



Communities,
Land and
Environment

Communautés,
Terres et
Environnement



Municipal Affairs and
Provincial Planning Division

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Brenda MacDonald
CAO, Resort Municipality
7591 Cawnpore Lane, R.R. # 2
Hunter River, PE C0A 1N0

April 7, 2017

Dear Ms. MacDonald,

Re: Resort Municipality – Summary Proceedings Bylaw

(Bylaw # 2017-M1, adopted February 27, 2017)

I wish to acknowledge receipt of the following bylaw:

- Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico – Summary Proceedings Bylaw & Schedule A: Municipal Offence Ticket (Bylaw # 2017-M1, adopted February 27, 2017)

A copy of the above noted bylaw has been filed in accordance with the *Municipalities Act*, s. 60 (c). Enclosed is a dated and signed copy of the bylaw and resolution sheet for your files.

Please be advised that it is the responsibility of the municipality passing a bylaw to both ensure that the subject area covered by the bylaw is within the jurisdiction of the municipality and that the procedures for the passage of a bylaw under the *Municipalities Act* have been complied with.

Please feel free to contact me should you have any questions regarding this matter.

Regards,

Pooja Kumar
Senior Municipal Affairs Officer

Encl.

First Reading:

This Bylaw was read a first time at the Council meeting held on the 16th day of January, 2017.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 16th day of January, 2017.

Second Reading:

This Bylaw was read a second time at the Council meeting held on the 27th day of February, 2017.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 27th day of February, 2017.

Adoption and Approval by Council:

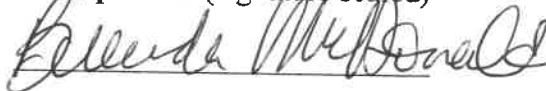
This Bylaw was adopted by a resolution of Council at the Council meeting held on the 27th day of February, 2017.

This Bylaw# 2017-M1 is declared to be passed on this the 27th day of February, 2017.

WITNESS the corporate seal of the Resort Municipality.



Chairperson (signature sealed)



CAO (signature sealed)

BE IT RESOLVED THAT: Bylaw No. 2017-M1, being a bylaw related to the prosecution of certain municipal offences by the issuance of summary offence tickets, is hereby enacted as a bylaw of the Resort Municipality and the Chairperson and CAO be and they are hereby authorized to sign the Bylaw and apply the Resort Municipality's seal thereto.

Dated the 27th day of February, 2017.



Chairperson (signature sealed)



CAO (signature sealed)

Filed on behalf of the Minister of Finance, Energy and Municipal Affairs in accordance with S.60(c) of the Municipalities Act.

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND
NORTH RUSTICO

SUMMARY PROCEEDINGS BYLAW

BYLAW No. 2017 – M1

This Bylaw is made under the authority of the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13.

A Bylaw relating to the prosecution of certain municipal offences by the issuance of summary offence tickets.

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

1. Title

This Bylaw may be cited and referred to as the “Summary Proceedings Bylaw”.

2. Definitions

In this Bylaw:

- (a) “Council” means the Council of the Resort Municipality.
- (b) “Enforcement Officer” means any individual or group of individuals as may be appointed by Council pursuant to s. 29.1(1) of the *Municipalities Act*, R.S.P.E.I., 1988, Cap. M-13.
- (c) “Justice of the Peace” means a justice of the peace appointed in accordance with the *Provincial Court Act*, R.S.P.E.I., 1988, Cap. P-25.
- (d) “Provincial Court Judge” means a judge of the Provincial Court appointed in accordance with the *Provincial Court Act*, R.S.P.E.I., 1988, Cap. P-25.
- (e) “Resort Municipality” means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

3. Summary Offence Tickets

3.1 This Bylaw applies to all offences under the Dangerous and Unsightly Premises Bylaw (Bylaw No. 2017 – M2):

- (a) To determine if a person has committed an offence under a Resort Municipality Bylaw for which he or she is liable to fine, penalty or other punishment; or
- (b) Before a Provincial Court Judge for an order for the payment of money or other remedy authorized by a Resort Municipality Bylaw.

3.2 Except as otherwise provided by any Bylaw, where imprisonment, fine, penalty or other punishment prescribed by this Bylaw may be enforced or recovered upon summary conviction or by summary proceedings, it shall be enforced or recovered before a Provincial Court Judge in the manner provided by this Bylaw.

