



## **PLEASE NOTE**

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For more information concerning the history of this Act, please see the [\*Table of Public Acts\*](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office  
Tel: (902) 368-4291  
Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)

## CHAPTER C-4.1

### CHARLOTTETOWN AREA MUNICIPALITIES ACT

#### PART I CITY OF CHARLOTTETOWN

| 1. In this Part  | Definitions                  |
|--|------------------------------|
| (a) “chief administrative officer” means the person appointed under subsection 22(1);  | chief administrative officer |
| (b) “city” means the City of Charlottetown established under section 3;  | city                         |
| (c) “council” means the council of the city;   | council                      |
| (d) “interest in land” includes<br>(i) an interest limited as to time or by condition or otherwise,<br>(ii) an easement, profit or servitude,<br>(iii) any right to, over or in respect of land that might be conferred by the owner of the land, whether or not that right, if conferred by the owner, could be asserted against a subsequent owner of the land,<br>(iv) any restriction on the use of land that might be assumed by covenant or other agreement, whether or not the restriction, if assumed by the owner of the land, could be asserted against a subsequent owner thereof, and<br>(v) the exclusive possession of land for a limited time or for a definite or indefinite period; | interest in land             |
| (e) “mayor” means mayor of the city;   | mayor                        |
| (f) “Minister” means the Minister of Communities, Cultural Affairs and Labour;   | Minister                     |
| (g) “ordinarily resident” has the same meaning as in the <i>Election Act</i> R.S.P.E.I. 1988, Cap. E-1.1;  | ordinarily resident          |
| (h) “prescribed” means prescribed by a bylaw under section 64 or 69;   | prescribed                   |
| (i) “regulations” means regulations under section 72;  | regulations                  |
| (j) “resident” means a person who has attained the age of eighteen years and is ordinarily resident within the boundaries of the city;   | resident                     |
| (k) “street” means all the area within the boundary lines of every road, street, highway or right of way which is designed or intended   | street                       |

for or used by the general public for the passage of persons and vehicles, and includes bridges, sidewalks, and drainage works, but does not include a controlled access highway designated under section 27 or an arterial highway designated under section 29 of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15. 1994,c.6,s.1; 1995,c.5,s.1 *[eff.]* Apr. 1/95; 1997,c.20,s.3; 2000,c.5,s.3; 2009,c.73,s.2.

|                                       |  |
|---------------------------------------|--|
| Purpose of this Act                   | <p><b>2.</b> The purposes of this Part are</p> <p>(a) to amalgamate certain municipalities in the greater Charlottetown area;</p> <p>(b) to create a new municipality to be named the City of Charlottetown;</p> <p>(c) to provide for the government of the new municipality;</p> <p>(d) to make transitional provisions for the transfer of functions from the existing municipalities to the new municipality. 1994, c.6,s.2.</p> |
| Constitution of City of Charlottetown | <p><b>3.</b> (1) There is established a municipality to be known as the City of Charlottetown comprising the existing municipalities, and parts of municipalities and unincorporated areas set out in Schedule 1.</p>  |
| Corporation                           | <p>(2) The residents of the city are constituted a corporation with all the powers of a corporation set out in section 16 of the <i>Interpretation Act</i> R.S.P.E.I. 1988, Cap. I-8. 1994,c.6,s.3.</p>  |
| Electoral districts                   | <p><b>4.</b> Subject to the provisions of Schedule 3, the electoral districts of the city shall be determined by the council. 1994,c.6,s.4.</p>  |

#### COUNCIL

|                           |  |
|---------------------------|--|
| Mayor and council         | <p><b>5.</b> (1) The administration of the city is vested in a mayor and ten councillors elected in accordance with this Act, who collectively constitute the city council.</p>  |
| Governing body            | <p>(2) The council is the governing body of the city.</p>  |
| Remuneration and expenses | <p>(3) Subject to the provisions of Schedule 3, the council may by bylaw provide for payment to the mayor and to councillors</p> <p>(a) of annual salaries of such amounts as may be specified in the bylaw; and</p> <p>(b) such additional amounts, as may be set out in the bylaw, as allowances for expenses incidental to the discharge of their duties.</p> |
| Eligibility for office    | <p>(4) The qualifications for nomination and for holding office as a mayor or councillor of the city are that the nominee is</p> <p>(a) not less than eighteen years of age;</p> <p>(b) a Canadian citizen; and</p>  |

(c) ordinarily resident in the city for a period of six months preceding the date of the nomination.

