

Consolidated Administrative Penalty By-Law 053-22

Revision Date
March 27, 2024

Amending By-Law	Date	Brief Description	Notes
049-23	May 10, 2023	Amend schedule "A" – add penalties for electric vehicle contraventions	
052-23	May 10, 2023	Amend schedule "A" – changes to parking penalties	
072-23	August 16, 2023	Coming into force By-Law	CAO Delegation
028-24	March 27, 2024	Amend schedule "A" – changes to parking penalties. Housekeeping updates to section 4, 5 and 6	

[Editor's Note: Revoked provisions are indicated by a ~~strike through~~. Added provisions are indicated by underlining.]

This Office Consolidation is provided for convenience and ease of reference only. It comprises the By-Law and all amendments and modifications up to the last date noted above. The official version of the By-Law and all amending bylaws thereto are contained in the Clerk's Department. Any reliance upon the Office Consolidation is done at the sole risk of the user. The Town does not verify the accuracy or completeness of the Office Consolidation and bears no responsibility or liability to any person or entity for any deficiencies, inaccuracies, errors, or omissions contained in the Office Consolidation. This Office Consolidation only reflects amendments that have come into force and effect as of the date of this Consolidation.

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“ADMINISTRATIVE PENALTY BY-LAW”

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 053-22

“ADMINISTRATIVE PENALTY BY-LAW”

A By-Law to establish an Administrative Monetary Penalty System for violations of Designated By-Laws within the Town of Innisfil

WHEREAS Section 102.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “*Municipal Act, 2001*”) and O. Reg. 333/07, as amended, authorizes The Corporation of the Town of Innisfil to establish an administrative penalty system requiring a person to pay an administrative penalty for a contravention of Designated By-Laws;

AND WHEREAS Section 434.1 of the *Municipal Act, 2001* authorizes The Corporation of the Town of Innisfil 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 Section 151(1)(g) of the *Municipal Act, 2001* authorizes The Corporation of the Town of Innisfil 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 licenses established by the municipality;

AND WHEREAS the Council of The Corporation of the Town of Innisfil considers it desirable to provide for a system of administrative penalties and administrative fees for the designated Town By-Laws, or portions of the designated Town By-Laws set out herein;

NOW THEREFORE the Council of The Corporation of the Town of Innisfil enacts as follows:

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PART A: INTERPRETATION

Section 1: GENERAL

1.1 SHORT TITLE

This By-Law may be cited as the “Administrative Penalty By-Law”.

1.2 APPLICATION

This By-Law applies to all persons who are found to have contravened a Designated By-Law of the Town.

The Town’s By-Laws, or portions of Town By-Laws, Listed in the attached Schedules “A” and “B” of this By-Law shall be Designated By-Laws for the purposes of Section 102.1 of the *Municipal Act, 2001* and paragraph 3(1)(b) of the Regulation.

The attached Schedules “A” and “B” set out the Administrative Penalty and includes short form wording to be used on Penalty Notices, for the contraventions of Designated By-Laws.

Despite any other provision of a Town By-Law, the *Provincial Offences Act* does not apply to a contravention of a Designated By-Law.

1.3 HEADINGS

Any headings used in this By-Law are used for convenience only and are not to be used as a means of interpretation.

1.4 TERMINOLOGY

The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts and individuals, male or female, and to include singular or plural meaning where the context so requires, will in all cases be assumed as though fully expressed.

1.5 SEVERABILITY

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In the event that any provision, or part thereof, of this By-Law is found by a court of competent jurisdiction to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed and the remaining portion of such provision and provisions of this By-Law shall remain in full force and effect.

1.6 REFERENCE TO STATUTES

References in this By-Law to any statute, regulation, By-Law, or any provision thereof, includes such statute, regulation, By-Law or provision thereof as amended, revised, re-enacted an/or consolidated from time to time and any successor statute, regulation or By-Law thereto.

1.7 DELEGATED AUTHORITY

The Authority to administer this By-Law on behalf of the Town is delegated to the **Director of Growth** and the **Chief Financial Officer**, acting jointly and severally, and from time to time, as well as any Town Staff member or agent acting under the authority of the aforementioned persons.

