

WAR MEMORIAL MONUMENT BYLAW

EFFECTIVE: OCTOBER 9, 2001

AMENDED: JUNE 09, 2003

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN PURSUANT TO SECTIONS 21 AND 64 OF THE *CHARLOTTETOWN AREA MUNICIPALITIES ACT*, R.S.P.E.I., CAP C-4.1:

PART I: TITLE

1. This Bylaw shall be known as the “War Memorial Monument Bylaw”.

PART II: DEFINITIONS & INTERPRETATION

- 2.1 **“City”** means the City of Charlottetown established under Section 3 of the Charlottetown Area Municipalities Act.
- 2.2 **“War Memorial Monument”** is the Monument dedicated to the people who took part in World Wars I and II and the Korean Conflict, and is located at Property #746206 (a copy of which Deed of property is contained in Schedule 1 of this Bylaw) which is contained within the larger parcel of land being #340422 (Province House).
- 2.3 **“Public Works Department”** is the City of Charlottetown Public Works Department.

PART III: SCOPE

3. This Bylaw relates to the City’s responsibility for the maintenance and inspection of the War Memorial Monument.

PART IV: ADMINISTRATION

- 4.1 The Manager of the Public Works Department or such other person as Council may designate from time to time, shall be responsible for the administration of this Bylaw.
- 4.2 The Public Works Department shall be responsible for the maintenance and inspection of the War Memorial Monument.
- 4.3 The Manager of the Public Works Department or such other designated person shall be responsible for providing an annual report of inspection of the War Memorial Monument to Council no later than **June 30th** of each year.

Amended June 09, 2003

PART V: PROHIBITED ACTIVITIES

5. No person shall:
- (a) Take up permanent or temporary abode at this monument or intentionally obstruct any person(s) from visiting, viewing or paying tribute at the War Memorial Monument.
 - (b) Make or light a bonfire at this monument or set fire to any fireworks at the War Memorial Monument.

PART VI: ENFORCEMENT

- 6.1 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:
- (a) a fine of not less than One Hundred Dollars (\$100) and not exceeding Five Thousand Dollars (\$5,000);
 - (b) imprisonment for a term not exceeding ninety (90) days; or
 - (c) both.
- 6.2 Any person who is in default of payment of the fine shall be subject to a further term of imprisonment, not exceeding 90 days.
- 6.3 Where an offence under this Bylaw is committed or continued for more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.
- 6.4 In addition to or in lieu of a prosecution, the City may seek an injunction as a complementary or supplementary means of enforcing this bylaw.

PART XII: SEVERABILITY

- 7.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent from all other provisions of this Bylaw, such that if any provision of this Bylaw is declared invalid, all other provisions of this Bylaw shall remain valid and enforceable.

WAR MEMORIAL MONUMENT BYLAW

DOMINION OF CANADA
PROVINCE OF PRINCE EDWARD ISLAND.

Schedule 1

GEORGE THE FIFTH by the Grace of God
of the United Kingdom of Great Britain
and Ireland and of the British Dominions
beyond the Seas, King, Defender
of the Faith, Emperor of India.

Frank R. Heartz
Lieut. Governor

TO ALL TO WHOM THESE PRESENTS SHALL COME.

GREETING:

WHEREAS the City of Charlottetown has undertaken and commenced the erection of a monument on Queen Square, a public square in the said City, in commemoration of the citizens who took part in the Great War and has applied to my Government in this Province to grant sufficient space for the erection of said monument.

NOW KNOW YE that we of our special grace do hereby grant unto the said City of Charlottetown all that parcel of land situate, lying and being in the City of Charlottetown aforesaid and being part of Queen Square, bounded and described as follows: Commencing in the Southeast side line of Grafton Street at a point therein distant twenty-two feet Southwestwardly from the centre of the Northwest side of the aforesaid Monument now in course of erection, thence running at right angles Southeastwardly twenty-two feet, thence Northwestwardly and parallel with said Southeast side line of Grafton Street forty-four feet, thence at right angles Northwestwardly twenty-two feet to the Southeast side line of Grafton Street aforesaid and thence Southwestwardly along the said southeast side line of Grafton Street forty-four feet to the place of commencement: TO HAVE and TO HOLD the said land unto and to the use of the said City for

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the purpose of erecting thereon and maintaining the said monument and such approaches, walks, rails, protections and decorations as may seem meet but for no other purpose or purposes whatsoever.

IN TESTIMONY WHEREOF and by virtue of the power and authority to me given by Letters Patent under the Great Seal of Canada and the power and authority in me vested by the several statutes of this Province in such cases made and provided I, Frank Richard Heartz, Lieutenant Governor in and over the said Province of Prince Edward Island, by and with the advice and consent of His Majesty's Executive Council of this Province have given and executed these presents under my hand and the Great Seal of the said Province for and on behalf of His Majesty his heirs and successors at Charlottetown in the said Province this twentieth day of October in the year of Our Lord one thousand nine hundred and twenty-four and in the fifteenth year of His Majesty's reign.

BY COMMAND

Arthur Newbery

Assistant Provincial Secretary.

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Amendment Summary	Previous Wording	Amendment Detail	1 st Reading	2 nd Reading	3 rd Reading
To adopt the War Memorial Bylaw	<i>nothing</i>	See War Memorial Monument Bylaw	10-Sep-01	9-Oct-01	9-Oct-01
To amend Section 4.2 of the War Memorial Monument Bylaw by changing the submission date of the annual report from March 31 to June 30	4.3 The Manager of the Public Works Department or such other designated person shall be responsible for providing an annual report of inspection of the War Memorial Monument to Council no later than March 31 of each year.	4.3 The Manager of the Public Works Department or such other designated person shall be responsible for providing an annual report of inspection of the War Memorial Monument to Council no later than June 30th of each year.	12-May-03	12-May-03	9-Jun-03