

**Town of Stratford**  
**Enforcement and Summary Proceedings Bylaw**  
**Bylaw Number 49**



A bylaw enabling the appointment of enforcement officers and the issuance of summary offence tickets.

BE IT ENACTED by the Council of the Town of Stratford as follows:

**PART I – INTERPRETATION AND APPLICATION**

**1. Title**

1.1. This bylaw shall be known and cited as the “Enforcement and Summary Proceedings Bylaw.”

**2. Authority**

2.1. This bylaw is made under the authority of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1 as amended from time to time.

**3. Application**

3.1. This bylaw pertains to the appointment of Enforcement Officers and the prosecution of municipal offences.

**4. Definitions**

4.1. “Act” means the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1 as amended from time to time.

4.2. “Bylaw Enforcement Officer” means any individual or group of individuals as may be appointed pursuant to section 223 of the Act and Part III of this Bylaw.

4.3. “Chief Administrative Officer” means the administrative head of the Town as appointed by Council pursuant to clause 86(2)(c) of the Act.

4.4. “Council” means the Town Council for the Town of Stratford.

4.5. “Criminal Code” means the Criminal Code (Canada) R.S.C. 1985 Cap. C-46, as amended from time to time.

4.6. “Enforcement Officer” means any individual or group of individuals as may be appointed pursuant to the Act and this bylaw and Part III of this Bylaw, as well as any individual or group of individuals granted authority by the Town to enforce bylaws prior to the date the Act came into force.

- 4.7. "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.
- 4.8. "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.
- 4.9. "Third Party" means an individual or corporation hired by the Town to provide bylaw enforcement services and whose principals, contractors, and/or employees serve as Enforcement Officers for the Town.
- 4.10. "Town" means the Town of Stratford.

## **PART II: GENERAL**

### **5. General**

- 5.1. This bylaw applies to all offences under the Noise and Nuisance Bylaw (Bylaw # 30), the Dangerous and Unsightly Premises Bylaw, (Bylaw # 22), the Animal Control Bylaw (Bylaw # 26), the Smoke Free Bylaw (Bylaw # 42), the Zoning and Development Bylaw (Bylaw # 45), the Building Bylaw (Bylaw # 32), the Cosmetic Pesticide Bylaw (Bylaw # 35), and to such other bylaws as may be enacted by the Town pursuant to the Act:
  - (a) to determine if a person has committed an offence under a Town bylaw for which he or she is liable to fine, penalty or other punishment; or
  - (b) to obtain from a Provincial Court Judge an order for the payment of money or other remedy authorized by a Town bylaw.
- 5.2. Except as otherwise provided by any bylaw, where imprisonment, fine, penalty or other punishment prescribed by a bylaw may be enforced or recovered upon summary conviction or by summary proceedings, the bylaw shall be enforced or recovered before a Provincial Court Judge in the manner provided by this bylaw.
- 5.3. For the purpose of any bylaw, penalties, corrective actions or both, associated to that bylaw may be imposed, upon a guilty plea, by a Justice of the Peace.
- 5.4. The provisions of the Criminal Code, including provisions relating to appeals, applicable to offences punishable on summary conviction apply with the necessary changes to proceedings to which this bylaw applies.
- 5.5. 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 Town 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 Town.
- 5.6. All offences under a Town bylaw shall be punishable on summary conviction.
- 5.7. Where no punishment is provided for an offence under a Bylaw, the punishment for that offence shall be a fine of not less than \$200.00 or a fine of not more than \$10,000 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.
- 5.8. 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 for an offence under any provisions of a bylaw passed by Council pursuant to section 227 of the Act in accordance with this section, as follows:
- (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 clause (c) above, 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 sub-section 5.9.
  - (f) the amount of penalty entered on a summons under clause (e) shall be equal to the sum of:
  - (g) the penalty prescribed for the out of court settlement of the offence charged in the summons, and
    - i. the administrative charge;
    - ii. 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.

5.9. 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.

5.10. 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

- 5.11. 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.
- 5.12. 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.
- 5.13. Upon receipt of the summons with a plea of guilty made thereon in accordance with sub-section 5.10, 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.
- 5.14. 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 sub-section 5.10, 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.

### **PART III – BYLAW ENFORCEMENT OFFICERS**

#### **6. Appointment and Supervision**

- 6.1. Council hereby establishes the position of Bylaw Enforcement Officer and an individual appointed to that position will have the title “Bylaw Enforcement Officer”.
- 6.2. The Chief Administrative Officer shall appoint all Bylaw Enforcement Officers for the Town and Bylaw Enforcement Officers shall report to the Chief Administrative Officer.