1.8 TIME

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

1.9 SCHEDULES

Any schedule attached to this By-Law forms part of this By-Law.

Section 2: DEFINITIONS

2.1 Where words and phrases used in this By-Law are not defined herein but are defined in the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended from time to time or any successor thereof (the *HTA*), the definitions in the *HTA* shall apply.

2.2 In this By-Law:

“Administrative Fee” means any fee(s) specified in Schedule “G” to the Town’s Fees and Charges By-Law, as may be amended from time to time;

“Administrative Penalty” means an administrative penalty as set out in Schedule “A” or “B” of this By-Law, for a contravention of a Designated By-Law;

“CAO” means the Town’s Chief Administrative Officer, or anyone designated by the Town’s Chief Administrative Officer to perform his or her duties pursuant to this By-Law;

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“Clerk” means the Town Clerk, or anyone designated by the Town Clerk to perform his or her duties pursuant to this By-Law;

“Designated By-Law” – means a Town By-Law, or a part or provision of a Town By-Law, to which this Administrative Penalty By-Law applies, as designated under this By-Law and listed in the attached Schedule “A” or “B”;

“Director” – means the Director of Growth, or anyone designated by the Director of Growth to perform his or her duties pursuant to this By-Law;

“Effective Date of Service” means the date on which service of a Penalty Notice is deemed to be effective in accordance with this By-Law;

“Fees & Charges By-Law” means the Fees & Charges By-Law No. 088-20 of the Town, as may be amended from time to time, or any successor thereof;

“Hearing Decision” means a notice which contains the decision of a Hearing Officer, as set out in Section 6.14;

“Hearing Non-Appearance Fee” means an Administrative Fee established by the Town from time to time in respect of a Person’s failure to appear at the time and place scheduled for a hearing before a Hearing Officer, as listed in Schedule “G” to the Town’s Fees and Charges By-Law;

“Hearing Officer” means any person appointed by the Town from time to time pursuant to the Screening and Hearing Officer By-Law, to perform the functions of a hearing officer in accordance with this By-Law;

“Holiday” means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any day on which the offices of the Town are officially closed for business;

“Late Payment Fee” means an Administrative Fee established by the Town from time to time in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-Law, as listed in Schedule “G” to the Town’s Fees and Charges By-Law;

“MTO Search Fee” means an Administrative Fee established by the Town from time to time for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority, for the purposes of this By-Law, as listed in Schedule “G” to the Town’s Fees and Charges By-Law;

“NSF Fee” means a fee established by the Town, as set out in the Fees & Charges By-Law, in respect of any payment to the Town from a Person, for which there are insufficient funds available, or the transaction is declined;

“Officer” means a person appointed by the Town to enforce a Designated By-Law, or a police officer employed by the South Simcoe Police Service;

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“Owner” 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;

“Penalty Notice” means a notice as described in Section 3 of this By-Law;

“Penalty Notice Date” means the date of the contravention;

“Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, pursuant to Section 4.3(b) of this By-Law;

“Person” includes an individual or corporation, or an authorized representative thereof.

“Plate Denial Fee” means an Administrative Fee established by the Town from time to time, in relation to plate denial in accordance with Section 9.5 of this By-Law, as listed in Schedule “G” to the Town’s Fees and Charges By-Law;

“Provincial Offences Act” – means the *Provincial Offences Act*, R.S.O., 1990, c. P. 33, as amended from time to time, or any successor thereof;

“Regulation” means O. Reg. 333/07, made under the *Municipal Act, 2001*, as amended from time to time, or any successor thereof;

“Screening and Hearing Officer By-Law” – means By-Law No. 053-22 of the Town, as amended from time to time, or any successor thereof;

“Screening Decision” means a notice which contains the decision of a Screening Officer, as set out in Section 5.8 of this By-Law;

“Screening Officer” means any person appointed by the Town from time to time pursuant to the Screening and Hearing Officer By-Law, to perform the functions of a screening officer pursuant to this By-Law;

“Statutory Powers Procedure Act” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended from time to time, or any successor thereof; and

