

**SUMMARY PROCEEDINGS BYLAW**

**EFFECTIVE AUGUST 12, 1996**  
**AMENDED MARCH 09, 2009**

**AMENDED OCTOBER 17, 2002**

*Summary of Bylaw Amendments at end of Bylaw*

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN RELATING TO THE ENFORCEMENT OF BYLAWS PURSUANT TO THE PROVISIONS OF PART I, SECTION 21 OF THE *CHARLOTTETOWN AREA MUNICIPALITIES ACT*, R.S.P.E.I., 1988, CAP. C-4.1.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

**PART I: DEFINITIONS**

In this bylaw:

1. 1.1 **"City"** means the Corporation of the City of Charlottetown and includes the area within the boundaries of the City where the context require.
- 1.2 **"Council"** means the City Council of the City of Charlottetown.
- 1.3 **"Enforcement Officer"** means any Police Constable, Special Constable, Police Officer, Peace Officer, Inspector, Commissionaire, Development Officer, Fire Department personnel appointed by the City or any individual(s) or organization contracted by the City of Charlottetown to enforce Bylaws.
- 1.4 **"Provincial Court Judge"** means a Judge of the Provincial Court established under section 2 of the *Provincial Court Act* RSPEI 1988, CAP. P-25 1977, C.40, S.1.
- 1.5 **"Justice of the Peace"** means a Justice as appointed by the Attorney General for the Province of Prince Edward Island.

**PART II: GENERAL**

This Bylaw applies to all proceedings except proceedings under the Traffic Bylaw:

2. 2.1 To determine if a person has committed an offence under a Bylaw for the City of Charlottetown for which he is liable to imprisonment, fine, penalty or other punishment; or
- 2.2 Before a Provincial Court Judge for an order for the payment of money or other remedy authorized by a City of Charlottetown Bylaw.
- 2.3 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.

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- (a) 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.
- 2.4 The Provision 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 offenses punishable on summary conviction apply with the necessary changes to proceedings to which this Bylaw applies.
- 2.5 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 any Bylaw;
- (b) **"Attorney General"** means the Minister of Provincial Affairs and Attorney General of Prince Edward Island;
- (c) **"Prison"** means any place other than a penitentiary in which persons charged with or convicted of offenses 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 City of Charlottetown.
- 2.6 All offenses under a Bylaw shall be punishable on summary conviction.
- 2.7 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 \$2,000.00 or in default, imprisonment of not more than 90 days.
- 2.8 With the exception of the City of Charlottetown Traffic Bylaw, in addition to the procedure 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 City Council.
- (a) A ticket shall include provision for the information, summons, report of conviction and police record and the form of the ticket shall be set out in "Schedule A" to this Bylaw.
- (b) The offences under the provisions of the Bylaws set out in "Schedule B" to this Bylaw are designated in respect to which a ticket may be issued.
- (c) The words or expressions set out in Column 1 of "Schedule B" may be used on a ticket to designate an offence under the provision of the Bylaw referred to in Column 2 thereof.

## SUMMARY PROCEEDINGS BYLAW

- (d) Notwithstanding subsection (c), any words or expressions used on a ticket which describe with 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 2.9.
- (f) The use on the ticket of any word 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.
- (g) Upon completing a ticket, the issuing enforcement officer shall print his name on the summons portion and deliver the summons portion to the person charged with an offence therein, and delivery of the ticket shall summons in accordance with this subsection shall be deemed to be personal service.
- (h) Delivery of a ticket summons may be made on a holiday.
- (i) The issuing enforcement officer shall sign the information portion of the ticket and certify that he 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\_\_\_\_\_.
- (g) 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.
- (h) 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.
- (i) 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.