(5) Where a mayor or councillor ceases to be ordinarily resident in the city, he or she shall, within thirty days thereof, vacate office. 1994,c.6,s.5. Residence

**6.** (1) Any person holding the office of mayor or councillor shall immediately become disqualified and shall cease to hold office if Disqualification

(a) the person becomes a member of the Legislative Assembly or the Parliament of Canada;

(b) the person becomes an employee of the city or holds any office or place of profit in the gift or disposal of the council;

(c) the person is continuously absent from the city for more than three calendar months or is absent from the regularly scheduled meetings of the council for more than three successive calendar months without being thereto authorized by a resolution of the council, except when such absence is occasioned by illness; or

(d) the person is convicted of an indictable offence punishable by imprisonment for five or more years or an offence under section 123 of the *Criminal Code* (Canada).

(2) The provisions of this section and section 5 shall not render ineligible or disqualify any person from being elected to and holding the office of mayor or councillor by reason of being a shareholder of any incorporated company or a volunteer firefighter in the municipality. 1994,c.6,s.6; 1999,c.19,s.1. Exception

#### TERM OF OFFICE

**7.** On the third Monday in November 2010 and on the third Monday in November in every fourth year thereafter, the mayor and councillors shall take office, and shall continue in office until their successors take office. 1994,c.6,s.7; 2006,c.23,s.1. Taking office

**8.** When any vacancy occurs in the council, the person elected to fill the vacancy shall serve out the remainder of the term of the person who vacated the position. 1994,c.6,s.8. Vacancies

**9.** The mayor shall appoint, from among the members of the council, a deputy mayor who shall act in the place of the mayor, in his or her absence or incapacity to act, and in so acting shall possess the same authority and power as if he or she were mayor. 1994,c.6,s.9. Deputy mayor

**10.** (1) If any vacancy occurs in the office of mayor or councillor, the persons qualified to vote shall, on a date to be fixed not later than twelve Vacancy

months after such vacancy, elect another duly qualified person to fill the vacancy in accordance with this Act and the regulations.

Date fixed by  
mayor or  
councillors

(2) The date for an election pursuant to subsection (1) shall be fixed  
(a) by the mayor, where the vacancy is in the office of councillor; or  
(b) by a majority of councillors, where the vacancy is in the office of mayor.

By-election

(3) If any vacancy occurs within twelve months before the date of the next general civic election, then a by-election to fill the vacancy need not but may be called. 1994,c.6,s.10; 2001, 29, s. 1.

Resignation of  
councillor

**11.** A person holding the office of councillor may resign office at any time by a written declaration to that effect and a councillor shall be elected for the electoral district for which the councillor so resigning was elected. 1994,c.6,s.11.

Leave of absence

**11.1** Any person holding the office of mayor or councillor shall be granted, for the purpose of running in a federal or provincial election, a leave of absence without remuneration, beginning when the person has filed nomination papers with the appropriate election official, and continuing until the end of the election. 2000,c.2,s.1.

## ELECTIONS

Election of mayor  
and councillors

**12.** The mayor and councillors shall be elected by secret ballot on the first Monday in November in every fourth year commencing on the first Monday in November, 2006. 1994,c.6,s.11; 2006,c.23,s.2.

Elections

**13.** Subject to section 14, the council shall prescribe electoral officers, procedures governing elections, the enumeration of electors and all other matters pertaining to elections including the creation of offences, and shall appoint electoral officers, returning officers and such poll clerks, scrutineers and other persons as may be necessary for the conduct of an election. 1994,c.6,s.13.

Qualifications of an  
elector

**14.** (1) The qualifications for an elector are that the elector is  
(a) not less than eighteen years of age;  
(b) a Canadian citizen; and  
(c) ordinarily resident in the city for a period of six months preceding the date of the election.

