



The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2022-112

Department: Planning, Development and Recreation
Division: Building and By-law
By-law Number: 2022-112
Report Number: 2022-134-Planning, Development and Recreation
Meeting Date: October 11, 2022
Subject: Administrative Monetary Penalty System

Whereas Section 102.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, and *Ontario Regulation 333/07* authorize The Corporation of the City of Cornwall to require a person to pay an administrative penalty for a contravention of any By-Law respecting the parking, standing or stopping of vehicles; and

Whereas Section 434.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes The Corporation of the City of Cornwall to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-Law of the municipality; and

Whereas paragraph 151(1)(g) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes The Corporation of the City of Cornwall to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality; and

Whereas Section 434.2(1) and (2) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes The Corporation of the City of Cornwall to add any imposed administrative penalty to the tax roll for any property in the local municipality for which all the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes; and



Whereas Section 15.4.1(1) of the *Ontario Building Code*, 1992, S.O. 1992, c. 23 as amended, authorizes The Corporation of The City of Cornwall to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-Law of the municipality; and

Whereas Sections 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes The Corporation of the City of Cornwall to delegate its administrative and hearing powers; and

Whereas the Council for The Corporation of the City of Cornwall is of the opinion that the delegations of legislative power under this By-Law to the Chief Municipal Law Enforcement Officer, to Screening Officers and to Hearing Officers are of a minor nature having regard to the number of people, the size of the geographic area, and the time period affected by the exercise of such delegated power; and

Whereas Section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes The Corporation of the City of Cornwall to pass By-Laws imposing fees or charges for services or activities provided or done by or on behalf of it; and

Whereas the Council for The Corporation of the City of Cornwall deems it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated City By-Laws, or portions of the designated City By-Laws.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1.0 Short Title

1.1 This By-Law may be referred to as the “Administrative Monetary Penalty System (AMPS) By-Law”.

2.0 Definitions

2.1 “**Administrative Fee**” means any fee specified in this By-Law;

- 2.2 “**Administrative Penalty**” means an administrative penalty established by this By-Law for a contravention of a Designated By-Law forming part of the By-Law;
- 2.3 “**Adjournment Fee**” means an Administrative Fee that is liable to pay as specified under Subsection 7.17 of the By-Law and listed in Schedule “B”
- 2.4 “**Adjudication Fee**” means the amount the recipient is liable to pay as specified under Subsection 7.18 of the By-Law and listed in Schedule “B”
- 2.5 “**AMPS**” means an Administrative Monetary Penalty System;
- 2.6 “**Authorized Representative**” means someone appearing on behalf of a Person in accordance with a written authorization provided upon request to the Chief Municipal Law Enforcement Officer, and who is not required to be licensed by any professional body;
- 2.7 “**Chief Municipal Law Enforcement Officer**” means the Manager of the Building & By-Law Division or their delegate;
- 2.8 “**City**” means The Corporation of the City of Cornwall;
- 2.9 “**Council**” means the Council of the City;
- 2.10 “**Day**” means any calendar day;
- 2.11 “**Designated By-Law**” means a By-Law, or a part or provision of a By-Law, that is designated under this or any other By-Law, and is listed in any Schedule of this By-Law to which AMPS applies;
- 2.12 “**Hearing**” means the process set out in this By-Law;
- 2.13 “**Hearing Decision**” means a notice that contains a decision made by a Hearing Officer;

