

**The Corporation of the
Municipality of Trent Lakes**

Office Consolidation of By-law No. B2023-051

Consolidated August 08, 2023
Passed by Council on July 11, 2023

Amendments:

By-law #	Date	Amended Sections
B2023-066	August 8, 2023	Schedule B & Table 4

Note: This consolidation is prepared for convenience only. For accurate references the original by-laws should be reviewed.

**The Corporation of the
Municipality of Trent Lakes**

By-law No. B2023-051

**A By-Law to Establish An Administrative Monetary Penalty
System (AMPS) for the Municipality of Trent Lakes**

Whereas Sections 8, 9, and 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes the Municipality of Trent Lakes to pass by-laws necessary and desirable for municipal purposes;

And Whereas Section 434.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes the Municipality of Trent Lakes 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 Municipality of Trent Lakes 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 434.1(2) of the *Municipal Act* provides that the purpose of a system of administrative penalties established under this section shall be to assist the municipality in promoting compliance with its by-laws; and

And Whereas Section 434.2(1) and (2) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, authorizes the Municipality of Trent Lakes 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 Municipality of Trent Lakes 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 Municipality of Trent Lakes to delegate its administrative and hearing powers;

And Whereas the Council for the Corporation of the Municipality of Trent Lakes is of the opinion that the delegations of legislative power under this By-Law to the Director of Building and Planning/CBO, 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 Municipality of Trent Lakes 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 Municipality of Trent Lakes deems it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated municipal By-Laws, or portions of the designated municipal By-Laws to enforce and seek compliance;

Now Therefore be it resolved that the Council of The Corporation of the Municipality of Trent Lakes enacts as follows:

1.0 Short Title and Scope

- 1.1 This By-Law may be referred to as the “Administrative Monetary Penalty System (AMPS) By-Law.”
- 1.2 This By-Law applies to all Designated By-Laws.
- 1.3 The *Provincial Offences Act, R.S.O. 1990, c.P.33*, as Amended continues to apply to Designated By-Laws.
- 1.4 In carrying out their duties under this by-law, Screening Officers and Hearing Officers do not have jurisdiction to consider any question relating to the validity of a statute, regulation or by-law, including but not limited to constitutional questions.

2.0 Definitions

The following terms are defined for the purposes of this by-law:

- 2.1 **Administrative Fee** means any fee specified in this by-law listed in Schedule “A” of this by-law;
- 2.2 **Administrative Penalty** means a monetary penalty established by this By-Law as set out in Schedule “B” with Tables to this by-law and approved by Council for a contravention of a Designated By- Law;
- 2.3 **Adjournment Fee** means an Administrative Fee that a Person is liable to pay as specified under Subsection 7.17 of the By-Law and listed in Schedule “A”;
- 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 “A”;
- 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 Director of Building and Planning/CBO, and

who is not required to be licensed by any professional body;

- 2.7 **By-Law** means this by-law and any Schedule attached hereto as they may from time to time be amended.
- 2.8 **Clerk** means the municipal Clerk of the Municipality;
- 2.9 **Council** means the Council of the Municipality;
- 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 Schedule “B” with Tables of this By-Law to which AMPS applies;
- 2.12 **Director of Building and Planning/CBO** means the municipal Director of Building and Planning/Chief Building Official or their delegate;
- 2.13 **Hearing** means the process set out in this By-Law;
- 2.14 **Hearing Decision** means a notice that contains a decision made by a Hearing Officer;
- 2.15 **Hearing Officer** means a person who performs the functions of a Hearing Officer in accordance with this By-Law and pursuant to the Municipality’s Hearing Officer By-Law, as amended;
- 2.16 **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 “A”;
- 2.17 **Holiday** means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any Day the offices of the Municipality are officially closed for business;
- 2.18 **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 “A”;
- 2.19 **Municipality** means the Corporation of the Municipality of Trent Lakes;
- 2.20 **Officer** means a Municipal By-Law Enforcement Officer, the Director of Building and Planning/CBO, Ontario Provincial Police, Fire Chief, Fire Prevention Officer and any other person authorized by the Municipality to enforce By-Laws;
- 2.21 **Owner** in the case of a Property, means the registered owner of the property;
- 2.22 **Penalty Notice** means a notice given to a Person pursuant to this By-Law;
- 2.23 **Penalty Notice Date** means the date of the contravention

specified on the Penalty Notice in accordance with this By-Law.

