



Town of Georgetown

Founded 1732 - Incorporated 1912

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A Bylaw for Municipal Offences, Penalties and Ticketing

Town of Georgetown

Bylaw # 001-2007

BE IT ENACTED by the Town Council of the Town of Georgetown, pursuant to section 29.1 and section 58.1 of the *Municipalities Act*, R.S.P.E.I. 1988, Cap. M-13 and the *Summaries Proceeding Act*, R.S.P.E.I. 1988, Cap. S-9 **as follows:**

Definitions

1. For the purpose of this bylaw:
 - (a) “Act” means the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13 and associated regulations;
 - (b) “Bylaw(s)” means any and all bylaws passed by the Council of the Town of Georgetown in relation, either directly or indirectly, to any of the following matters:
 - i) animal control;
 - ii) dangerous or unsightly premises;
 - iii) the parking of vehicles; or
 - iv) noise or public nuisance control;
 - (c) “Bylaw Enforcement Officer” means an individual appointed under section 29.1 of the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13;
 - (d) “Council” means the Council of the Town of Georgetown;
 - (e) “Municipality” means the Town of Georgetown;
 - (f) “Municipal Offence Ticket” means a ticket that may be issued pursuant to a bylaw made under subsection 58.1(2) of the *Municipalities Act* R.S.P.E.I. 1988, Cap. M-13; and,
 - (g) “Person” includes a corporation.

Municipal Offences

2. Every Person who hinders or obstructs, or attempts to hinder or obstruct, any Person exercising a power or performing a duty of the Municipality in respect to the Act and/or the Bylaws is guilty of an offence and shall be prosecuted in accordance with the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9.

3. Every Person who contravenes a provision of the Act and/or Bylaws is deemed to have hindered or obstructed, or to have attempted to hinder or obstruct, a Person exercising a power or performing a duty of the Municipality in respect to the Act and/or the Bylaws and is therefore guilty of an offence in accordance with provision 2 herein.

Penalties

4. Every Person who has committed or who has been deemed to have committed an offence pursuant to this Bylaw is liable on summary conviction of a fine not less than \$200.00 and not more than \$1,500.00.
5. Each day that an offence pursuant to provision 2 herein continues, constitutes a new offence.
6. Every Person who has committed or who has been deemed to have committed a continuing offence as provided for in provision 5 herein shall be subject to a further fine not exceeding \$1,500.00 for each day during which the offence continues as permitted by section 58(2) of the Act which authorizes the Municipality to set the continuing cost of an offence.

Municipal Offence Ticketing

7. A Municipal Offence Ticket may be issued for an offence against any of the Bylaws as defined herein.
8. A Bylaw Enforcement Officer **appointed pursuant to Subsection 29.1(1) of the Act**, or any other Person having responsibility for the enforcement of a provision of any of the Bylaws, who has reasonable and probable grounds to believe and does believe that one or more Persons have committed an offence against any of the Bylaws for which a Municipal Offence Ticket may be issued, may issue a Municipal Offence Ticket, and such ticket shall be signed and sworn to before a Justice of the Peace or a Provincial Court Judge by the Bylaw Enforcement Officer or other Person who issued the Municipal Offence Ticket.
9. Any Municipal Offence Ticket issued in accordance with this Bylaw must be marked on its face to specify the nature and name of the Bylaws that form the basis of the offence.
10. Any Municipal Offence Ticket shall be issued in the form as prescribed by the Act and attached thereto as a Schedule and shall include provision for the information, the summons, and a record for the Person who issues the Municipal Offence Ticket. This Municipal Offence Ticket shall be referred to as the Bylaw Offence Ticket for the Municipality or such other similar name as can easily be identifiable.

Enforcement

11. An offence against any of the Bylaws and/or the Act shall be prosecuted in accordance with the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 or in the case of an offence against any of the Bylaws for which a Municipal Offence Ticket has been issued, in accordance with the terms of the Municipal Offence Ticket.
12. Application may be made by the Municipality to the Supreme Court of Prince Edward Island in relation to the enforcement of any of the Bylaws, such application to seek any such remedy or remedies as are provided for in Subsection 58(3) of the Act.

13. Notwithstanding provision 12 herein, every Person who contravenes or who has been deemed to have contravened a provision of any of the Bylaws, and against whom a Municipal Offence Ticket has been issued, shall have the option to pay the minimum fine as established in the appropriate Bylaw in lieu of contesting the Municipal Offence Ticket in Court.

- **First Reading given October 15, 2007**
- **Second Reading given November 19, 2007**
- **Resolution: Therefore Be It Resolved, that the Town of Georgetown Bylaw for Municipal Offences, Penalties and Ticketing (Bylaw #001-2007) be hereby formally adopted and that the Mayor and Chief Administrative Officer be authorized to affix their signature and corporate seal of the Town thereto.**

Peter Llewellyn, Mayor
Town of Georgetown

Patsy Gotell, CAO
Town of Georgetown