

BYLAW NO. 719

A BYLAW TO PROVIDE FOR THE IMPLEMENTATION AND PROVISIONS OF A CURFEW IN THE TOWN OF DAVIDSON

WHEREAS it is deemed necessary and in the public interest to regulate the time after which children shall not be in a public place at night without proper guardianship, and

WHEREAS the Municipal Council of the Town of Davidson is committed to preserving a community quality of life which emphasizes individual safety and well being, as well as the protection of the use of public and private property;

NOW THEREFORE the Council of the Town of Davidson, in the province of Saskatchewan, enacts as follows:

1. Definitions:
 - a) "Child" means a person who is fifteen (15) years of age or under.
 - b) "Peace Officer" means a member of the Royal Canadian Mounted Police.
 - c) "Public Place" means a place to which the public have or are permitted to have access, including:
 - i) Provincially and municipally owned or leased real property, and without restricting the generality of the foregoing includes streets, sidewalks, lands, parks and recreation areas, and
 - ii) Privately owned or leased real property, upon complaint only by the owner or tenant, and without restricting the generality of the foregoing includes coffee shops, restaurants and any other place of business.
 - d) "Proper Adult Guardianship" means under the care and control of, and accompanied by a:
 - i) Parent, legal guardian, or foster parent.
 - ii) "Temporary Guardian" referring to an adult person who has been given prior permission by a Guardian to look after a Child for a specified time period".
 - e) "Offender" means a Child or Guardian charged with an offence under this bylaw.
 - f) "Legitimate Excuse" includes only the following:
 - i) Travelling directly to and from a place of employment whether paid or volunteer work;
 - ii) Working at a job (whether paid or volunteer) that requires the Child to be in a public place;
 - iii) Travelling directly between home and from an organized event which has been supervised by Proper Adult Guardianship.
 - g) "Town" means Town of Davidson.
2. No Child shall be in a Public Place within the corporate limits of the Town of Davidson after the hour of 11:00 pm and before 6:00 am of any day without Proper Adult Guardianship or a Legitimate Excuse.
3. A Child found in a public place after the time set out in Section 2, may be warned to go home by any peace officer, and if after such warning the child is found loitering in a public place, the child may be taken by the peace officer to the child's home.
4. Any Child who is found in a Public Place after 11:00 pm and before 6 am without Proper Adult Guardianship or Legitimate Excuse is guilty of an offence and is liable upon summary conviction to:
 - a) A fine of one hundred (\$100.00) dollars in the case of a first offence.
 - b) A fine of two hundred (\$200.00) dollars in the case of a second offence.

- c) A fine of three hundred (\$300.00) dollars in the case of a third and any subsequent offences.
5. Any Guardian whose Child is in a Public Place after 11:00 pm and before 6:00 am without Proper Adult Guardianship or Legitimate Excuse is guilty of an offence for lack of supervision and is liable upon summary conviction to:
 - a) A fine of one hundred (\$100.00) dollars in the case of a first offence.
 - b) A fine of two hundred (\$200.00) dollars in the case of a second offence.
 - c) A fine of three hundred (\$300.00) dollars in the case of a third and any subsequent offences.
6. Upon being served with a Notice of Violation, a violator of this bylaw may, during regular office hours, voluntarily pay the penalty as stated at the Davidson Town Office and upon payment as so provided, that person shall not be liable to prosecution of the offense.
7. This bylaw shall come into force and take effect on the final passing thereof.
8. Bylaw No. 265 and Bylaw No. 630 are hereby repealed.

Mary Jane Morrison, Mayor

(S E A L)

Gary Edom, Administrator

*Given final reading and hereby
adopted this 20th day of October,
2009*