

CURFEW BY-LAW

BY-LAW # 205-09

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The Council of the Town Of Sussex, under authority vested in it under section 95 The Municipalities Act R.S.N.B. 1973, c. M-22, hereby enacts as follows:

1. TITLE

- (i) This by-law may be cited as “Curfew By-Law”.
- (ii) The provisions of this by-law apply to the entire area within the Town limits of the Town of Sussex.

2. DEFINITIONS

In this by-law:

- (i) “Adult” means a person who has attained the age of nineteen years;
- (ii) “Child” means a boy or girl who is or, in the absence of evidence to the contrary, appears to be under the age of sixteen years;
- (iii) “Children’s Shelter” means any location designated as such and includes a police station;
- (iv) “Municipality” means Town of Sussex;
- (v) “Peace Officer” or “Police Constable” means
 - (a) a member of the Royal Canadian Mounted Police,
 - (b) any member of the Royal Canadian Mounted Police auxiliary while on duty; and

2. **DEFINITIONS** (cont'd)

(vi) "Public Place" includes a street, highway or lane whether a thoroughfare or not, a place of public resort, parks and playgrounds, or a place to which the public has access within this municipality.

3. No child under the age of sixteen years shall be in a public place at night in this Municipality between 2300 hours and 0500 hours unless he or she is accompanied by a parent or legal guardian or has the consent of a parent or legal guardian.

4. (i) Where a peace officer or police constable finds a child in a public place contrary to Section 3, the peace officer or police constable may demand that child to provide proof of age.

(ii) Where a child within the meaning of this by-law is found to be in a public place between 2300 hours and 0500 hours, not accompanied by a parent or legal guardian, who without reasonable excuse, fails or refuses to comply with the demand made to the child by the peace officer or police constable, under subsection (i), the peace officer or police constable may:

(a) order the child home; or

(b) take the child to the child's home; or

(c) if unable to determine the child's home, take the child into custody and place the child in a Children's Shelter until such time as the home of the child can be determined; or

(d) deal with the child as a child whose security or development may be in danger under the Family Services Act ch. F-2.2, R.S.N.B. 1973 with amendments thereto until such time the peace officer or the police constable is able to determine the place of residence for the child.

5. PLURAL OR FEMININE TERMS

In this by-law plural or feminine terms may apply whenever the singular, masculine or feminine is used. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

6. VALIDITY

The invalidity of any section, clause, sentence or provision of the by-law shall not affect the validity of any other part of this by-law which cannot be given effect without such invalid part or parts.

7. PENALTIES

A child who violates any provision of this By-Law commits an offence which offence shall be punishable under Part II of the Provincial Offences Procedure Act as a category B offence.

8. REPEAL

- (i) The repeal of a By-Law “The Town Of Sussex Curfew By-Law, By-Law #205-03” enacted on December 15, 2003, shall not affect any penalty, forfeiture or liability incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal or shall it repeal, defeat, disturb, invalidate or prejudicially affect any manner or thing whatsoever completed, existing or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any manner or thing whatsoever completed, existing or pending at the time of repeal.
- (ii) A By-Law entitled “The Town Of Sussex Curfew By-Law, By-Law #205-03”, enacted on the 15th day of December, 2003, and amendments thereto is hereby repealed.

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READ FIRST TIME BY TITLE	<u>APRIL 27, 2009</u>
READ SECOND TIME BY TITLE	<u>APRIL 27, 2009</u>
READ IN ENTIRETY	<u>APRIL 29, 2009</u>
THIRD READING BY TITLE AND ENACTED	<u>APRIL 29, 2009</u>

PAUL I. MAGUIRE
TOWN CLERK

RALPH A. CARR
MAYOR