- 2.14 “**Hearing Officer**” means a person who performs the functions of a Hearing Officer in accordance with this By-Law and pursuant to the City’s Hearing Officer By-Law, as amended;
- 2.15 “**Hearing Non-Appearance Fee**” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearing Officer and listed in Schedule “B”;
- 2.16 “**Holiday**” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any Day the offices of the City are officially closed for business;
- 2.17 “**Late Payment Fee**” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-Law and listed in Schedule “B”;
- 2.18 “**MTO Fee**” means an Administrative Fee established by Council from time to time for any search of the records of, or an inquiry to, the Ontario Ministry of Transportation, or related authority, and listed in Schedule “B”;
- 2.19 “**Officer**” means a Municipal By-Law Enforcement Officer, Provincial Offences Officer, members of the Cornwall Police Services, the Chief Municipal Law Enforcement Officer, and any other person authorized by the City to enforce By-Laws;
- 2.20 “**Owner**” in the case of a vehicle, means the Person whose name appears on the permit for the vehicle as provided by the Ontario Ministry of Transportation, and if the vehicle permit consists of a vehicle portion and a plate portion and different Persons are named on each portion, the Person whose names appears on the plate portion, in the case of a Property, means the registered owner of the property;
- 2.21 “**Penalty Notice**” means a notice given to a Person pursuant to this By-Law;

- 2.22 “**Penalty Notice Date**” means the date of the contravention specified on the Penalty Notice in accordance with this By-Law;
- 2.23 “**Penalty Notice Number**” means the reference number on the Penalty Notice that is unique to the Penalty Notice in accordance with this By-Law;
- 2.24 “**Person**” includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, and in relation to vehicle, parking or traffic related contraventions, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Person are named on each portion, the Person whose name appears on the licence plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this By-Law;
- 2.25 “**Plate Denial Fee**” means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay within the time prescribed prior to a request for plate denial and listed in Schedule “B”;
- 2.26 “**Regulation**” means Ontario Regulation 333/07, as amended under the *Municipal Act*;
- 2.27 “**Request for Review by Hearing Officer**” means the request which is made in accordance with this By-Law for the review of a Penalty Notice;
- 2.28 “**Request for Review by Screening Officer**” means the request made in accordance with which is made in accordance with this By-Law for the review of a Screening Decision;
- 2.29 “**Review by Hearing Officer**” means the process set out in this By-Law;

- 2.30 “**Review by Screening Officer**” means the process set out in this By-Law;
- 2.31 “**Screening Decision**” means a notice which contains the decision of a Screening Officer;
- 2.32 “**Screening Non-Appearance Fee**” means an Administrative Fee established by Council from time to time in respect of Person’s failure to appear at the time and place scheduled for a review before a Screening Officer and listed in Schedule “B”;
- 2.33 “**Screening Officer**” means a person who performs the functions of a Screening Officer in accordance with the By-Law, appointed by the Chief Municipal Law Enforcement Officer;
- 2.34 “**Screening Review**” means the process set out in this By-Law;

3.0 Application of this By-Law

- 3.1 The City By-Law, or portions of City By-Laws, listed in Schedule “A” of the By-Law shall be Designated By-Law, including but limited, for the purposes of Sections 102.1 and 151 of the *Municipal Act* and paragraph 3(1)(b) of the Regulations. The tables in Schedule “A” set out the Administrative Penalties and may include short form language to be used on Penalty Notices, for the contraventions of Designated By-Laws.
- 3.2 That Schedule “B” of this By-Law shall set out the Administrative Fees imposed for the purposes of this By-Law.
- 3.3 The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, shall continue to apply to contraventions of a Designated By-Law, except that no person that is required to pay an administrative penalty under this By-Law in respect of a contravention of a Designated By-Law shall be charged with an offence in respect of the same contravention under the Provincial Offences Act.

4.0 Penalty Notice

- 4.1 Every Person who contravenes a provision of a Designated By-Law shall, upon issuance of a Penalty Notice, be liable to pay the City an Administrative Penalty in the amount specified in the Tables in Schedule “A” of this By-Law.
- a) An Officer has the discretion to apply an escalated penalty as prescribed in Tables in Schedule “A” if the same violation is repeated by the same person; or
 - b) If the violation is related to a property, the Officer must ensure the property ownership has not changed before applying the escalated penalty. Escalating penalties for the same violation apply to a property in perpetuity as long as the owner of the property has not changed.
- 4.2 Where the offence is continuous, each day the offence continues shall constitute a new and separate offence.
- 4.3 An Officer who has reason to believe that a Person has contravened any Designated By-Law may issue a Penalty Notice as soon as reasonably practicable.