Filed on behalf of the Minister of Communities, Land
and Environment in accordance with s. 60(c) of the
Municipalities Act.

Signed

07/04/2017
Dated

- 3.3 For the purpose of any Bylaw, penalties and/or corrective actions associated to that Bylaw may be imposed, upon a guilty plea, by a Justice of the Peace.
- 3.4 The Provisions of the *Criminal Code of Canada*, R.S.C. 1985 Cap. C-46, as amended from time to time, including provisions relating to appeals, applicable to offences punishable on summary conviction apply with the necessary changes to proceedings to which this Bylaw applies.
- 3.5 In applying the provisions of the Criminal Code, the following expressions shall therein have the following meanings:
- (a) **“Act of the Parliament of Canada”** means a Resort Municipality Bylaw;
 - (b) **“Attorney General”** means the Attorney General of Prince Edward Island;
 - (c) **“Prison”** means any place other than a penitentiary in which persons charged with or convicted of offences are kept or detained in custody;
 - (d) **“Prosecutor”** means a person who lays an information or makes a complaint or counsel acting on behalf of the Resort Municipality.
- 3.6 All offences under a Resort Municipality Bylaw shall be punishable on summary conviction.
- 3.7 Where no punishment is provided for an offence under a Bylaw, the punishment for that offence shall be a fine of not less than \$100.00 or a fine of not more than \$1,500.00 or in default, imprisonment for a period of 3 days plus an additional day for each \$100 (or part thereof) that is in default to a maximum of 60 days.
- 3.8 In addition to the procedures set out in the *Criminal Code* for laying an information and for issuing a summons, an information may be laid and a summons issued by means of a ticket in accordance with this section for an offence under any provisions of a Bylaw passed by the Resort Municipality.
- (a) A ticket shall be issued in the form hereto annexed as Schedule “A” and shall include provision for the information, summons, and record of officer.
 - (b) A ticket may be issued for the Bylaw offences set out in “Schedule B” hereto annexed.
 - (c) The words or expressions set out in Column II of “Schedule B” may be used on a ticket to designate an offence under the provision of the Bylaw referred to in Column I thereof.
 - (d) Notwithstanding subsection (c), any words or expressions used on a ticket which describe with the sufficient clarity the offence committed shall be for all purposes a sufficient description of an offence designated in “Schedule B”.
 - (e) Where the offence charged in the ticket is one for which the penalty may be paid out of court, the Enforcement Officer issuing the summons may enter the amount of the penalty in the place provided therefor on the ticket, and that entry constitutes the endorsement required by Section 2.8.

- (f) The amount of penalty entered on a summons under subsection (e) shall be equal to the sum of (i) the penalty prescribed for the out of court settlement of the offence charged in the summons; and (ii) the administrative charge.
- (g) The use on the ticket of any word or expression authorized by this or any other Bylaw to designate an offence is sufficient for all purposes to describe the offence designated by that word or expression.
- (h) Upon completing a ticket, the issuing Enforcement Officer shall print his or her name on the summons portion and deliver the summons portion to the person charged with an offence therein, and delivery of the ticket summons in accordance with this subsection shall be deemed to be personal service.
- (i) Delivery of a ticket summons may be made on a holiday.
- (j) The issuing Enforcement Officer shall sign the information portion of the ticket and certify that he or she personally delivered the summons portion of the ticket to the person charged therein and the certification shall be in the following words:

*"I certify that I did personally deliver the summons portion of this
ticket on the accused on the _____ day of _____
_____, 20____."*

- (k) A certificate of delivery purporting to be signed by the issuing Enforcement Officer shall be received in evidence as sufficient proof of personal service in the absence of evidence to the contrary.
 - (l) Every ticket information shall be
 - (i) *Signed by the informant and sworn to before a Justice of the Peace or Provincial Court Judge; and*
 - (ii) *In the event of a trial, and upon the entering of a not guilty plea, deposited, together with the ticket report of conviction, with the proper Provincial Court Judge.*
 - (m) The ticket information need not be sworn to before the summons portion of the ticket is delivered and the informant need not be the same person as the person who issued the ticket summons.
- 3.9 There may be endorsed upon a ticket summons a notice that the person to whom the summons is directed may pay out of court a specified penalty.
- (a) Where a ticket summons is so endorsed, it shall provide for a plea of guilty in the following form:

PLEA OF GUILTY

I am aware that I have the legal right to a hearing in respect of the offence with which I am charged, that by signing this plea of guilty I am waiving my right to a hearing and that

my signature may result in a conviction against me without a hearing. **I hereby plead guilty to the offence as charged.**

Signature of the Accused

- (b) A signature affixed to the form of plea of guilty purporting to be that of the person to whom the summons is directed is *prima facie* proof that it is the signature of that person.
 - (c) The Enforcement Officer or other person delivering a summons endorsed under this section shall not receive payment of the penalty payable out of court, or any part thereof.
 - (d) Upon receipt of the summons with a plea of guilty made thereon in accordance with subsection 3.8(a), a Provincial Court Judge or Justice of the Peace may convict the person to whom the summons is directed of the offense described in the summons.
- 3.10 Where a person to whom a ticket summons has been delivered fails to appear as directed by the ticket summons and there has been no plea of guilty made on the ticket pursuant to subsection 3.8(a), the Provincial Court Judge or Justice of the Peace shall:
- (a) Where the information portion of the offence ticket is sworn to by the informant and is complete and regular on its face, enter a conviction on that information and impose the minimum penalty authorized by law for the offence or, where another penalty for that offence has been prescribed for out of the court settlement, that other penalty; or
 - (b) Where the information portion of the offence ticket is not complete and regular on its face, quash the proceeding.

Schedule "B"

		Penalty for Out of Court Settlement
Column I	Column II	Column III
DANGEROUS AND UNSIGHTLY PREMISES BYLAW		
Section 5.1	Unsightly Property – Litter	\$300
Section 5.1	Unsightly Property – Derelict Motor Vehicle	\$500
Section 5.1	Unsightly Property – Dilapidate Building	\$500
Section 5.2	Dangerous Building	\$500
Section 5.3	Grass above 8 inches in height	\$150
Section 5.4	Derelict Motor Vehicle	\$500
Section 5.5(a)	Dangerous Property	\$500
Section 5.5(b)	Litter	\$300
Section 5.6	Failure to secure Vacant Building	\$500
Section 5.7	Failure to cover openings with solid wood material or install fence	\$500
Section 5.8	Failure to paint or properly fit wooden material	\$500
Section 5.9	Failure to comply with notice to repair or demolish	\$750
Section 6.3	Removal of Notice	\$150

SCHEDULE "A"

MUNICIPAL OFFENCE TICKET

CANADA PROVINCE OF PRINCE EDWARD ISLAND RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO	CASE NO.	TICKET NO.		
SUMMARY OFFENCE INFORMATION				
THE INFORMANT SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON THE ____ DAY OF _____, 20____ TIME: ____ (____ M)				
NAME: _____ (LAST) (FIRST) (OTHER)				
ADDRESS: _____ (STREET) (MUNICIPALITY)				
_____ (PO) (PROVINCE) (POSTAL CODE) (TELEPHONE)				
AT OR NEAR THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO, PRINCE EDWARD ISLAND DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER SECTION ____ OF				
X INDICATES BYLAW UNDER WHICH OFFENCE CHARGED	NAME OF BYLAW <input type="checkbox"/> Dangerous and Unsightly Premises Bylaw (No. 2015- ____)			
DESCRIPTION OF OFFENCE:				
IN THE NAME OF HER MAJESTY THE QUEEN YOU ARE COMMANDED TO APPEAR BEFORE A JUSTICE OF THE PEACE AT THE PROVINCIAL COURT, 3 HARBOURSIDE ACCESS ROAD, CHARLOTTETOWN, PROVINCE OF PRINCE EDWARD ISLAND, ON THE ____ DAY OF _____, 20____ TIME: ____ M TO ANSWER THE ABOVE CHARGE AND BE FURTHER DEALT WITH ACCORDING TO LAW.				
SIGNATURE OF INFORMANT _____ (BYLAW ENFORCEMENT OFFICER OR POLICE OFFICER)				
SWORN BEFORE ME THIS ____ DAY OF _____, ____ AT _____, PRINCE EDWARD ISLAND. (JUSTICE OF THE PEACE)				
DRIVER:	BIRTHDAY	SEX	OCCUPATION	DRIVERS LICENSE NO.
____/____/____	____	____	____	____
	DAY/MONTH/YEAR			YEAR PROVINCE CLASS
VEHICLE:				
MAKE & YEAR	COLOR	VEHICLE LICENSE NO	YEAR	PROVINCE
IF DRIVER NOT OWNER COMPLETE:				
OWNER'S NAME _____				
(LAST) (FIRST) (OTHER)				
ADDRESS _____				
(STREET AND NO.) (PO) (PROVINCE)				
NAME OF OFFICER ISSUING SUMMONS _____				
<input type="checkbox"/> BYLAW ENFORCEMENT OFFICER _____				
<input type="checkbox"/> POLICE OFFICER _____				
(UNIT AND NO.) _____ (POLICE DEPT.) _____				
I CERTIFY THAT I DID PERSONALLY DELIVER THE SUMMONS PORTION OF THIS TICKET TO THE ACCUSED ON THE ____ DAY OF _____, 20____.				
SIGNATURE: _____				