#### **7. Qualifications**

- 7.1. To be eligible for appointment as a Bylaw Enforcement Officer, individuals must provide the Chief Administrative Officer with the following:
  - (a) a recent criminal, and vulnerable sector, record check acceptable to the Chief Administrative Officer;

- (b) proof of adequate education and training necessary for performing the powers, duties and functions of a Bylaw Enforcement Officer; and
  - (c) any other information that the Chief Administrative Officer determines is relevant or necessary in order to carry out the duties of a Bylaw Enforcement Officer for the Town.
- 7.2. Bylaw Enforcement Officers shall comply with all relevant policies, directives and procedures of the Town.
- 7.3. Prior to commencing his or her duties, a Bylaw Enforcement Officer shall swear or affirm the oath hereto annexed as Schedule "C".
- 7.4. An individual may be appointed as a Bylaw Enforcement Officer for the Town notwithstanding that he or she may also be appointed as an enforcement officer for another municipality.

## **8. Powers and Duties of a Bylaw Enforcement Officer**

- 8.1. A Bylaw Enforcement Officer shall be responsible for:
- (a) enforcing the bylaws for which the Bylaw Enforcement Officer is authorized to enforce within the boundaries of the Town;
  - (b) following the directions of the Chief Administrative Officer, performing all enforcement duties delegated by the Chief Administrative Officer and reporting to the Chief Administrative Officer as required;
  - (c) responding to, investigating, and keeping a written record of complaints;
  - (d) conducting routine patrols, as directed by the Chief Administrative Officer;
  - (e) issuing notices and municipal offense tickets;
  - (f) where required by a bylaw, laying an information;
  - (g) assisting in the prosecution of bylaw contraventions including appearances in court to provide evidence;
  - (h) investigating properties to ensure compliance with bylaws, as directed by the Chief Administrative Officer;
  - (i) carrying upon his or her person at all such times as he or she is acting as a Bylaw Enforcement Officer evidence in writing of his or her position as a Bylaw Enforcement Officer of the Town;
  - (j) acting in accordance with the Act, including, but not limited to, the provisions set forth in Part 9 of the Act;
  - (k) liaising with community groups and organizations concerning safety issues, as directed by the Chief Administrative Officer; and

- (l) performing other related duties as may be required or assigned by the Chief Administrative Officer.

## **9. Notice for Inspection and Enforcement**

- 9.1. Where this Bylaw or another Town bylaw authorizes or requires a Bylaw Enforcement Officer to
  - (a) inspect anything;
  - (b) remedy anything;
  - (c) enforce anything; or
  - (d) do anything required to be done by the Town,the Bylaw Enforcement Officer may, after giving not less than 24 hours' notice to the owner or occupier of land or a building or other structure, take an action specified in sub-section 9.2.
- 9.2. A Bylaw Enforcement Officer may, on notice in accordance with sub-section 9.1,
  - (a) enter the land, building or structure referred to in subsection (a) at any reasonable time and carry out the inspection, enforcement or action authorized or required by this Bylaw or another Town bylaw;
  - (b) require that anything be produced to assist in the inspection, remedy, enforcement or action; and
  - (c) make copies of anything related to the inspection, remedy, enforcement or action.
- 9.3. A Bylaw Enforcement Officer acting under this section shall display or produce, on request, identification and documentation showing that the person is authorized to carry out the duties specified in sub-section 9.2.
- 9.4. A Bylaw Enforcement Officer acting under this section shall not enter a dwelling without a warrant issued under the Summary Proceedings Act (PEI) unless the occupant consents to the entry.
- 9.5. Despite sub-section 9.1, where, in the opinion of a Bylaw Enforcement Officer acting under this section, an emergency or extraordinary circumstances exist, the Bylaw Enforcement Officer is not required to give 24 hours' notice or enter at a reasonable hour to do the things referred to in section 9.2.

## **10. Complaint Process**

- 10.1. Complaints of inappropriate conduct of a Bylaw Enforcement Officer shall be directed to the Chief Administrative Officer.
- 10.2. All complaints must be accepted and addressed according to this bylaw and must be submitted in writing.