2.9 There may be endorsed upon a ticket summons a notice that the person to whom the

## SUMMARY PROCEEDINGS BYLAW

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.**

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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 Section 2.9 (a), a Provincial Court Judge or Justice of the Peace may convict the person to whom the summons is directed of the offence described in the summons.
- 2.10 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 Section 2.8 (h), subsections (i) and (ii), 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, issue a warrant for the arrest of the person to whom the offence ticket is directed for failure to attend.
  - (b) Where the information portion of the offence ticket is not complete and regular on its face, quash the proceeding.

# SUMMARY PROCEEDINGS BYLAW

## “SCHEDULE A”

CANADA  
 PROVINCE OF  
 PRINCE EDWARD ISLAND  
 CITY OF CHARLOTTETOWN



CASE NO. \_\_\_\_\_ TICKET NO. \_\_\_\_\_

### - SUMMARY OFFENCE INFORMATION -

THE INFORMANT SAYS THAT HE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 199 \_\_\_\_\_ TIME \_\_\_\_\_ M.

NAME \_\_\_\_\_  
(LAST) (FIRST) (OTHER)

ADDRESS \_\_\_\_\_  
(STREET) (MUNICIPALITY)

\_\_\_\_\_  
(P.O.) (PROVINCE) (TELEPHONE)

AT OR NEAR CHARLOTTETOWN, PROVINCE OF PRINCE EDWARD ISLAND  
 DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER

SECTION \_\_\_\_\_ OF

- |  |                      |  |
|--|----------------------|--|
| X INDICATES BYLAW<br>UNDER WHICH<br>OFFENCE<br>CHARGED | _____ NUISANCE BYLAW | _____ DOG CONTROL BYLAW                          |
|  | _____ SMOKING BYLAW  | _____ STREET VENDORS BYLAW                       |
|  | _____ TAXI BYLAW     | _____ FIRE PROTECTION & EMERGENCY SERVICES BYLAW |
|  | _____ OTHER _____    |  |

DESCRIPTION OF OFFENCE \_\_\_\_\_

IN THE NAME OF HER MAJESTY THE QUEEN YOU ARE COMMANDED TO APPEAR IN BYLAW COURT AT CITY HALL, (MAIN FLOOR),  
 199 QUEEN STREET, CHARLOTTETOWN, PROVINCE OF PRINCE EDWARD ISLAND

ON THURSDAY THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 199 \_\_\_\_\_ AT \_\_\_\_\_ M.

TO ANSWER TO THE ABOVE CHARGE AND BE FURTHER DEALT WITH ACCORDING TO LAW.

SIGNATURE OF INFORMANT _____	PEACE OFFICER	POLICE
SWORN BEFORE ME THIS _____ DAY OF _____ 199 _____ AT _____		
PROVINCIAL / YOUTH COURT JUDGE	/	JUSTICE OF THE PEACE

PERSON VEHICLE	BIRTHDAY _____ SEX _____
	<small>DAY MONTH YEAR</small> _____ OCCUPATION _____
	DRIVERS LICENSE NO. _____
	MAKE AND MODEL _____ COLOUR _____ YEAR _____ PROVINCE _____ CLASS _____
	VEHICLE LICENSE NO. _____ YEAR _____ PROVINCE _____
OWNER'S NAME _____ <small>(LAST) (FIRST) (OTHER)</small>	
ADDRESS _____ <small>(STREET) (P.O.) (PROVINCE)</small>	

EXHIBITS SEIZED \_\_\_\_\_

NAME OF ENFORCEMENT OFFICER ISSUING SUMMONS \_\_\_\_\_

DEPARTMENT

UNIT AND NO.