REVERSE SIDE OF
SUMMARY OFFENCE INFORMATION
COURT ACTION

FOR MUNICIPALITY <input type="checkbox"/> FAILED TO APPEAR		FOR DEFENDANT <input type="checkbox"/> WARRANT ISSUED <input type="checkbox"/> TRIED EX-PARTE	
CHARGE READ	PLEA	<input type="checkbox"/> GUILTY	<input type="checkbox"/> NOT GUILTY
FINDING OF COURT	DISPOSITION		
<input type="checkbox"/> GUILTY <input type="checkbox"/> DISMISSED <input type="checkbox"/> WITHDRAWN	FINE:	\$	
GIVEN UNTIL _____, 20____ TO PAY		<input type="checkbox"/> PAID FORTHWITH	

JUDGMENT GIVEN ON _____, 20____, IN PROVINCIAL COURT AT
_____, PRINCE EDWARD ISLAND.

PROVINCIAL COURT/JUSTICE OF THE PEACE/YOUTH COURT

SUMMONS TO ACCUSED

	CASE NO.	TICKET NO.
SUMMONS TO ACCUSED		
THE INFORMANT SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON THE ____ DAY OF _____, 20____ TIME: ____ (____M)		
NAME: _____ (LAST) (FIRST) (OTHER)		
ADDRESS: _____ (STREET) (MUNICIPALITY)		
_____ (PO) (PROVINCE) (POSTAL CODE) (TELEPHONE)		
AT OR NEAR THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO, PRINCE EDWARD ISLAND DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER SECTION ____ OF		
X INDICATES BYLAW UNDER WHICH OFFENCE CHARGED	NAME OF BYLAW <input type="checkbox"/> Dangerous and Unsightly Premises Bylaw (No. 2015 - ____)	
DESCRIPTION OF OFFENCE		
IN THE NAME OF HER MAJESTY THE QUEEN YOU ARE COMMANDED TO APPEAR BEFORE A JUSTICE OF THE PEACE AT THE PROVINCIAL COURT, 3 HARBOURSIDE ACCESS ROAD, CHARLOTTETOWN, PROVINCE OF PRINCE EDWARD ISLAND, ON THE ____ DAY OF _____, 20____ TIME: ____ M TO ANSWER THE ABOVE CHARGE AND BE FURTHER DEALT WITH ACCORDING TO LAW.		
THE TOTAL AMOUNT PAYABLE FOR OUT OF COURT SETTLEMENTS IS PENALTY \$		
IMPORTANT PLEASE READ OTHER SIDE FOR INSTRUCTIONS CONCERNING OUT OF COURT SETTLEMENT. OFFICERS ARE NOT ALLOWED TO ACCEPT PAYMENT.		
DRIVER:	BIRTHDAY ____ / ____ / ____ <small>DAY/MONTH/YEAR</small>	SEX ____
	OCCUPATION _____	DRIVERS LICENSE NO. _____ <small>YEAR PROVINCE CLASS</small>
VEHICLE:		
MAKE & YEAR _____	COLOR _____	VEHICLE LICENSE NO _____
	YEAR _____	PROVINCE _____
IF DRIVER NOT OWNER COMPLETE:		
OWNER'S NAME _____ (LAST) (FIRST) (OTHER)		
ADDRESS _____ (STREET AND NO.) (PO) (PROVINCE)		
NAME OF OFFICER ISSUING SUMMONS _____		
<input type="checkbox"/> BYLAW ENFORCEMENT OFFICER _____		
<input type="checkbox"/> POLICE OFFICER _____		
(UNIT AND NO.) _____		(POLICE DEPT.) _____
I CERTIFY THAT I DID PERSONALLY DELIVER THE SUMMONS PORTION OF THIS TICKET TO THE ACCUSED ON THE ____ DAY OF _____, 20____.		
SIGNATURE: _____		