- 10.3. The Chief Administrative Officer shall acknowledge receipt of the complaint, in writing, to the person making the complaint.
- 10.4. The Chief Administrative Officer shall provide notice of the complaint:
  - (a) to the Bylaw Enforcement Officer against whom the complaint is made;
  - (b) to Council; and
  - (c) where the Town has contracted with a Third Party for the services of the Enforcement Officer, to the Third Party.
- 10.5. A contract between the Town and a Third Party wherein the Third Party agrees to provide the services of one or more individuals to act as Enforcement Officers shall, at a minimum, contain the following provisions with respect to the complaint process:
  - (a) that upon the receipt of a complaint in respect of a Bylaw Enforcement Officer, the Chief Administrative Officer may suspend that individual from acting as a Bylaw Enforcement Officer for the Town pending the completion of the complaint process;
  - (b) that upon the receipt of a complaint in respect of the individual, the Third Party shall hire an independent party that is acceptable to the Town to conduct an investigation and the costs associated with the investigation shall be the responsibility of the Third Party; and
  - (c) that the results of the investigation referred to in clause (b), together with any investigation report prepared, shall be forwarded to the Chief Administrative Officer, the complainant, the Third Party and the Bylaw Enforcement Officer who was investigated.
- 10.6. In the event there is no Third Party, the Town shall hire an independent party to investigate the complaint and the costs associated with the investigation shall be the responsibility of the Town.
- 10.7. Upon receipt of the results of the investigation and the investigation report, if any, the Chief Administrative Officer shall set a date and time for a hearing.
- 10.8. The complainant, the Bylaw Enforcement Officer and the Third Party, if any, shall have the opportunity to be heard at the hearing.

## **11. Disciplinary Action**

- 11.1. If following the hearing conducted in accordance with section 10 above, the Chief Administrative Officer finds the Bylaw Enforcement Officer has acted inappropriately, the Chief Administrative Officer may take one of the following actions:
  - (a) issue a verbal warning to the Bylaw Enforcement Officer;



- (b) issue a written reprimand to the Bylaw Enforcement Officer;
- (c) suspend the Bylaw Enforcement Officer from carrying out his or her duties in the Town for a specified time period; or
- (d) revoke the appointment of the Bylaw Enforcement Officer.

## **12. Notification and Appeal**

- 12.1. The Chief Administrative Officer shall notify, in writing, the complainant, the Bylaw Enforcement Officer and the Third Party, if any, of the results of the investigation and what, if any, disciplinary action has been taken.
- 12.2. The Chief Administrative Officer shall include reasons for his or her decision with the notification provided under sub-section 12.1.
- 12.3. The complainant, the Bylaw Enforcement Officer and the Third Party, if any, have the right to appeal the Chief Administrative Officer's decision.
- 12.4. The Chief Administrative Officer shall include, in the notification provided under sub-section 12.1, a written notice that the Council is authorized to hear an appeal of the Chief Administrative Officer's decision and that the appeal must be filed, in writing, within 30 days of the date of the decision.
- 12.5. The written appeal submission must contain the reasons why the decision of the Chief Administrative Officer should be overturned.
- 12.6. The Council shall forward any written appeal submission it receives from a party listed in sub-section 12.3 to the remaining parties listed in sub-section 12.3 and the remaining parties shall have 20 days from their receipt of the written appeal submission within which to file their own written appeal submission.
- 12.7. After reviewing the information contained in the written appeal submissions provided under sub-sections 12.5. and 12.6., Council may
  - (a) dismiss the appeal; or
  - (b) allow the appeal and vary the decision of the Chief Administrative Officer.
- 12.8. The Council shall notify, in writing, the complainant, the Bylaw Enforcement Officer and the Party, if any, of the results of the appeal.
- 12.9. The Council has the authority to decide any matter of procedure not otherwise provided for in this bylaw.
- 12.10. The decision of Council is final and binding.

## **13. Schedules**

- 13.1. The schedules to this bylaw form part of the bylaw and Schedule A may be changed by a resolution of the Council.

**14. Severability**

14.1. If any provision of this bylaw is deemed to be invalid by a court having jurisdiction for any reason, then that provision shall be severed, and all remaining provisions shall remain valid and in force.

**15. Repeal of Existing Bylaw**

15.1. On adoption, this bylaw replaces Bylaw #34, the Summary Proceedings Bylaw.

**16. Effective Date**

16.1. This Bylaw, is effective on the date of approval and adoption below.

**First Reading:**

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Second Reading:**

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Approval and Adoption by Council:**

This bylaw was formally adopted by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Signatures**

\_\_\_\_\_

**Mayor** (signature sealed)

\_\_\_\_\_

**Chief Administrative Officer** (signature sealed)

Certified to be a true copy of the Town of Stratford Conflict of Interest Bylaw, Bylaw # 48.