Required Information on a Penalty Notice

- 4.4 A Penalty Notice shall include the following information, as applicable:
- a) The Penalty Notice Date;
 - b) A Penalty Notice Number;
 - c) The date on which the Administrative Penalty is due and payable, fifteen (15) days from service of the Penalty Notice;
 - d) The identification number and signature of the Officer;

- e) The contravention wording as listed in the Tables in Schedule “A” or other particulars reasonably sufficient to indicate the contravention;
- f) The amount of the Administrative Penalty;
- g) Such additional information as the Chief Municipal Law Enforcement Officer determines is appropriate, respecting the process by which a Person may exercise the right to request a Screening Review of the Administrative Penalty; and
- h) A Statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the City unless cancelled pursuant to Screening Review or Hearing Process.

Method of Service

- 4.5 In addition to the methods of service prescribed in Section 8.0 of this By-Law, an Officer may serve the Penalty Notice on a Person by:
- a) affixing it to the vehicle in a conspicuous place at the time of a parking or traffic-related violation; or
 - b) delivering it personally to the Person,
 - i) when relating to a parking or traffic-related violation, the Person having care and control of the vehicle at the time of the contravention within seven (7) days of the violation; or
 - ii) for all other violation, within thirty (30) days of the violation.
- 4.6 No Officer may accept payment of an Administrative Penalty or Administrative Fee.

- 4.7 A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay the City an applicable Administrative Fee(s).

5.0 Voluntary Payment of Penalty Notice

- 5.1 Where a Penalty Notice has been paid, the Penalty Notice shall not be subject to any further review.
- 5.2 A Penalty Notice shall be deemed to have been paid when the amount and fees prescribed in Schedule “B”, as applicable, have been paid.

6.0 Review by Screening Officer

- 6.1 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, and in accordance with the process set out in Subsection 6.4.

Request for Extension

- 6.2 If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Chief Municipal Law Enforcement Officer extend the time to request a Screening Review to a date that is no later than forty-five (45) days after the Penalty Notice Date, in accordance with the process set out in Subsection 6.4.
- 6.3 A Person’s right to request an extension of time for a Screening Review expires, if it has not been exercised, on or before forty-five (45) days after the Penalty Notice Date, at which time:

- a) The Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review;
 - b) The Administrative Penalty shall be deemed to be confirmed; and
 - c) The Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 6.4 A Person's Request for Review by Screening Officer or request for an extension of time to request a Screening Review are exercised by a submission in writing, on the prescribed form and in accordance with the directions on the prescribed form.
- 6.5 A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be in accordance with the provisions of Section 8.0 of this By-Law.
- 6.6 A Request of Review by Screening Officer or a request for an extension of time to request a screening Review shall only be scheduled by the Chief Municipal Law Enforcement Officer if the person makes the request on or before the dates established in Subsections 6.2 and 6.3 of this By-Law.

Discretion of the Chief Municipal Law Enforcement Officer

- 6.7 The Chief Municipal Law Enforcement Officer may grant a request to extend the time to request a Screening Review where the Person demonstrates, to the satisfaction of the Chief Municipal Law Enforcement Officer in their sole discretion, that the existence of extenuating circumstances prevented the filing of the request within the prescribed timeline.
- 6.8 Where an extension of time to request a Screening Review is not granted by the Chief Municipal Law Enforcement Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed. Notice of this decision will be provided by

the Chief Municipal Law Enforcement Officer to the Person in accordance with Section 8.0 of this By-Law.

- 6.9 Where an extension of time to request a Screening Review is granted by the Chief Municipal Law Enforcement Officer, or when a Screening Review has been requested in accordance with this Section, a Notice of an Appointment for Screening Review will be provided in accordance with Section 8.0.