“Town” means The Corporation of the Town of Innisfil; and

“Voluntary Administrative Penalty” means a voluntary administrative penalty as set out in Schedule “A” of this By-Law, for a contravention of a Designated By-Law;

PART B: ADMINISTRATION

Section 3: PENALTY NOTICE

3.1

a) SCHEDULE A BY-LAWS (PARKING)

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If a vehicle has been left parked, standing or stopped in contravention of a Designated By-Law in Schedule A the Owner of the vehicle shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule “A”, and shall be liable to pay to the Town any Administrative Fees in accordance with this By-Law.

b) SCHEDULE B BY-LAWS

If a Person is found in contravention of a Designated By-Law in Schedule B, the Person shall, upon issuance of a Penalty Notice in accordance with this By-Law, be liable to pay to the Town an Administrative Penalty in the amount specified in Schedule “B”, and shall be liable to pay to the Town any Administrative Fees in accordance with this By-Law.

3.2 An Officer who has reason to believe that a Person has contravened a Designated By-Law may issue a Penalty Notice in accordance with this By-Law.

3.3 The Penalty Notice shall include the following information:

- a) The Penalty Notice Date;
- b) The Penalty Notice Number;
- c) The short form wording for the contravention;
- d) The amount of the Administrative Penalty;
- e) The time for payment of the:
 - i. Voluntary Administrative Penalty shall be fifteen (“15”) calendar days from the Effective Date of Service For Penalty Notices issued under s. 3.1(a);
 - ii. Administrative Penalty shall be thirty (“30”) calendar days from the Effective Date of Service For Penalty Notices issued under s. 3.1(a);
 - iii. Administrative Penalty shall be thirty (“30”) calendar days from the Effective Date of Service For Penalty Notices issued under s. 3.1(b);
- f) Information respecting the process by which the person may pay the Administrative Penalty or request a review of the Administrative Penalty;
- g) A statement advising that an Administrative Penalty will constitute a debt of the Owner or Person to the Town; and
- h) The name and identification number of the Officer issuing the Penalty Notice.

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Section 4: REVIEW BY SCREENING OFFICER

- 4.1 A Person who is served a Penalty Notice may, within thirty (“30”) calendar days after the Effective Date of Service, request, in accordance with Section 4.3, that the Administrative Penalty be reviewed by a Screening Officer.
- 4.2 A Person who is served a Penalty Notice may, in accordance with Section 4.3, request that the Screening Officer extend the time to request a review, within sixty (“60”) calendar days after the Effective Date of Service, failing which the Administrative Penalty shall be deemed to be affirmed in accordance with Section 4.6 of this By-Law.
- 4.3 A request for a review, or for an extension of time to request a review, shall be in the form and manner as determined by the Director from time to time, and shall include the Penalty Notice Number and the Person’s contact information. Where a request is made by a Person who is not the Owner, the Person shall submit with the request an authorized agent/representative form, in the form as determined by the Director from time to time. Incomplete forms or forms not submitted in the form and manner as determined by the Director may not be accepted or processed, at the discretion of the Director.
- 4.4 The Screening Officer may only extend the time to request a review of the Administrative Penalty when the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Screening Officer will consider the request for extension before reviewing the Administrative Penalty.
- 4.5 Where an extension of time to request a review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fees shall be deemed to be affirmed, and shall not be subject to review.
- 4.6 Where neither a review nor an extension of time for review are requested in accordance with this By-Law, or where the person fails to request a review within any extended period of time granted by the Screening Officer:
 - a) The person shall be deemed to have waived the right to a screening and a hearing;
 - b) The Administrative Penalty, and any applicable Administrative Fees, shall be deemed to be affirmed; and
 - c) The Administrative Penalty, and any applicable Administrative Fees, shall not be subject to review.
- 4.7 On a review of an Administrative Penalty, the Screening Officer may affirm the Administrative Penalty, including any applicable Administrative Fees, or the Screening Officer may cancel, reduce or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:

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- a) Where the Screening Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing or stopped in contravention of the Designated By-Law as set out in the Penalty Notice; or
- b) Where the Screening Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fees, is necessary to reduce any undue hardship; or
- c) Where the Screening Officer deems it in the interest of justice to do so.

