

BY-LAW NO. 98-7982

BEING A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE TO regulate the time after which children shall not be in a Public Place at night without proper guardianship.

WHEREAS there is a demonstrated desire from the citizens of Portage la Prairie to implement a curfew for children;

AND WHEREAS it is deemed necessary to provide another option or resource for our police officers in an effort to meet the desires of our citizens and to make Portage la Prairie a safer place in which to live, do business and enjoy our quality of life;

AND WHEREAS it is deemed necessary and desirable by the Mayor and Council of the City of Portage la Prairie to regulate the time after which children shall not be in a Public Place at night without proper guardianship;

AND WHEREAS a curfew by-law will assist parents and legal guardians in exercising authority over their children to keep their children safe from harm and also enhance the quality of life and promote the health and welfare of the families within the City of Portage la Prairie;

AND WHEREAS pursuant to The Municipal Act of Manitoba, S.M. 1996, c.58-Cap. M225, and amendments thereto, the Council of the City of Portage la Prairie is authorized to pass by-laws for municipal purposes respecting the safety, health, protection and well being of people, and the safety and protection of property, and respecting people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation.

NOW THEREFORE THE MAYOR AND COUNCIL OF THE CITY OF PORTAGE LA PRAIRIE, IN OPEN SESSION ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. Definitions:

- a) "**Child**" means a person under the age of eighteen (18) years.
- b) "**Guardian**" means parent, legal guardian, foster parent, adult person standing in loco parentis, or an adult person who has been given prior permission by a Guardian to look after a Child for a specified period of time.
- b) "**Public Place** means a place to which the public have or are permitted to have access, including:
 - i) provincially or municipally owned or leased real property, and without restricting the generality of the foregoing includes streets, sidewalks, lanes, parks and recreation areas, and;
 - ii) privately owned or leased real property, to which the public has access by either express or implied invitation.

2. a) No Child under the age of 12 years shall be in a Public Place within the corporate limits of the City of Portage la Prairie after 11:00 p.m. and before 6:00 a.m.;
- b) No Child between the ages of 12 years and 15 years, inclusive, shall be in a Public Place within the corporate limits of the City of Portage la Prairie after 12:00 midnight and before 6:00 a.m.;
- c) No Child of the age of 16 years or 17 years shall be in a Public Place within the corporate limits of the City of Portage la Prairie after 1:00 a.m. and before 6:00 a.m.
3. Any Child who is found in contravention of this by-law shall be subject to a fine of not less than \$25.00 and not more than \$200.00.
4. No Child shall be found in contravention of this by-law if they are in the company of a Guardian 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 an organized sporting or other event which has been supervised by an adult.
5. Every Guardian of a Child, whether that Child is their own or that of any other person and while that Child is under their care and supervision shall ensure that such Child shall not be found in contravention of this by-law.
6. Any Guardian who is found in contravention of this by-law shall be subject to a fine of not less than \$25.00 and not more than \$200.
7. In no event shall a Child or Guardian who is found in contravention of this by-law be subject to imprisonment.
8. Should any provision of this by-law be unenforceable at law, it shall be considered separate and severable from the remaining provisions of this by-law which shall continue in force, and shall be binding as though the said provision has not been included.
9. This By-Law shall come into effect on the day after approval by Council.

DONE AND PASSED AS A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE BY THE COUNCIL THEREOF IN OPEN SESSION ASSEMBLED THIS 13th DAY OF APRIL, 1998.

[original signed by W.G. Carlson]

[original signed by Margaret Loewen]

Mayor

Manager of Administration

Read a first time this 23rd day of March, 1998.

Read a second time this 13th day of April, 1998.

Read a third and final time this 13th day of April, 1998.