Method of Screening Review

- 6.10 On a Screening Review of an Administrative Penalty, the Chief Municipal Law Enforcement Officer will direct that the Screening Review proceed by way of written screening unless, in the Chief Municipal Law Enforcement Officer's discretion, an in-person or telephone appointment is required.

Failure to Attend Screening

- 6.11 Where a Person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty, or fails to provide requested documentation in accordance with a request by a Screening Officer:
- a) The Person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;
 - b) The Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed;
 - c) The Administrative Penalty shall not be subject to any further review, including a review by any Court; and
 - d) The Person shall pay to the City a Screening Non-Appearance Fee, MTO fee, if applicable, and any other applicable Administrative Fee(s).

Duties of Screening Officer

6.12 On a review of an Administrative Penalty, the Screening Officer may:

- a) affirm the Administrative Penalty if the Person has not established on a balance of probabilities that the Designated By-Law(s) was not contravened as described in the Penalty Notice; or
- b) cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), where, in the sole discretion of the Screening Officer that doing so would maintain the general intent and purpose of the Designated By-Law, and/or any of the following circumstances exist:
 - i) defective form or substance on the Penalty Notice;
 - ii) method of service of the Penalty Notice did not occur in accordance with Section 8.0 or Subsection 4.5; or
 - iii) undue financial hardship.

6.13 After a Review by Screening Officer, the Screening Officer shall issue a Screening Decision to the Person, delivered in accordance with Section 8.0 of this By-Law.

6.14 A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or By-Law or the constitutional applicability or operability of any statute, regulation or By-Law.

7.0 Review by Hearing Officer

7.1 A Person may Request a Review by Hearing Officer within thirty (30) days of issuance of a Screening Decision in accordance with the City's Hearing Officer By-Law, as amended from time to time.

Request for Extension

- 7.2 If a Person has not requested a Review by Hearing Officer on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Chief Municipal Law Enforcement Officer extend the time to request a Review by Hearing Officer to a date that is not later than forty-five (45) days after the Screening Decision date, in accordance with the process set out in Section 7.4 of this By-Law.
- 7.3 A Person's right to request an extension of time for a Hearing Review expires, if it has not been exercised, on or before forty-five (45) days after the Screening date, at which time:
- a) the Person shall be deemed to have waived the right to request a Review by Hearing Officer or request an extension of time for a Review by Hearing Officer;
 - b) the Screening Decision is confirmed; and
 - c) the Administrative Penalty shall not be subject to any further review, including a review by any court.
- 7.4 A Person's right for Review by Hearing Officer or request for an extension of time to request a Review by Hearing Officer are exercised by a submission in writing, on the prescribed form and in accordance with the directions on the prescribed form.
- 7.5 A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with the provision of Section 8.0 of this By-Law.
- 7.6 A Request for Review by Hearing Officer or a request for an extension of time to request a Review by Hearing Officer shall only be scheduled by the Chief Municipal Law Enforcement Officer if the Person makes the request on or before the dates established by Subsections 7.1 or 7.2 of the By-Law.

Discretion of the Chief Municipal Law Enforcement Officer

- 7.7 The Chief Municipal Law Enforcement Officer may grant a request to extend the time to request a Review by Hearing Officer only where the Person demonstrates, to the satisfaction of the Chief Municipal Law Enforcement Officer in their sole discretion that they were not served in accordance with Section 8.0 or Subsection 4.5 of this By-Law.
- 7.8 Where an extension of time to request a Review by Hearing Officer is granted by the Chief Municipal Law Enforcement Officer, or when a Review by Hearing Officer has been requested in accordance with this Section, Notice of a Hearing will be provided in accordance with Section 8.0 of this By-Law.

Failure to Attend Hearing

- 7.9 Where a Person fails to appear at the time and place scheduled for a Hearing:
- a) the Person shall be deemed to have abandoned the Request for Review by Hearing Officer;
 - b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be confirmed;
 - c) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and
 - d) the Person shall pay to the City a Hearing Non-Appearance Fee, Late Payment Fee, MTO Fee if applicable and any other applicable Administrative Fee(s).

