



**BY-LAW NO. 40
OF THE VILLAGE OF HILLSBOROUGH**

**A BY-LAW OF THE MUNICIPALITY OF THE VILLAGE OF
HILLSBOROUGH RESPECTING A CURFEW**

**THE COUNCIL OF THE MUNICIPALITY OF THE VILLAGE OF
HILLSBOROUGH UNDER AUTHORITY VESTED IN IT BY SECTION 95
CHAPTER M-22 OF THE PROVINCE OF NEW BRUNSWICK
MUNICIPALITIES ACT: ENACTS AS FOLLOWS:**

1. IN THIS BY-LAW

- (1) "Adult" means a person who has attained the age of nineteen years;
 - (2) "Child" means a boy or girl seventeen years of age or under;
 - (3) "Public Place" includes a street, highway or lane whether a thoroughfare or not, a place of public resort or a place to which the public has access; and
 - (4) "Peace Officer" means
 - (a) a member of the Royal Canadian Mounted Police,
 - (b) any member of the Royal Canadian Mounted Police auxiliary while on duty,
 - (c) the Clerk of the Municipality.
2. No child shall be in a public place in the Municipality after 10:30 pm local time in the evening unless the child is accompanied by an adult.
3. (1) Where a peace officer finds an apparent child in a public place contrary to Section 2, the peace officer may, by demand made to that person who appears to be a child require that person to provide proof of age.
- (2) Where it is found that the person is a child within the meaning of this by-law or the person, without reasonable excuse, fails or refuses to comply with the demand made to him by the peace officer, under subsection (1), then the peace officer may:
- (a) order the child to go home;
 - (b) where the child refuses to go home the peace officer may take the child to a children's shelter.
4. (1) A parent, guardian, or other person who has in law, or in fact, the custody or control of a child, and who permits that child to violate Section 2 shall be guilty of an offence and liable upon summary conviction:
- (a) in the case of a first offence, to a fine not exceeding **twenty dollars (\$20.00)**.

(b) in the case of a second and each subsequent offence thereafter to a fine not exceeding **forty dollars (\$40.00)**.

(2) Notwithstanding subsection 1 of this Section, any peace officer under this Section may, either before or after the institution of proceedings against a person for any violation of this by-law, accept from the person alleged to have been guilty of such violation the payment of a sum

(a) equal to the maximum penalty prescribed for such violation for a first offence;

(b) equal to the maximum penalty prescribed for such violation for a second and each subsequent offence;

the peace officer accepting the payment under this Section shall record the payment received, and present the donor with a receipt showing the amount paid, the date of payment and the Section of the by-law violated, and shall forthwith forward to the Village Clerk the amount so received.

(3) A payment made under section 4(2) shall constitute full satisfaction, release and discharge of all penalties and imprisonments incurred by such person for such violation.

(4) The payment of any sum mentioned in section 4(2) to a peace officer shall have, for all purposes of this by-law, the same effect as if a Judge of the Provincial Court had convicted the person of the violation for which the amount was paid.

5. The Judge of the Provincial Court before whom any information is laid under section 4(1) of this by-law, may accept fine, penalty and costs prescribed by him in accordance with section 4(1) from the person who is found to be in violation of this by-law.

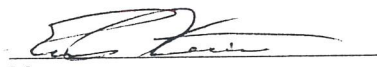
6. For the purposes of this by-law, a police station in the municipality is a children's shelter.

7. This by-law comes into force on the date of final reading thereof.


Read First Time July 5, 2000

Read Second Time July 5, 2000

Read Third Time and Enacted July 24, 2000



Mayor



Clerk