

BY-LAW NO. 38-03
THE GRAND MANAN CURFEW BY-LAW

A By-Law of the Village of Grand Manan for the purpose of regulating the times after which a child shall not be in a public place at night without a guardian present.

WHEREAS, Chapter M-22, the Municipalities Act, Section 95 provides a council may make by-laws regulating the time after which children of defined ages are not to be in a public place at night without proper supervision; and

WHEREAS, the Council of the Village of Grand Manan is of the view that it would be in the best interest of the residents of the Village of Grand Manan that a by-law be passed to regulate the time after which a child shall not be in a public place at night without a guardian present.

NOW THEREFORE, the Council of the Village of Grand Manan duly assembled enacts as follows:

TITLE

This By-Law may be cited as the **Grand Manan Curfew By-Law No. 38-03**.

1. **DEFINITIONS:**

- a) **“Child”** means a child, male or female, seventeen (17) years of age or under;
- b) **“Council”** means the Council of the Village of Grand Manan;
- c) **“Emergency Circumstances”** shall mean a condition or state of emergency or danger, or apprehended emergency or danger, to the property or personal safety of the residents of the Village of Grand Manan or some of them, as may be declared and notified by the Mayor or Deputy Mayor (acting reasonably);
- d) **“Guardian”** means the parent(s) or a person over the age of eighteen (18) years empowered by the parent(s) or the Court to maintain the well being of the minor.
- e) **“Peace Officer”** means:
 - 1) a member of the Royal Canadian Mounted Police;
- g) **“Public Place”** means any place to which the public has access as a right

or by invitation, expressed or implied, and includes the interior of any motor vehicle in a public place;

h) **"Village"** means the Village of Grand Manan.

2. CONTROL:

a) No child shall be in a public place within the corporate limits of the Village of Grand Manan after the hour of 12:00 o'clock midnight on any day or before the hour of 6:00 o'clock a.m. following without a guardian present.

b) Any child to whom this by-law applies who is found in a public place without a guardian present after the hour of 12:00 o'clock midnight and before the hour of 6:00 o'clock a.m. following, may be warned to go home by a Peace Officer and if after the warning the youth refuses or fails to go home he/she either may be taken to his/her home or a shelter by the Peace Officer.

3. EMERGENCY CIRCUMSTANCES:

a) The Mayor may by proclamation declare that a state of emergency exists so as to bring into full force and effect the operation of this by-law, for a period of up to 72 hours as the Mayor may determine, or for such longer period as may be determined by Council;

b) On proclamation, and for such period as may be fixed by such proclamation, the following curfew shall be in force:

1) No youth shall be in a public place within the corporate limits of the Village of Grand Manan after the hour of 8:00 o'clock p.m. on any day or before the hour of 7:00 o'clock a.m. following without a guardian present.

4. PENALTIES:

a) Any parent or guardian who permits his/her child to contravene this by-law is guilty of an offence and liable upon summary conviction to:

1) for the first offence to a fine of fifty dollars (\$50.00);

2) for the second offence to a fine of one hundred dollars (\$100.00);

3) for the third or subsequent offence to a fine of two hundred dollars (\$200.00);

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

b) Any child who contravenes this by-law is guilty of an offence and liable upon summary conviction to:

- 1) for the first offence to a fine of fifty dollars (\$50.00);
- 2) for the second offence to a fine of one hundred dollars (\$100.00);
- 3) for the third or subsequent offence to a fine of two hundred dollars (\$200.00);
- 4) in each case in default of payment to a term of imprisonment not more than three months.

5. **EFFECTIVE DATES:**

This by-law shall come into force and effect upon the third and final reading.

Read First Time in its Entirety and By Title: _____ **November 3, 2003**_____

Read Second Time by Title Only: _____ **December 1, 2003**_____

Read Third Time by Title and Enacted: _____ **December 1, 2003**_____

Clerk

Mayor