Method of Hearing

- 7.10 A Hearing Officer shall conduct a de novo Hearing in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended and the City's Hearing Officer By-Law, as amended from time to time.
- 7.11 The Parties to a Hearing shall be the Person seeking review and the City, who may attend through the Chief Municipal Law Enforcement Officer, a Screening Officer, an Officer, the City Solicitor, or a delegate of any of the above persons.
- 7.12 Any information contained in the Penalty Notice is admissible in evidence as proof of the facts certified in it, in the absence of evidence to the contrary. If a Person wishes to challenge the facts contained in the Penalty Notice, they will be required to mark the prescribed form accordingly.

Duties of Hearing Officer

- 7.13 Upon the conclusion of a Hearing, the Hearing Officer shall:
- a) confirm the Screening Decision; or
 - b) cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:
 - i) where the Person establishes on a balance of probabilities that the Designated By-Law(s) as described in the Penalty Notice was not contravened; or
 - ii) where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including an Administrative Fee(s), is necessary to relieve an undue financial hardship.

7.14 A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or By-Law or the constitutional applicability or operability of any statute, regulation or By-Law.

Decision of Hearing

7.15 After a Hearing is complete, the Hearing Officer shall issue a Hearing Decision to the Person and deliver in accordance with the Hearing Officer By-Law.

7.16 The decision of a Hearing Officer is final.

7.17 A Person may request an adjournment of a scheduled review upon application to the Chief Law Enforcement Officer, who may approve the request based on extenuating circumstances. An Administrative Fee shall be charged as prescribed in Schedule "B".

7.18 Every Person who receives an upheld decision in a review by a Hearing Officer in relation to a Penalty Notice issued through the Administrative Monetary Penalty System established by this By-Law shall be responsible for an additional Adjudication Fee as prescribed in Schedule "B" for the purposes of the City recovering administrative costs associated to the Hearing Officer Review.

8.0 Service of Documents

8.1 The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-Law, when served in any of the following ways, is deemed effective service:

- a) immediately, when a copy is delivered by personal service to the Person to whom it is addressed or, in the case of a Penalty Notice relating to a parking or traffic-related violation, by affixing it to the vehicle in a conspicuous place at the time of the violation;
- b) on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;

- c) immediately upon the conclusion of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
 - d) immediately upon sending a copy by electronic mail (i.e. email) to the Person's last known electronic mail address.
- 8.2 For the purposes of Subsections 8.1 (b), (c) and (d) of this By-Law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the City as may be required by a form, practice or policy under this By-Law.
- 8.3 If a notice document that is to be given or delivered to a Person under this By-Law is mailed to the Person at the Person's last known address appearing on the records of the City as part of a proceeding under this By-Law, or sent electronically to an email address that was provided by the Person, there is a irrebuttable presumption that the notice or document is given or delivered to the Person.
- 8.4 A Person shall keep their contact information for service current by providing any change in address, facsimile, or electronic mail address to the Chief Municipal Law Enforcement Officer, immediately. Failure to comply with this Section will negate consideration for an extension of time to Request a Review by Hearing Officer pursuant to Section 7.0.

Effective Service

- 8.5 Where this By-Law requires service by a Person on the City, service shall be addressed to the Chief Municipal Law Enforcement Officer, and shall be deemed effective:
- a) Immediately, when a copy is delivered by personal service to the Chief Municipal Law Enforcement Officer at the location prescribed on the applicable form or notice;

- b) On the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the location prescribed on the applicable form or notice
- c) Immediately with respect to electronic mail or upon the conclusion of a copy by facsimile transmission to the facsimile number listed on the applicable form or notice.

9.0 Administration

- 9.1 The Chief Municipal Law Enforcement Officer shall administer this By-Law and establish any additional practices, policies, penalties and procedures necessary to implement this By-Law and may amend such practices, policies, penalties and procedures from time to time as the Chief Municipal Law Enforcement Officer deems necessary, without amendment to this By-Law.

