

**THE TOWN OF CHURCHILL
BY-LAW NO. 683/98**

**BEING A BY-LAW OF THE TOWN OF CHURCHILL RESPECTING CURFEWS OF
THE TOWN OF CHURCHILL.**

WHEREAS Section 232(1)(a) of The Municipal Act provides that Municipalities may pass by-laws respecting "the safety, health, protection and well-being of people, and the safety and protection of property" within the Municipality.

AND WHEREAS it has come to the attention of the Council of The Town of Churchill that property and persons are being affected by young persons, unsupervised by adults, being in public at night;

AND WHEREAS the Council deems it expedient to pass a by-law respecting the hours at which young persons may be in public without parental or other adult supervision;

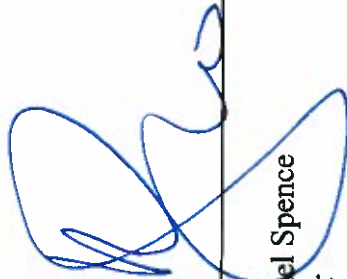
NOW THEREFORE BE IT RESOLVED that the Council of The Town of Churchill passes and hereby enacts the following by-law:

1. Definitions
 - a) "Child" means a person under the age of majority;
 - b) "In public" means any public place or place to which the public have access implied or express and including, without restriction the generality of the foregoing, the streets, alleys and walk-ways of The Town of Churchill, all public parks, all sporting facilities and any business enterprise;
 - c) "Parent" means the person or persons with whom a child actually resides and who has the then current capacity and responsibility to care for and provide the necessities for such child and includes a person who stands in loco parentis to the child;
2. Curfew
 - a) There shall be a curfew for all persons not of the age of majority within The Town of Churchill;
 - b) No child, who is under the age of 12, shall be in public, between the hours of 10:00 p.m. and 7:00 a.m.;
 - c) No child who has attained the age of 12 years but has not yet attained the full age of 16 years old, shall be in public between the hours 11:00 p.m. and 7:00 a.m.;
 - d) No child who has attained the age of 16 years but has not yet attained the age of majority shall be in public between the hours 12:00 a.m. and 7:00 a.m.;
 - e) No child shall be found in contravention of this by-law if they are in the company of a parent or are found in a public place while acting in the interest of an employer, a volunteer organization or returning as soon as is reasonably practicable from a organized sporting or other event which is supervised by an adult;
 - d) No parent shall allow a child to contravene the provisions of the by-law;
3. Police May Order Home
 - a) Any Peace Officer, if he or she finds a person who is in public contravention of this by-law may order the person home and if the person refuses and/or neglects to return home may arrest the person, detain them as necessary, and return them to their parent or parents as may be appropriate;


- b) In the event no parent is available at the child's residence, and the parent, relative or appropriate adult can not be conveniently located, the child shall, as soon as practicable, be delivered to the appropriate Child Care Agency as authorized by The Child and Family Services Act C.C.S.M. cap C80 (or such successor legislation as may be enacted by the Legislature of the Province of Manitoba);
- c) Where any child is required to be returned home or is delivered to the Child Caring Agency the Peace Officer involved shall within 2 business days following advise the Child Caring Agency in writing of the circumstances of such.
4. Penalty
- a) Any child that is found in contravened of this by-law, he/she shall be warned the first time. If the child is in contravention a second time, he or she will be assigned community service for the amount of time the child was in contravention of the by-law. If the child is in contravention in subsequent times, he or she will be subject to community service and/or a fine of not less than \$25.00 and not more than \$100.00.
- b) Any guardian that is found in contravention of this by-law a second time, shall be sent to community services to receive parenting classes. If subsequent contravention or refusal to attend classes occurs, then the guardian shall be subject to a fine of not less than \$25.00 and not more than \$500.00.
- c) No parent shall be prosecuted under this by-law unless on at least one prior occasion a child in his or her care has been in public in contravention of this by-law AND a written notice that sets out the date, time, and place of such breach and encloses a copy of this by-law has been delivered to the parent;
- e) The notice provided in Article 4(c) shall be delivered to the residence of the parent and shall be effective if left with the either parent of the child or with another adult person found in or on the premises.

5. Coming Into Force

- a) This by-law shall come into force and take effect upon being read a third time and passed by Council.
- b) By-law No. 591/95 is hereby rescinded.



Michael Spence
Mayor



Cory Young
Chief Executive Officer:

Read a first time this 17th day of September, A.D., 1998

Read a second time this 23rd day of March, A.D., 2000

Read a third time this 20 day of April, A.D., 2000