\_\_\_\_\_

**Chief Administrative Officer Signature**

\_\_\_\_\_

**Date**

**This Bylaw was filed with the Minister of Fisheries and Communities on this \_\_\_ day of \_\_\_\_\_ 2019.**

**SCHEDULE A - MUNICIPAL OFFENCE TICKET**

CANADA PROVINCE OF PRINCE EDWARD ISLAND <b>STRATFORD</b>	<b>CASE NO.</b>	<b>TICKET NO.</b>
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**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 **STRATFORD, PRINCE EDWARD ISLAND**  
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER SECTION \_\_\_\_\_ OF

**X INDICATES BYLAW UNDER WHICH OFFENCE CHARGED**

- |   |  |
|---|--|
| <input type="checkbox"/> Noise and Nuisance By-Law (#30)            | <input type="checkbox"/> Dangerous and Unsightly Premises By-Law (#22) |
| <input type="checkbox"/> Animal Control By-Law (#26)                | <input type="checkbox"/> Smoke Free Bylaw (#42)                        |
| <input type="checkbox"/> Zoning and Development Bylaw (Bylaw # 45), | <input type="checkbox"/> Building Bylaw (Bylaw # 32),                  |
| <input type="checkbox"/> Cosmetic Pesticide Bylaw (Bylaw # 35)      | <input type="checkbox"/> Other (insert name)<br>_____                  |

**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)*

**NAME OF OFFICER ISSUING SUMMONS**

BYLAW ENFORCEMENT OFFICER

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

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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  <input type="checkbox"/> GUILTY <input type="checkbox"/> DISMISSED <input type="checkbox"/> WITHDRAWN	DISPOSITION  FINE: _____ \$ _____		

GIVEN UNTIL \_\_\_\_\_, 20\_\_\_\_ TO \_\_\_\_\_  
PAY \_\_\_\_\_  PAID FORTHWITH

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JUDGMENT GIVEN ON \_\_\_\_\_, 20\_\_\_\_, IN PROVINCIAL COURT  
AT \_\_\_\_\_, PRINCE EDWARD ISLAND.

# SUMMONS TO ACCUSED

	<b>CASE NO.</b>	<b>TICKET NO.</b>
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## 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 **STRATFORD, PRINCE EDWARD ISLAND**  
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER SECTION \_\_\_\_ OF

### X INDICATES BYLAW UNDER WHICH OFFENCE CHARGED

- |   |  |
|---|--|
| <input type="checkbox"/> Noise and Nuisance By-Law (#30)            | <input type="checkbox"/> Dangerous and Unsightly Premises By-Law (#22) |
| <input type="checkbox"/> Animal Control By-Law (#26)                | <input type="checkbox"/> Smoke Free Bylaw (#42)                        |
| <input type="checkbox"/> Zoning and Development Bylaw (Bylaw # 45), | <input type="checkbox"/> Building Bylaw (Bylaw # 32),                  |
| <input type="checkbox"/> Cosmetic Pesticide Bylaw (Bylaw # 35)      | <input type="checkbox"/> Other (insert name)<br>_____                  |

### 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.

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

BYLAW ENFORCEMENT OFFICER \_\_\_\_\_

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 "**TOWN OF STRATFORD**".

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 STRATFORD

*SECTION*

*BYLAW NAME*

*MUNICIPALITY*

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.

CANADA PROVINCE OF PRINCE EDWARD ISLAND <b>STRATFORD</b>	<b>CASE NO.</b>	<b>TICKET NO.</b>
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**- RECORD OF -  
BYLAW ENFORCEMENT OFFICER OR POLICE OFFICER**

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 \_\_\_\_\_ OF \_\_\_\_\_  
*LAST FIRST OTHER NO AND STREET*

\_\_\_\_\_ *MUNICIPALITY PROVINCE POSTAL CODE TELEPHONE*

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

SECTION \_\_\_\_\_ OF X INDICATES BYLAW UNDER WHICH OFFENCE CHARGED

- |   |   |
|---|---|
| <input type="checkbox"/> Animal Control By-Law (#26)                | <input type="checkbox"/> Smoke Free Bylaw (#42)       |
| <input type="checkbox"/> Zoning and Development Bylaw (Bylaw # 45), | <input type="checkbox"/> Building Bylaw (Bylaw # 32), |
| <input type="checkbox"/> Cosmetic Pesticide Bylaw (Bylaw # 35)      | <input type="checkbox"/> Other (insert name)<br>_____ |