- 2.24 **Penalty Notice Number** means the reference number on the Penalty Notice that is unique to the Penalty Notice in accordance with this By-Law;
- 2.25 **Person** includes an individual or a business name, sole proprietorship, association, firm or corporation, partnership, or limited partnership, or an authorized representative thereof;
- 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 Screening Decision;
- 2.28 **Request for Review by Screening Officer** means the request which is made in accordance with this By-Law for the review of a Penalty Notice;
- 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 "A";
- 2.33 **Screening Officer** means each person from time to time performing the functions of a Screening Officer in accordance with this By-Law.
- 2.34 **Screening Review** means the process set out in this By-Law;

3.0 Application of this By-Law

- 3.1 The Municipal By-Law, or portions of Municipal By-Laws, listed in Schedule "B" with Tables of this 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 "B" 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 "A" 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 pursuant to a Penalty Notice 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 Municipality an Administrative Penalty in the amount specified in the Tables of Schedules “B” of this By-Law.

- a) An Officer has the discretion to apply an escalated penalty as prescribed in Tables of Schedules “B” 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 date of the contravention;
- b) The Penalty Notice Date;
- c) A Penalty Notice Number;
- d) The location of the Contravention;
- e) Name of Person to whom the Notice is issued;
- f) The amount of the Administrative Penalty;
- g) The date on which the Administrative Penalty is due and payable, fifteen (15) days from service of the Penalty Notice;
- h) The identification number and signature of the Officer;
- i) The contravention wording as listed in the Tables of Schedule “B” or other particulars reasonably sufficient to indicate the contravention;
- j) Such additional information as the Director of Building and Planning/CBO determines is appropriate, respecting the process by which a Person may exercise the right to request

a Screening Review of the Administrative Penalty; and

k) A Statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the Municipality unless cancelled pursuant to Screening Review or Hearing Process.

Method of Service

- 4.5 In addition to the methods of service prescribed Section 8.0 of this By-Law, an Officer may serve the Penalty Notice on a Person by:
- a) delivering it personally to the Person 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 Municipality 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.
- 6.2 A Person's right to request a review expires if it has not been exercised in the manner prescribed in Subsection 6.5 before 4:00 pm on the fifteenth (15th) day after the Penalty Notice Date.

Request for Extension

- 6.3 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 Director of Building and Planning/ CBO extend the time to request a Screening Review to a date that is no later than thirty (30) days after the Penalty Notice Date, in accordance with the process set out in Subsection 6.4.
- 6.4 A Person's right to request an extension of time for a Screening Review expires if it has not been exercised in the manner prescribed in Subsection 6.5 before 4:00 pm on the thirtieth (30th)

day of 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.

6.5 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.

6.6 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 6.0 of this By-Law.

6.7 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 Director of Building and Planning/CBO 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 Director of Building and Planning/CBO

6.8 The Director of Building and Planning/CBO may grant a request to extend the time to request a Screening Review where the Person demonstrates, to the satisfaction of the Director of Building and Planning/CBO in their sole discretion, that the existence of extenuating circumstances prevented the filing of the request within the prescribed timeline.

6.9 Where an extension of time to request a Screening Review is not granted by the Director of Building and Planning/CBO, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed. Notice of this decision will be provided by the Director of Building and Planning/CBO to the Person in accordance with Section 8.0 of this By-Law.

6.10 Where an extension of time to request a Screening Review is granted by the Director of Building and Planning/CBO, 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

6.11 On a Screening Review of an Administrative Penalty, the Director of Building and Planning/CBO will direct that the Screening Review proceed by an in-person or virtual meeting.

Failure to Attend Screening

6.12 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 Municipality a Screening Non- Appearance and any other applicable Administrative Fee(s).

Duties of Screening Officer

6.13 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.

6.14 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.

6.15 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 the Hearing Officer within thirty (30) days of issuance of a Screening Decision in accordance with the Municipality'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 Director of Building and Planning/CBO extend the time to request a Review by Hearing Officer to a date that is not later than thirty (30) 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 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 Director of Building and Planning/CBO 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 Director of Building and Planning/CBO

- 7.7 The Director of Building and Planning/CBO 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 Director of Building and Planning/CBO 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 Director of Building and Planning/CBO, 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 Municipality a Hearing Non-Appearance Fee, Late Payment Fee 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 (SPPA) and the Municipality's Hearing Officer By-Law, as amended from time to time. Under subsection 5.2 (1) of the SPPA, hearings may be held electronically in a proceeding.
- 7.11 The Parties to a Hearing shall be the Person seeking review and the Municipality, who may attend through the Director of Building and Planning/CBO, 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.
- 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 Director of Building and Planning/CBO, who may approve the request based on extenuating circumstances. An Administrative Fee shall be charged as prescribed in Schedule "A".
- 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 "A" for the purposes of the Municipality 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;
 - b) on the fifth (5th) 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 email 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 Municipality as part of a proceeding under this By-Law, or sent electronically to an email address that was provided by the Person, there is an 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 Director of Building and Planning/CBO, 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 Municipality, service shall be addressed to the Director of Building and Planning/CBO, and shall be deemed effective:

- a) Immediately, when a copy is delivered by personal service to the Director of Building and Planning/CBO at the location prescribed on the applicable form or notice;
- b) On the fifth (5th) 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 Director of Building and Planning/CBO 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 Director of Building and Planning/CBO deems necessary, without amendment to this By Law. The Director of Building and Planning/CBO will appoint and assign the duties of Screening Officers to the appropriate municipal staff.