I CERTIFY THAT I DID PERSONALLY DELIVER THE SUMMONS PORTION OF THIS TICKET TO THE ACCUSED

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 199 \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**SUMMARY PROCEEDINGS BYLAW**

**“SCHEDULE B”**

		<b>Minimum \$</b>	<b>Maximum \$</b>	<b>Time</b>		
<b>DOG CONTROL BYLAW</b>						
2.1	Failure to register dog	100	200	90 days		
2.2	Failure to register within 10 days	100	200	90 days		
3.1 (a)	No kennel license (breeding)					
3.2 (b)	No kennel license (dwelling unit)	100	200	90 days		
3.3	Failure to renew kennel license	100	200	90 days		
4.4	Failure to wear collar	100	200	90 days		
4.5	Wearing improper tags	100	200	90 days		
5.6	Failure to register and license dog	100	200	90 days		
6.1 (a)	Dog biting or attacking person	100	200	90 days		
6.1 (b)	Dog disturbing the peace	100	200	90 days		
6.1 (c)	Dog annoying pedestrian, bicyclists, etc.	100	200	90 days		
6.1 (d)	Dog damaging public/private property	100	200	90 days		
6.2	Permitting dog to run at large	100	200	500	FIRST OFFENSE	
6.2	Permitting dog to run at large	200	500	90 days	SECOND OFFENSE	
6.3	Failure to remove dog defecate	100	200	90 days		
6.4	Failure to possess dog defecation removal items					
6.5	Removing dog collar or tags	100	200	90 days		
6.6	Failure to destroy rabid dog	100	200	90 days		
6.7	Permitting dog in heat upon street	100	200	90 days		
<b>FIRE PREVENTION BYLAW</b>						
6.8	Impedes, attempts to impede AHJ to enter/inspect property	100	2,000	90 days		
6.13 (a)	Obstructs the Authority Having Jurisdiction	100	2,000	90 days		
6.13 (b)	Contravenes a provision of the Bylaw and adopted Codes	100	2,000	90 days		
6.13 (c)	Fails to comply with a Hazard Compliance Order or a Removal Order	100	2,000	90 days		
<b>FIRE PROTECTION AND EMERGENCY SERVICES BYLAW</b>						
7.1 (a)	Remains in a designated fire area	100	2,000	90 days		
7.1 (b)	Failure to remove property upon	100	2,000	90 days		

## SUMMARY PROCEEDINGS BYLAW

	request					
7.1 (c)	Destroying or interfering with Fire Department equipment	100	2,000	90 days		
<b>NUISANCE BYLAW</b>						
2.1	Causing a disturbance	100	500	90 days		
2.2	Disorderly premises	100	500	90 days		
2.3	Causing false fire alarms	100	500	90 days		
2.4	Obstructing pedestrian or vehicular traffic	100	500	90 days		
2.5 (a)	Loitering	100	500	90 days		
2.6 (a)	Defacing Property	100	500	90 days		
2.7 (a)	Discharge a firearm	100	500	90 days		
2.8	Lighting fire or fireworks	100	500	90 days		
2.9	Keeping animals (or birds) which cause disturbance	100	500	90 days		
2.10 (a)	Using a gas powered or electric tool causing excessive noise	100	500	90 days		
2.11	Operating sound system causing a disturbance	100	500	90 days		
2.12	Having an unwieldy load	100	500	90 days		
2.13 (a)	Moving a building without permission	100	500	90 days		
2.13 (b)	Insufficient lighting while moving a building	100	500	90 days		
2.14	Littering	100	500	90 days		
2.15	Improper transport of rubbish	100	500	90 days		
2.16 (a)	Failure to secure opening in street	100	500	90 days		
2.16 (b)	Maintaining an unsafe hatchway	100	500	90 days		
2.17 (a)	Disobeying Halloween curfew	100	500	90 days		
2.18	Injuring City trees	100	500	90 days		
2.19	Committing or causing a nuisance	100	500	90 days		
<b>SMOKING BYLAW</b>						
2.1	Smoking in non-designated area	50	500	30 days		
<b>SNOW REMOVAL BYLAW</b>						
2 (a)	Failure to maintain a sidewalk from snow/ice		500	90 days		
2 (b)	Failure to maintain pathway		500	90 days		
3.1	Dangerous accumulation of icicles		500	90 days		
3.2 (a)	Depositing snow/ice on street or sidewalk		500	90 days		
3.2 (b)	Snow removal that creates a		500	90 days		

