

TOWN OF LUMSDEN

BYLAW No. 5-98

A BYLAW OF THE TOWN OF LUMSDEN TO PROVIDE FOR THE IMPLEMENTATION AND PROVISIONS OF A CURFEW PURSUANT TO SECTION 140 OF THE URBAN MUNICIPALITY ACT, 1984.

The Council of the Town of Lumsden, in the Province of Saskatchewan, enacts as follows:

1. SHORT TITLE AND INTERPRETATION:

- a.) This Bylaw shall be called the “ **Curfew Bylaw** ”.
- b.) It is deemed advisable to regulate the time during which children are allowed to be in public places without the supervision of a parent or guardian, in an attempt to control the late night mischief and illegal conduct which has occurred from time to time.

2. DEFINITIONS:

- a.) “ **Child** ” shall mean a person under sixteen (16) years of age;
- b.) “ **Town** ” shall mean the Town of Lumsden;
- c.) “ **Parent** ” shall mean:
 - i. the mother of a child;
 - ii. the father of a child;
 - iii. a person to whom custody of a child has been granted by a court of competent jurisdiction or by a deed or agreement of custody;
 - iv. a person with whom a child resides and/or who stands in *loco parentis* to the child.
- d.) “ **Peace Officer** ” shall mean any member of the Royal Canadian Mounted Police or any special constable or bylaw enforcement officer of the Town of Lumsden.
- e.) “ **Public Place** ” shall include any place to which the public have access as a right or by invitation, express or implied.
- f.) “ **Loiter** ” means to be present in a public place without unavoidable cause, the proof of which shall be upon the person asserting such cause.

3. INFRACTIONS:

- a.) No child shall be in a public place in the Town of Lumsden, Saskatchewan between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. of any day unless accompanied and or supervised by a parent as defined in Section 2 (c) of this bylaw.
- b.) A child found in a public place in the time period set forth in Section 3(a) may be warned to go home by a peace officer, and if after such warning the child is found loitering in a public place, a peace officer may take the child to the child's home or to a representative of the Department of Social Services of the Government of the Province of Saskatchewan responsible for the care of children.

4. PENALTIES:

(a) Any Parent or guardian who permits his/her child to contravene Section 3 of this bylaw is guilty of an offence and liable on summary conviction to a fine of:

- **First Offence** **\$ 50.00**
- **Second and Subsequent Offence** **\$100.00**

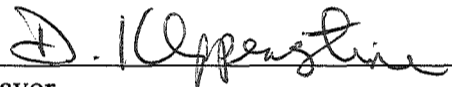
(b) Any child who contravenes Section 3 of this bylaw is guilty of an offence and liable on summary conviction to a fine of:

- **First Offence** **\$ 50.00**
- **Second and Subsequent Offence** **\$100.00**

(c) The penalties prescribed in this bylaw can be voluntarily paid to the Town of Lumsden at the Lumsden Administration Office located at 300 James Street North during regular office hours. Upon such payment the person charged shall not be subject to prosecution for the offence in which respect payment was made.

(d) The Notice of Violation shall be in Form "1" Appendix "A", attached hereto and forming part of this bylaw.

This bylaw shall come into force and be in effect on the 1st day of **October** , 1998.



Mayor

SEAL



Administrator

Certified to be a true copy of Bylaw No. 3-98
passed by resolution of Council
on the 14th day of September , 1998.



Administrator

SEAL