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\_\_\_\_ AT \_\_\_\_\_ **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 \$** \_\_\_\_\_

NAME OF OFFICER ISSUING SUMMONS \_\_\_\_\_  
 BYLAW ENFORCEMENT OFFICER \_\_\_\_\_  
 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  
**- RECORD OF -**  
**BYLAW ENFORCEMENT OFFICER OR POLICE OFFICER**

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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.*



**SUMMARY PROCEEDINGS BYLAW**

**SCHEDULE "B"**

<b>Animal Control Bylaw, Bylaw # 26</b>		<b>Penalty For Out Of Court Settlement</b>
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Section 3(a)(i)	Failure to provide clean potable water and suitable food	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(a)(ii)	Failure to keep food/water receptacles clean and disinfected	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(a)(iii)	Failure to provide an animal with the opportunity for sufficient exercise	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(a)(iv)	Failure to provide an animal with necessary veterinary care when animal exhibits signs of pain/suffering	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(b)(i)	Keeping an animal in an outdoor enclosure that is not at least twice the length of the animal in all directions	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(b)(ii)	Keeping an animal in an outdoor enclosure that does not provide appropriate protection from heat, cold, or wet	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(b)(iii)	Keeping an animal in an outdoor enclosure that does not provide sufficient shade from the sun	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(b)(iv)	Keeping an animal in an outdoor enclosure that is not regularly cleaned/sanitized including daily removal/disposal of excreta	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(c)	Hitching/tying/fastening an animal to a fixed object while using a choke collar or chain as securing apparatus	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(c)	Hitching/tying/fastening an animal to a fixed object where a rope or cord is tied directly around the animal's neck	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year

Section 3(d)	Hitching/tying/fastening an animal to a fixed object as primary means of confinement	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(e)	Confining an animal in an enclosed space (including a car) without ventilation	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(f)	Transporting an animal in a vehicle outside the passenger compartment without adequate confinement/securing to prevent injury	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 4	Failure to provide sanitary conditions	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 5(a)	Failure to remove dog feces	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 5(b)	Dog disturbing the quiet	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 5(c)(i)	Dog chases, bites, or attacks a person	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 5(c)(ii)	Dog chases, bites, or attacks a domestic animal	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 5(c)(iii)	Dog damages public/private property	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 5(d)	Permits dog to run at large	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 6	The use, setting or maintenance of an inhumane trap	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 7(a)	Failure to obtain a license to register dog	\$100 - 1 <sup>st</sup> offence \$200 continuing offence

Section 7(c)	Failure to attach dog's current license tag	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 9(b)(i)	Failure to license a dangerous dog	\$300 - 1 <sup>st</sup> offence \$600 - continuing offence
Section 9(b)(ii)	Failure to spay/neuter a dangerous dog	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 9(b)(iii)	Failure to muzzle a dangerous dog	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 9(b)(iv)	Failure to keep a dangerous dog on a leash no longer than 1 meter	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 9(b)(iv)	Failure to keep a dangerous dog under the control of a responsible person over the age of 18	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 9(v)	Failure to adequately secure a dangerous dog	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 9(b)(vi)	Failure to erect warning signs regarding dangerous dog	\$300 1 <sup>st</sup> offence \$600 continuing offence
Section 10(a)	Failure to obtain a kennel license	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 12(a)	Prohibited show/display of performance animals	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 13(a)	Keeping prohibited animals within a residential zone	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year
Section 13(b)	Keeping of prohibited animals	\$300 - 1 <sup>st</sup> offence \$600 - 2 <sup>nd</sup> offence in 1 year \$900 - 3 <sup>rd</sup> offence in 1 year

<b>Building Bylaw, Bylaw # 32</b>		<b>Penalty For Out Of Court Settlement</b>
Column 1	Column 2	Column 3
Section 7.1	Violators of any provision of this bylaw	\$500 - 1st offence \$1000 - continuing offence

<b>Cosmetic Pesticide Bylaw, Bylaw # 35</b>		<b>Penalty For Out Of Court Settlement</b>
Column 1	Column 2	Column 3
Section 7.11.1	Violators of any provision of this bylaw	\$1000 1 <sup>st</sup> offence \$2500 - subsequent offences