4.7.1 For the purposes of s. 4.7(b), undue hardship is defined in Corporate Policy CP.1.1.18, Undue Hardship in Relation to the Administration of the Administrative Monetary Penalty (“AMPs”) System.

[Amended by By-Law 028-24]

4.8 Every Person who has a review by the Screening Officer shall be served with a copy of the Screening Decision within fifteen (“15”) calendar days of the screening review, in accordance with Section 7.2 of this By-Law.

Section 5: REVIEW BY HEARING OFFICER

- 5.1 Any Person to whom a Screening Decision issued may request a review of the Screening Decision by a Hearing Officer, in accordance with Section 5.3, within 30 calendar days after the date on which the Screening Decision was issued.
- 5.2 A Person to whom a Screening Decision is issued may, in accordance with Section 5.3, request that the Hearing Officer extend the time to request a review of the Screening Decision within 60 calendar days after the date on which the Screening Decision was issued, failing which, the Screening Decision shall be deemed to be affirmed in accordance with Section 5.6 of this By-Law.
- 5.3 A request for a review by the Hearing Officer, or for an extension of time to request a review before the Hearing Officer, shall be in the form and manner as determined by the Director from time to time, and shall include the Penalty Notice Number and the person’s contact information. Where a request is made by a Person who is not the Owner, the Person shall submit with the request an authorized agent/representative form, in the form as determined by the Director from time to time. Incomplete forms or forms not submitted in accordance with the form and manner as determined by the Director may not be accepted or processed, at the discretion of the Director.
- 5.4 The Hearing Officer may only extend the time to request a review of the Screening Decision where the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Hearing Officer will consider the request for extension before reviewing the Screening Decision.

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- 5.5 Where an extension of time for a hearing review is not granted by the Hearing Officer, the Screening Decision shall be deemed to be affirmed, and shall not be subject to review.
- 5.6 Where neither a hearing review nor an extension of time for a hearing review are requested in accordance with this By-Law, or where the person fails to request a hearing review within any extended period of time granted by the Hearing Officer:
- a) The person shall be deemed to have waived the right to a hearing review;
 - b) The Screening Decision shall be deemed to be affirmed; and
 - c) The Screening Decision shall not be subject to review.
- 5.7 A Person requesting a review by the Hearing Officer in accordance with this By-Law shall be given at least 30 calendar days’ notice of the date, time and place for the review by the Hearing Officer.
- 5.8 On a review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, reduce or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:
- a) Where the Hearing Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing or stopped in contravention of the Designated By-Law set out in the Penalty Notice; or
 - b) Where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce any undue hardship; or
 - c) Where the Hearing Officer deems it in the interest of justice to do so.
- 5.8.1 1 For the purposes of s. 5.8(b), undue hardship is defined in Corporate Policy CP.1.1.18, Undue Hardship in Relation to the Administration of the Administrative Monetary Penalty (“AMPs”) System.
- [Amended by By-Law 028-24]
- 5.9 A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person, and the Town an opportunity to be heard.
- 5.10 The hearing shall be subject to the *Statutory Powers Procedure Act*.
- 5.11 The Hearing Officer may consider and rely on a certified statement of an Officer, including but not limited to, certified photographs taken by an Officer. For this purpose, the Penalty Notice, signed by the Officer, shall constitute a certified statement of the Officer.

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- 5.12 In addition to anything else that is admissible as evidence in accordance with the *Statutory Powers Procedure Act*, the materials referred to in Section 5.11 are admissible as evidence as proof of the facts contained therein, in the absence of evidence to the contrary.
- 5.13 If evidence referred to in Section 5.11 is being admitted at a hearing, the Hearing Officer shall not adjourn the hearing for the purpose of having the Officer attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the Officer is necessary to ensure a fair hearing.
- 5.14 The Person requesting the hearing shall be served with a copy of the Hearing Decision within 15 calendar days of the hearing review.
- 5.15 The decision of a Hearing Officer is final.
- 5.16 Where notice has been given in accordance with this By-Law, and the person fails to appear at the time and place scheduled for a review by the Hearing Officer:
- a) The person shall be deemed to have abandoned the hearing;
 - b) The Screening Decision shall be deemed to be affirmed; and
 - c) The person shall pay to the Town a Hearing Non-Appearance Fee, in addition to any other fees payable pursuant to this By-Law.

