

Town of Souris By-laws

BY-LAW No. 07-2

MUNICIPAL OFFENCE TICKET

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 Municipal Offence Ticket.

1. Title

This by-law may be cited as the Municipal Offence Ticket By-law.

2. Interpretation

(1) In this By-law:

- (a) “Act” means the Municipalities Act R.S.P.E.I. 1988, Cap. M-13;
- (b) “Administrator” means the Administrator of the Town;
- (c) “By-law” means a by-law made pursuant to the provisions of the Act;
- (d) “Council” means the council of the Town of Souris;
- (e) “Municipality” means the Town of Souris;
- (f) “Municipal Offence Ticket” means a ticket that may be issued in respect of an offence against a by-law.
- (g) “By-law Enforcement Officer” means an individual appointed by council pursuant to the Act;
- (h) “Summary Proceedings Act” means the Summary Proceedings Act R.S.P.E.I. 1988, Cap. S-9.

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

3. Municipal Offence Ticket

(1) A municipal offence ticket may be issued to any person by a by-law enforcement officer where reasonable grounds exist to believe that a by-law has been contravened by that person.

(2) A municipal offence ticket may only be issued in respect to a by-law made in respect to:

- (a) animal control;
- (b) dangerous and unsightly premises;
- (c) the parking of vehicles; or
- (d) noise or public nuisance control.

(3) No particular form of words shall be required for the description of an offence, and a municipal offence ticket shall be sufficient if the by-law contravened is identified by name and number of such by-law and a brief description of the offence provided.

(4) A municipal offence ticket may not be issued in respect of an offence against a provision of a by-law that relates to traffic matters, other than the parking of vehicles.

(5) A municipal offence ticket shall be in such form as may be prescribed pursuant to the provisions of the Act.

(6) An offence against a by-law shall be prosecuted in accordance with the provisions of the Act.

4. Fines and Penalties

(1) Every person who contravenes a by-law is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$200.00 and not more than \$1,500.00 and in the case of a continuing offence, to a further fine not exceeding \$100.00 for each day during which the offence continues or has continued.

(2) Except as otherwise provided in an agreement entered into by a municipality with the Province concerning the collection of fines, every fine imposed for a contravention of a provision of this Act or of a bylaw of the municipality, is an amount owing to the municipality in which the offence occurred.

(3) Except in the case of a continuing offence, a person issued a municipal offence ticket shall have the option of pleading guilty to an offence by completing and signing the summons to accused and paying directly to the municipality the minimum fine of \$200.00.

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

Joanne Reid MAYOR

Dianne La Chapelle ADMINISTRATOR