*Idem*

(2) Only qualified electors may vote in city elections.

Offence

(3) Every person who votes in the city election knowing that he or she is for any reason not qualified to do so is guilty of an offence and is

liable on summary conviction to a fine not exceeding \$2,000 or imprisonment for a term not exceeding two years, or both.

(4) No election shall be declared invalid for reason of non-compliance with this Act or as to the taking of the poll, or the counting of votes or by reason of any want of qualification of the person signing a nomination paper, or of any mistake in the use of a prescribed form if it appears to any tribunal having cognizance of the question that the election was conducted in accordance with the principles of this Act and the bylaws and that the non-compliance or mistake did not affect the result of the election. 1994,c.6,s.14.

Technical irregularity not to affect validity of election

**15.** (1) No employee of the city shall

- (a) directly or indirectly use or seek to use the authority or official influence of his or her position to control or modify the political action of any person in any city election;
- (b) at any time take such part in political activities in any city election so as to impair his or her usefulness in the position in which he or she is employed; or
- (c) be prevented from voting in any city election if under the law governing elections he or she has the right to vote.

Partisan activity by city employee

(2) The council may by bylaw establish a class of restricted employees who, by reason of their rank, position and the nature of their employment, are prohibited from engaging in partisan work in connection with any city election, including contributing, soliciting, receiving, or in any way dealing with any money for any candidate. 1994,c.6,s.15; 1995,c.5,s.2 *{eff.}* Apr. 1/95.

Restricted employees

#### COUNCIL MEETINGS AND COMMITTEES

**16.** The mayor and councillors shall before taking office take an oath in the form prescribed before such person as is designated in the bylaws. 1994,c.6,s.16.

Oath of office

**17.** (1) The council shall hold regular monthly meetings in each year on such day as the council may by resolution determine.

Meetings, general monthly

(1.1) Notwithstanding subsection (1), council may cancel a monthly meeting where the following conditions are met:

Exception

- (a) council passed a resolution to cancel the monthly meeting;
- (b) fifteen days notice of the cancellation is published in a local newspaper;
- (c) no two consecutive monthly meetings are cancelled; and
- (d) at least ten regular monthly meetings are held in every calendar year.

|                    |  |
|--------------------|--|
| Special meetings   | (2) The council may hold special meetings at the call of the mayor, after three days notice thereof, and the mayor shall call a special meeting when so requested in writing by not less than half of the councillors.   |
| Emergency meeting  | (3) In the case of an emergency the mayor, or deputy or acting mayor in the absence of the mayor, may call an emergency meeting without notice to the public, after a reasonable attempt is made to notify every councillor at the councillor's home and place of work.  |
| Quorum             | (4) The quorum at any meeting of the council is <ul style="list-style-type: none"> <li>(a) the mayor, or, in his or her absence, the deputy mayor; and</li> <li>(b) at least one-half of the councillors then holding office.</li> </ul>   |
| Absence of quorum  | (5) No business shall be conducted at any meeting of the council unless a quorum is present.   |
| Public attendance  | (6) Meetings of the council shall be open to the public.   |
| Voting             | (7) Each councillor has one vote and all matters and questions shall be determined by a majority vote of the councillors present.  |
| Tied vote          | (8) The mayor shall vote on any matter or question before the council only for the purpose of breaking a tie.  |
| Rules of procedure | (9) The council may prescribe rules for the conduct of its meetings including attendance requirements for its members. 1994,c.6,s.17; 2000,c.2,s.2.  |
| Minutes            | <b>18.</b> The minutes of the proceedings of all meetings shall be entered in a book to be kept for that purpose, and shall be signed by the mayor or person acting in his or her stead at such meetings, and the minutes shall be open to the inspection of all persons qualified to vote in the city election. 1994,c.6,s.18.  |
| Committees         | <b>19.</b> (1) Subject to subsection (6), the mayor may appoint from among the members of the council any standing committees consisting of such number of persons as the mayor considers appropriate for <ul style="list-style-type: none"> <li>(a) the better transaction of the business before council; and</li> <li>(b) the discharge of any duty within the scope of the committee's power.</li> </ul> |
| Special committees | (2) The council may by resolution appoint special committees, chaired by a member of the council, for any particular purpose which shall report to the council on the matters committed to them.   |
| Members            | (3) The council may appoint residents to serve on the special committees referred to in subsection (2).  |

(4) Meetings of committees may be held behind closed doors.