Section 6: SERVICE OF DOCUMENTS

- 6.1 Service of a Penalty Notice, as referenced in section 3.1(a), in any of the following ways is deemed effective by:
- a) Affixing it to the vehicle in a conspicuous place at the time of the contravention;
 - b) Delivering it personally to the operator of the vehicle or the person having care and control of the vehicle at the time of the contravention;
 - c) Mailing it by regular mail to the Owner at the address as set out on the ownership as soon as reasonably practicable after the contravention; or
 - d) Delivering it personally to an occupant at the address of the Owner as set out on the ownership, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention.
- 6.2 Service of a Penalty Notice, as referenced in section 3.1(b), in any of the following ways is deemed effective by:
- a) Delivering it personally to the person named in the Penalty Notice at the time of the contravention;

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- b) Mailing it by regular mail to the person named in the Penalty Notice at his/her last known address, as soon as reasonably practicable after the contravention; or
- c) Delivering it personally to an occupant at the last known address of the person named in the Penalty Notice, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention.

6.3 Service of any document other than a Penalty Notice may be made by:

- a) delivering it personally to the Person who requested the screening or hearing review, in the case of a Screening Decision or Hearing Decision; or
- b) for any document, including a Screening Decision or Hearing Decision:
 - i) delivering it by hand to an occupant at the last known address of the Owner, who appears to be at least 16 years of age; or
 - ii) delivering it by regular mail to the Owner at the last known address of the Owner.
 - iii) by sending it by email to an email address provided by the applicant.

[Amended by By-Law 028-24]

6.4 For purposes of this By-Law, the last known address of the Owner shall be the address as set out on the vehicle ownership or, where an updated address has been provided in writing by the Owner to the Parking Enforcement Office of the Town at the time of service, such updated address.

6.5 Any Penalty Notice or document sent in writing to the Owner by regular mail, as set out in this By-Law, is deemed to have been served on the fifth (5th) calendar day after the date of mailing.

6.6 Any Penalty Notice affixed to the vehicle to which it applies, or any Penalty Notice or document delivered personally in accordance with this By-Law, is deemed to have been served on the date and time of such delivery.

6.7 Service on a Person who is not the Owner, in accordance with this By-Law, including service of a Screening Decision or Hearing Decision by handing it to the Person, shall be deemed to be service on the Owner.

6.8 Where the Person served with a Penalty Notice or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-Law.

Section 7: ADMINISTRATION

7.1 The Director may:

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- a) Designate areas within the Town, and times, for conducting reviews and hearings under this By-Law;
- b) Prescribe all forms, notices, including the Penalty Notice, guidelines, processes and procedures, necessary to implement the By-Law and the administrative penalty system, and to amend such forms, notices, guidelines, procedures and processes from time to time as the Director deems necessary; and
- c) Amend the Administrative Fees, as may be necessary to reflect changes in fees imposed by the Province of Ontario in relation to the administration of the administrative penalty system.

Section 8: PAYMENT

- 8.1 A Penalty Notice that is paid prior to a screening review shall be deemed as final and will not be subject to screening, unless there is an error on the face of the Penalty Notice as determined by the Director.
- 8.2 Unless otherwise stated in this By-Law, an Administrative Penalty is due and payable within 30 calendar days following the Effective Date of Service.
- 8.3 Where an Administrative Penalty, including any Administrative Fees, is affirmed or reduced by a Screening Officer or a Hearing Officer, the Administrative Penalty and any Administrative Fees shall be due and payable on the date specified in the Screening Decision or Hearing Decision, as the case may be.
- 8.3 Where an Administrative Penalty is not paid within 30 calendar days after it becomes due and payable, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town an MTO Search Fee.
- 8.4 Where an Administrative Penalty is not paid within 60 calendar days after it becomes due and payable, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town, in addition to any other fees, a Late Fee.
- 8.5 Notwithstanding Sections 8.3 and 8.4, where an Administrative Penalty is not paid within 15 calendar days after it becomes due and payable in accordance with a Hearing Decision, the Owner of the vehicle in respect of which the Penalty Notice was issued shall pay to the Town, in addition to any other fees, an MTO Search Fee and a Late Fee.
- 8.6 Where an Administrative Penalty and any Administrative Fees are not paid within 60 calendar days after they become due and payable, the Town may:
 - a) notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person, in respect of the vehicle to which the Administrative Penalty and Administrative Fees apply, until the penalty is paid, and the Owner of the vehicle in respect of which the Penalty Notice was issued shall, in addition to any other fees, pay to the Town a Plate Denial Fee; and