<b>Dangerous and Unsightly Premises Bylaw, Bylaw # 22</b>		<b>Penalty For Out Of Court Settlement</b>
Column 1	Column 2	Column 3
Section 5(b)(i)	Failure to comply with Notice re long grass	\$100 - 1 <sup>st</sup> offence \$200 - continuing offence
Section 5(b)(ii)	Failure to comply with Notice re litter removal	\$250 - 1 <sup>st</sup> offence \$500 - continuing offence
Section 5(b)(iii)	Failure to comply with Notice re building repair/maintenance	\$500 - 1 <sup>st</sup> offence \$1000 - continuing offence
Section 5(b)(iv)	Failure to comply with Notice re derelict vehicle	\$500 - 1 <sup>st</sup> offence \$1000 - continuing offence
Section 5(b)(v)	Failure to comply with Notice re unsightly property	\$500 - 1 <sup>st</sup> offence \$1000 - continuing offence
Section 6(b)	Failure to comply with Notice re removal/repair of dangerous condition	\$500 - 1 <sup>st</sup> offence \$1000 - continuing offence
Section 6(c)	Failure to comply with Notice re vacating building and/or demolition	\$500 - 1 <sup>st</sup> offence \$1000 - continuing offence
Section 7(b)	Failure to comply with Notice re removal/repair of dangerous condition	\$500 - 1 <sup>st</sup> offence \$1000 - continuing offence
Section 8(b)(i)	Failure to comply with Notice re covering doors/windows on a vacant building	\$250 - 1 <sup>st</sup> offence \$500 - continuing offence
Section 8(b)(ii)	Failure to comply with Notice to erect a fence on a vacant property	\$250 - 1 <sup>st</sup> offence \$500 - continuing offence

Section 8(c)	Failure to comply with Notice re building repair, maintenance, or painting	\$250 - 1 <sup>st</sup> offence \$500 - continuing offence
Section 8(d)	Failure to comply with Notice re demolition of building	\$500 - 1 <sup>st</sup> offence \$1000 - continuing offence

<b>Noise and Nuisance Bylaw, Bylaw # 30</b>		<b>Penalty For Out Of Court Settlement</b>
Column 1	Column 2	Column 3
Section 3(a)(i)	Unreasonably loud or excessive noise	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(a)(ii)	Unreasonably disturbing, injurious, or endangering noise	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(a)(iii)	Unreasonably discomforting noise	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 3(d)	Carrying out an activity listed in Schedule "A" of the Noise and Nuisance Bylaw	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 6(a)	Prohibited burning	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 7(a)(i)	Disturbing the peace (fighting/screaming/obscene language)	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 7(a)(ii)	Disturbing the peace (knocking on doors or ringing doorbells)	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 7(a)(iii)	Disturbing the peace (loitering)	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 8(a)	Public nuisance (deface public/private property)	\$200 - 1 <sup>st</sup> offence \$400 - 2 <sup>nd</sup> offence in 1 year \$600 - 3 <sup>rd</sup> offence in 1 year

Section 8(b)	Public nuisance (unnecessary obstruction or damage to street, sidewalk or public place)	\$200 - 1 <sup>st</sup> offence \$400 - 2 <sup>nd</sup> offence in 1 year \$600 - 3 <sup>rd</sup> offence in 1 year
Section 8(c)	Public nuisance (throw or project object onto street, sidewalk, public place)	\$200 - 1 <sup>st</sup> offence \$400 - 2 <sup>nd</sup> offence in 1 year \$600 - 3 <sup>rd</sup> offence in 1 year
Section 9	Failure to comply with public park curfew	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 10(a)	Failure to comply with Halloween curfew	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 11	Prohibited use of recreational vehicle	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year

<b>Smoke Free Bylaw, Bylaw # 29</b>		<b>Penalty For Out Of Court Settlement</b>
Column 1	Column 2	Column 3
Section 2.1	Smoking on Town Property.	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year
Section 2.2	Smoking within six meters of an entrance or exit to a Town Property.	\$100 - 1 <sup>st</sup> offence \$200 - 2 <sup>nd</sup> offence in 1 year \$300 - 3 <sup>rd</sup> offence in 1 year

**SCHEDULE "C"**

I, \_\_\_\_\_, solemnly and sincerely swear (or affirm) that I will diligently, faithfully and impartially fulfill the duties of bylaw enforcement officer for the Town of Stratford and that I will not, without due authority, disclose or make known any matter the comes to my knowledge by reason of such position.

**SWORN (or affirmed) BEFORE ME** at

\_\_\_\_\_,  
\_\_\_\_\_ County, Province of  
Prince Edward Island, the \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
A COMMISSIONER FOR TAKING  
AFFIDAVITS IN THE SUPREME COURT

\_\_\_\_\_  
(Person giving Oath or Affirmation)