Prescribed Forms

- 9.2 The Chief Municipal Law Enforcement Officer shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-Law and may amend such forms and notices from time to time as the Chief Municipal Law Enforcement Officer deems necessary, without amendment to the By-Law.
- 9.3 The Chief Municipal Law Enforcement Officer shall be the delegated authority to make administrative changes to this By-Law as may be required from time to time to legislative or other changes, if in the opinion of the Chief Municipal Law Enforcement Officer, the amendments do not change the objective of this By-Law.

Administrative Penalty and Fees

- 9.4 Any Administrative Fee(s) prescribed within Schedule “B” of this By-Law shall be added to and be deemed part of the penalty amount unless otherwise rescinded by the Hearing Officer.

- 9.5 Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the City a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).

Non-Sufficient Funds

- 9.6 Where a Person makes payments to the City of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument or credit card, for which there are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the City the NSF Fee set out in the City's Fees and Charges By-Law, as amended.
- 9.7 An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the City owed by the Person.

Collection of Debt Owed to the City

- 9.8 Where an Administrative Penalty, including any applicable Administrative Fee(s) or Late Payment Fee(s), are not paid within fifteen (15) days after it becomes due and payable shall be deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with Section 434.2 of the *Municipal Act*, 2001.

Plate Denial

- 9.9 Where an Administrative Penalty, involves a vehicle, the City may notify the Registrar of Motor Vehicles, resulting in plate denial. At the time that plate denial is requested a plate denial fee will be added in accordance with Schedule "B" of this By-Law and shall be added to the total debt owed to the City.

Cancellation

- 9.10 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, and Administrative Fee(s) are also cancelled.

Authorized Representative

- 9.11 An Authorized Representative is permitted to appear on behalf of a Person at a Screening Review or Review by a Hearing Officer, or to communicate with the City on behalf of a Person in accordance with a written authorization satisfactory to the Chief Municipal Law Enforcement Officer.

Holiday

- 9.12 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

Proof of Financial Hardship

- 9.13 A Person claiming financial hardship under this By-Law shall provide documented proof of the financial hardship to the Chief Municipal Law Enforcement Officer, the Screening Officer or the Hearing Officer, as applicable.

Schedules

- 9.14 Any Schedules attached to the By-Law shall be deemed to form part of this By-Law.

Order to Restrain

- 9.15 Sections 431 and 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25, apply to this By-Law, providing respectively, for a Court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the City, for a Court to make Orders to Restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-Law.

9.16 Nothing in the By-Law shall limit the City's right to enforce a Designated By-Law by any other and all legal means.

10.0 Severability

10.1 Should any provision, or any part of a provision of this By-Law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-Law, and every other provision of the By-Law shall be applied and enforced in accordance with its terms to the extent possible according to law.

11.0 Interpretation

11.1 The Provisions in Part VI of the Legislation Act, 2006, S.O. 2006, c. 31 Sched. F, as amended, shall apply to this By-Law.

11.2 Where words and phrases used in this By-Law are defined in the *Highway Traffic Act*, but not defined in the By-Law, the definitions in the *Highway Traffic Act* shall apply to such words and phrases.

12.0 Effective Date

12.1 This By-Law shall come into full force and effect on the date it is passed.

Read, signed, and sealed in open Council this 11th day of October, 2022.

Manon L. Levesque
City Clerk

Glen G. Grant
Mayor



Report Approval Details

Document Title:	By-law 2022-112 Administrative Monetary Penalty System - 2022-134-PDR.docx
Attachments:	- AMPS - By-Law 2022-112 - Schedules.docx
Final Approval Date:	Oct 5, 2022

This report and all of its attachments were approved and signed as outlined below:

Charles Bray - Oct 5, 2022 - 9:51 AM

Mark A. Boileau - Oct 5, 2022 - 2:00 PM