## SUMMARY PROCEEDINGS BYLAW

	hazard					
<b>CLOSURE OF STREETS BYLAW</b>						
3.1	Unlawful closure of streets		-	-		
<b>STREET VENDORS BYLAW</b>						
3.1	Unauthorized parking of vehicles, etc. for selling goods		500	30 days		
3.2	Unauthorized selling of goods		500	30 days		
5.1	Tricycle vendor operating in non-designated area		500	30 days		
5.2	Mobile canteen vendor operating in a non-designated area		500	30 days		
5.3	Pushcart vendor operating in a non-designated area		500	30 days		
5.4	Flower vendor operating in a non-designated area		500	30 days		
<b>Confectionery tricycle vendor – failure to comply with rules of operation</b>						
6.1 (a)	Improper license		500	30 days		
(b)	Improper license		500	30 days		
(c)	Failure to have waste container		500	30 days		
(d)	Having loud bell		500	30 days		
(e)	Selling in bulk		500	30 days		
(f)	Unsanitary clothing		500	30 days		
(h)	Operating tricycle at night		500	30 days		
(i)	Operating during normal elementary school hours		500	30 days		
(j)	Operating in an unlawful area		500	30 days		
(k)	Operating in an unlawful area		500	30 days		
(l)	Tricycle in bad repair		500	30 days		
(n)	Operating in an unlawful area		500	30 days		
(o)	Failure to comply with health hazards		500	30 days		
(p)	Failure to comply with <i>Highway Traffic Act</i>		500	30 days		
(q)	Failure to have proper insurance		500	30 days		
<b>Mobile canteen vendor – failure to comply with rules of operation</b>						
6.2 (a)	Improper license		500	30 days		
(b)	Improper license		500	30 days		
(c)	Failure to keep canteen in good repair					



## SUMMARY PROCEEDINGS BYLAW

(d)	Failure to have a refuse container		500	30 days		
(e)	Using loudspeakers, etc.		500	30 days		
(f)	Failure to comply with health standards		500	30 days		
(g)	Selling non-food products		500	30 days		
(h)	Operating in an unlawful area		500	30 days		
(i)	Failure to have proper insurance		500	30 days		
<b>Push cart vendor – failure to comply with the rules of operation</b>						
6.3 (a)	Using unspecified push carts		500	30 days		
(b)	Selling in non-designated area		500	30 days		
(c)	Selling during non-designated hours		500	30 days		
(d)	Leaving push cart unattended		500	30 days		
(e)	Leaving push cart overnight		500	30 days		
(f)	Failure to have refuse container		500	30 days		
(g)	Failure to dispose of refuse		500	30 days		
(h)	Having product or equipment away from cart		500	30 days		
(i)	Increasing display capacity of cart		500	30 days		
(j)	Soliciting business from people in motor vehicles		500	30 days		
(k)	Selling unlicensed goods		500	30 days		
(l)	Using loudspeakers, etc.		500	30 days		
(m)	Operating in an unlawful area		500	30 days		
(n)	Failure to keep cart in good repair		500	30 days		
(o)	Failure to maintain insurance		500	30 days		
<b>SUBDIVISIONS BYLAW</b>						
Section 8	Failure to comply		500		FIRST OFFENSE	
			1,000	3 Months	SECOND OFFENSE	
<b>DANGEROUS, HAZARDOUS AND UNSIGHTLY BYLAW</b>						
6.2	Issuing of Notice	100	500	90 days		