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- b) pursue any other collection mechanisms available to the Town pursuant to the Regulation or at law.
- 8.7 Where a person provides a method of payment to the Town for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, the Owner shall, in addition to any other fees, be liable to pay to the Town an NSF Fee.
- 8.8 All amounts due and payable to the Town pursuant to this By-Law constitute a debt to the Town owed by the Owner of the vehicle in respect of which the Penalty Notice was issued.
- 8.9 Where a person makes a request for an extension of time for payment, and the request is granted, the date on which the Administrative Penalty is due and payable shall be the date established in accordance with the extension of time, and:
- a) the Penalty Notice will not be subject to the Late Payment Fee or the MTO Search Fee, until the time for payment has expired, and then in accordance with the provisions herein; and
 - b) the enforcement mechanisms available to the Town shall be suspended until the extension of time has expired, and then shall apply in accordance with the provisions herein.
- 8.10 Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.
- 8.11 Where a Person has paid an Administrative Penalty or an Administrative Fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the amount cancelled or reduced.
- 8.12 No Officer may accept payment in respect of an Administrative Penalty or Administrative Fee.
- 8.13 Payments of an Administrative Penalty or Administrative Fee must be received by the date on which they are due and payable (or any extended due date in accordance with this By-Law) and will not be credited until received by the Town.

PART C: ENFORCEMENT

Section 9: OFFENCES

- 9.1 Any Person, including but not limited to the Owner, who:
- a) makes a false, misleading, or fraudulent statement in relation to a Penalty Notice, or on any form submitted to the Town in relation to a Penalty Notice; or
 - b) obstructs an Officer exercising any authority under this By-Law,

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is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the *Provincial Offences Act*.

9.2 No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically or otherwise with, the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:

- a) A Person who is entitled to be heard in the proceeding or the Person’s lawyer, licensed paralegal or authorized representative; and
- b) Only by that Person or the Person’s lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arises.

Nothing in this Section prevents a Screening Officer or a Hearing Officer from seeking or receiving legal advice.

9.3 Any Person who contravenes Section 9.2 is guilty of an offence and, upon conviction, is subject to a penalty in accordance with the *Provincial Offences Act*.

PART D: COMING INTO FORCE

Section 10: EFFECTIVE DATE

~~10.1 This By-Law shall come into force and effect on a date to be named by the Town’s CAO.~~

10.1 This By-law shall come into force and effect on September 18th, 2023.

[Amended by By-Law 072-23]

Passed this 25th day of May 2022.

Lynn Dollin, Mayor

Lee Parkin, Clerk

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SCHEDULE “A”: DESIGNATED BY-LAW, SHORT FORM WORDINGS AND ADMINISTRATIVE PENALTIES FOR PARKING

1. The provisions of each By-Law listed in Column 2 of the following tables are Designated By-Laws.
2. Column 3 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 4 in the following tables sets out the Administrative Penalty amount that is payable for a contravention of the designated provision listed in Column 2 for the matter(s) identified in Column 3.