REVERSE SIDE OF
- SUMMONS TO ACCUSED -

NOTICE RESPECTING VOLUNTARY PAYMENT WITHOUT COURT APPEARANCE

- READ CAREFULLY -

IF AN AMOUNT IS SHOWN IN THE BOX MARKED IN RED ON THE FACE OF THIS SUMMONS THIS CASE
MAY BE SETTLED OUT OF COURT BY

- A. SIGNING THE FORMS OF PLEA OF GUILTY BELOW AND
- B. MAKING PAYMENT BEFORE THE DATE FOR APPEARANCE SHOWN ON THE FACE OF THIS SUMMONS.

BY MAIL OR IN PERSON
3 Harbourside Access Road
Charlottetown, PE
C1A 8R4
(ADDRESS)

- DO NOT SEND CASH BY MAIL -

IF NO AMOUNT IS SHOWN ON THE FACE OF THIS SUMMONS, YOU MUST APPEAR BEFORE THE JUSTICE
OF THE PEACE AT THE DATE, TIME AND PLACE SPECIFIED TO ANSWER THE CHARGE.

PAYMENT BY MONEY ORDER OR CHEQUE PAYABLE TO "RESORT MUNICIPALITY OF STANLEY
BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO".

YOU MUST SIGN BELOW IF SETTLING OUT OF COURT.

- PLEA OF GUILTY -

I AM AWARE THAT I HAVE A RIGHT TO A HEARING IN RESPECT OF THE OFFENCE WITH WHICH I AM
CHARGED, THAT BY SIGNING THIS PLEA OF GUILTY I AM WAIVING MY RIGHT TO A HEARING AND
THAT MY SIGNATURE MAY RESULT IN A CONVICTION AGAINST ME WITHOUT A HEARING.

I HEREBY PLEAD GUILTY TO THE OFFENCE AS CHARGED.

SIGNATURE OF DEFENDANT: _____

ADDRESS: _____

STREET NO. MUNICIPALITY PROV. POSTAL CODE

I ENCLOSE THE AMOUNT OF \$ _____ FOR OUT OF COURT SETTLEMENT.

WHERE THERE IS NO PLEA OF GUILTY MADE ON THE TICKET SUMMONS AND YOU FAIL TO APPEAR
BEFORE THE JUSTICE OF THE PEACE AS DIRECTED BY THIS TICKET SUMMONS OR JUSTICE OF THE
PEACE SHALL, PURSUANT TO _____ OF _____ OF THE RESORT MUNICIPALITY

SECTION BYLAW NAME MUNICIPALITY

OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO

ENTER A CONVICTION AND IMPOSE THE PENALTY PRESCRIBED BY LAW.

IF YOU HAVE QUESTIONS CONCERNING YOUR RIGHTS YOU SHOULD CONSULT A LAWYER.

THIS FORM MUST ACCOMPANY THE VOLUNTARY PAYMENT.

REVERSE SIDE OF
- RECORD OF -
BYLAW ENFORCEMENT OFFICER OR POLICE OFFICER

COURT DISPOSITION:

PROVINCIAL YOUTH COURT

JUDGE OR JUSTICE OF THE PEACE DATE: _____ , 20____ PLACE _____

FOR MUNICIPALITY _____ FOR DEFENDANT _____

PLEA

GUILTY

NOT GUILTY

DISMISSED

WITHDRAWN

*SIGNATURE OF BYLAW ENFORCEMENT OFFICER OR
POLICE OFFICER*

Filed on behalf of the Minister of Communities, Land and Environment in accordance with s. 60(c) of the Municipalities Act.

Signed

Dated

Joey Kumar , 07/04/2017