

BY-LAW NO. 37
A BY-LAW OF THE MUNICIPALITY OF THE
VILLAGE OF SALISBURY RESPECTING A CURFEW

The Council of the Municipality of Salisbury under authority vested in it by Section 11 of the Municipalities Act R.S.N.B. 1973, e. M. - 22 and amendments thereto enacts as follows:

DEFINITIONS:

1. In this By-Law:

- (1) "Child" means a person under 16 years of age;
- (2) "Adult" means a person 19 years of age or older;
- (3) "Public Place" includes a street, highway or lane whether a thoroughfare or not, a place of public resort or a place to which the public has access.
- (4) "Peace Officer" means
 - (a) a member of the Royal Canadian Mounted Police,
 - (b) any member of the Royal Canadian Mounted Police auxiliary while on duty,
 - (c) a police officer or police constable appointed by or for the Village

2. Curfew:

No child shall be in a public place in the municipality after the hour of ten (10) o'clock in the evening unless accompanied by and under the direct supervision of a parent or legal guardian.

3. (1) Where a Peace Officer finds an apparent child in a public place contrary to Section 2, the Peace Officer may, by demand made to that person who appears to be a child, require that person to provide proof of age.
- (2) Where it is found that the person is a child within the meaning of this By-law or the person, without reasonable excuse, fails or refuses to comply with the demand made to him by the Peace Officer, under subsection 1, then the Peace Officer may deal with the person as a child in need of protection under the Family Services Act, R.S.N.B., 1980 Chapter F-2.2 and may:
 - (a) order the child to go home;
 - (b) where the child refuses to go home the Peace Officer may take the child to a children's shelter.

4. (1) A parent, legal guardian or other person who has in law, or in fact, the custody or control of a child, and who permits that child to violate Section 2 shall be guilty of an offence and liable upon summary conviction as set out in paragraph 4(3).
 - (2) A parent is guilty of a violation of sub-section 4(1) if their conduct in the care of the child causes or permits the child to violate the By-Law.
 - (3) A parent, legal guardian or other person as defined in Section 4(1) or 4(2) who is found guilty shall be subject to the following provisions:
 - (a) in the case of a first offence, to a fine not exceeding fifty dollars (\$50.00)
 - (b) in the case of a second and each subsequent offence thereafter to a fine not exceeding, one hundred dollars (\$100.00)
 - (4) Notwithstanding subsection (1) and (2) and (3) of this Section, any Peace Officer under this Section may, either before or after the institution of proceedings against a person for any violation of this by-law, accept from the person alleged to have been guilty of such violation the payment of a sum
 - (a) equal to the maximum penalty prescribed for such violation for a first offence;
 - (b) equal to the maximum penalty prescribed for such violation for a second and each subsequent offence:

The Peace Officer accepting the payment under this Section shall record the payment received, and present the donor with a receipt showing the amount paid, the date of payment and the Section of the by-law violated, and shall forthwith forward to the Village Treasury the amount so received.
 - (5) A payment made under section 4(3) shall constitute full satisfaction, release and discharge of all penalties and imprisonments incurred by such person for such violation.
 - (6) The payment of any sum mentioned in section 4(3) to a Peace Officer shall have for all purposes of this by-law, the same effect as if a Judge of the Provincial Court has convicted the person of the violation for which the amount was paid.
5. The Judge of the Provincial Court, before whom any information is laid under Section 4(1) or (2) of this by-law, may accept fine, penalty and costs prescribed by him in accordance with section 4(3) from the person of the violation for which the amount was paid.

- 6. For the purpose of this by-law, a police station closest to this municipality is a children's shelter.
- 7. This by-law comes into force on the date of final passing thereof.

FIRST READING: September 24, 2001

SECOND READING: September 24, 2001

THIRD READING & ENACTMENT: October 9, 2001

Beth Jackson
MAYOR

Carol Westman
CLERK