to a fine of One Hundred (\$100.00) dollars; and

- c) for the third offence committed within the same calendar year, to a fine of Two Hundred (\$200.00) dollars.

3. **Enforcement**

- a) 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 provision of this bylaw.
 - b) A Violation Tag may be issued to such person:
 - i) personally;
 - ii) by mailing a copy to such person at his last known post office address; or
 - iii) by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age;
 - c) The Violation Tag shall be in a form approved by the Town's Chief Administrative Officer and shall state:
 - i) the name of the defendant;
 - ii) the offence;
 - iii) the appropriate penalty for the offence as specified in this bylaw;
 - iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
 - v) any other information as may be required by the Town's Chief Administrative Officer.
 - d) Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
 - e) 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 offence, pay to the Town Treasurer the penalty specified on the Violation Tag.
 - f) Nothing in this bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
 - g) In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
 - h) Notwithstanding anything contained in this bylaw to the contrary, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
 - i) Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this bylaw, to the Provincial Court office specified on the Violation Ticket.
4. Under no circumstances shall any person contravening any provision of this Bylaw be subject to penalty of imprisonment.

III.

This Bylaw shall take force and effect upon final reading thereof.

READ A FIRST TIME IN COUNCIL THIS 1ST DAY OF DECEMBER A.D., 1998

READ A SECOND TIME IN COUNCIL THIS 1ST DAY OF DECEMBER A.D., 1998

READ A THIRD TIME IN COUNCIL THIS 1ST DAY OF DECEMBER A.D., 1998

MAYOR

TOWN MANAGER