Meetings

(5) The council may by resolution meet as a committee of the whole.

Committee of the whole

(6) Every committee constituted pursuant to subsection (1) shall be subject in all things to the approval, authority, and control of council. 2000,c.2,s.3.

Authority of council

**20.** No mayor or councillor shall, subject to subsection 5(3), derive any profit or financial advantage from his or her position as a member of council and, where a member of council has any pecuniary interest in or is affected by any matter before the council, he or she shall declare the interest therein and abstain from the voting and discussion thereon. 1994,c.6,s.20.

Conflict of interest

## POWERS

**21.** The council may provide

Services,

- (a) administration of the city;
- (b) fire protection and other emergency services;
- (c) garbage and refuse collection and disposal;
- (d) street lighting;
- (e) recreation;
- (f) drainage, including the levying of charges upon adjoining landowners for improvements thereto;
- (g) sewage collection and treatment;
- (h) sidewalks, including the levy of charges upon adjoining land owners for improvements thereto and including walkways which extend over or under public rights of way;
- (i) streets, including parking and the regulation of traffic, and including, by resolution of council, the naming of streets, and the closure of streets on a temporary basis;
- (j) police protection, discipline of police officers, and all matters relating to law enforcement;
- (k) water supply, distribution and purification;
- (l) parks and open spaces;
- (l.1) for the holding of circuses, shows or exhibitions in parks and open spaces;
- (m) community or regional development including tourism, industrial, commercial and housing development and promotion and assistance to community organizations and community development projects;
- (n) a capital commission, including the promotion of the birthplace of the confederation of Canada;
- (o) building and development services;
- (p) land assembly for city purposes;

- (q) local libraries;
- (r) animal control;
- (s) signage control;
- (t) building and property standards control and including, after reasonable notice has been given to the property owner to bring the building up to standard, the provision for demolition of buildings not meeting the minimum required standards;
- (u) regulation of real property maintenance and protection of heritage property;
- (v) regulation of business practices;
- (w) public transportation;
- (x) tree preservation and protection;
- (y) a superannuation plan for the benefit of employees of the city and their dependants;
- (z) for the regulation of the discharge of firearms;
- (z.1) for the regulation of dangerous or unsightly properties;
- (z.2) for the maintenance of order in the city, and, in particular, for regulation of noise, loitering, and public nuisances. 1994,c.6,s.21; 1996,c.7,s.1; 1999,c.12,s.1; 2000,c.2,s.4; 2005,c.2,s.1.

#### ADMINISTRATION

- |               |  |
|---------------|--|
| Administrator | <b>22.</b> (1) The council shall appoint a chief administrative officer who is not a member of council and who shall be responsible for all administrative matters and the day to day administration of the city.  |
| Dismissal     | (2) The council shall not dismiss the administrator except for just cause.   |
| Functions     | (3) The chief administrative officer shall <ul style="list-style-type: none"> <li>(a) be the senior policy advisor to the council;</li> <li>(b) attend all meetings of the council and record all resolutions, decisions and proceedings of the council;</li> <li>(c) keep the minutes, documents and financial records of the city and maintain a register containing the originals of all bylaws adopted by the council;</li> <li>(d) be the custodian of the corporate seal of the city;</li> <li>(e) notify all members of the council of meetings of the council;</li> <li>(f) collect and receive all money of the city;</li> <li>(g) open an account in the name of the city in a chartered bank or other financial institution approved by the council and deposit in that account all money received by the administrator on account of the city;</li> <li>(h) co-sign all cheques of the city with the mayor;</li> </ul> |