**SUMMARY PROCEEDINGS BYLAW**

<b>Amendment Summary</b>	<b>Previous Wording</b>	<b>Amendment Detail</b>	<b>1st Reading</b>	<b>2nd Reading</b>	<b>3rd Reading</b>
New bylaw to establish a ticketing process for enforcement of all bylaws to streamline process		New bylaw effective August 12, 1996 to establish a ticketing process for enforcement of all bylaws to streamline process	10-Jun-96	12-Aug-96	12-Aug-96
To update the ticket form under Schedule "A" and to allow for the issuance of fines for dangerous, hazardous and unsightly premises under Schedule "B"		To amend the "Summary Proceeding Bylaw" for the City of Charlottetown in order to update the Ticket Form under "Schedule "A" and to allow for the issuance of fines for Dangerous, Hazardous and Unsightly Premises under Schedule "B" (6.2 Issuing of Notice Min \$100, Max \$500, Time 90 days).	15-Oct-02	15-Oct-02	17-Oct-02
To incorporate amendments subsequent to amendments to the Fire Prevention Bylaw and the Fire Protection and Emergency Services Bylaw	1.3 <b>Enforcement Officer"</b> means any Police Constable, Special Constable, Police Officer, Peace Officer, Inspector, Commissionaire, Development Officer, Fire Services Personnel appointed by the City or any individual (s) or organization contracted by the City of Charlottetown to enforce Bylaws.	Amended as follows: 1.3 <b>Enforcement Officer"</b> means any Police Constable, Special Constable, Police Officer, Peace Officer, Inspector, Commissionaire, Development Officer, Fire <b>Department</b> personnel appointed by the City or any individual(s) or organization contracted by the City of Charlottetown to enforce Bylaws.	10-Feb-09	10-Feb-09	09-Mar-09
	2.3 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. (a) For the purpose of any Bylaw, penalties associated to that Bylaw may be imposed, <u>upon a guilty plea, by a Justice of the Peace.</u>	Amended as follows: 2.3 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. (a) For the purpose of any Bylaw, penalties <b>and/or corrective actions</b> associated to that Bylaw may be imposed, upon a guilty plea, by a Justice of the Peace.			
	2.7 Where no punishment is provided for an offence under a Bylaw, the punishment for that offence shall be a fine of not more than \$50.00 or in default, one day imprisonment.	Amended as follows: 2.7 Where no punishment is provided for an offence under a Bylaw, the punishment for that offence shall be a fine of not <b>less than \$100.00 or a fine of not more than \$2,000.00</b> or in default, <b>imprisonment of not more than 90 days.</b>			

**SUMMARY PROCEEDINGS BYLAW**

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading																				
	<i>Nothing</i>	Amend Schedule "B" as follows: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: center;">Min\$</th> <th style="width: 10%; text-align: center;">Max\$</th> <th style="width: 20%; text-align: center;">Time</th> </tr> </thead> <tbody> <tr> <td>6.8 Impedes, attempts to impede</td> <td style="text-align: center;">100</td> <td style="text-align: center;">2,000</td> <td style="text-align: center;">90 days</td> </tr> <tr> <td>6.13 (a) Obstructs the Authority Having Jurisdiction</td> <td style="text-align: center;">100</td> <td style="text-align: center;">2,000</td> <td style="text-align: center;">90 days</td> </tr> <tr> <td>6.13 (b) Contravenes a provision of the Bylaw and adopted Codes</td> <td style="text-align: center;">100</td> <td style="text-align: center;">2,000</td> <td style="text-align: center;">90 days</td> </tr> <tr> <td>6.13 (c) Fails to comply with a Hazard Compliance Order or a Removal Order</td> <td style="text-align: center;">100</td> <td style="text-align: center;">2,000</td> <td style="text-align: center;">90 days</td> </tr> </tbody> </table>		Min\$	Max\$	Time	6.8 Impedes, attempts to impede	100	2,000	90 days	6.13 (a) Obstructs the Authority Having Jurisdiction	100	2,000	90 days	6.13 (b) Contravenes a provision of the Bylaw and adopted Codes	100	2,000	90 days	6.13 (c) Fails to comply with a Hazard Compliance Order or a Removal Order	100	2,000	90 days			
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