

TOWN OF THE PAS

BY-LAW NO. 4246

BEING A BY-LAW OF THE TOWN OF THE PAS TO PROVIDE FOR THE IMPLEMENTATION AND PROVISIONS OF A CURFEW.

WHEREAS Section 232(1)(a) of The Municipal Act provides that a Council may pass by-laws for municipal purposes respecting the safety, health, protection and well-being of people, and the safety and protection of property;

AND WHEREAS it has come to the attention of the Council of the Town of The Pas that in the year 1995, 85 instances of offences under the Young Offender's Act occurred within the Town of The Pas; and that in the year 1996, 144 instances of offences under the Young Offender's Act occurred within the Town of The Pas;

AND WHEREAS in the year 1997, 187 instances of offences under the Young Offenders Act occurred within the Town of The Pas;

AND WHEREAS in the year 1997, 62% of offences under the Young Offender's Act occurred between the hours of 8:00 p.m. and 8:00 a.m.;

AND WHEREAS the Council of the Town of The Pas is intent upon protecting the public from the illegal acts of minors committed during the hours of darkness, with protecting minors from criminal activity that occurs during hours of darkness and with helping parents control their children; the Council of the Town of The Pas deems it necessary and in the best interest of the community as a whole to enact a by-law regulating the time after which children under a specific age shall not be allowed in the highways or other public places without proper supervision.

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. Short Title

(a) This by-law shall be referred to as the "Curfew By-Law".

2. Definitions

(a) **Child** - means a person who is under the age of majority.

(b) **Public Place** - includes any place to which the public have access as of right or by invitation, express or implied and includes, without limiting the generality of the foregoing, the highways, streets, lanes and walk-ways, all public parks, all sporting facilities and any business enterprise in the Town of The Pas.

(c) **Parent** - in addition to its ordinary meaning, 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.

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3. Provisions

- (a) There shall be a curfew within the Town of The Pas for all persons under the age of majority.
- (b) Without the supervision of a parent, no child who has not yet attained the age of Twelve (12) years, shall be on a highway or other public place in The Town of The Pas between the hours of 9:30 o'clock p.m. and 6:00 o'clock a.m..
- (c) Without the supervision of a parent, no child who has attained the age of Twelve (12) years but has not attained the age of Fifteen (15) years, shall be on a highway or other public place in The Town of The Pas between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m..
- (d) Without the supervision of a parent, no child who has attained the age of Fifteen (15) years but has not attained the age of majority, shall be on a highway or other public place in The Town of The Pas between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m..
- (e) No parent shall allow a child to contravene the provisions of this by-law.
- (f) No person having charge of a sporting facility or business enterprise in the Town of The Pas shall allow a child to contravene the provisions of this by-law.

4. Enforcement

- (a) A Peace Officer who finds a child who is or, in the absence of evidence to the contrary, appears to be under the ages specified in Section 3 and is on a highway or other public place between the hours specified in Section 3, may arrest the child, detain the child as necessary, or return the child to the child's parents as deemed appropriate.

5. Penalties

- (a) Where a parent or guardian of a child permits or allows the child to contravene this by-law, the parent or guardian is guilty of an offense and is liable, on summary conviction, to a first offense, to a reprimand or to a fine of fifty (50) dollars and for a second or any subsequent offense, to a fine of one hundred (100) dollars or to imprisonment for a term of not more than one (1) month, or to both such fine and imprisonment.
- (b) Where a person in charge of a sporting facility or a business enterprise in the Town of The Pas permits or allows a child to contravene this by-law, that person is guilty of an offence and is liable, on summary conviction, for a first offence, to a fine of fifty (50) dollars and for a second or any subsequent offence, to a fine of one hundred (100) dollars, or to imprisonment for a term of not more than one (1) month, or to both such fine and imprisonment.
- (c) Upon being served with a Notice of Violation of this by-law, a parent or person in charge of a sporting facility or business enterprise may, during regular working hours, voluntarily pay the penalty noted in Subsection 5(a), and upon payment as so provided, shall not be liable to prosecution of the offense.

6. General

- (a) Notwithstanding any other provision of this By-Law, the Council of the Town of The Pas may, by way of a Resolution of Council, alter or suspend the hours of curfew for any designated day or days.

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- (b) Where a child, by reason of employment or family obligations or other such reasons which the Town of The Pas deems good and sufficient, is required or likely to attend in public places in the Town of The Pas in breach of curfew hours, a Parent may apply to have a Waiver issued by the Town of The Pas Chief Administrative Officer or Town Clerk or a Peace Officer exempting the child from the By-Law on such terms and conditions as may be deemed appropriate.
- (c) In the event that a Court of competent jurisdiction, or any other body with jurisdiction, determines that any provision herein is unlawful or beyond the jurisdiction of the Town of The Pas, said provision shall be severable from this By-Law and the remainder of the terms of this By-Law shall remain in full force and effect.

7. Effective Date

- (a) This by-law shall come into force and takes effect upon being read a third time and passed by Council.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 6TH DAY OF MAY A.D. 1998.

Gary Hopper
Mayor

Val Myron
Town Clerk

CERTIFIED THAT BY-LAW NO. 4246 WAS:

READ A FIRST TIME THIS 18TH DAY OF MARCH A.D. 1998.
READ A SECOND TIME THIS 18TH DAY OF MARCH A.D. 1998.
READ A THIRD TIME THIS 6TH DAY OF MAY A.D. 1998.

Val Myron
Town Clerk

TOWN OF THE PAS

BY-LAW NO. 4245

BEING A BY-LAW OF THE TOWN OF THE PAS FOR THE PURPOSE OF CLOSING A PUBLIC LANE, PURSUANT TO SECTION 290(1) OF THE MUNICIPAL ACT.

WHEREAS Section 290(1) of The Municipal Act provides, in part, as follows:

"Subject to subsection (2), a municipality may close a municipal road by registering a plan, by-law or resolution at the appropriate land titles office"

AND WHEREAS the hereinafter described public lane is no longer required for public purposes and it is desirable and expedient and in the public interest that the same be closed;


NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. THAT all that portion of the public lane in The Town of The Pas shown as Parcel A on a plan prepared by Bayne Bruce Balchen, Manitoba Land Surveyor, between the dates of July 11, 1996 and June 11, 1997, be and the same is hereby closed.
2. THAT all mines and minerals be vested in the Crown (Manitoba) by The Real Property Act and that the Mayor and Town Clerk are hereby authorized and directed to do all acts and execute all documents required to close the said public lane.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 15TH DAY OF APRIL A.D. 1998.



Mayor



Town Clerk

Certified that By-Law No. 4245:

Received first reading on the 4TH day of


MARCH A.D. 1998.

Received second reading on the 15TH day of

APRIL A.D. 1998.

Received third reading on the 15TH day of

APRIL A.D. 1998.



Town Clerk