



**Summary Offence Ticket Enforcement Policy
S-8106-22**

Effective Date:
April 27, 2022

Part 1 Purpose

The purpose of this policy is to ensure standards for the equitable enforcement of Summary Offence Tickets (SOT) by the Municipality of the District of Yarmouth's Special Constable(s).

Part 2 Legislation to be enforced

- 2.1 N.S. Municipal Government Act, Part XV (Dangerous or Unsightly Premises)
- 2.2 N.S. Fire Safety Act and Regulations
- 2.3 N.S. Building Code Act and Regulations
- 2.4 Building By-law B-028-91
- 2.5 Dog By-law D-048-02
- 2.6 Mini Mobile Home Park By-law M-068-94
- 2.7 Noise By-law N-050-03
- 2.8 Sewer By-law S-084-22
- 2.9 Solid Waste Resource Collection and Disposal By-law S-088-20
- 2.10 South Ohio Waste Water Management By-law S-088-97
- 2.11 Streets and Sidewalks By-law S-089-12
- 2.12 Transient Vendor By-law T-088-09

Part 3 Definitions

- 3.1 **“CAO”** means Chief Administrative Officer
- 3.2 **“Council”** means Council for the Municipality of the District of Yarmouth



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- 3.3 **“Investigator”** means Municipal Employee appointed as Special Constable under the Nova Scotia Police Act
- 3.4 **“MGA”** means Municipal Government Act
- 3.5 **“MODY”** means Municipality of the District of Yarmouth
- 3.6 **“Municipality”** means Municipality of the District of Yarmouth
- 3.7 **“Solicitor”** means Municipal Solicitor as appointed by Council

Part 4 Enforcement Principles

- 4.1 The investigation of alleged violations is the responsibility of those municipal employees designated as Special Constables under the *Nova Scotia Police Act*. The prosecution of charges is the responsibility of the Municipal Solicitor.
- 4.2 The *Municipality* will follow established principles in deciding whether to lay charges, which include:
 - 4.2.1 The decision to lay a charge concerning a minor offence using a Summary Offence Ticket (SOT) will be the decision of the investigator (Special Constable). The investigator will only proceed with a charge where there are reasonable grounds to believe that an offence has occurred.
 - 4.2.2 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 interests of the public at large.
 - 4.2.3 The investigation of alleged offences of a more serious nature, or which involve repeat offenders will involve the investigator, the department director, the Chief Administrative Officer, and the Municipal Solicitor. The decision as to whether or not to lay a charge will be based on sound judgement and principles of fair and equitable treatment under the law. These decisions will be reached



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after consultation with the solicitor who will prosecute. Such decision shall not be based on personal matters, nor shall the members of *Council* be involved in the decision.

- 4.2.4 The investigator and CAO have the ultimate right and duty to determine the charges to be laid, subject to advice from the Municipal Solicitor and subject to the right of the Municipal Solicitor to withdraw or stay charges, for cause, after they have been laid.

Part 5 Prosecutorial Discretion


- 5.1 In advising on the laying of charges or the staying of prosecutions, the 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 solicitor believes there is a reasonable chance that a conviction will result if the case proceeds to trial.
- 5.2 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 points should be considered:
 - 5.2.1 Whether there is significant risk to human life, health, property or the environment;
 - 5.2.2 Any record of compliance;
 - 5.2.3 Any relevant history;
 - 5.2.4 Whether the violation seems deliberate in nature or, if not deliberate, the degree of negligence or carelessness involved;
 - 5.2.5 Whether there has been concealment of information or any other obstruction;
 - 5.2.6 Whether the violation has repeated or a warning was disregarded;
 - 5.2.7 Whether a ticket or prosecution is likely to have a deterrent effect on this individual or others;

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

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5.2.8 Whether failure to enforce would tend to bring the law into disrepute or disrespect.

5.3 If a charge is dropped, the reasons must be recorded in the file.

| Chief Administrative Officer's Annotation for Official Policy Book | |
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| Date of Notice to Council members of Intent to Consider (7 days Min) | April 19, 2022 |
| Date of Passage of current Policy | April 27, 2022 |
| I certify that this Summary Offence Ticket Enforcement Policy S-8106-22 was adopted by Council as indicated above. | |
|  <hr style="width: 40%; margin-left: auto; margin-right: auto;"/> <div style="display: flex; justify-content: space-between; width: 80%; margin-left: auto; margin-right: auto;"> Chief Administrative Officer <u>May 11, 2022</u> Date </div> | |

Date last reviewed by Council:

Date last amended:

Amendment Log

| Date | Amendment Description |
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