

GENERAL STATEMENT OF POLICY:

49.01 It shall be the policy of the Council of the Region of Queens Municipality to have standards for the equitable enforcement of Summary Offence tickets (S.O.T.'s).

LEGISLATION TO BE ENFORCED:

49.02 Without restricting the issuance of S.O.T.'s to the following list and reserving the right to issue S.O.T.'s for all punishable offences according to law, the below noted are generally the legislative areas to be enforced:

Burning Bylaw – No. 2

*Section 4
Section 10
Section 11*

Dog Bylaw – No. 3

*Section 13(a)
Section 13(b)
Section 13(c)*

Mobile Home and Mobile Home Parks Bylaw – No. 6

*Section 3
Section 4
Section 12*

Noise Bylaw – No. 7

Section 3

Parking Lot Bylaw – No. 8

*Section 4(c)
Section 4(d)
Section 5*

Parking Meter Bylaw – No. 9

*Section 6
Section 7
Section 8*

Public Market Bylaw – No. 10

*Section 3
Section 7
Section 8
Section 10*

Sewer Bylaw – No. 11

*Section 4.1
Section 4.2
Section 4.7
Section 4.15
Section 5.5
Section 8.1
Section 9.5*

Certain Activities Bylaw – No. 12

Section 2

Section 3

Solid Waste Bylaw – No. 13

Section 11(a)

Section 11(b)

Section 12

Section 13(a)

Section 13(b)

Section 14

Section 16

Section 17

Section 18(a)

Section 18(b)

Section 19

Section 20

Section 21

Section 23

Section 24

Section 25(a)

Section 25(b)

Section 25(c)

Section 25(d)

Section 26

Section 27

Section 28

Section 29

Section 30

Section 31

Section 32

Section 34(a)

Section 34(b)

Section 34(c)

Section 35
Section 36
Section 37
Section 39(a)
Section 39(b)
Section 39(c)
Section 40
Section 41
Section 42
Section 43(a)
Section 43(b)
Section 43(c)
Section 43(d)
Section 43(e)
Section 43(f)
Section 43(g)
Section 43(h)
Section 43(i)
Section 43(j)
Section 46
Section 47
Section 50
Section 50(d)
Section 51
Section 52
Section 53
Section 54
Section 55
Section 56
Section 57
Section 58
Section 61(a)
Section 61(b)
Section 63(a)
Section 63(b)
Section 64
Section 65
Section 68
Section 72

Taxi Bylaw – No. 15

Section 3
Section 9

Vending Bylaw – No. 18

Section 3(a)
Section 8

Civic Numbering Bylaw – No. 19

Section 3
Section 11

Municipal Government Act

Section 505(1)(a)
Section 505(1)(b)
Section 505(1)(c)
Section 505(1)(d)

Building Code Act

Section 8(a)
Section 8(b)
Section 19(1)(a)
Section 19(1)(b)
Section 19(1)(c)
Section 19(2)

ENFORCEMENT PERSONNEL:

49.03 Pursuant to the Police Act, any Special Constable employed by the Region of Queens Municipality or Peace Officer shall be authorized to issue S.O.T.'s inside the boundaries of Queens County.

ENFORCEMENT PRINCIPLES:

49.04 The investigation of alleged violations shall be the responsibility of the Special Constable of the Region of Queens Municipality or a Peace Officer working within Queens County. The prosecution of charges is the responsibility of the municipal solicitor.

49.05 The Region shall follow the following established principles whether to lay charges and will include:

- a) The decision to lay a charge concerning a minor offence using a Summary Offence Ticket will be the decision of the investigator. The investigator will only proceed with the charge where there are reasonable grounds to believe that an offence has occurred.
- b) Warnings may be issued concerning a minor offence where the investigator deems appropriate. In deciding whether to proceed with a warning or a ticket, the investigator will respect the principle of equal protection and benefit of the law. The decision will be made in a non-discriminatory and fair manner, which protects the public interest, at large.
- c) The investigation of alleged offences of a more serious nature, or which involve repeat offenders will involve the investigator, Chief Administrative Officer and Region's solicitor. The decision whether to lay a charge will be based on sound judgment and principles of fair and equitable treatment under the law. These decisions will be reached after consultation with the Region's solicitor who will prosecute.
- d) The investigator and Chief Administrative Officer have the ultimate right and duty to determine the charges to be laid, subject to advice from the Region's solicitor and subject to the right of the Region's solicitor to withdraw or stay charges, for cause, after they have been laid.

PROSECUTORIAL DISCRETION:

49.06 In advising on the laying of charges or the staying of prosecutions, the Region's solicitor will be guided by the principle that a prosecution should only go forward where there is evidence available on each essential element of the offence and the Region's solicitor believes there is a reasonable chance that a conviction will result if the case proceed to trial.

49.07 In the laying of charges and decisions respecting staying of prosecutions, consideration of the public interest may be relevant. In determining whether the public interest may be served, the following things will be considered:

- a) whether there is sufficient risk to human life, health, property or the environment;
- b) any record of compliance;
- c) any relevant history;
- d) whether the violation seems deliberate in nature or, if not deliberate, the degree of negligence or carelessness involved;
- e) whether there has been concealment of information or any other obstruction;
- f) whether the violation was repeated or a warning was disregarded;
- g) whether a ticket or prosecution is likely to have a deterrent effect on this individual or other; and
- h) whether failure to enforce would tend to bring law into disrepute or disrespect.

49.08 If a charge is dropped for any reason, the reason(s) must be recorded in the file.

Approved by Council:

Council October 15, 2012