- (i) as soon as possible after the end of the fiscal year prepare a detailed statement of the finances of the city and submit it, when audited, to the council;
  - (j) perform such other duties as the council may assign.
- (4) The chief administrative officer may delegate his or her functions under subsection (3). 1994,c.6,s.22. Delegation
- 23.** (1) The council may employ such staff or officers as are necessary for the provision of administrative and other services provided by the city. Officers and staff
- (2) The officers and staff referred to in subsection (1) shall be responsible to and report to the chief administrative officer. Reporting
- (3) The council may delegate functions to the chief administrative officer. 1994,c.6,s.23. Delegation of functions
- 24.** (1) The council shall appoint an auditor who shall audit the financial statements of the city. Auditor
- (2) The auditor shall be a person qualified to practise as a public accountant under the *Public Accounting and Auditing Act* R.S.P.E.I. 1988, Cap. P-28. Qualifications
- (3) The auditor shall, on or before March 15 in each year, make a report to the council on the financial statements of the city and shall state in his or her report whether, in his or her opinion, the financial statements referred to therein present fairly the financial position of the city and the results of its operations during the immediately preceding fiscal year, in accordance with generally accepted accounting principles applied on a basis consistent with that of the previous fiscal year. 1994,c.6,s.24. Report
- 25.** The fiscal year of the city is the calendar year. 1994,c.6,s.25. Fiscal year
- 26.** The council shall on or before March 31 in each year submit to the Minister a copy of the financial statements of the city, the auditor's report, the approved budget for the current fiscal year and such other information as the Minister may require. 1994,c.6,s.26. Copies to Minister

TAXATION AND FINANCE

- 27.** All real property within the boundaries of the city is liable to assessment pursuant to the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4. 1994,c.6,s.27. Assessment of real property

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| User or frontage charges                       | <p><b>28.</b> (1) The council may levy rates on the basis of user or frontage charges and, where certain services are provided only in certain districts of the city or where the levels of service vary significantly from district to district, the council may fix a different rate in respect of those districts, and where different rates are fixed, the council shall notify the Provincial Treasurer and send to the Provincial Treasurer a copy of the plan designating each tax district.</p>  |
| Notification to Provincial Treasurer           | <p>(2) The city shall notify the Provincial Treasurer of the rates of municipal taxation levied under this section.</p>  |
| Lien   | <p>(3) All rates constitute a lien on the real property on which it is levied until payment is made, which has priority over every claim, privilege or encumbrance of every person, except the Crown, against that property. 1994,c.6,s.28.</p>  |
| Water and sewerage, corporation                | <p><b>29.</b> (1) Where the council determines to provide within the city sewage collection and treatment or water distribution and purification pursuant to clause 21(g) or (k) it shall make a bylaw</p> <p style="padding-left: 40px;">(a) prescribing the name, composition and functions of a corporation to construct, manage, maintain and operate the utility in accordance with the <i>Water and Sewerage Act</i> R.S.P.E.I. 1988, Cap. W-2;</p> <p style="padding-left: 40px;">(b) requiring the corporation to maintain separate accounts and to prepare an annual financial statement.</p> |
| Body corporate                                 | <p>(2) A corporation established pursuant to subsection (1) is hereby constituted a body corporate.</p>  |
| User rates and frontage charges                | <p>(3) A corporation established pursuant to subsection (1) may levy such user rates or frontage charges as may be approved by the council. 1994,c.6,s.29.</p>   |
| Maximum frontage upon which rate may be levied | <p><b>30.</b> Where rates are levied by the city or a corporation established pursuant to section 29 for water or sewerage services by means of frontage charges, the maximum frontage of any parcel of land in respect of which rates may be levied is one hundred feet if the parcel qualifies for a farm assessment under the <i>Real Property Assessment Act</i>. 1994,c.6,s.30.</p>   |
| Service deemed to be received                  | <p><b>31.</b> For the purposes of this Act, a person along whose lands run sewer or water mains shall be deemed to receive services notwithstanding that such sewer or water mains are not physically connected by lateral lines to any residence, building or other structure situate upon the lands of that person. 1994,c.6,s.31.</p>   |
| Lien for water, sewerage                       | <p><b>32.</b> User rates or frontage charges under section 29 constitute a lien on the real property on which they are levied until payment is made, which</p>   |













































































































