

Town of Souris By-laws

BY-LAW No. 07-3

BY-LAW ENFORCEMENT OFFICER

In accordance to Part XI, Section 58.1 of the Municipalities Act R.S.P.E.I. 1988, Cap. and read in conjunction with the Municipalities Act and the Summary Proceedings Act, both of which contain provisions relating to prosecution of municipal offences, NOW THEREFORE the Council of the Town of Souris hereby enacts, as the by-law for the By-law Enforcement Officer.

1. Title

This By-Law may be cited as the By-Law Enforcement Officer By-law.

2. Interpretation

(1) In this By-law:

“Act” means the Municipalities Act R.S.P.E.I. 1988, Cap. M-13; “Administrator” means the Administrator of the Town; “By-law” means a by-law made pursuant to the provisions of the Act; “Council” means the council of the Town of Souris; “Municipality” means the Town of Souris; “Municipal Offence Ticket” means a ticket that may be issued in respect of an offence against a by-law.

(2) Terms not otherwise defined in this by-law shall have the meaning ascribed to such terms under the provisions of the Act.

3. Appointment

(1) Council may, from time to time, appoint any individual to be a by-law enforcement officer for the purpose of enforcing by-laws of the Municipality. (2) The terms and conditions of employment of the by-law enforcement officer, including the duration of appointment, may be determined by Council at the time of the appointment.

4. Duties of By-Law Enforcement Officer

(1) A by-law enforcement officer appointed under this by-law shall have the authority to enforce by-laws on behalf of the municipality. (2) The duties and powers of a By-law Enforcement Officer shall include: (a) To receive complaints or other information relating to possible bylaw offences; (b) To conduct investigations and make inquiries into possible bylaw offences; (c) Where reasonable grounds exist to believe a bylaw contravention has occurred, to issue, sign and serve a municipal offence ticket; (d) With the assistance of legal counsel if required, to represent and assist the town in the prosecution of any by-law offence; (e) With the assistance of legal counsel if required, to

arrange for the attendance of witnesses and the presentation of evidence required for the purposes of prosecuting a bylaw offence; and

(f) To do and perform such other things as may be reasonably necessary to carry out the above duties.

Notwithstanding the foregoing, the by-law enforcement officer may not issue a municipal offence ticket in respect of an offence against a provision of a bylaw that relates to traffic matters, other than the parking of vehicles.

5. Nothing in this bylaw shall be construed or interpreted as authorizing a By-Law Enforcement Officer to incur any cost or expense on behalf of the municipality, and no cost or expense shall be incurred by the By-Law Enforcement Officer without the prior authorization of Council or the Administrator.

First reading the 9th day of October, 2007

Second reading, the 13th day of November, 2007

Enacted and passed this 13 day of November, 2007

TOWN OF SOURIS

Joanne Reid MAYOR

Dianne La Chapelle ADMINISTRATOR