TOWN PARKING BY-LAW, being BY-LAW No. 028-17, AS AMENDED				
COLUMN 1 ITEM	COLUMN 2 DESIGNATED PROVISION	COLUMN 3 SHORT FORM WORDING	COLUMN 4 VOLUNTARY ADMINISTRATIVE PENALTY	COLUMN 5 ADMINISTRATIVE PENALTY
1.	6(a)(i)	Parked facing wrong way	35.00	50.00
2.	6(a)(i)	Stop facing wrong way	35.00	50.00
3.	6(a)(i)	Parked too far from curb	35.00	50.00
4.	6(a)(i)	Stop too far from curb	35.00	50.00
5.	6(a)(ii)	Parked too far from right hand limit of highway	35.00	50.00
6.	6(a)(ii)	Stopped too far from right hand limit of highway	35.00	50.00
7.	6(b)(i)	Parked facing wrong way on one-way traffic	35.00	50.00
8.	6(b)(i)	Stopped facing wrong way on one-way traffic	35.00	50.00
9.	6(b)(ii)	Parked too far from left hand limit of highway	35.00	50.00

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10.	6(b)(ii)	Stopped too far from left hand limit of highway	35.00	50.00
11.	6(c)	Parked other than in designated space	35.00	50.00
12.	6(c)	Stopped other than in designated space	35.00	50.00
13.	6(d)(i)	Parked other than in designated space (angle parking)	35.00	50.00
14.	6(d)(ii)	Parked not at a 45 degree angle	35.00	50.00
15.	6(d)(ii)	Stopped not at a 45 degree angle	35.00	50.00
16.	7(a)(i)	Park within 9 metres of firehall same side	35.00	50.00
17.	7(a)(ii)	Park within 30 metres of firehall opposite side	35.00	50.00
18.	7(a)(iii)	Park within 20 metres of intersection	35.00	50.00
19.	7(a)(iv)	Park within 30 metres of intersection controlled by traffic signal	35.00	50.00
20.	7(a)(v)	Park in front of a main entrance to or exit from church, hotel, hospital, nursing home, theatre, auditorium or public building	35.00	50.00
21.	7(a)(vi)	Park within 30 metres approach side of crosswalk not located at intersection	35.00	50.00
22.	7(a)(vii)	Park within 15 metres of departure side of crosswalk not located at intersection	35.00	50.00

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23.	7(a)(viii)	Park to interfere with forming of funeral procession	35.00	50.00
24.	7(a)(ix)	Park where prohibited within 1 kilometer of Lake Simcoe shoreline	120.00	150.00
25.	8(a)(i)	Park within 9 metres of intersection	35.00	50.00
26.	8(a)(ii)	Park within 9 metres of fire hydrant	110.00 <u>120.00</u> [Amended by By-Law 052-23]	150.00
27.	8(a)(iii)	Park in front of a laneway or driveway	120.00 <u>35.00</u> [Amended by By-Law 052-23]	150.00 <u>50.00</u>
28.	8(a)(iii)	Park within 1 metre of laneway or driveway	120.00 <u>35.00</u> [Amended by By-Law 052-23]	150.00 <u>50.00</u>
29.	8(a)(iv)	Park to obstruct a laneway or driveway	120.00 <u>35.00</u> [Amended by By-Law 052-23]	150.00 <u>50.00</u>
30.	8(a)(v)	Park to obstruct a parked vehicle leaving	35.00	50.00
31.	8(a)(vi)	Park to display a vehicle for sale	35.00	50.00
32.	8(a)(vii)	Park to grease vehicle	35.00	50.00
33.	8(a)(vii)	Park to repair vehicle	35.00	50.00
34.	8(a)(viii)	Park on roadway 6m or less in width	35.00	50.00
35.	8(a)(ix)	Park to impede or obstruct flow of traffic	120.00 <u>35.00</u> [Amended by By-Law 052-23]	150.00 <u>50.00</u>
36.	8(a)(x)	Park on any boulevard	120.00 <u>35.00</u> [Amended by By-Law 052-23]	150.00 <u>50.00</u>
37.	8(a)(xi)	Park on any boulevard, project onto roadway	120.00 <u>35.00</u> [Amended by By-Law 052-23]	150.00 <u>50.00</u>