Prescribed Forms

9.2 The Director of Building and Planning/CBO 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 Director of Building and Planning/CBO deems necessary, without amendment to the By-Law.

9.3 The Director of Building and Planning/CBO shall be the delegated authority to make administrative changes to this By-Law as may be required from time to time due to legislative or other changes, if in the opinion of the Director of Building and Planning/CBO, the amendments do not change the objective of this By-Law.

Administrative Penalty and Fees

9.4 Any Administrative Fee(s) prescribed within Schedule "A" 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 Municipality 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 Municipality of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument, for which there are insufficient funds available in the account on which the instrument was drawn,

the Person shall pay to the Municipality the NSF Fee set out in the Municipality'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 Municipality owed by the Person.

Collection of Debt Owed to the Municipality

- 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, the Municipality, in addition to any other remedy it may have at law, 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.

Cancellation

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

Authorized Representative

- 9.10 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 Municipality on behalf of a Person in accordance with a written authorization satisfactory to the Director of Building and Planning/CBO.

Holiday

- 9.11 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

- 9.12 A Person claiming financial hardship under this By-Law shall provide documented proof of the financial hardship to the Director of Building and Planning/CBO, the Screening Officer or the Hearing Officer, as applicable.

Schedules

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

Order to Restrain

- 9.14 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 Municipality, 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.

- 9.15 Nothing in the By-Law shall limit the Municipality'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.

12.0 Effective Date

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

Read a first and second time this 11th day of July, 2023.

Read a third time and final passed this 11th day of July, 2023.

Terry Lambshead, Mayor

Jessie Clark, Clerk

SCHEDULE "A"

Administrative Penalty – Administrative Fees

The table below lists the Administrative Fees as defined in Section 2.1 of this By-Law.

Administrative Fee Description	Fee Amount
Late Payment Fee	\$25.00
Adjournment Fee	\$25.00
Adjudication Fee	\$50.00
NSF Fee	\$ 50.00
Screening Non-Appearance Fee	\$ 100.00
Hearing Non-Appearance Fee	\$ 250.00

Note: Fees listed in Schedules to this By-Law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.

Table 1
Open-Air Burning and Fireworks By-law

Table 1: By-law B2023-053 Open-Air Burning and Fireworks By-law					
	Column 1	Column 2	Column 3	Column 4	Column 5
ITEM	SHORT FORM WORDING	Section	First Offence	Second Offence	Third Offence
1	Failure to extinguish fire when ordered by Fire Chief or Designate	2.3	\$200.00	\$400.00	\$600.00
2	Did fail to obtain an Open-Air Burning Permit	2.4	\$450.00	\$900.00	\$1350.00
3	Burning pile exceeds size limit	2.6 (b)	\$200.00	\$400.00	\$600.00
4	Did burn outside permitted hours	2.6 (c)	\$200.00	\$400.00	\$600.00
5	Did burn with no means of extinguishment	2.6 (e)	\$200.00	\$400.00	\$600.00
6	Did burn prohibited materials	2.6 (g)	\$200.00	\$400.00	\$600.00
7	Did use a flying lantern	2.14	\$200.00	\$400.00	\$600.00
8	Burning during an imposed burn ban	2.15	\$500.00	\$1000.00	\$1500.00
9	Discharge of consumer fireworks during burn ban	2.16	\$500.00	\$1000.00	\$1500.00
10	Set off fireworks at prohibited time	2.17	\$200.00	\$400.00	\$600.00
11	Set off fireworks on Municipal property	2.18	\$200.00	\$400.00	\$600.00

Note: In addition, will be liable for costs incurred by the Fire Department, including personnel, equipment, and apparatus necessary and called in to extinguish the said fire.

Table 2
Noise By-law

Table 2: By-law B2023-054 Noise By-law					
	Column 1	Column 2	Column 3	Column 4	Column 5
ITEM	SHORT FORM WORDING	Section	First Offence	Second Offence	Third Offence
1	Make, cause, or permit unreasonable noise	Section 2.1	\$300.00	\$600.00	\$900.00
2	Cause or permit sound from construction – prohibited time	Section 3.1 (a)	\$300.00	\$600.00	\$900.00
3	Cause or permit sound from construction – prohibited day and time	Section 3.1 (b)	\$300.00	\$600.00	\$900.00
4	Cause or permit sound from construction – no effective muffling device	Section 3.1 (c)	\$300.00	\$600.00	\$900.00
5	Cause or permit sound from a power equipment device when prohibited	Section 4.1 (a)	\$300.00	\$600.00	\$900.00
6	Cause or permit sound from a power equipment device – no effective muffler	Section 4.1 (b)	\$300.00	\$600.00	\$900.00
7	Cause or permit sound from electronic device when prohibited	Section 5.1 (a)	\$300.00	\$600.00	\$900.00
8	Cause or emit noise from yelling, shouting, or hooting when prohibited	Section 6.1 (a)	\$300.00	\$600.00	\$900.00
9	Cause or permit noise from generator or inverter during non-emergency	Section 7.1	\$300.00	\$600.00	\$900.00
10	Fail to comply with condition of noise exemption permit	Section 10.8	\$300.00	\$600.00	\$900.00
11	Hinder/Obstruct Officer	Section 12.2	\$500.00	\$1000.00	\$1500.00
12	Fail to Comply with Order	Section 13.3	\$500.00	\$1000.00	\$1500.00

Table 3
Nuisance By-law

Table 3: By-law B2023-055 Nuisance By-law					
	Column 1	Column 2	Column 3	Column 4	Column 5
ITEM	SHORT FORM WORDING	Section	First Offence	Second Offence	Third Offence
1	Urinate, defecate, vomit, or spit in a public place/space or premises	3.2	\$300.00	\$600.00	\$900.00
2	Knock over or attempt to knock over a Canada Post mailbox, newspaper flyer or publication box, recycling or garbage bin or object located in a public place/space or premises	3.3	\$300.00	\$600.00	\$900.00
3	Cause (create, permit) light to shine from the cultivation of cannabis to cause a nuisance	3.4	\$400.00	\$800.00	\$1200.00
4	Owner (occupier) of land shine light from the cultivation of cannabis to cause a nuisance	3.5	\$400.00	\$800.00	\$1200.00
5	Cause (create, permit) odour from the cultivation of cannabis to cause a nuisance	3.7	\$400.00	\$800.00	\$1200.00
6	Owner (occupier) permit odour from land from the cultivation of cannabis to cause a nuisance	3.8	\$400.00	\$800.00	\$1200.00
7	Loiter in a public place/space or premises	3.9	\$300.00	\$600.00	\$900.00
8	Fight in a public place/space or premises	3.10	\$300.00	\$600.00	\$900.00
9	Mark or apply graffiti on any public place/space or private property	3.11	\$300.00	\$600.00	\$900.00
10	Leave, throw, or deposit any bottles, glass or other materials on public place/space or private property	3.17	\$300.00	\$600.00	\$900.00
11	Sponsor, allow, cause, permit, host, or participate in a nuisance party	3.18	\$300.00	\$600.00	\$900.00
12	Fail to obey order to discontinue activity	4	\$300.00	\$600.00	\$900.00
13	Obstruct officer	4.13	\$300.00	\$600.00	\$900.00

Table 4
Animal Control By-law

Table 4: By-law B2023-064 Animal Control By-law					
	Column 1	Column 2	Column 3	Column 4	Column 5
ITEM	SHORT FORM WORDING	Section	First Offence	Second Offence	Third Offence
1	Fail to remove dog excrement	2.1	\$100.00	\$200.00	\$300.00
2	Fail to remove dog excrement appropriately	2.2	\$100.00	\$200.00	\$300.00
3	Fail to provide proper restraints on private property	2.3	\$100.00	\$200.00	\$300.00
4	Fail to obtain a license for dog	3.1	\$100.00	\$200.00	\$300.00
5	Permit dog to be at large	4.1	\$100.00	\$200.00	\$300.00
6	Permit dog to be on public beach or parkland	4.2	\$100.00	\$200.00	\$300.00
7	Fail to pay dog impound fee	5.4 (i)	\$100.00	\$200.00	\$300.00
8	Fail to pay boarding fee	5.4 (ii)	\$15.00 per day	\$30.00 per day	\$45.00 per day
9	Permit dog to bite or attack	6.1	\$300.00	\$600.00	\$900.00
10	Fail to comply with Animal Control Order	6.13	\$300.00	\$600.00	\$900.00
11	Obstruct an Animal Control Officer	7.2	\$300.00	\$600.00	\$900.00
12	Being the owner of a potentially dangerous dog failing to display warning sign	8.3	\$100.00	\$200.00	\$300.00
13	Failure to obtain a Kennel license	9.1	\$200.00	\$400.00	\$600.00
14	Failure to maintain sanitary conditions for a boarding facility or kennel daily	9.2 (ii)	\$200.00	\$400.00	\$600.00