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38.	8(a)(xii)	Park detached trailer or camper on street	35.00	50.00
<u>39.</u> <u>[Amended by By-Law 028-24]</u>	<u>8(a)(xiii)</u>	<u>Park inoperable, derelict, or un-plated vehicle on street</u>	<u>35.00</u>	<u>50.00</u>
40.	9(a)(i)	Stop on, partly on, or over a sidewalk or footpath	35.00	50.00
41.	9(a)(ii)	Stop within an intersection	35.00	50.00
42.	9(a)(ii)	Stop within a crosswalk	35.00	50.00
43.	9(a)(iii)	Stop within 30 metres of approach side of crosswalk not located at intersection	35.00	50.00
44.	9(a)(iv)	Stop within 15 metres of departure side of crosswalk not located at intersection	35.00	50.00
45.	9(a)(v)	Stop adjacent to excavation	35.00	50.00
46.	9(a)(v)	Stop adjacent to obstruction	35.00	50.00
47.	9(a)(vi)	Stop on roadway side of stopped vehicle	35.00	50.00
48.	9(a)(vi)	Stop beside parked vehicle	35.00	50.00
49.	9(a)(vii)	Stop on bridge	35.00	50.00
50.	9(a)(vii)	Stop on elevated structure	35.00	50.00
51.	9(a)(vii)	Stop within 30 metres of bridge	35.00	50.00
52.	9(a)(vii)	Stop within 30 metres of elevated structure	35.00	50.00
53.	9(a)(ix)	Stop within 30 metres approach side of railway	35.00	50.00

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54.	9(a)(x)	Stop within 15 metres departure side of railway	35.00	50.00
55.	9(a)(xi)	Stop on, or partly on, or over a bicycle lane or multi-use trail	35.00	50.00
56.	10(a)	Stop where prohibited by sign	120.00	150.00
57.	11(a)(i)	Park on any street 12am to 7am Nov 1 May 1	35.00	50.00
58.	11(b)(i)	Park to interfere with clearing of snow and ice	35.00	50.00
59.	11(b)(ii)	Park to interfere with clearing, cleaning and maintenance operations	35.00	50.00
60.	12(a)	Park where prohibited by sign	35.00	50.00
61.	13(a)(i)	Sell from vehicle parked obstructing traffic	35.00	50.00
62.	13(a)(iii)	Stop in excess of 10 minutes selling or offering for sale	35.00	50.00
63.	14(c)(i)	Park on private property without consent	120.00	150.00
64.	14(c)(ii)	Park on municipal property without Consent	120.00	150.00
65.	14(g)(i)	Park on municipal property in reserved area	120.00	150.00
66.	14(g)(ii)	Park on municipal property where prohibited	120.00	150.00
67.	14(g)(iii)	Park on municipal property in excess of 7 days	120.00	150.00
68.	15(a)(ii)	Park in disabled persons parking space- no permit	N/A	310.00

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69.	15(a)(ii)	Stop in disabled persons parking space- No permit	N/A	310.00
70.	16(b)	Park heavy motor vehicle where prohibited	35.00	50.00
71.	16(b)	Stop heavy motor vehicle where prohibited	35.00	50.00
72.	19(a)	Park in a designated fire route	410.00 <u>120.00</u> [Amended by By-Law 052-23]	150.00
73.	19(a)	Stop in a designated fire route	410.00 <u>120.00</u> [Amended by By-Law 052-23]	150.00
74.	20(a)	Fail to display resident permit	120.00	150.00
75.	21(b)	Fail to display permit	120.00	150.00
76.	21(c)	Fail to park entirely in parking space	120.00	150.00
77.	21(d)	Park – expired permit	120.00	150.00
<u>78.</u> [Amended by By-Law 049-23]	<u>22(a)</u>	<u>Park non-electric vehicle in or partly in an electric vehicle parking space</u>	<u>N/A</u>	<u>125.00</u>
<u>79.</u> [Amended by By-Law 049-23]	<u>22(b)</u>	<u>Park electric vehicle in or partly in an electric vehicle parking space while not being charged</u>	<u>N/A</u>	<u>125.00</u>

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**SCHEDULE “B”: OTHER DESIGNATED BY-LAWS, SHORT FORM WORDINGS AND
ADMINISTRATIVE PENALTIES**

[TO BE AMENDED IN THE FUTURE, UPON COUNCIL DIRECTION]